

S.A No.102/2019 Niat Murad

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 1992 on contract basis (fixed pay) and retired w.e.f 30.06.2017 on attaining the age of superannuation, filed present service for pensionary benefits of his service.

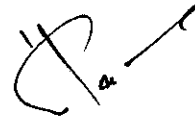
Learned counsel for the appellant furnished copy of Notification No.FD(SOSR-II)4-36/2017 Dated 22.05.2019 issued by the Finance Department Government of Khyber Pakhtunkhwa whereby sanction was accorded for regularization of fixed pay Class-IV employees by extending them the status of civil servant from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

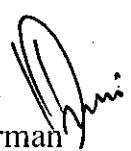
Counsel for the appellant present.

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.

  
Amount Deposited  
Security & Process Fee

  
Member  
Camp Court, Swat



The appeal of Mr. Nait Murad Khan son of Sultan Murad Khan 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.

Copy of proper rejection order of departmental appeal is not attached with the appeal which may be placed on it.

No. 2163 /S.T.

Dt. 26-10 /2018.

*[Signature]*  
REGISTRAR 26/10/18.  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Rahimullah Chitral Adv. Swat.

SIR

That the appellant MR Nait murad Khan filed an appeal/application for granting pension to respondent no 4, which is available at page no 28 (Ann F) but the respondent NO 4 rejected the same on 11<sup>10</sup>/<sub>2018</sub> upon the same application which is available at page 28. That this Honable Registrar is not satisfied may kindly be placed before Honable Court.

*[Signature]*  
Rahimullah adv

2-11-2018

Sir,

The objection of this office and reply of counsel for the appellant is sub-itted for order please.

Honable Chair-man

*[Signature]*  
2/11/18

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

Service Appeal No.....109/2019

Niat Murad Khan son of Sultan Murad Khan R/O Village Raman Tensile  
Mastuj District Chitral .....Appellant.

**VERSUS**

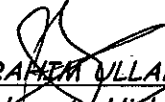
The Secretary Finance ,KP and oths..... Respondents

**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 appointment order dated 24-2-93, Service Book pay slip and retirement order 5-6-2017.	A to D	7-23
5	Copy of the Notification	E	24-27
6	Copies of application and order dated 11-10-2018.	F	28
7	Wakalatnama		29

**Appellant**

**Through**

  
**RAHIM ULLAH**  
Advocate High Court  
Office: Rahim & Qazi Law  
Associates, 2<sup>nd</sup> floor continental  
Plaza Swat  
Cell No. 0334-3251883

①

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

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No.....107/2018

Diary No. 1571

Dated 26/10/18

Niat Murad Khan son of Sultan Murad Khan R/O Village Raman Tensile  
Mastuj District Chitral .....Appellant

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:*

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 appointment order , Service Book pay slip and retirement order date 5-6-2017 annexed as A to D).
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 E)
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 and order dated 4-11-2016 are attached as marked annexed as F)
4. That the appellant is being aggrieved from the impugned order, hence the instant appeal on the following amongst other grounds

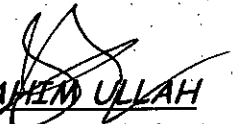
• GROUNDS

- 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.*

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

نیٹ مراد خان  
Niat Murad Khan

  
**RAHIM ULLAH**  
Advocate High Court  
Office: Rahim & Qazi Law  
Associates, 2<sup>nd</sup> 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

Neyat Murad son of Sultan Murad R/O Village Raman 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 Khyber Pakhtunkhwa through its Secretary Finance Civil  
Secretariat Peshawar.
- 2) The Secretary Public Health Khyber Pakhtunkhwa Peshawar.
- 3) The Accountant General Khyber Pakhtunkhwa Peshawar
- 4) The Executive Engineer Public Health Engg: Division Chitral.
- 5) District Account officer Chitral.

Appellant

Through

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

6

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

Service Appeal No...../2018

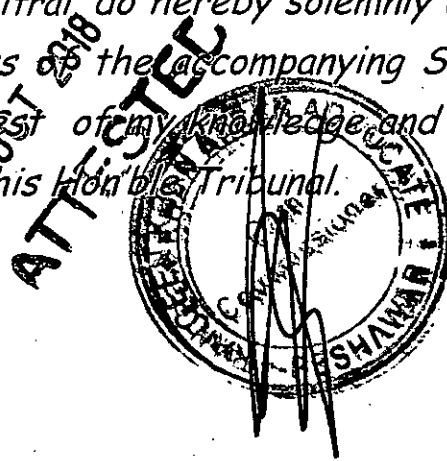
Neyat Murad son of Sultan Murad R/O Village Raman Tensile Mastuj  
District Chitral .....Appellant.

VERSUS

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

AFFIDAVIT

I Neyat Murad son of Sultan Murad R/O Village Raman Tensile  
Mastuj District Chitral 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.



نیت مراد خان  
DEPONENT

(7) (7)  
/Dated Chitral the 24 /02/93.

Mr. Murat Murad Khan S/O  
Sultan Murad Khan  
Vill: Raman  
Tehsil Torikoh District  
Chitral.

Ann A

APPOINTMENT AS VALVEMAN.

