

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 812/2016

Date of institution ... 14.12.2016
Date of judgment ... 22.01.2019

Azmat Ullah S/o Rehman Ullah,
Chowkidar Government Polytechnic Institute (Women)
Hayatabad, Peshawar. ... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Higher Education
Department, Khyber Pakhtunkhwa Civil Secretariat, Peshawar and seven others
respondents. ... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 THAT
THE APPELLANT MAY BE PAID HIS SALARIES WITH
EFFECT FROM 07.01.2013 TO 07.05.2013 AND ALSO BE
ADJUSTED ON NAIB QASID POST VIDE LETTER NO
DGTE&MT/ADMN/22-17 (V) DATED 29.01.2015 AND ALSO
MADE ENTRIES IN THE SERVICE BOOK MAY BE
CORRECTED.

Mr. Shafiullah, Advocate. .. For appellant.
Mr. Muhammad Jan, Deputy District Attorney ... For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the
appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr.
Naeem Gul, Assistant Director for the respondents present. Arguments heard
and record perused.

2. Brief facts of the case as per present service appeal are that the father of
the appellant was retired from government service as Naib Qasid on attaining
the age of superannuation on 10.12.2008 therefore, the appellant was appointed

M. Amin
22.1.2019

as Chowkidar (BPS-1) under 25% quota reserved for the children of Class-IV retired (on superannuation/invalidation Government employees) against the vacant post at Government College of Commerce Hangu from the date of taking over charge vide order dated 07.01.2013 by the Director General Technical Education and Manpower Training Peshawar. However, the principal of Government Commerce College Hangu had not accepted his arrival report because he had made appointment already against the vacant posts and also started monthly salaries to them therefore, the Deputy Director issued letter dated 13.03.2013 to the District Accounts Officer that the salaries bill of those persons appointed by the principal concerned may be held in abeyance till such time the issue resolved by the competent authority. However, the appellant was adjusted against the vacant post of Chowkidar due to retirement at Government Polytechnic Institute (Women) Tehkal university road Peshawar with immediate effect vide order dated 17.05.2013 on the same terms and conditions as laid down in appointment order dated 07.01.2013. Feeling aggrieved from the said order the appellant filed Writ Petition for issuance of direction to respondents for conversion of the post from Chowkidar to Naib Qasid and also to pay his salaries with effect from 07.01.2013 to 16.05.2013, Writ Petition was disposed of and the same was treated as representation/appeal and was referred to the concerned authority to consider the grievance of the appellant on merit as per rules and policy and his grievances was to be redressed, if possible, and pass an appropriate order within a period of thirty days vide order dated 20.11.2014. In pursuance of the order of worthy Peshawar High Court, Peshawar the Deputy Director Technical Education and Manpower Training Peshawar issued a letter to the Principal of Government Polytechnic Institute (Women) Arbab Road Peshawar on 29.01.2015 to consider the grievances of the appellant on merit as per rules regarding release of the pay for the period from 07.01.2013 to

M. Hassan
22.1.2019

10.05.2013 and conversion of the post from Chowkidar to Naib Qasid in the light of the judgment dated 20.11.2014 passed by the worthy Peshawar High Court, Peshawar, the principal in response to the aforesaid letter submitted reply dated 23.02.2015 to the Director General Technical Education and Manpower Training Khyber Pakhtunkhwa Peshawar to the effect that concerned Chowkidar reported for duty at college on 17.05.2013 and he has already been paid from 17.05.2013 and his father got retired from service as Naib Qasid so vacant post of his father should be given to him as there was no vacant post of Naib Qasid at this college so far. Meaning thereby that the Writ Petition treated as departmental appeal was disposed of through such reply dated 23.02.2015. It is also pertinent to mention here that copy of another application dated 29.06.2015 submitted by the appellant to the Director General Technical Education and Manpower Training Khyber Pakhtunkhwa Peshawar for releasing the salaries for four months and also converting his post of Chowkidar to Naib Qasid is also available on the record which was not responded hence, the present service appeal on 14.12.2015.

M. Anwar
22.1.2019

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the father of the appellant was retired from service as Naib Qasid on superannuation of sixty years age and the appellant was appointed under 25% quota reserved for the childrens of Class-IV employees therefore, the respondents department was required to appoint the appellant as Naib Qasid but the respondent-department has appointed him as Chowkidar therefore, it was contended that the respondent-department may be directed to convert the post of the appellant from Chowkidar to Naib Qasid. It was further contended that the appellant was appointed as Chowkidar by the Director General Technical Education and

Manpower Training Khyber Pakhtunkhwa Peshawar vide order dated 07.01.2013 but the arrival report of the appellant was not accepted by the principal of the concerned college for the reason that the said principal has already appointed some others employees on her own at the said post and later on the appellant was adjusted vide order dated 17.05.2013 therefore, the appellant is also entitled for salaries with effect from 07.01.2013 to 17.05.2013 and prayed for acceptance of appeal.

5. On the other hand, learned Deputy District Attorney for the respondents contended that the appellant was appointed as Chowkidar vide order dated 01.07.2013 but due to non available of post he was adjusted on 17.05.2013 and he had not performed duty since 07.01.2013 to 17.05.2013 therefore, he is not entitled for salary from 01.07.2013 to ^m 17.05.2013. It was further contended that the principal of the concerned college has already mentioned in the letter dated 13.02.2015 address to Director that the post of Naib Qasid is not vacant so for therefore, the appeal is liable to be dismissed.

6. perusal of the record reveals that the father of the appellant was retired from service as Naib Qasid on reaching the age of superannuation however, the Director General Technical Education and Manpower Training Peshawar has appointed the appellant as Chowkidar under 25 % quota reserved for the childrens of Class-IV employees vide order dated 07.01.2013 against the vacant post at Government Commerce College Hangu. However, the said vacant post was already filled by the principal of the concerned college through appointment of another Chowkidar therefore, his arrival report was not accepted and the appellant was adjusted vide order dated 17.05.2013 by the Director General Technical Education and Manpower Training Peshawar against the vacant post of Chowkidar due to retirement at Government Poly Technical Institute (Women) Tehkal. Meaning thereby that the appellant had not

M. Khan
22-1-2019

performed duty with effect from 07.01.2013 to 17.05.2013 therefore, on the "Principle of no work no pay" the appellant is not entitled for the salaries with effect from ^M07.01.2013 to ^M17.05.2013. Furthermore, the appellant has also sought relief for change of his nomenclature from the post of Chowkidar to the post of Naib Qasid on the ground that the father of the appellant was retired as Naib Qasid but the appellant was appointed as Chowkidar under 25% quota reserved for the children of class-IV employees by the Director General Technical Education and Manpower Training Peshawar vide order dated 07.01.2013 and due to non availability of vacant post he was adjusted as Chowkidar in Government Polytechnic Institute (Women) university road Peshawar vide order dated 17.05.2013. The record further reveals that the Deputy Director Technical Education and Manpower Training Peshawar issued letter to the principal Government Polytechnic Institute (Women) Peshawar for conversion of his post from Chowkidar to Naib Qasid but she has replied to the Director General Technical Education and Manpower Training Peshawar through letter dated 23.02.2015 and explained the position that the father of the appellant got retired as Naib Qasid and the vacant post of his father should be given to him as there was no vacant post of Naib Qasid at this college so far. Meaning thereby that the post of Naib Qasid is not available in the concerned college. As such, the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
22.01.2019



(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

22.01.2019

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Naeem Gul; Assistant Director for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed on file, the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

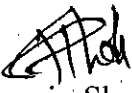
22.01.2019


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.10.2018

Counsel for the appellant present. Mr. Muhammad Riaz Paindakhel, Asst: AG for respondents alongwith Mr. Naeem Gul AD litigation for respondents No. 1&3 present. Learned counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 28.11.2018 before D.B.


(Hussain Shah)
Member


(Ahmad Hassan)
Member

28.11.2018

Counsel for the appellant and Asst. AG alongwith Mr. Naeem Gul AD (litigation) for the respondents present.

The former requests for adjournment ^{as} ~~that~~ brief in the instant appeal could not be prepared due to indisposition. Adjourned to 22.01.2019 before the D.B.


Member


Chairman

26.02.2018

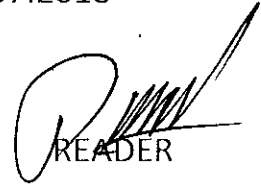
Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Rejoinder submitted. Counsel for the appellant seeks adjournment. To come up for arguments on 30.04.2018 before the D.B.


Member


Chairman

30.04.2018

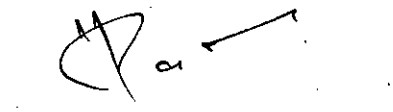
Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 10.07.2018


READER

10.07.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Some point needs further consideration. To come up further arguments on 30.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

30.08.2018

Counsel for the appellant and Mr. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 18.10.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member


15/8/2017

Appellant in person and Mr. Kabirullah, Assistant AG for respondents present. Learned Assistant AG seeks adjournment. Adjourned. To come up for written reply/comments and cost of Rs. 1500/- on 19/9/2017 before SB.


(GUL ZEB KHAN)
MEMBER

19.09.2017

Appellant in person and Addl: AG alongwith Mr. Zakiullah, Senior Auditor for respondents present. Written reply on behalf of respondent no. 5 submitted. Cost of Rs. 300/- also paid and receipt thereof obtained from the learned counsel for the appellant. None present on behalf of respondents no. 6,7 and 8, hence proceeded ex-parte. To come up for rejoinder and final hearing on 22.12.2017 before D.B.


(Ahmad Hassan)
Member

22.12.2017

Counsel for the appellant and Mr. Muhammad Riaz, Asstt. AG alongwith Zakiullah, Senior Auditor for the respondents present. Counsel for the appellant seeks adjournment for preparation of rejoinder. To come up for rejoinder and arguments on 26.02.2018 before the D.B.


Member


Chairman

09.05.2017

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG for the respondents present. Written reply on behalf of respondents No. 2, 4, 5 to 8 not submitted despite another last opportunities. Requested for further adjournment. Another last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments and cost on 03.07.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

03.07.2017

Counsel for the appellant and Addl: AG alongwith Mr. Zaki Ullah, Senior Auditor and Mr. Gul Badshah, Assistant for respondents present. Written reply on behalf of respondent No. 4 has already been submitted, while respondent No.2 relies on reply of respondent No.4. Representative of respondent No. 5 to 8 ^{was} neither present nor written reply on their behalf submitted. Addl: AG requested for further time. Another last opportunity is further extended subject o payment of cost of Rs. 1500/- which shall be borne by respondents from their own pockets. To come up for written reply/comments and cost on 15.08.2017 before S.B.


(Ahmad Hassan)
Member

01.03.2017

appellant with counsel and Mr. Naeem Gul, SO for respondents No. 1 and 3, Zaki ullah Senior Auditor for respondent No. 5 present. Counsel for the appellant submitted an application for correction of address of respondents No. 3. Correction be made. To come up for written reply/comments on 03/04/2017 before S.B.

(MUHAMMAD AAMIR NAZIR)
MEMBER


03.04.2017

Appellant in person and Mr. Asif AD alongwith Addl. AG for respondents present. Written reply submitted on behalf of respondent No.3 while respondent No. 1 rely on the same. Last opportunity granted for remaining respondents. To come up for written reply/comments on 09.05.2017 before S.B.

Chairman

26.10.2016

Clerk to counsel for the appellant and Addl. AG for respondents present. Requested for adjournment. To come up for amended appeal on 15.12.2016 before S.B.


Chairman

15.12.2016

Counsel for the appellant present. Amended appeal submitted. Notice be issued to the respondents. To come up for written reply/comments on 25.01.2017 before S.B.


Chairman

25.01.2017

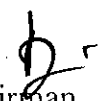
Appellant with counsel, Mr. Naeem Gul, SO for respondents No. 1 and 3, Rasool Khan for respondent No. 2 and private respondent No. 7 in person present. Written reply submitted by respondent No. 2. Remaining respondents requested for adjournment to submit written reply. Request accepted. To come up for written reply/comments on 01.03.2017 before S.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER

812/15

14.4.2016

Appellant in person and Mr. Muhammad Rasool AD alongwith Addl: A.G for respondents present. Learned Addl. AG requested for further adjournment. Written reply could not be submitted due to change of the management of the respondents by enactment of the KPK Technical Education & Vocational Training Authority Act, 2015. Directed to submit written statement by the substituted establishment on 15.6.2016.


Chairman

15.06.2016

None present for appellant. Mr. Muhammad Rasool, AD, Khyber Pakhtunkhwa Technical Education and Vocational Training Authority present and submitted application for impleadment of Managing Director as respondent. Record perused.

In view of the previous order sheet dated 14.04.2016 the application is accepted and appellant is directed to submit amended appeal on 24.08.2016 before S.B.


Chairman

24.08.2016

None for the appellant present. Addl. AG for respondents present. Notices be issued to the appellant and his counsel. To come up for amended appeal on 26.10.2016 before S.B.


Member

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31.07.2015

Appellant Deposited
Security & Process Fee



Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was entitled to service benefits including salary on the basis of office order dated 17.5.2013 but despite his entitlement four months salary of the appellant was withheld regarding he preferred writ petition No. 989-P/2014 wherein directions issued by the Hon'ble Peshawar High Court in its worthy judgment dated 20.11.2014 to redress the grievances in the prescribed manners but despite the lapse of considerable period the same are not redressed and hence the instant service appeal.

That the appellant is entitled to receive four months salary with effect from the date of notification referred to above and that the claim of the appellant is not hit by time limitation.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 27.10.2015 before S.B.


Chairman

27.10.2015

Appellant in person, Mr. Muhammad Arif, respondent No. 3 in person and Assistant AG for all respondents present. Requested for adjournment. To come up for written reply/comments on 11.02.2016 before S.B.


Chairman

11.02.2016

Counsel for the appellant and Addl: A.G for respondent No. 1 present. Informed the Tribunal that by virtue of operation of law portfolio of respondents No. 2 to 4 have been bifurcated and their nomenclature changed. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 14.4.2016 before S.B.

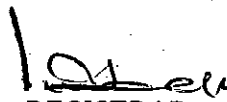



Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 812/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14.07.2015	<p>The appeal of Mr. Azmatullah presented today by Mr. Muhammad Anwar Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15.7.15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>16.7.15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	16.7.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 31.7.2015 before S.B.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR.

Amended Service Appeal No. 812/2016



Service Appeal No. 812/2016

Amended Appeal

As per court direction dated 24/08/2016

Mr. Azmat Ullah.....Appellant

Versus

Government of KPK through Secretary Higher Education
Department, Khyber Pakhtunkhwa Civil Secretariat,
Peshawar and others.....Respondents


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5	Copy of implementation of Appointment of order	"B"	12
6	Copy of Illegal Appointment of class-VI	"C"	13
7	Wakalat Nama		

Dated: /12/2016


Petitioner

Through


Muhammad Anwar Khan.
(Pashton Ghari)
Advocate, High Court,
Peshawar.
Cell. 0333-9262374

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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Amended Service Appeal No. 812 /2016

Service Appeal No:- 812/2016

Amended appeal

as per court direction dated 24/08/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1292

Dated 14-12-2016

Mr. Azmat Ullah S/o Rehman Ullah,
Chowkidar Government Polytechnic Institute(Women)
Hayatabad, Peshawar.....**Appellant**

V E R S U S

1. Government of KPK through Secretary Higher Education Department, Khyber Pakhtun Khawa Civil Secretariat, Peshawar
2. Government of Khyber Pakhtun Khawa through Secretary Industries & Technical Education, Civil Secretariat, Peshawar
3. Director Commerce Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
4. Managing Director Khyber Pakhtun Khawa Technical Education and Vocational Training Authority (KP-TEVTA) 3/A Chinar Road University Town , Peshawar
5. Accountant General Khyber Pakhtun Khawa Peshawar Fort Road Peshawar Cant
6. Principal Government Polytechnic Institute (Women) Hayat Abad Peshawar.
7. - Principal Government Commerce College Hangu.
8. Principal Government Commerce College Arbab Road Peshawar.**Respondents**

Exhibit
139/17

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, THAT THE APPELLANT MAY BE PAID
HIS SALARIES WITH EFFECT FROM
07/01/2013 TO 07/05/2013 AND
ALSO BE ADJUSTED ON NAIB QASID POST
VIDE LETTER NO DGTE & MT/ADMN /22-
17 (V) DATED 29/01/2015 AND ALSO
MADE ENTRIES IN THE SERVICE BOOK MAY
BE CORRECTED

Prayer in Appeal

On Acceptance of the instant appeal, the Appellant may be converted of his post from Chowkidar to Naib Qasid and may be paid the salaries with effect from 07/01/2013 to 07/05/2013 Vide Letter No DGTE & MT/ADMN/22-17 (V) dated 29/01/2015 office order No DGTE & MT/ESTT-11/A-176 dated 07/05/2013.

Respectfully Sheweth:

The appellant Submits as under:

No Change in Annexure.

1. That the father of appellant was retired from Government Service as Naib Qasid on attaining the age of superannuation on 10/12/2008.
2. That the appellant has been appointed by the Director General Technical Education & Manpower Training Khyber Pakhtun Khawa, now emerged in Director Commerce Khyber Pakhtun Khawa appointment order is attached as

Annexure A and adjustment order is attached as Annexure B.

3. That with the Establishment of the Khyber Pakhtun Khawa Technical Education and Vocational Training Authority. The Director General Technical Education & Main power Training the appointing authority is emerged in Respondents No 3, I.e. Director Commerce Khyber Pakhtun Khawa Peshawar where as Secretary Technical Education and Main Power Emerged in Secretary Higher Education Khyber Pakhtun Khawa.
4. That Respondent No 7 acted against law, rule and natural justice and appointed illegally the class IV on the post of the appellant with effect from 07/01/2013. Copy of the same is attached as Annexure C.
5. That the respondents ignored appellant to be paid with effect from 07/01/2013 to 07/05/2013. The appellant moved a departmental appeal for the payment of his salaries of four months i.e with effect from 07/01/2013 to 07/05/2013 and also requested for conversion of post from Chowkidar to Naib

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Qasid i.e to be appointed on his father's post and also requested to make entries in service book the date of first appointment with effect from 07/01/2013 instead of 17/05/2013.

6. That the Director Gernal Technical Education & Main Power now emerged in Director Commerce Khyber Pakhtun Khawa Peshawar. The appellat was adjusted with immediate effect on the same terms and condition as laid down vide office order as quoted in his first appointment order . The Copy is attached as Annexure ^A.
7. That aggrieved from the respondents, the appellat come to this Hon'ble Tribunal on the following grounds amongst others:

GROUND S:

- A. That the appellat was not treated in accordance with law and rules, thus acted in violation of the relevant law.
- B. That the appellat has discriminated against and among other colleague.


- C. That the omission and commission of the respondents is based on malafide.
- D. That the impugned order dated 23/02/2015 of the respondent No 8 is illegal and unlawful.
- E. That any other grounds, may be adduced during course of arguments, with kind permission of this Honorable Tribunal.

It is, therefore, most humbly prayed that on acceptance of this service appeal, the appellant may graciously be paid the salaries w.e.f 07/1/2013 to 17/05/2013, entries in service book with effect from 07/01/2013 instead of 17/01/2013 and conversion of post from Chowkidar to Naib Qasid may be granted.

Any other relief of which this august Tribunal deems appropriate under the circumstances of the case may also be awarded to the appellant.

Through


Appellant


Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court,
Peshawar

Date: 07/12/2016

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Amended Service Appeal No. _____/2016
In
Service Appeal No:- **812**/2016
Amended appeal
as per court direction dated 24/08/2016

Mr. Azmat Ullah**Appellant**

V E R S U S

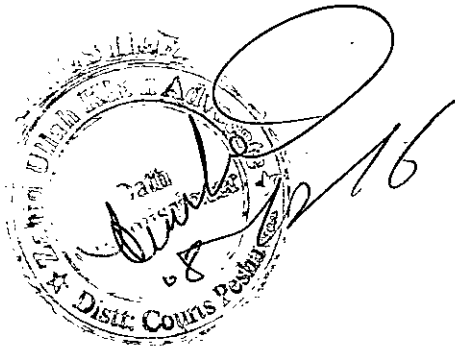
Government of KPK through Secretary Higher Education
Department, Khyber Pakhtunkhwa Civil Secretariat,
Peshawar & others Respondents

AFFIDAVIT

I, Mr. Azmat Ullah Son of Rehman Ullah Chowkidar
Government Polytechnic Institute (Women) Hayatabad,
Peshawar, do hereby solemnly affirm and declare 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 Court.