You are offered appointment on purely temporary and contract basis for a period of one year as Valveman on water supply scheme at fixed pay of Rs.1200/- per month w.e.f. 1/12/92 on the following terms and conditions:-

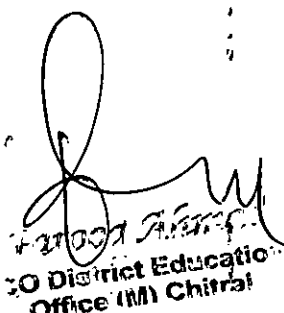
Your appointment will be on purely temporary basis as a stop-gap arrangement on contract basis for a period of one year extendable till your services are required by the department for which you will have to furnish a fresh agreement for the same.


Your appointment as Valveman (contract basis) is liable to termination at any time without any notice and without assigning any reasons during this period if not found satisfactory.

You will be liable to serve any where in NWFP and attached Tribal Area during the contract period.

You will have no claim to the right of seniority.

If you are willing to accept the above mentioned terms and conditions you should sign the attached agreement in triplicate and submit the same to Sub Divisional Officer PHE CADP Sub Division No. II Chitral within 15 days alongwith your arrival report for duty failing which the offer shall automatically stand cancelled.

  
Sub Divisional Officer  
Office (II) Chitral

  
Executive Engineer,  
Public Health Engg. Division,  
Chitral.

8

Better copy of page No.

Office of the executive engineer, Phs: Division chitral

No. 02 / E-6

/dated chitral the 24/02/93.

To,

Mr. Niat Murad Khan S/o  
Sultan Murad Khan  
Vill: Raman  
Tehsil Torkoh District  
Chitral.

Subject:- **APPOINTMENT AS VALEMAN**

You are offered appointment on purely temporary and contract basis for a period of one year as Valveman on water supply scheme Raman at fixed pay of Rs. 1200/- per month w.e.f. 1/12/92 on the following terms and conditions:-

1. Your appointment will be purely temporary basis as a stop gap arrangement on contract basis for period of one year extendable till your service are required by the department for which you will have to furnish a fresh agreement for the same.
2. Your appointment as vale man (contract basis) is liable to termination at any time without any notice and without any reasons during this period if not found satisfactory.
3. You will be liable to serve anywhere in NFWP and attached tribal area during the contract period.
4. You will have no claim to the light of seniority.

CTC

If you are willing to accept the above mentioned conditions you should sign the attached agreement in triplicate and submit the same to Sub Divisional officers PHE CADP Sub Division No. II chitral within 15 days along with your arrival report for duty failing which the offer shall automatically stand cancelled.

**Executive Engineer,  
Public Health Engg: Division  
Chitral**

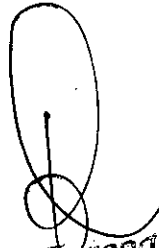
Copy is forwarded to:-

9

1. The Superintending Engineer, Public Health Engineering Circle Mardan please.
2. The Chairman, District Development Advisory Committee Chitral with reference to his No.1492-MPA/CM-DDAC dated 22/12/1992 please.
3. The Project Manager, Chitral Area Dev: Project Chitral please.
4. The District Accounts Officer, Chitral alongwith copy of contract agreement please.
5. The Sub Divisional Officer, PHE CADP Sub Division No.II Chitral for information and necessary action.
6. The Divisional Accountant, (local).

Executive Engineer,  
Public Health Engg. Division,  
Chitral.

Faiz.

  
Farooq Ahmad  
CO District Education  
Office (Chitral)



10

10

Ann B

2519 P.S. 1,000 P.S. 100.15-3-87-12

MEDICAL CERTIFICATE

Name of Official..... Mr. Niat Murad Khan.

Caste or race..... Danzay..... (Pakistani)

Patron's name..... Mr. Sultan Murad Khan.

Residence..... Village Ramen, Laspur Teh: Mastuj Distt: Chitral

Date of birth..... 1957

Exact height by measurement..... 5'-5"

Personal mark of identification..... A. Mole on the right side of Neck.

Signature of the Official..... *[Signature]*

Signature of head of office..... Reported & observed on 2/3/93

Executive Engineer  
 Public Health Engg. Division  
 Seal of Office Chitral

I do hereby certify that I have examined Mr. Niat Murad Khan, candidate for employment in the office of the Public Health Engg. Division Chitral. I could not discover that he had any disease communicable or other constitutional defect or bodily infirmity except..... X


I do not consider this as disqualification for employment in the office of the P.H.E. Chitral. His age according to his own statement..... 36 years and by appearance about..... 60 years.

*[Signature]*  
 District Education Officer  
 Chitral



THUMB AND FOUR FINGERS

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 Niat Murad Khan  
2 Race Danzay (Pakistani)  (11)  
3 Residence Village Raman Laspur Teh. Mastuj Dist. Chitral



4 Father's name and residence Sultan Murad Khan



5 Date of birth by Christian era as nearly as can be ascertained ... 1957

6 Exact height by measurement ... 5'-5"

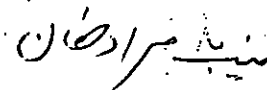
7 Personal marks for identification A mole on the right side of Neck

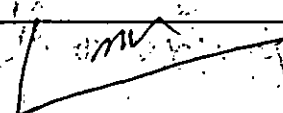
8 Left hand thumb and Finger impression of (non-gazetted) officer

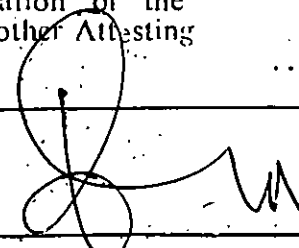
Little Finger.  Ring Finger 

Middle Finger.  Fore Finger 

Thumb. 