Azmat

DEPONENT
NIC-17301-6170865-1.



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BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Amended Service Appeal No. _____/2016

In

Service Appeal No:- **812**/2016

Amended appeal

as per court direction dated 24/08/2016

Mr. Azmat Ullah**Appellant**

V E R S U S

Government of KPK through Secretary Higher Education
Department, Khyber Pakhtunkhwa Civil Secretariat,
Peshawar & others Respondents




ADDRESSES OF PARTIES

APPELLANT

Azmat Ullah S/o Rehman Ullah, Chowkidar Government
Polytechnic Institute (Women) Hayatabad, Peshawar


RESPONDENTS

1. Government of KPK through Secretary Higher Education Department, Khyber Pakhtunkhwa Civil Secretariat, Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Industries & Technical Education, Civil Secretariat, Peshawar
3. Director Commerce Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
4. Managing Director Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (KP-TEVTA) 3/A Chinar Road University Town , Peshawar

- 5  Accountant General Khyber Pakhtunkhwa
Peshawar Fort Road Peshawar Cant
- 6  Principal Government Polytechnic Institute
(Women) Hayat Abad Peshawar.
- 7  Principal Government Commerce College Hangu.
8 Principal Government Commerce College Arbab
Road Peshawar

Through


Appellant


Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court,
Peshawar

Date: 07/12/2016

A-9

FORM NO. 10 (1-1-1973)

FORM NO. 10 (1-1-1973)

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

Director Higher Education KPR



OFFICE ORDER

In pursuance of the Government of Khyber Pakhtunkhwa Establishment & Administrative Department Notification No.SOR MT(E&AD)1-3/2003/Vol.II dated 05-09-2006, Mr. Azmat Ullah S/O Rehman Ullah R/O Multailah Sulaman Khel, Village Char Khana, Tehsil & District Peshawar is hereby appointed as Chowkidar (SPS-01) under 25% quota reserved for the children of Class-IV retired (on superannuation / invalidation) Govt. employees, plus usual allowances as admissible under the rules against the vacant post at Govt. College of Commerce, Hangu from the date of taking over charge. His appointment is also subject to the following terms and conditions:

TERMS AND CONDITIONS:-

- 1- He will for all intents and purposes be Civil Servant, except of purposes of pension or gratuity. In lieu of pension and gratuity, he will be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F.) along with the contributions made by government to his account in the said fund, in the prescribed manner.
- 2- He will have to join duty at his/her own expense.
- 3- He will have to produce a certificate of Medical fitness from concerned Medical Superintendent / Civil Surgeon within a week time of the resumption of duty.
- 4- He/she will be governed by such rules and orders as may be prescribed and issued by the Government from time to time for the category of Government Servants to which he belongs.
- 5- His character and antecedents are verified good by the Police authorities.
- 6- In case he/she wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
- 7- He will have to perform any duty assigned to him/her in connection with the affairs of this department.

If he wishes to accept the post on the above terms and conditions, he/she should report for duty to the Principal concerned within 30 days of the issue of this order failing which the offer of appointment will be treated as cancelled.

No DG TE & MT/Est-II/A-176/104(1-4) dated 07/11/13

DIRECTOR GENERAL

Dated 07/11/2013

07/11/2013

Endst: No.DGTE&MT/Est-II/A-176/1104(1-4)

Copy forwarded for information & necessary action:-

1. The District Accounts Officer, Hangu.
2. The Deputy Director (Litigation), Local Directorate, Hangu.
3. The Principal, GCC, Hangu.
4. Mr. Azmat Ullah S/O Rehman Ullah R/O Multailah Sulaman Khel, Village Char Khana, Tehsil & District Peshawar.
5. Office copy.

Received
Principal

DEPUTY DIRECTOR (ADMN)

0333-961476

Attested

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GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLEND FUND BULDING PESHAWAR CANTT

OFFICE ORDER

In pursuance of the Government of Khyber Pakhtunkhwa Establishment & Administrative Department Notification No. SOR VI (E & AD) 1-3/2003/Vol. II dated 05-09-2006.

Mr. Azmat Ullah S/O Rehman Ullah R/O Mohallah Saleman Khel, Village Char Khana, Tehsil & District Peshawar is hereby, appointed as Chowkidar (BPS-01) appointed under 25% quota reserved for the children of class-IV retired (on superannuation / invalidation) Govt: employees) plus usual allowances as admissible under the rules against the vacant post at Govt: College of Commerce Hangu from the date of taking over Charge. His appointment is also subject to the following terms and conditions:

TERMS AND CONDITIONS:

1. He will for all intents and purposes be civil servants expect of purposes of pension or gratuity. In lieu of pension and gratuity, he will be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) along with the contributions made be Government to his account in the said fund, in the prescribed manner.
2. He will have to join duty at his/her own expenses.
3. He will have to produce a certificate or medical mess from concerned Medical Superintendent/ Civil Surgeon with in one week time of the resumption of duty.
4. He/ she will be governed by such rules and orders as may be prescribed and the Government from time to time for the category of Government Servants to which he belongs.
5. His Character and antecedents are verified good by the Police authorities.
6. In case he/she wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
7. He will have to perform any duty assigned to him/her in connection with the affairs of this department.

If he wishes to accept the post on the above terms and conditions, he /she should report for duty to the Principal concerned with in 30 days of the issue of the order failing which the offer of appointment will be treated as cancelled.

DIRECTOR GENERAL
Dated 07/01/2015

Endst: No. DGTE&MT/Estt-II/A-176/104(1-4)

Copy forwarded for information & necessary

1. The District Accounts Officer Hangu.
2. The Deputy Director (Litigation), Local Directorate General
3. The Principal, GCC, Hangu
4. Mr. Azmat Ullah S/O Rehman Ullah R/O Mohallah Suleman Khel, Village Char Khana, Tehsil & District Peshawar.
5. Office Copy.

Attested

DEPUTY DIRECTOR (ADMN)



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT.

OFFICE ORDER

Consequent upon his appointment as Chowkidar at Govt. Commerce College Mangu vide the Directorate General order Endst. No. DGTE&MT/ESH-11/A-176/104(1-4) dated 07-01-2012 and consequent upon the non-availability of vacant post of Chowkidar at the said institute, the Competent Authority is pleased to adjust Mr. Azmatullah, S.C Rehmanullah R/O Muhallah Suleman Khel, Village Charkhana, Tehsil & District Peshawar against the vacant post of Chowkidar recently vacated due to retirement at Government Polytechnic Institute (W) Tehkal University Road Peshawar with immediate effect on the same terms and condition as laid down in order of his appointment issued vide office order as quoted above.

DGTE & MT/ESH-11/A-176/332

DIRECTOR GENERAL

Endst. No. DGTE&MT/ESH-11/A-176/332 (1-4) Dated 07/01/2013

Copy forwarded for information and necessary action:

7157203
Date: 07/01/2013

- 1- The Accountant General Khyber Pakhtunkhwa
- 2- The Principal GPI (W) Tehkal Road Peshawar
- 3- Mr. Azmatullah, S.C Rehmanullah R/O Muhallah Suleman Khel, Village Charkhana, Tehsil & District Peshawar.
- 4- Office copy.

Attest ed

DEPUTY DIRECTOR (ADMIN)

Attest ed

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GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

OFFICE ORDER

Consequent upon his appointment as Chowkidar at Govt: Commerce College Hangu vide This Directorate General order Endst: No. DGTE&MT/Estt-II/A-176/104(1-4) DATED 07-01-2013 and Consequent upon the non availability of vacant post of Chowkidar at the and instate, the Competent Authority is pleased to adjust Mr. Azmat Ullah, S/O Rehman Ullah R/O Mohallah Suleman Khel, Village Char Khana, Tehsil & District Peshawar against the vacant post of Chowkidar recently vacated due to retirement at Government Polytechnic Institute (W) Tehkal University Road Peshawar. With immediate effect on the same terms and condition as laid down in order of his appointment issued Vide office order as quoted above.

DIRECTOR GENERAL

Dated 17/05/2013

If he wishes to accept the post on the above terms and conditions, he /she should report for duty to the Principal concerned within 30 days of the issue of the order failing which the offer of appointment will be treated as cancelled.

DIRECTOR GENERAL


Dated 07/01/2013

Endst: No. DGTE&MT/Estt-II/A-176/332(1-4)

Copy forwarded for information & necessary action:

1. The Accounts Gernal Khyber Pakhtunkhwa
2. The Principal, GPI (W) Tehkal Road Peshawar.
3. Mr. Azmat Ullah S/O Rehman Ullah R/O Mohallah Suleman Khel, Village Char Khana, Tehsil & District Peshawar.
4. Office Copy.

DEPUTY DIRECTOR (ADMN)

Attested 

ANNX-11

091-9211820



**DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT**

No. DGTE&MT/Admn/22-17(v)/

Dated: 29/01/2015

To

29/01/2015

The Principal,
Govt. Polytechnic Institute (W),
Arbab Road, Peshawar.

CLP & W, Peshawar
(14/1/15)
Date 20/1/15

Subject: WRIT PETITION No. 989/ 2014 TITLED AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER
PAKHTUNKHWA AND OTHERS.

I am directed to refer to the subject noted above and to enclose here with a copy of the judgment announced dated 20-11-2014 by the Peshawar High Court, Peshawar in writ petition No 989/ 2014 titled Azmatullah S/O Rehman Ullah presently working in your Institute. The Court has referred the case to this office to consider grievances of the petitioner on merit as per rules and policy. The grievances may be addressed if possible with regard to the following:

- 1.
- 2.

- 1- Release of pay for the period 07-01-2013 to 10-05-2013.
- 2- Conversion of his post from Chowkidar to Naib Qasid.

Kindly send your comments so that further action could be taken.

Mr. Tahir

(SHAMS-UL-HAQ)
DEPUTY DIRECTOR (ADMN)

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091-9211820

**·DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLEND FUND BULDING PESHAWAR CANTT**

No. DGTE&MT/Admn/22-17(v)

Dated: 29/01/2015

To

The Principal,
Govt: Polytechnic Institute (W),
Arbab Road, Peshawar.

Subject: WRIT PETITION NO. 989/2014 TITLED AZMAT ULLAH S/O
REHMAN ULLAH VERSUS GOVT OF KHYBER PAKHTUN KHWA
AND OTHER.

I am directed to refer to the subject noted above and to enclose here with in copy, of Judgment announced dated 20-11-2014 by the Peshawar High Court Peshawar in writ petition No. 989/ 2014 titled Azmat Ullah S/O Rahman Ullah presently working in your institute. The Court has refered the case to this office to consider grievance of the petitioner on merit as per rules and policy. The grievance may be addressed if possible with regard to the following:

1. Release pay for the period 07.01.2013 to 10.05.2013.
2. Conversion of his post from Chowkidar to Naib Qasid.

Kindly send your comments so that further action could be taken.

(SHAMS-UL-HAQ)
DEPUTY DIRECTOR (ADMN).
DIRECTOR GENERAL

Ali Ahmad

GOVERNMENT OF PAKISTAN PUNJAB
 DIRECTORATE GENERAL TECHNICAL EDUCATION
 & MANPOWER TRAINING, PESHAWAR
 BENEVOLENT BUILDING PESHAWAR CAMPUS

Amnesties
 (12)

NO. DGTE&MT/Estt-III/A-176/ 2045
 Dated Peshawar: the 13/13/2013

To: The District Accounts Officer,
 Hangu.

Subject: IMPLEMENTATION OF THE APPOINTMENT ORDERS OF CLASS-IV

I am directed to refer to the subject cited above and to state the following candidates have been appointed against the newly created vacant posts of Class IV of GCC, Hangu on recommendation of the Departmental Selection Committee after observing the prescribed and legal formalities.

Sr. No.	Name of the Official / Father Name	Remarks
1	Mr. Asad Mir S/O Sher Mir	Appointed as Naib Qasid (On merit basis)
2	Mr. Kalimat Khan S/O Firdous Khan	Appointed as Naib Qasid (Under Employees Son's Quota)
3	Mr. Imdad Ullah S/O Abdul Khaliq	Appointed as Chowkidar (Under Employees Son's Quota)
4	Mr. Azmat Ullah S/O Rehman Ullah	Appointed as Chowkidar (Under Employees Son's Quota)

However, the Principal, Govt. Commerce College, Hangu has not accepted their arrival reports because he has made appointments at his own level without observing the prescribed criteria and their monthly salaries have already been started from your office.

Hence, it is requested that the salary bills of those persons appointed by the Principal concerned may kindly be held in abeyance till such time the issue is resolved by the competent authority.

[Signature]
 DEPUTY DIRECTOR (ADMN)
 Dated:/2013

Encls: No. DGTE&MT/Estt-III/A-176/

Copy for information and necessary action to the Principal GCC, Hangu with the advice to take similar action till the resolution of the issue.

[Signature]
 ATTEST
[Signature]
 DEPUTY DIRECTOR (ADMN)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT**

No. DGTE&MT/Estt-II/A-176/2013(1-2)
Dated Peshawar : 13/03/2013

To
The District Accounts Officer,
Hangu.

Subject: IMPLEMENTATION OF THE APPOINTMENT OF CLASS-IV.

I am directed to refer to the subject noted above to state the following candidates been appointed against the newly created vacant post of class IV at GCC, Hangu on commendation of the Departmental Selection Committee after observation codal and legal formalities.

S.No	Name of the Official/ Father Name	Remarks
1	Mr.Awal Mir S/O Sher Mir	Appointed as Naib Qasid (On merit basis)
2.	Mr. Kalimat Khan S/O Firdous Khan	Appointed as Naib Qasid (Under Employees Son's Quota)
3.	Mr. Imdad Ullah S/O Abdul Khaliq	Appointed as Chowkidar (Under Employees Son's Quota)
4.	Mr. Azmat Ullah S/O Rehman Ullah	Appointed as Chowkidar (Under Employees Son's Quota)

However, the Principal, Govt: Commerce College, Hangu has not accepted their arrival reports because he has made appointments at his own level without observing the prescribed criteria and their monthly salaries have already been started from your office.

Hence, it is requested that the salary bills of those persons appointed by Principal concerned may kindly be held in abeyance till such time the issue resolved by the competent authority.


DEPUTY DIRECTOR (ADMN)
Dated...../2013

Endstt: No. DGTE&MT/Estt-II/A-176/

Copy for information and necessary action to the Principal GCC, Hangu the advice to take similar action till the resolution of the issue.

DEPUTY DIRECTOR (ADMN)

Attested



ANNEX - 13

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
GENEVOLENT FUND BUILDING PESHAWAR CANTT

NO. DGTE&MT/EsII-III/A-176/ 2045 (1-2)
Dated Peshawar, the 13/12/2013



13

To
The District Accounts Officer,
Hangu.

Subject: IMPLEMENTATION OF THE APPOINTMENT ORDERS OF CLASS-IV

I am directed to refer to the subject cited above and to state the following candidates have been appointed against the newly created vacant posts of Class-IV at GCC, Hangu on recommendation of the Departmental Selection Committee after observing all procedural and legal formalities.

Sr. No.	Name of the Official / Father Name	Remarks
1	Mr. Awal Mir S/O Sher Mir	Appointed as Naib Qasid (On merit basis)
2	Mr. Kalimat Khan S/O Firdous Khan	Appointed as Naib Qasid (Under Employees Son's Quota)
3	Mr. Imdad Ullah S/O Abdul Khaliq	Appointed as Chowkidar (Under Employees Son's Quota)
4	Mr. Azmat Ullah S/O Rehman Ullah	Appointed as Chowkidar (Under Employees Son's Quota)

However, the Principal, Govt. Commerce College, Hangu has not accepted their arrival reports because he has made appointments at his own level without observing the prescribed criteria and their monthly salaries have already been started from your office.

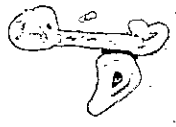
Hence, it is requested that the salary bills of those persons appointed by the Principal concerned may kindly be held in abeyance till such time the issue is resolved by the competent authority.

DEPUTY DIRECTOR (ADMIN)
Dated...../2013

Ref: No. DGTE&MT/EsII-III/A-176/

Copy for information and necessary action to the Principal GCC, Hangu with the advice to take similar action till the resolution of the issue.

DEPUTY DIRECTOR (ADMIN)



کفعمور صاحب دارالترجمہ، شہنشاہی کونسل، ایف بی ایس، ماہر ٹرنسکریپشن، کراچی

ضویر عالی

اپیل

سائل حسب ذیل عرض ارسال ہے

۱۔ کہ سائل کا والد نائب قاضی ایف بی ایس کوٹہ میں
سائل کو نائب قاضی بنانے جو کھیار مقرر ہو گیا ہے

۲۔ یہ کہ سائل کو جو کھیار مقرر کیا گیا ہے چار ماہ کی تنخواہ کا ادائیگی
نہیں کیا گیا ہے اور انکم سائل نے اس دوران کھوئی ہے اور انجام دیا ہے

۳۔ یہ کہ سائل کی پوسٹ اور تنخواہ کا مسئلہ اب تک حل نہیں ہو گیا ہے
اور بار بار یہ کہا جا رہا ہے کہ جب نائب قاضی کی پوسٹ خالی ہوگا
تو سائل کو وہ پوسٹ دیا جائیگا لیکن اب تک اس پر عمل نہیں کیا گیا ہے

لہذا استدعا ہے کہ سائل کی تنخواہیں 2013-01-07 تا 2013-05-16
کی تنخواہیں ادا فرمائی جائے اور جو کھیار کی بجائے نائب قاضی
پوسٹ دیا جائے

الفارم

آپ کا نائب قاضی حضرت مولانا رحمان اللہ جو کھیار اور منٹ لوی شہنشاہی کونسل
اور ماہر ٹرنسکریپشن

دستخط حضرت اللہ

29-6-2015

Allqadri

15



Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR,
JUDICIAL DEPARTMENT

J U D G M E N T

Writ Petition No. 989-P/2014
Date of hearing.....20.11.2014.

Azmat Ullah versus Government of Khyber
Pakhtunkhwa & others

Petitioner (s) by Mr. Muhammad Anwar Khan,
advocate.

IRSHAD QAISER, J.:- "Through the instant petition,
petitioner seeks intervention of this Court through
its constitutional jurisdiction and prayed that:-

*"On acceptance of this writ
petition, appropriate direction/ writ
may please be issued to the
respondents for correction entries
in the service book, payment of
salary of the petitioner w.e.f
07.01.2013 to 16.05.2013 and
conversion of post from Chowkidar
to Naib Qasid.*

2. Briefly but relevant facts giving rise to the
instant petition are that petitioner was appointed

امام

EXAMINER
PESHAWAR HIGH COURT
DEC 2014

as Chowkidar (BPS-01) on the basis of 25% Quota reserved for retired employees children at Government Commerce College, Hangu vide appointment order No. DGTE & MT / Estt-II /A - 176/104 (1-4) dated 07.01.2013. In compliance of order of respondent No. 2, petitioner reported for duty on 09.01.2013 before respondent No. 3 but he refused to accept the order so issued by respondent No. 2 and the petitioner was not permitted to perform his duties as Chowkidar. Later on respondent No. 2 vide letter No. DGTE/ MT/ ESH-II/ A-176/2045(1-2) dated 13.03.2013 directed the respondent No. 4 to stop the salary of petitioner. For redressal of his grievances petitioner approached the respondent/department but in vain; hence, the instant constitution petition:

3. Learned counsel for the petitioner at the very outset requested that he would be satisfied if this Court treats the instant petition as representation/appeal and sends it to the

Amir

Attorney

[Signature]
11 DEC 2014

concerned authority for disposal in accordance with law. Thus in this view of the matter, without going into the merit of the case we would like to treat the present petition as representation/appeal and refer the same to the concerned authority to consider the grievance of the petitioner on merit as per rules and policy and his grievances is to be redressed, if possible, and pass an appropriate order within period of 30-days.

4. Accordingly this writ petition is disposed of in above term.

sd/- J. Ghosh Dasgupta - J
sd/- M. Younis Thakur - J

[Signature]
JUDGE.

[Signature]
JUDGE.