9 Signature of Government servant 

10 Signature and designation of the Head of the Office, or other Attesting Officer.   
EXECUTIVE ENGINEER  
Public Health Engg. Divn.  
Chitral.

  
Munir Ahmad  
District Education  
Office (11) Chitral.

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
<i>Fixed pay</i> <i>also 1200/pm.</i>			<i>1200/pm.</i>			<i>2/3/98</i>	
			<i>1200/pm.</i>			<i>1/12/93</i>	
			<i>1200/pm</i>			<i>1/12/94</i>	
			<i>1200/pm.</i>			<i>1/12/95</i>	
			<i>1200/pm</i>			<i>1/12/96</i>	
			<i>1200/pm</i>			<i>1/12/97</i>	
			<i>1500/pm.</i>			<i>1/12/98</i>	
			<i>1800/pm.</i>			<i>1/12/99</i>	
			<i>2000/pm.</i>			<i>1/12/2000</i>	
			<i>2000/pm.</i>			<i>1/12/2001</i>	
			<i>2500/pm.</i>			<i>1/12/02</i>	
			<i>2500/pm.</i>			<i>1/12/03</i>	
			<i>2800/pm.</i>			<i>1/12/03</i>	
			<i>2800/pm.</i>			<i>1/12/04</i>	

12 0

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	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		
					<p>Allocated as valveman on fixed pay vide Xen PHED O/O No. 02/E-6/ dated 24/02/1993 and reported arrival on 2/03/1993.</p>	<p>(Signature)</p>	
			<p>(Signature) Deputy District Officer Water Supply &amp; Sanitation</p>				
			<p>(Signature)</p>				

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
			3100/pm.			12/05	
			3500/pm.			12/06	
			4000/pm			12/06	
			4000/pm			12/07	
Revised Entries due to conversion of posts to Contract posts as modified by FD Deptt.							
Notification No B01/1-22/2007-08/FD dated 29-1-2008							
920-26-1310			920/pm			3/29/93	
pay on 3-2-93							
pay on 1-12-93			946/pm			12/93	
Revised BPS-1994							
1245-35-1770							
pay on 1-7-94			1280/pm			1/94	
pay on 1-12-94			1315/pm			12/94	
pay on 1-12-95			1350/pm			12/95	
pay on 1-12-96			1385/pm			12/96	



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
Pay on 1-12-99			1420/pm ✓			12/99	
Pay on 1-12-2000			1525/pm ✓			12/2000	
Revised BPS 2001 1876-55-3520							
Pay on (1-7-2001)			2310/pm ✓			12/2001	
Pay on 1-12-2001			2365/pm ✓			12/2001	
Pay on 1-12-02			2420/pm ✓			12/02	
Pay on 1-12-03			2475 ✓			12/03	
Pay on 1-12-04			2530 ✓			12/04	
Revised BPS 2005 2150-65 4100							
Pay on 1-7-05			2930/pm ✓			12/05	
Pay on 1-12-05			2985/pm ✓			12/05	
Pay on 1-12-06			3060/pm ✓			12/06	
Pay on 1-12-07						7/07	







1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
pay 01-12-07			3600/pm	✓		12/07	
Revised BAS 2008 2970-90-5670							
pay 01-1-7-2008		✓	4329/pm	✓		12/08	
2970-90-5670	d	d	4610/pm	✓		12/08	
d	d	d	4610/pm				
2008 OFFICE OF THE ACCOUNTANT GENERAL NEW DELHI PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES 1 OF RS 2970-90-5670 AT RS 4329 P.M.W.E.F. With Next Increment on							
1-07-2008 1-12-2008							

15



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 Nature and duration of leave taken Per-iod. Government to which debitable		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Annual Increment granted		12/07	
				Pay fixed in Revised		2008.	
				Deputy District Officer Water Supply & Sanitation Central		2-3-93 31-7-08. Verified from the Director of pay Bills & A/Rs collocated to this Division	
				30 <sup>11</sup> 08 Annual Increment		12-07	
				Deputy District Officer Water Supply & Sanitation Central		30/11/08... Verified from the Director of pay Bills & A/Rs collocated to this Division	
				In pursuance of PD letter No. PD (SR-1) Misc. 1/2008		Deputy District Officer Water Supply & Sanitation Central	
				Atti. 137-09 are being The allowance SAA, SRA/ ARA, DA are being Recovered web 17/08 through		TR 458 18/11	
				Source II as per following detail.		And arriv. of All SAA, SRA, AR and bearing all 1-07-08 to 31-12-2008 Amounting to Rs. 91261/-	
				Total Recovery 19285/- equal instalment upto 6/2011 @ 64/PM			
				10/09 to 6/2011 20 months			

FC 0009 A  
District Engineer  
Central

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 Inspector
2970-90-5670		-	4500/pm			12/09	
BPS-I 2970-90-5670			4500/pm			12/zero	

Signature of the office  
attesting of  
columns

16

*[Handwritten scribble]*

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			12/09	
BPS-I							
2970-90-5670			4590/pm			12/20/0	

*[Handwritten signature]*  
 P. S. Sharma  
 SO District Education  
 Office (M) Chitral.

Signature  
 of the office  
 attesting off  
 attestatio  
 columns



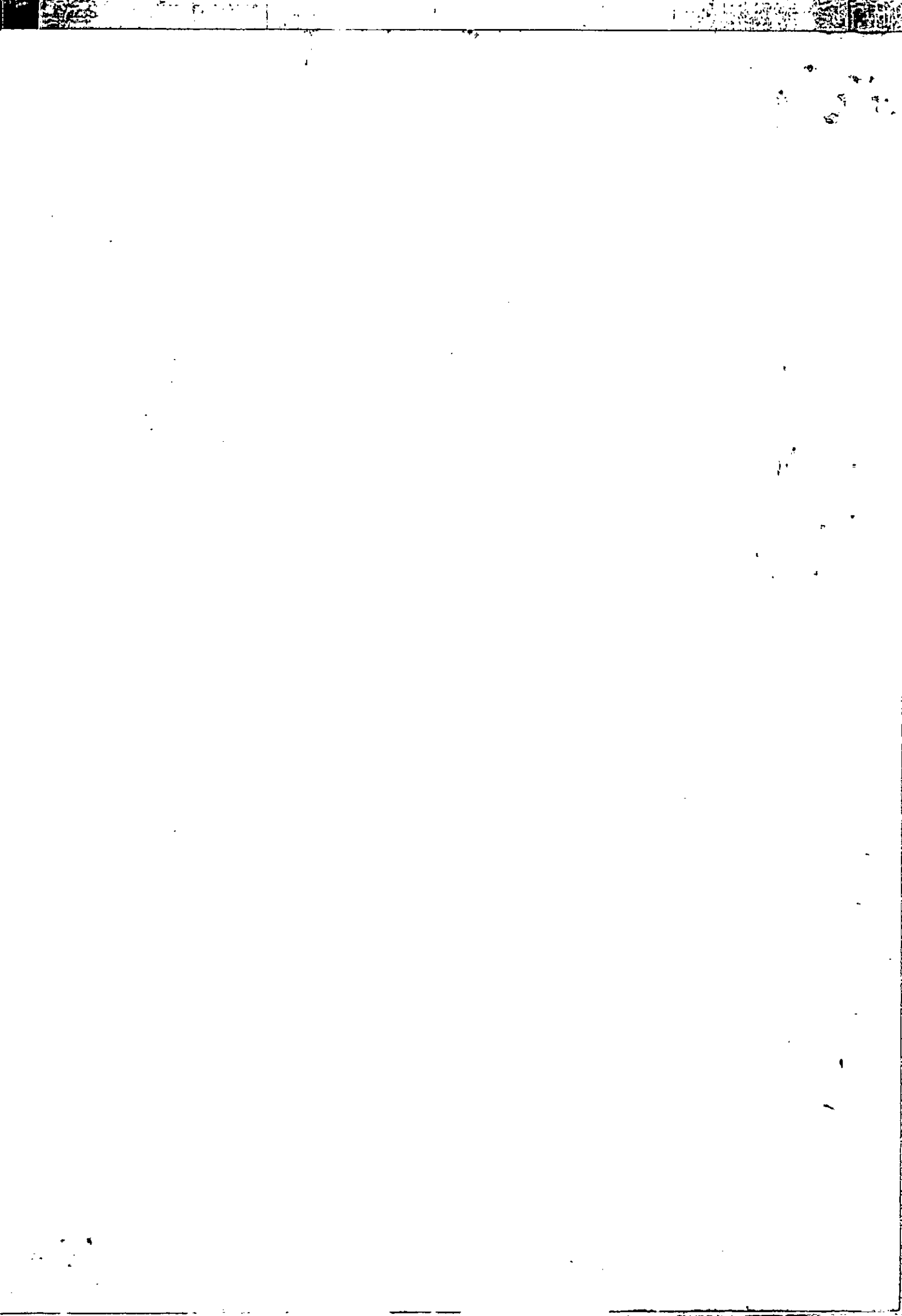


1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
		<i>Revised Entire</i>					
2150-65-4100		30/6/2007	3060/pm		30 $\frac{6}{2007}$		
<i>Revised 2007</i> 2475-75-4785							
1-7-2007 BPS-2			3525	Fixed	1 $\frac{7}{2007}$		
2530-85-6080 1-9-2007	<i>Special increment</i>		3635		1 $\frac{9}{2012}$		
1-12-2007			3780/pm		1 $\frac{12}{2007}$		
<i>Revised 2008</i> 3035-100-6035							
1-7-2008	<i>Fixed</i>		4435		1 $\frac{7}{2008}$		
1-12-2008			4535/pm		1 $\frac{12}{2008}$		
1-12-2009			4635/pm		1 $\frac{12}{2009}$		
1-12-2010			4735/pm		1 $\frac{12}{2010}$		
<i>Revised 2011</i> 4900-170-10000	<i>Fixed</i>		7790/=		1 $\frac{7}{2011}$		
1-7-2011						12	