ANNOUNCED.
 20.11.2014.

CERTIFIED TO BE TRUE & CO

Examiner
 Peshawar High Court, Peshawar
 Authorised Under Order No. 107
 The Oath-taking Rules, Order 10

119 DEC 2014

No. 7723

Date of Presentation of Application 22-11-14

No. of Pages 97

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Urgent Fee /

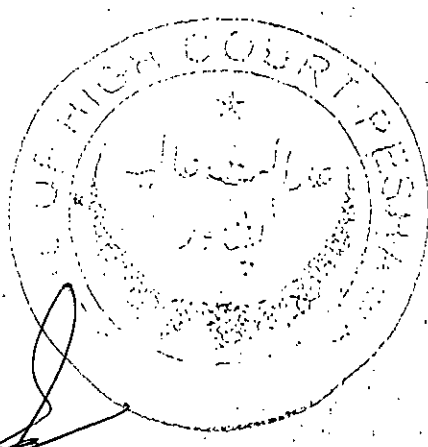
Total 18.00

Date of Preparation of Copy 19-11-14

Date Given For Delivery 19-12-14



Date of Delivery of Copy 19-12-14

By [Signature]



attached

14

			79421
ایڈووکیٹ/دستخط: بار کونسل ابار ایسوسی ایشن نمبر: 8797-10-10 رابطہ نمبر:		پشاور بار ایسوسی ایشن، خیبر پختونخوا	

بعدالت جناب: Service Tribunal Khyber Pakhtunkhwa Peshawar


منجانب: <u>Asmatullah & Rehman</u> نام: <u>Asmatullah</u> Secretary Higher Education & others	AMended Service Appeal - IN 812/16 دعویٰ نمبر: مورثہ: جرم: تھانہ:
--	--

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ
 آن مقام محمد الوریحان کے واسطے پیروی و جواب دی کاروائی متعلقہ
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر جالت و فیصلہ برطنت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں مد دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ ہی داختم منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و منول کرنے کا مختار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 12-2016

Attested & Accepted



مقام _____ واہ شد _____ کے لئے منظور ہے۔

17301-6170865-1
 Asmat

M. Amun Kh. Advocate Post.

نوٹ: اس وکالت نامہ کی ذمہ داری کا قائل قبول ہوگی۔

10



80951

ایڈووکیٹ / دستخط:
 بارنول ابار ایسوسی ایشن نمبر: 5347-15
رابطہ نمبر: 0333-947544

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب: سروس کے سببوں میں شہرہ کٹوں خواہ لکھا

منجانب: حضرت اللہ علیہ السلام	دعوی: سروس اہیل
	علت نمبر:
	موضوع:
	جزم:
	تھانہ:

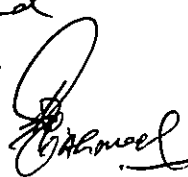
بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 ان مقام سروس اہیل کے سببوں میں شہرہ کٹوں خواہ لکھا کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حال و فیصلہ برطنت دینے جواب دعوی اقبال دعوی اور درخواست ازہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اہیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اہیل نگرانی و نظریاتی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ برداشت منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا اختیار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 13-12-2016

الع بد ————— واہ شد ————— الع بد

مقام پشاور کے لئے منظور ہے۔

Accepted and attested


نوٹ: اس وکالت نامہ کی ذمہ داری کا کامل قبول ہوگی

Handwritten notes on the left margin: "As a" and "بابت تحریر آگہ"

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 812 of 2015

Mr. Azmat Ullah Appellant

VERSUS


Government of Khyber Pakhtunkhwa & others
..... Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Appeal along with affidavit		1-4
2.	Copy of Letter and Office Order, appointment order	"A"	5-8
3.	Copy of the implementation of appointment	"B"	9
4.	Copy of illegal appointment of Class- IV	"C"	10
5.	Copy of judgment of Peshawar High Court / representation	"D"	11-19
6.	Wakalat Nama	In original	20

Dated 14/7/2015

Appellant
Through


Muhammad Anwar Khan
Advocate High Court,
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

H.W.F. Province
Service Tribunal
Diary No. 849
Dated 14-7-2015

Service Appeal No. 812 of 2015

Mr. Azmat Ullah Son of Rehman Ullah Chowkidar
Government Polytechnic Institute for Women Peshawar
..... Appellant

VERSUS

- 1- Government of Khyber Pakhtunkhwa through Secretary Technical Education and Manpower Training Khyber Paktunkhwa Peshawar.
- 2- Director General Technical Education & Manpower Training Benevolent Fund Building Peshawar.
- 3- Principal Government Commerce College, Hangu.
- 4- Principal Government Polytechnic Institute for Women Arbab Road, Peshawar
..... Respondents

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1973 THAT THE
APPELLANT MAY BE PAID HIS SALARIES
WITH EFFECT FROM 07/01/2013 TO
07/05/2013 AND ALSO BE ADJUSTED ON
NAIB QASID POST VIDE LETTER
NO.DGTE&MT/ADMN/22-17 (V) DATED
29/01/2015, OFFICE ORDER NO.DGTE &
MT/ESTT-II/A-176 DATED 07/05/2013 AND
ALSO ENTRIES MADE IN THE SERVICE
BOOK MAY BE CORRECTED.**

File to-53
14/7/15

Prayer in Appeal;

On acceptance of this appeal the appellant may be converted of his post from Chowkidar to Naib Qasid and may be paid the salaries with effect from 07/01/2013 to 07/05/2013 vide Letter No.DGTE & MT /Admn/ 22-17 (V) dated 29/01/2015, Office Order No.DGTE & MT/ESTT-II/A-176 DATED 07/05/2013.

Respectfully Sheweth;

The appellant submits as under;

- 1- That the father of the appellant was retired from Government servant as Naib Qasid on attaining the age of superannuation on 10/12/2008.*
- 2- That the appellant has been appointed by the respondent No.2 appointment order is attached as Annexure "A".*
- 3- That respondents filled the Naib Qasid post vacated by the appellant's father to their near and dear as clear from order No.DGTE & MT/ ESTT-11/ A-176 dated 13/03/2013 of Respondent No.2, as Annexure "B".*
- 4- That respondent No.3 acted against law, rule and natural justice and appointed illegally the Class-IV on the post of the appellant with effect from 07/01/2013 to 07/05/2013. (Copy the same is attached as Annexure "C").*
- 5- That the respondents ignored appellant to be paid with effect from 07/01/2013 to 07/05/2013. The appellant moved a departmental appeal for the payment of his salaries of four months i.e. with effect from 07/01/2013 to 07/05/2013 and also requested for conversion of post from*

Chowkidar to Naib Qasid i.e. to be appointed on his father's post and also requested to make entries in service book from the date of first appointment with effect from 07/01/2013 instead of 17/05/2013. Later on the appellant approached to the Hon'ble High Court, Peshawar the Hon'ble Peshawar High Court Peshawar treated the writ petition of appellant as representation / appeal and sent to the respondents but the same application / appeal uptill unheard. (Copies of departmental appeal are attached as Annexure "D").

6- *That aggrieved from the respondents, the appellant come to this Hon'ble Tribunal on the following grounds amongst others;*

GROUNDS:

A) *That the appellant was not treated in accordance with law and rules, thus acted in violation of the relevant law.*

B) *That the appellant has discriminated against and among other colleague.*

C) *That the omission and commission of the respondents is based on malafide.*

D) *That the impugned order of the respondent No.4 is illegal and unlawful.*

E) That any other ground may be adduced during course of arguments, with the kind permission of this Hon'ble Tribunal.

It is, therefore, prayed that on acceptance of this service appeal, appellant may graciously be paid the salaries w.e.f 07/01/2013 to 17/05/2013, entries in service book with effect from 07/01/2013 instead of 17/05/2013 and conversion of post from Chowkidar to Naib Qasid may be granted.

Any other relief which this august Tribunal deems appropriate under the circumstances of the case may also be awarded to the appellant.

Dated 29/06/2015

عزت اللہ
Appellant

Through

Muhammad Anwar Khan
Advocate High Court,
Peshawar

AFFIDAVIT

I, Mr. Azmat Ullah Son of Rehman Ullah Chowkidar Government Polytechnic Institute for Women Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

عزت اللہ

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

Annex A
5

OFFICE ORDER

In pursuance of the Government of Khyber Pakhtunkhwa Establishment & Administrative Department Notification No.SOR.VI(E&AD)1-3/2003/Vol.II dated 05-09-2006, Mr. Azmat Ullah S/O Rehman Ullah R/O Multallah Suleman Khel, Village Char Khana, Tehsil & District Peshawar is hereby appointed as Chowkidar (EPS-01) (under 25 % quota reserved for the children of Class-IV retired (on superannuation / invalidation) Govt: employees) plus usual allowances as admissible under the rules against the vacant post at Govt: College of Commerce, Hangu from the date of taking over charge. His appointment is also subject to the following terms and conditions: -

TERMS AND CONDITIONS:-

- 1- He will for all intents and purposes be Civil Servants except of purposes of pension or gratuity. In lieu of pension and gratuity, he will be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) along with the contributions made by government to his account in the said fund, in the prescribed manner.
- 2- He will have to join duty at his/her own expenses.
- 3- He will have to produce a certificate of Medical fitness from concerned Medical Superintendent / Civil Surgeon within a week time of the resumption of duty.
- 4- He/she will be governed by such rules and orders as may be prescribed and issued by the Government from time to time for the category of Government Servants to which he belongs.
- 5- His character and antecedents are verified good by the Police authorities.
- 6- In case he/she wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
- 7- He will have to perform any duty assigned to him/her in connection with the affairs of this department.

If he wishes to accept the post on the above terms and conditions, he/she should report for duty to the Principal concerned within 30 days of the issue of this order failing which the offer of appointment will be treated as cancelled.

DIRECTOR GENERAL

Endst: No. DGTE&MT/EsII-II/A-176/1104 (4-4)

Dated: 05/10/2013

Copy forwarded for information & necessary action to:-

1. The District Accounts Officer, Hangu.
2. The Deputy Director (Litigation), Local Directorate General.
3. The Principal, GCC, Hangu.
4. Mr. Azmat Ullah S/O Rehman Ullah R/O Multallah Suleman Khel, Village Char Khana, Tehsil & District Peshawar.
5. Office copy.