29

Ann C

00313458 MATHURAD KHAN		CHIC: 1520216181649	Desig: UALULHAN	(00093403)	Grade: O4 NTH:	Ruckle No.:	Gazetted/Non-Gazetted: M
PAYMENTS		AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID BALANCE
0801 Basic Pay	14,940.00	3002 GPF Subscription - Rs	596.00-			GPF# 313458	50,454.00
1600 House Rent Allowance	972.00	3501 Benevolent Fund	120.00-				
1210 Convey Allowance 20	1,785.00	4004 H. Benefits & Death C	300.00-				
1300 Medical Allowance	1,580.00						
1917 UAA-CHITRAL 40% (1-15	1,700.00						
1948 Adhoc Allowance 2018	2,367.00						
2148 15% Adhoc Relief All	432.00						
2199 Adhoc Relief Allow e	296.00						
2211 Adhoc Relief All 201	1,494.00						
<b>PAYMENTS</b>	<b>25,486.00</b>	<b>DEDUCTIONS</b>	<b>1,016.00-</b>	<b>NET PAY</b>		<b>24,470.00</b>	<b>01.12.2016 31.12.2016</b>
Branch Code: 250768	CHITRAL	ALLIED BANK LIMITED	CHITRAL	CHITRAL		Accat.No: 0080000110#36079	

(Stamp)

(Stamp 23)

**OFFICE OF THE EXECUTIVE ENGINEER**  
**PUBLIC HEALTH ENGINEERING DIVISION CHITRAL.**

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

**OFFICER ORDER.**

Ann. D

The following officials of this Department shall stand retired from Government Service on 30.06.2017 (A.N) on superannuation in completion of 60 years of his age.

S. No	Name of Officials	Designation with BPS	Period of Service rendered
1	Mutabar Shah	Naib Qasid BPS-04	27 Year 10 Months
2	Hazrat Wali	Valveman BPS-04 WSS Khorkashandeh	27 Year 10 Months
3	Mirzala Khan	Valveman BPS-04 WSS Sweer	26 year 3 Months
4	Muhammad Karim	Valveman BPS-04 WSS Dawashish	32 years 3 months
5	Muhammad Afzal	Valveman BPS-04 WSS Chomorok	28 years 8 months
6	Muhibullah Shah	Valveman BPS-04 WSS Nogram	25 years 01 months
7	Fasli Muhammad Khan	Valveman BPS-04 WSS Rayeen	17 Years 01 Months
8	Niat Murad Khan	Valveman BPS-04 WSS Raman Laspur	24 years 04 months
9	Muhammad Yousuf	Valveman BPS-04 WSS Nishku PH-I	30 Years 07 months

They all are 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.

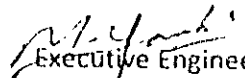
Executive Engineer  
Public Health Engineering Division  
Chitral.

No. 03 /EG/E-2

Dated Chitral the 05 /06 /2017.

**Copy to:**

1. The District Accounts Officer Chitral for information & necessary action.
2. The DAO (Local) for information and necessary action.
3. All concerned Ex-Valveman.

  
Executive Engineer  
Public Health Engineering Division  
Chitral.





Handwritten marks and numbers: 12, 26, and a signature.

تذکرہ نمبر 1 خارج القضا:

نقل برائے اطلاع:

- (1) ایچ ڈی بی جیٹ جنرل صوبہ سرحد بمبئی، ریش، کہ مندرجہ بالا اقدامات کی نافذ العمل کو یقینی بنانا چاہئے۔
- (2) جملہ ایگزیکٹوز سرکار آفیسرز جنس اینڈ پلاننگ، صوبہ سرحد۔
- (3) جملہ ضلعی آفیسران حساب وازار، صوبہ سرحد۔

فیروز گاہ

میزانیا افسر (1) محکمہ خزانہ

تذکرہ نمبر 2 خارج القضا:

نقل برائے اطلاع:

- (1) سٹی منسٹر برائے چیف سیکرٹری صوبہ سرحد۔
- (2) جملہ اضافی مستندین و نائبین مستندین محکمہ خزانہ، صوبہ سرحد۔
- (3) جملہ ہیڈ آفیسرز سیکشن آفیسر، خزانہ، صوبہ سرحد۔
- (4) ڈائریکٹر، FMIU منگل خزانہ، صوبہ سرحد۔
- (5) سٹی منسٹر برائے فنانس سیکرٹری، صوبہ سرحد۔

فیروز گاہ

میزانیا افسر (1) محکمہ خزانہ

Handwritten signatures and initials on the right margin.

تظہیر نمبر و تاریخ ایضاً:

نقل برائے اطلاع:

- (۱) اکاؤنٹنٹ جنرل، صوبہ سرحد بمعدہ 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

*[Handwritten Signature]*

*[Handwritten Signature]*

تظہیر نمبر و تاریخ ایضاً:

نقل برائے اطلاع:

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

دستخط انگریزی

میزانیہ افسر (۱) محکمہ خزانہ



Am. F  
حیبت ضابطہ - XEN صاحب خزان

مخوں ۱۔ درخواستیہ مفاد عطا کرنے کی / Issue  
کرنے پر پیش

ضابطہ عالی ۱۔ سٹیٹ سروس کے عہدہ داروں کے لئے

1 یکم ستمبر سال ۱۹۹۲ کو پیش کیے جانے والے عہدہ داروں کی

پروموشنی ہدف - اور انہی قدرت کے اختتام دیگر سال جون

2017 کو ریٹائر ہو جانے والے

2 یکم ستمبر کو اپنی عمر کے مطابق پیش کیے جانے والے ضابطہ عالی کے

کے تحت پیش کیے گئے سٹیٹ سروس کے عہدہ داروں کی

فوائد کا

The Pension case of the officials, have been submitted to DAO Chitral, but the same was returned with the remark that the officials is not entitled of pension being Fixed pay, hence rejected.

انڈر ریٹائرمنٹ کے لئے درخواستیں  
میں منظور نہیں کی گئیں کیونکہ یہ  
دینے کی بجائے فی فیکسڈ پے کے ہیں  
لہذا سٹیٹ سروس کے عہدہ داروں کے لئے

Slip  
11/10/2018

امضہ

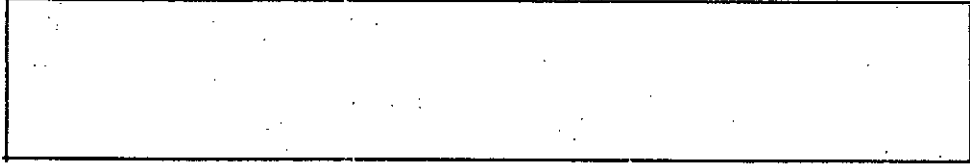
8/10/2018

DAO / Jamil Ale  
J

میں نے سٹیٹ سروس کے عہدہ داروں کے لئے سٹیٹ سروس کے  
میں سٹیٹ سروس کے عہدہ داروں کے لئے سٹیٹ سروس کے



بعدالت جناب سروس ٹریبونل ہاؤس



مورخہ 26 اکتوبر 2018ء منجانب سروس ٹریبونل  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام سروس ٹریبونل کے لئے ریحیم اللہ حسرتی ایسڈ علیہ الرحمہ  
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کے مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز  
وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک نہ روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زر اس پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور  
منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ  
مذکور کے گل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیار است حاصل ہونگے اور اس کا ساختہ پرداختہ  
منظور و قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانا التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل  
صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ  
پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھو  
کہ سندر ہے۔

دعویٰ مندرجہ

Verdial and  
dasephal

Mehrua Nehman

المرقوم 26 ماہ اکتوبر 2018ء

Rahimullah adv  
0334-3281883  
Continental Plaza  
Makan Bagh Swat

العبد گواہ شد العبد

مقام  
سروس ٹریبونل کے لئے منظور ہے۔

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 102/2019.

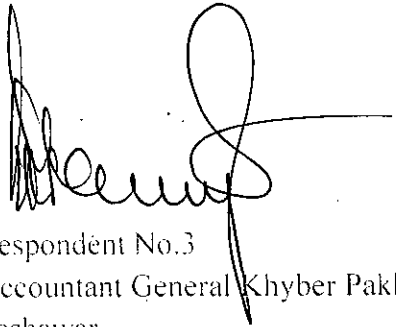
Niat Murad Khan ..... (Appellant )

VERSUS

Secretary Finance & others ..... (Respondents)

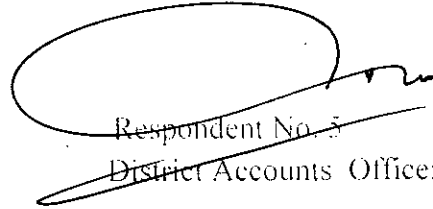
INDEX

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.

**Accountant General  
Khyber Pakhtunkhwa  
Peshawar.**



Respondent No. 5  
District Accounts Officer Chitral

**District Accounts Officer  
Chitral**

1

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR

Service Appeal No. 102/2019.

Niat Murad Khan son of Sultan Murad Khan Village Raman 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 Pakhtunkhaw 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 1<sup>st</sup>. 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 1<sup>st</sup>. July, 2008 but not from the date of appointment as per circular latter No. BO-21-22/20CT-08/FD dated 31/7/2008 with enclosure is annexed.)

Para 4:-

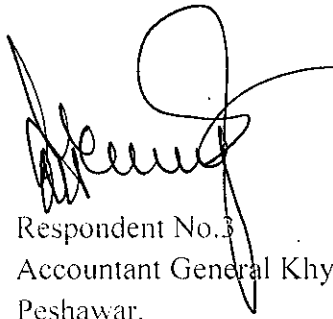
Para No.4 is not correct, the Petitioner has been treated in accordance with law and existing

**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 appellant was regularized with effect from 1/7/2008. Hence the appellant 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.