Received
Principal

05/10/2013

DEPUTY DIRECTOR (ADMN)

0333-9616967

A Herat



Phone: 091-9213027



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

OFFICE ORDER

Consequent upon his appointment as Chowkidar at Govt. Commerce College Hangu vide this Directorate General order Endst: No. DGTE&MT/Estt-II/A-176/104(1-4) dated 07-01-2013 and consequent upon the non-availability of vacant post of Chowkidar at the said Institute, the Competent Authority is pleased to adjust Mr. Azmatullah, S/O Rehmanullah R/O Muhallah Suleman Khel, Village Charkhana, Tehsil & District Peshawar against the vacant post of Chowkidar recently vacated due to retirement at Government Polytechnic Institute (W) Tehkal University Road Peshawar with immediate effect on the same terms and condition as laid down in order of his appointment issued vide office order as quoted above.

DIRECTOR GENERAL

Endst: No. DGTE&MT/Estt-II/A-176/104(1-4) Dated: 07/01/2013

Copy forwarded for information and necessary action: -

- 1- The Accountant General Khyber Pakhtunkhwa
- 2- The Principal GPI (W) Tehkal Road Peshawar
- 3- Mr. Azmatullah, S/O Rehmanullah R/O Muhallah Suleman Khel, Village Charkhana, Tehsil & District Peshawar.
- 4- Office copy.

Attest

DEPUTY DIRECTOR (ADMN)

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091-9211820



DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

No. DGTE&MT/Admin/22-17(v)/ 2015

Dated: 29/07/2015

To

The Principal,
Govt. Polytechnic Institute (W),
Arbab Road, Peshawar.

Stamp: DGTE & MT, Peshawar
Date: 20/1/15

Subject - WRIT PETITION No. 989/ 2014 TITLED AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER
PAKHTUNKHWA AND OTHERS.

I am directed to refer to the subject noted above and to enclose herewith a copy of the judgment announced dated 20-11-2014 by the Peshawar High Court, Peshawar in writ Petition No 989/ 2014 titled Azmatullah S/O Rehman Ullah presently working in your Institute. The Court has referred the case to this office to consider grievances of the petitioner on merit as per rules and policy. The grievances may be addressed if possible with regard to the following:

- 1- Release of pay for the period 07-01-2013 to 16-05-2013.
- 2- Conversion of his pos. from Chowkidar to Naib Qasid.

Kindly send your comments so that further action could be taken.

Mr. Tahir
Principal
Govt. Polytechnic Institute (W)
Arbab Road, Peshawar

(SHAMS-UL-HAQ)
DEPUTY DIRECTOR (ADMN).



OFFICE OF THE PRINCIPAL
GOVERNMENT POLYTECHNIC INSTITUTE
FOR WOMEN PESHAWAR

No. GPI (W)/Pesh/ Admn/5670

Dated 23/02/2015.

To

The Director General,
Technical Education & Manpower Trg,
Khyber Pukhtoon Khwa, Peshawar.

Subject:

WRIT PETITION NO.989/2014 TITELD AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER PAKHTUN
KHAWA AND OTHERS.

Reference your letter No.DGTE&MT/Admn/22-17 (v) dated 29-01-2015
on the subject noted above it is submitted that -

- 1- The concerned Chowkidar reported for duty at this College on 17-05-2013
and he has already been paid from 17-05-2013.
- 2- His Father got retired as Naib Qasid. So the vacant post of his father
should be given to him as there is no vacant post of Naib Qasid at this
college so far.

Nizakat Begum
(MRS. NIZAKAT BEGUM)
PRINCIPAL.

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

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NO. DGTE&MT/Estt-III/A-176/ 2045 (12)
Dated: Peshawar, the 13/3/2013

To ✓
The District Accounts Officer,
Hangu.

Subject: IMPLEMENTATION OF THE APPOINTMENT ORDERS OF CLASS-IV

I am directed to refer to the subject cited above and to state the following candidates have been appointed against the newly created vacant posts of Class-IV at GCC, Hangu on recommendation of the Departmental Selection Committee after observing all codal and legal formalities.

Sr.No.	Name of the Official / Father Name	Remarks
1 ✓	Mr. Awal Mir S/O Sher Mir	Appointed as Naib Qasid (On merit basis)
2	Mr. Kalimat Khan S/O Firdous Khan	Appointed as Naib Qasid (Under Employees Son's Quota)
3	Mr. Iindad Ullah S/O Abdul Khaliq	Appointed as Chowkidar (Under Employees Son's Quota)
4	Mr. Azmat Ullah S/O Rehman Ullah	Appointed as Chowkidar (Under Employees Son's Quota)

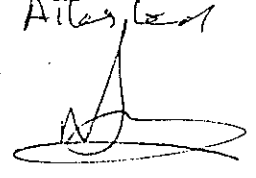
However, the Principal, Govt. Commerce College, Hangu has not accepted their arrival reports because he has made appointments at his own level without observing the prescribed criteria and their monthly salaries have already been started from your office.

Hence, it is requested that the salary bills of those persons appointed by the Principal concerned may kindly be held in abeyance till such time the issue is resolved by the competent authority.

Endst: No. DGTE&MT/Estt-III/A-176/

DEPUTY DIRECTOR (ADMN)
Dated:/2013

Copy for information and necessary action to the Principal GCC, Hangu with the advice to take similar action till the resolution of the issue.

Attas


DEPUTY DIRECTOR (ADMN)



GOVERNMENT OF KHYBER PAKHTUNKHWA
 DIRECTORATE GENERAL TECHNICAL EDUCATION
 & MANPOWER TRAINING, PESHAWAR
 BENEVOLENT FUND BUILDING PESHAWAR CANTT

NO. DGTE&MT/Estt-III/A-176/ 2045 (12)
 Dated Peshawar the 23/3/2013

To ✓
 The District Accounts Officer,
 Hangu.

Subject: IMPLEMENTATION OF THE APPOINTMENT ORDERS OF CLASS-IV

I am directed to refer to the subject cited above and to state the following candidates have been appointed against the newly created vacant posts of Class-IV at GCC, Hangu on recommendation of the Departmental Selection Committee after observing all codal and legal formalities.

Sr.No.	Name of the Official / Father Name	Remarks
1 ✓	Mr. Awal Mir S/O Sher Mir	Appointed as Naib Qasid (On merit basis)
2	Mr. Kalimat Khan S/O Firdous Khan	Appointed as Naib Qasid (Under Employees Son's Quota)
3	Mr. Imdad Ullah S/O Abdul Khaliq	Appointed as Chowkidar (Under Employees Son's Quota)
4	Mr. Azmat Ullah S/O Rehman Ullah	Appointed as Chowkidar (Under Employees Son's Quota)

However, the Principal, Govt. Commerce College, Hangu has not accepted their arrival reports because he has made appointments at his own level without observing the prescribed criteria and their monthly salaries have already been started from your office.

Hence, it is requested that the salary bills of those persons appointed by the Principal concerned may kindly be held in abeyance till such time the issue is resolved by the competent authority.

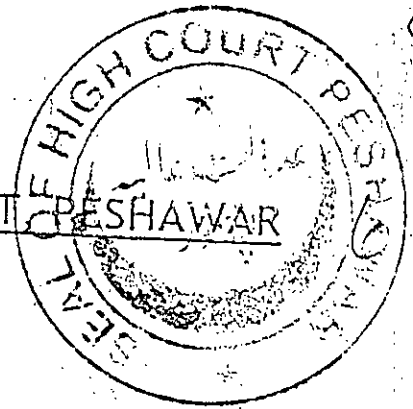
[Signature]
 DEPUTY DIRECTOR (ADMN)
 Dated...../2013

Endst: No. DGTE&MT/Estt-III/A-176/

Copy for information and necessary action to the Principal GCC, Hangu with the advice to take similar action till the resolution of the issue.

[Signature]

DEPUTY DIRECTOR (ADMN)



BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 989-P/2014

Mr. Azmat Ullah S/o Rehman Ullah R/o Villager Char Khana,
Muhallah Sulman Khel, Post Office GPO, Peshawar Cantt.

.....Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Technical Education and Man Power Training
2. Director General Technical Education Benevolent Fund Building Peshawar
3. Principal Government Commerce College, Hangu
4. The District Account Officer, Hangu.

.....Respondents

Handwritten: 1/3
3930/14

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

RESPECTFULLY SHEWETH,

Petitioner humbly submits as under:-

Facts giving rise to the present petition are as under:-

ATTESTED

EXAMINER
Peshawar High Court

19 DEC 2014

FILED TODAY

1. That the petitioner is permanent domiciled of District Peshawar, having been born in village Charkhana on 12/09/1999. (Copies of Identity Card and domicile are attached as Annexure A and B).

2. That the father of petitioner namely Rehman Ullah R/o Suleman Khel Village Charkhana Peshawar had been a Class I

26 MAR 2014

13

Employee / Servant who retired from Government service as Naib Qasid on attaining the age of Superannuation on 10/12/2008. (Copy of retirement order is attached as Annexure C).

- 3. That father of the petitioner served in the respondent department for sufficient long period and after attaining the age of 60 years retired with dignity.
- 4. That the petitioner was appointed as Chowkidar in BPS-01 under 25% Quota of retired Government servant's son quota against the post of Chowkidar at Govt. Commerce College, Hangu vide No. DG TEN ESTT II/A-176 / 104 (1-4) dated 07/01/2013. (Appointment orders copy is annexed as Annexure D).
- 5. That the petitioner reported for duty on 09/01/2013. The principal of the said college received the appointment order on 09/01/2013 and signed the same order as token of receipt.
- 6. That respondent No. 3 refused to accept the order of respondent No. 2 and the petitioner was not permitted by respondent No. 3 to perform his duty as Chowkidar. The petitioner remained in the college for two days. Where after, the petitioner reported back to the main office i.e. office of director General / Respondent No. 2.
- 7. That respondent No. 2 vide letter No. DGTE/MT/ESH-II/A-176/2045 (1-2) dated 13/03/2013 directed respondent No. 4 to stop the salary bill of illegally appointed class IV by respondent No. 3. (Copy of letter is attached as Annexure E).
- 8. That the petitioner on the direction of respondent No. 2 has regularly attended the office of respondent No. 2, till the

ATTESTED

EXAMINER
Peshawar High Court

19 DEC 2014

FILED TODAY

Deputy Registrar

26 MAR 2014

13 8

date respondent No. 2 issued another order of adjustment of the petitioner. (order copy as annexure F).

9. That petitioner approached to respondents for his redressed on their unlawful acts. But no action has been taken on the applications. (Application copies annexed as Annexure H and I).

10. That the petitioner invokes the constitutional jurisdiction of this Honourable Court for appropriate direction / writ to the respondents on the following grounds, inter alia:-

GROUND:-

A. That the petitioner, after his appointment vide letter / notification No. DGTE&MT/ESTT-II/A-176/104 (1-4) dated 07/01/2013 reported to the principal / respondent No. 3 on 09/01/2013 but due to the illegal act and respondent No. 3 was not handed over charge of the post and thus committed illegality and also deprived the petitioner of his guaranteed rights.

B. That the petitioner right from the date of his appointment (Annexure - D) has performed his duties.

ATTESTED
EXAMINER
Peshawar High Court

5 DEC 2014

C. That the father of the petitioner was Naib Qasid but the respondents have appointed the petitioner as Chowkidar, despite the fact that the post of Naib Qasid was available and the appointment of the petitioner against the post of Naib Qasid was guaranteed right.

FILED TODAY
Deputy Registrar
26 MAR 2014


D. That respondents have illegally deprived the petitioner of the salary w.e.f 07/01/2013 to 16/05/2013 despite the facts that the petitioner has performed his duties beside the petitioner in compliance of the order (Annexure D) also appeared before the Medical Superintendent service Hospital and was declared medically fit on 10/01/2013. (Copy of medical certificate is annexed as Annexure G).

E. Any additional ground with leave of the Honourable will be argued at the final hearing of the case.

It is therefore, humbly prayed that on acceptance of this writ petition, appropriate directions / writ may please be issued to the respondents for correction entries in the service book, payment of salary of the petitioner w.e.f. 07/01/2013 to 16/05/2013 and conversion of post from Chowkidar to Naib Qasid.

Any other order / remedy, not specifically asked, may also be granted in favour of petitioner.

Dated: 25-3-2014 Petitioner
Through


MUHAMMAD ANWAR KHAN PESHTUN GARHI
Advocate, High Court Peshawar.

TESTED
EXAMINER
Peshawar High Court
19 DEC 2014


CERTIFICATE:-

Certified that no such like writ petition has earlier been filed by the petitioner before this Honourable Court, as per instruction of my client.

FILED
26

LIST OF BOOKS:-

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Case law accordance with need.

ADVOCATE


BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 989-P/2014

Mr. Azmat Ullah

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Technical Education and Man Power Training and others

AFFIDAVIT

I, MUHAMMAD ANWAR KHAN Advocate, (Counsel for petitioner) do hereby solemnly affirm and declare as per information furnished by my client, that the contents of the accompanying writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated.

DEPONENT

No. 9668

Certified that the above was verified on solemnly affirmation before me in office, this 25th day of March 2014 at Peshawar who was identified by Self who is personally known to me:

Oath Commissioner
Peshawar High Court, Peshawar

25/3/14

Muhammad Anwar Khan Atty

ATTESTED
EXAMINER
Peshawar High Court
19 DEC 2014

FILED TODAY
Deputy Registrar
26 MAR 2014

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 989-P/2014

Mr. Azmat Ullah

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary Technical Education and Man Power Training and others

ADDRESSES OF PARTIES

PETITIONER:-

Mr. Azmat Ullah S/o Rehmat Ullah R/o Villager Char Khana, Muhallah Sulman Khel, Post Office GPO, Peshawar Cantt.

RESPONDENTS:-

1. Government of Khyber Pakhtunkhwa through Secretary Technical Education and Man Power Training
2. Director General Technical Education Benevolent Fund Building Peshawar
3. Principal Government Commerce College, Hangu
4. The District Account Officer, Hangu.

Dated: 25-3-2014

Petitioner

Through



MUHAMMAD ANWAR KHAN PESHTUN GARHI
Advocate, High Court Peshawar.

FILED TODAY
D. Registrar
26 MAR 2014

ATTESTED
EXAMINER
Peshawar High Court
18 DEC 2014

Amended D-17-13



Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

J U D G M E N T

Writ Petition No.989-P/2014
Date of hearing.....20.11.2014.

**Azmat Ullah versus Government of Khyber
Pakhtunkhwa & others**

Petitioner (s) by Mr. Muhammad Anwar Khan,
advocate.

IRSHAD QAISER, J:- Through the instant petition,
petitioner seeks intervention of this Court through
its constitutional jurisdiction and prayed that:-

*"On acceptance of this writ
petition, appropriate direction/ writ
may please be issued to the
respondents for correction entries
in the service book, payment of
salary of the petitioner w.e.f
07.01.2013 to 16.05.2013 and
conversion of post from Chowkidar
to Naib Qasid.*

2. Briefly but relevant facts giving rise to the
instant petition are that petitioner was appointed

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ATTESTED
EXAMINER
Peshawar High Court
27 DEC 2014

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as Chowkidar (BPS-01) on the basis of 25% Quota reserved for retired employees children at Government Commerce College, Hangu vide appointment order No. DGTE & MT / Estt-II / A - 176/ ,104 (1-4) dated 07.01.2013. In compliance of order of respondent No. 2, petitioner reported for duty on 09.01.2013 before respondent No. 3 but he refused to accept the order so issued by respondent No. 2 and the petitioner was not permitted to perform his duties as Chowkidar. Later on respondent No. 2 vide letter No. DGTE/ MT/ ESH-II/ A-176/2045(1-2) dated 13.03.2013 directed the respondent No. 4 to stop the salary of petitioner. For redressal of his grievances petitioner approached the respondent/department but in vain; hence, the instant constitution petition.

JH

3. Learned counsel for the petitioner at the very out set requested that he would be satisfied if this Court treats the instant petition as representation/appeal and sends it to the

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APPROVED
 17 DEC 2014

concerned authority for disposal in accordance with law. Thus in this view of the matter, without going into the merit of the case we would like to treat the present petition as representation/appeal and refer the same to the concerned authority to consider the grievance of the petitioner on merit as per rules and policy and his grievances is to be redressed, if possible, and pass an appropriate order within period of 30-days.

4. Accordingly this writ petition is disposed of in above term.

sd/- J. Ghoshal Gauriser - J
sd/- M. Younis Thakur - J

[Signature]
JUDGE.
[Signature]
JUDGE.

ANNOUNCED.
 20.11.2014.

CERTIFIED TO BE TRUE COPY
 Examiner
 Peshawar High Court, Peshawar
 Authorized Under Article 87 of
 The Qanun-u-Shahadaat Order 1988
 [19 DEC 2014]

7723

No.

Date of Presentation of Application 22-11-14

No of Pages 9P

Copying Fee

Urgent Fee

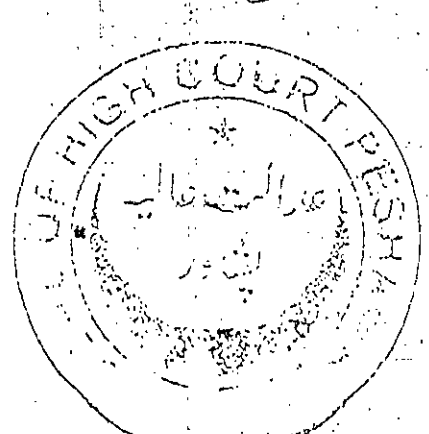
Total 18.00

Date of Preparation of Copy 19-12-14

Date Given For Delivery 19-12-14

Date of Delivery of Copy 19-12-14

Received By *[Signature]*



EXTRAORDINARY
GOVERNMENT



Annex-C
REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 11TH MARCH, 2015.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 11th March, 2015.

No. PA/Khyber Pakhtunkhwa/Bills/2015/6010.—The Khyber Pakhtunkhwa Technical Education and Vocational Training Authority Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 27th February, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 4th March, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA TECHNICAL EDUCATION AND VOCATIONAL TRAINING AUTHORITY ACT, 2015

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2015)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 11th March, 2015).

AN
ACT

to provide for the establishment of Technical Education and Vocational Training Authority in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the establishment of the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority in the Province of the Khyber Pakhtunkhwa to impart such technical education and vocational skills through institutions under its administrative and regulatory control, which is based on syllabi acceptable internationally, is accredited with national and international institutions, is responsive to the market needs and provides nationally and internationally acceptable hands on experience to its trainees for the purpose hereinafter appearing;

It is hereby enacted as follows:

1. **Short title, application and commencement.** ---(1) This Act may be called the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority Act, 2015.

(2) It shall apply to all the public sector technical institutions and vocational training centers except colleges of commerce, business administration or management sciences, in the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once and shall be deemed to have been taken with effect from 15th December, 2014.

2. **Definitions.** ---In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "Board" means the Board of Directors constituted under section 5 of this Act;
- (b) "Chairperson" means the Chairperson of the Board and of the Institute Management Committee, as the case may be;
- (c) "Vice Chairperson" means Vice Chairperson of the Board;
- (d) "Directorate" means the Directorate General of Technical Education and Manpower Training Khyber Pakhtunkhwa but does not include the Wing dealing with the commerce education;
- (e) "Fund" means the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority's Fund established under section 13 of this Act;
- (f) "Government" means the Government of the Khyber Pakhtunkhwa;
- (g) "Managing Director" means the Managing Director of the Board;
- (h) "member" means a member of the Board or Institute Management Committee, as the case may be;
- (i) "prescribed" means prescribed by the rules and regulations;
- (j) "Province" means the Province of the Khyber Pakhtunkhwa;
- (k) "regulations" mean regulations made under this Act;
- (l) "rules" mean rules made under this Act; and
- (m) "Technical institutions" mean a college, an institute or a centre engaged in technical education, vocational or skills training except colleges of commerce, business administration or management sciences, in public sector in the Province.

3. Establishment of the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority.—(1) As soon as may be, after the commencement of this Act, Government shall establish an Authority to be known as the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (hereinafter referred to as the "TEVTA"), to impart such technical education and vocational skills through institutions under its administrative and regulatory control, which is based on syllabi acceptable nationally and internationally, is accredited with national and International institutions, is responsive to the market needs and provides nationally and internationally acceptable hands on experience to its trainees.