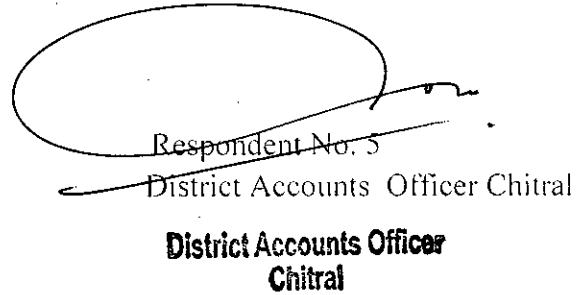
*Keeping in view the above mentioned facts, it is humbly prayed that the appeal in hand, having no merits, may be dismissed with cost.*

Dated : \_\_\_\_\_ / \_\_\_\_\_ /19

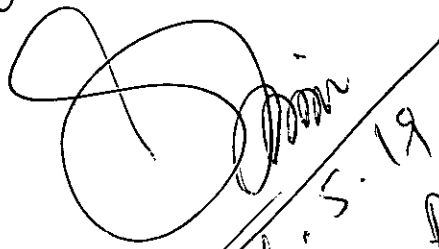


Respondent No.3  
Accountant General Khyber Pakhtunkhwa  
Peshawar.

**Accountant General  
Khyber Pakhtunkhwa  
Peshawar.**



Respondent No. 5  
District Accounts Officer Chitral  
**District Accounts Officer  
Chitral**

*Filed*  
  
*6.5.19*  
*District Attorney Swat.*

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

**Service Appeal NO 104 / 2019 .**


Fasli Muhammad 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:   
**District Accounts Officer  
Chitral**

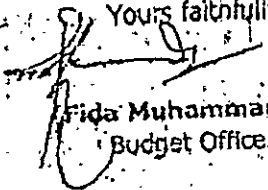
The Accountant General,  
NWFP, Peshawar.

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 18/5/2008 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 1<sup>st</sup> 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.

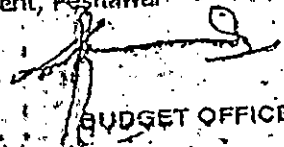
Yours faithfully,

  
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. BQ1/1-22/2008-09/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/AAGs in NWFP.
2. All Projects Section (-).
3. Post Office.
4. Pension (30).

(5) "A"

حکومت صوبہ پشاور  
صنعتیہ سہولیاتمزاسلہ نمبر پی۔ او۔ ا۔ ۱/۱-۲۲/۰۸-۲۰۰۷/ایف۔ ڈی  
تاریخہ ۲۹ جنوری، ۲۰۰۸ء

- ۱۔ تمام انتظامی معتمدین حکومت صوبہ پشاور۔
- ۲۔ معتمد برائے گورنر صوبہ پشاور، پشاور۔
- ۳۔ ریسلن سٹاف آفیسر برائے وزیر اعلیٰ صوبہ پشاور۔
- ۴۔ تمام سربراہان ماتحت محکمہ جات صوبہ پشاور۔
- ۵۔ تمام صحتی رابطہ افسران صوبہ پشاور۔
- ۶۔ سرسٹوار پشاور ہائی کورٹ، پشاور۔
- ۷۔ سرسٹوار سروس ٹریڈ یونین، صوبہ پشاور، پشاور۔
- ۸۔ سیکرٹری صوبائی بلک سروس کمیشن، صوبہ پشاور، پشاور۔
- ۹۔ سیکرٹری بورڈ آف ریویو، صوبہ پشاور۔

عنوان :- بحث تقریر ۰۸-۲۰۰۷ میں درجہ چہارم کے مقررہ تنخواہ ہانے والے (Fixed pay) ملازمین کے لیے ۱۰ پی۔ 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 ۲۰۰۸ سے این۔ ڈبلیو۔ ایف۔ پی سول ملازمین ایکٹ ۱۹۷۳ کے تحت سول ملازمین کا درجہ دیکر بنیادی سکیل ۱ (BPS-1) دینے کی منظوری دی ہے۔

مذکورہ 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 الاؤنسز وغیرہ کی مد میں کسی قسم کی تقایمات (arrears) کے حقدار نہیں ہوں گے۔

اس سلسلے میں سے جاری شدہ تمام پالیسی ہدایات، یکم جولائی ۲۰۰۸ء سے متعلقہ تصور

آر کا مخلص

(5) - 1/2

(5)

تظہیر نمبر و تاریخ انصاف:

- 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۔

فدو محمد لکھنوی  
میزانیہ آفسر (۱) محکمہ خزانہ

تظہیر نمبر و تاریخ انصاف:

- نقل برائے اطلاع:
- (۱) سنی معتمد برائے چیف سیکرٹری صوبہ سرحد۔
  - (۲) جملہ اضافی معتمدین و نائبین معتمدین محکمہ خزانہ، صوبہ سرحد۔
  - (۳) جملہ بجٹ آفیسرز سیکشن، سرحد محکمہ خزانہ، صوبہ سرحد۔
  - (۴) ڈائریکٹر، FMIU محکمہ خزانہ، صوبہ سرحد۔
  - (۵) سنی معتمد برائے فنانس سیکرٹری صوبہ سرحد۔

فدو محمد لکھنوی  
میزانیہ آفسر (۱) محکمہ خزانہ







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

Dated Peshawar the 22-05-2019

**NOTIFICATION**

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

*[Handwritten signature]*

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

**Endst: No & date even**

Copy for information and necessary action is forwarded to the.

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

*C-T-C*  
*[Handwritten signature]*

*[Handwritten signature]*  
**(MOAZZAM KHAN)**  
Section Officer (SR-II)

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

Service Appeal No. 247 /2018

Abdul Wahab son of Ghulam hussain  
Chitral



Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 257

Date: 22-2-2018

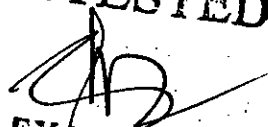
P/O Villages Miran Deh Singor  
Peshawar \* Appellant

VERSUS

1. Govt of ,KhyberPakhtunkhwa through its Secretary Finance Civil Secretariat Peshawar.
2. The Secretary Technical Education & Vocation Training Authority ,KhyberPakhtunkhwa Peshawar.
3. The Accountant General Khyber Pakhtunkhwa Peshawar
4. The principal Govt Vocation Training Centre (B) Chitral.
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 FINALLY APPROACHED PESHAWAR HIGH COURT MINGORA BENCH SWAT WHERE WRIT PETITION OF THE APPELLANT TREATED AS DEPARTMENTAL APPEAL ON 24-10-2017, WERE DIRECTED TO DECIDED THE SAME ACCORDING LAW AND RULE IN LIGHT OF THE JUDGMENT DATED 22-6-2017 RENDERED BY HON, ABLE LARGER BENCH PESHAWAR HIGH COURT IN W.P. NO. 3394-P & 2246 OF 2016, WHICH WAS SEND THROUGH LETTER DATED 1-11-2017 AND THE SAME IS STILL PENDING BEFORE THE RESPONDENT NO. 2, HENCE THE INSTANT APPEAL **ATTESTED**

Prayer in Appeal:

  
EXAMINER  
Khyber Pakhtunkhwa

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

Niat 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 Sheweeth:**


1. Correct.
2. Incorrect, the petitioner was regularized with effect from 1<sup>st</sup> 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.

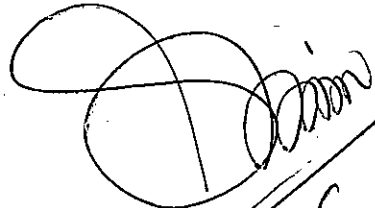
- A In light of Finance Department Peshawar Notification No.BOI/FD/1-2/2008-09 dated 30-07-2008 the petitioner was regularized with effect from 01-07-2008, hence the petitioner has not completed the qualifying service for pension and not entitled for pension under the Rule
- B & C. The Respondents 2 & 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.

Velled

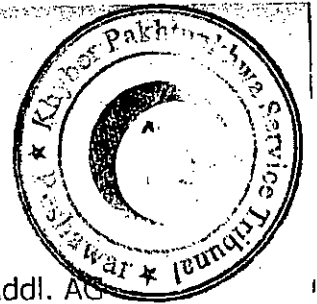


6.5.19

District Attorney



247/2018 Abdul Wahab



08.07.2019

Mr. Matiur Rahman, Advocate for appellant and Addl. AG  
alongwith Sajid Superintendent for the respondents present.


The appellant is essentially aggrieved from denial of respondents in counting his service on contract basis for the purpose of service benefits accruing in his favour upon regularization. The stance of respondents was that having been appointed on 16.09.2000 the appellant was regularized on 01.07.2008 and retired on 19.10.2015 hence did not complete the minimum period of ten years service for the purpose of pension benefits.

The representative of respondents has produced today a copy of notification No. FD(SOSR-II)4-36/2017 dated 22.05.2019, issued by Finance Department Government of Khyber Pakhtunkhwa, whereby the service of fixed pay class-IV employees was recognized for the purpose of their status as civil servants from the date of their first appointment instead of the date of regularization w.e.f. 01.07.2008.

In view of the above noted development the appeal in hand has become infructuous and is disposed of accordingly. The appellant may, however, seek remedy under the law in case the notification mentioned here-in-above is not implemented in letter and spirit by the respondents. File be consigned to the record room.

  
Chairman

ANNOUNCED  
08.07.2019

**Certified to be true copy**  
  
Chairman  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 11-7-18  
Number of Words 800  
Copying Fee 12-00  
Urgent —  
Total 12-00  
Name of Copyist [Signature]  
Date of Completion of Copy 17-7-18  
Date of Delivery of Copy 17-7-18

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

Service Appeal No. 247 /2018

Abdul Wahab son of Ghulam hussain  
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Khyber Pakhtunkhwa  
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Diary No. 257

Date 22-2-2018

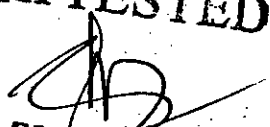
P/O Villages Miran Deh Singor  
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EXAMINER  
Khyber Pakhtunkhwa

247/2018 Abdul Wahab



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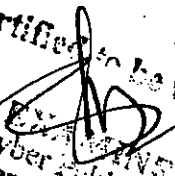
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