(2) Soon after the notification of the establishment of TEVTA in the official Gazette, by the Industries, Commerce and Technical Education Department, TEVTA shall, except colleges of commerce, business administration or management sciences, take over the administrative and regulatory control over all colleges, institutes and centers by whatever name called, imparting technical education and vocational trainings and which are working under the administrative and regulatory control of Directorate, immediately before existence of TEVTA.

(3) The TEVTA shall be a body corporate having perpetual succession, and a common seal with the power to acquire and dispose of property both movable and immovable and shall by the said name sue and be sued:

Provided that the movable and immovable property owned by the TEVTA shall not be sold, leased out or otherwise dispensed without prior approval of the Government.

(4) The main office of the TEVTA shall be at Peshawar and shall have such other regional offices at such places in the Province as Government may deem appropriate.

(5) The Board in discharging its function shall be guided by such direction as Government may from time to time give and shall be accountable to Government for its performance.

4. Status of the Directorate and its employees.—(1) On commencement of this Act, the Directorate, shall ceased to be an Attached Department of Industries, Commerce and Technical Education Department of the Government, and shall be deemed to be the head office the TEVTA under the control of TEVTA. The Commerce Wing of the Directorate shall be attached with Higher Education Department of Government for the disposal of its official business.

(2) The employees working in the colleges, institutions or centers taken over by the TEVTA under sub-section (2) of section 3 shall continue to work in the said colleges, institutions or centers, as the case may be.

(3) On commencement of this Act, all the civil servants serving in Directorate or in the colleges, institutions or centers taken over by the TEVTA, shall be given an option either to continue to serve as civil servant or may opt for the employment of TEVTA. The option shall be exercised within a period of ninety days after the commencement of this Act. Those employees, who do not opt for their absorption in the TEVTA, shall continue to be governed and regulated in accordance with Civil Servants Act, 1973 and rules and regulations thereunder.

(4) Subject to sub-section (5), the service matters of TEVTA employees recruited under TEVTA Act, 2015 shall be regulated in accordance with regulations made under this Act, whereas the service matters of the existing Civil Servants in TEVTA shall be governed under the Civil Servant Act, 1973 and rules and regulations framed thereunder;

(5) Notwithstanding anything contained in any other law for the time being in force, the powers of transfer and posting of all the employees whether recruited under this Act or opted for Civil Service under sub-section (3), in the head office and in various institutions or centers shall be with Board provided that the Board may delegate its power under this section to such class of officer as may be prescribed by regulations.

(6) All assets and liabilities including furniture, fixture, machinery, vehicles etc. of the Directorate shall be transferred to TEVTA and ownership of such assets shall vest in the Government:

Provided that any assets which have been procured for colleges of commerce, business administration or management sciences, shall remained the assets of the said institutions.

5. **Board of Directors.**—(1) The administration, management and general control of the TEVTA and its affairs shall vest in the Board of Directors, which may exercise all powers and do all acts and things to further the objectives of the TEVTA.

(2) Government shall by notification in the official Gazette, constitute the Board of Directors, which shall consist of a Chairperson, a Vice Chairperson and such other members as provided in sub-section (5).

(3) The Chief Minister Khyber Pakhtunkhwa shall be the Chairperson of the Board

(4) The Vice Chairperson shall be appointed by Government, from private sector having a graduate degree from a recognized university in the field of engineering/ technology having twenty years active industrial management experience and shall not be less than forty-five (45) years and not more than sixty-five (65) years of age.

(5) The other members shall be:

- | | | |
|-----|--|---------|
| (a) | Secretaries to Government, Industries, Commerce and Technical Education Department, Finance Department, Planning and Development Department and Labour Department; | Members |
| (b) | Chairman, Standing Committee on Technical Education; | Member |
| (c) | Vice-Chancellor, Technology University, Khyber Pakhtunkhwa; | Member |
| (d) | Chairperson of the Provincial Commission on the Status of Women; | Member |
| (e) | President, Women Chamber of Commerce, Peshawar; | Member |
| (f) | a representative of Federation of Pakistan Chambers of Commerce and Industry; | Member |

(g)	a representative of the Khyber Pakhtunkhwa Chamber of Commerce and Industry;	Member
(h)	a representative of the Industrialist Association, Peshawar;	
(i)	a representative from the Skill Development Council, Peshawar;	Member
(j)	a representative from the Directorate General of Bureau of Immigration and Overseas Employment;	Member
(k)	a representative of Private Sector's Technical and Vocational Training Institutions;	Member
(l)	a representative of Large Scale Manufacturers;	Member
(m)	a representative of All Pakistan Contractor Association from Categories A, B and C of contractors as defined by Pakistan Engineering Council;	Member
(n)	a representative of the Gadoon Industrial Estate Association;	Member
(o)	a representative of the Industrialist Association, Industrial Estate, Hattar;	Member
(p)	President Industrial Association, D.I.Khan;	Member
(q)	President Small Industries Estate Association, Abbotabad;	Member
(r)	a representative of Overseas Employment Promoters Agencies of the Province;	Member
(s)	a Chairperson of the Institute Management Committee to be nominated by Board; and	Member
(t)	Principal, Government Technical Institution to be nominated by TEVTA;	Member
(u)	Managing Director.	Member-cum-Secretary

(6) The members under the clauses (k) to (r) of sub-section (5) shall be nominated by their respective registered associations. In case of more than one registered associations of an organization, Government shall nominate the member.

(7) The term of office of the Vice Chairperson and members at clauses (k) to (t) of the sub-section (5) shall be three years; provided that one third of the members, other than the Vice Chairperson, shall cease to be members after completion of two years, in whose place new members shall be appointed for a period of three years in the same manner as was applied in the case of outgoing members. The names of such outgoing members shall be decided by a draw.

(8) The Vice Chairperson shall cease to hold office on attaining the age of sixty-five (65) years or expiry of the term whichever is earlier.

(9) The Vice Chairperson and members at clauses (k) to (r) of sub-section (5) may resign from his office by tendering his resignation to Government.

(10) Government may remove the Vice Chairperson and members at clauses (k) to (r) of sub-section (5) on the grounds of inefficiency or misconduct after giving him an opportunity of being heard.

(11) Any vacancy caused due to death, resignation or removal of the Vice Chairperson and members at clauses (k) to (r) of sub-section (5) shall be filled in by Government through appointment of another person as Vice Chairperson and such appointee shall, hold such office for the unexpired term of his predecessor.

(12) The Vice Chairperson shall assist the Board in adopting a vision for quality improvements in technical education and vocational training in addition to help the TEVTA in strategizing options for self sustainability, linkages with the market for training needs assessment, gainful employability of skilled workforce and optimal utilization of the resources existing with the TEVTA.

6. Meeting of the Board.—(1) The meeting of the Board shall be regulated in accordance with procedure as may be prescribed by regulations.

(2) Meetings of the Board shall be held as and when required, but once at least in a quarter, at the time and place as the Chairperson may determine.

(3) The Chairperson shall preside over a meeting of the Board and in the absence of the Chairperson, the Vice Chairperson shall preside over meeting of the Board.

(4) Presence of fourteen members of the Board shall constitute the quorum for a meeting.

(5) The decisions of the Board shall be taken by the majority of the members present and, in case of a tie, the person presiding over the meeting shall have a casting vote. All orders, determinations and decisions of the Board shall be reduced to writing together with a record of the discussions held in the meeting.

(6) The Board may co-opt members belonging to the relevant expertise in relation to any matter under consideration of the Board, who may take part in discussion, but shall not be entitled to vote for or against the matter under discussion.

(7) In case a member absent from three consecutive meetings of the Board without its leave, he shall cease to remain a member of the Board.

(8) All members shall attend meeting of the Board in person.

7. Powers and functions of the Board.—Subject to section 3, the Board shall exercise and perform the following powers and functions:

- (a) set up new institutions to offer such subjects or courses as demanded by the market needs;
- (b) develop reliable mechanism for ascertaining need of the national and international market for specific skills to be imparted through institutions under administrative and regulatory control of the TEVTA;
- (c) take steps to up-grade teaching abilities, skills and pedagogy of teaching staff;
- (d) develop mechanism to up-grade teaching machinery or equipment to the extent required by trainings of internationally acceptable standards;
- (e) enter into joint venture under the Public Private Partnerships Act, 2014, for promoting Public Private Partnership;
- (f) promote entrepreneurship and self employment;
- (g) take steps to sale out the products prepared and services rendered for income generation for the improvement of the concerned institutions and centers;
- (h) for the purpose of attaining financial independence, the Board may out-source any of its services or institute in such a manner, as may be prescribed by the rules made under this Act;
- (i) create objective linkages with Institute Management Committees for the purpose of market oriented quality trainings;
- (j) allocate its funds on annual basis for infrastructure development and other required incidental expenditure in furtherance to the objectives of improving quality of technical education and gainful employment of the trained workforce;
- (k) take measures, including the allocation of funds, for the establishment of scholarships and stipends for students and training of teachers abroad and within the country;
- (l) set up such administrative and technical committees as it may deem appropriate for attainment of objective of this Act;
- (m) regulate quality control for implementation of skills standards, syllabi, trade testing and certification of vocational and technical training institutions;
- (n) approve the development projects up-to a ceiling fixed and notified by the Government;
- (o) to establish institution-industry linkages;
- (p) to generate funds by introducing or arranging special courses by opening service outlets;

- (q) co-ordinate with Non Governmental Organizations and other stakeholders wherever the need occurs;
- (r) exercise and perform powers and functions which are needed to improve quality of technical education and vocational training for gainful employment of trained youth in accordance with rules; and
- (s) exercise and perform such other powers and functions in the field of Technical Education and Vocational Training as may be assigned by Government.

8. Managing Director.—(1) Government shall post a Government Officer, not below the rank of Grade 20, to act as the Managing Director of the Board for a term not exceeding three years on such terms and conditions as the Board may determine.

(2) Notwithstanding a change in the term of his office by an order of the Government, the Managing Director shall continue to hold office till his successor enters upon office.

(3) The Managing Director shall perform such functions as may be prescribed or assigned to him by the Board and shall act as the Principal Accounting Officer of the Board.

(4) The Managing Director, while acting as Secretary to the Board, shall be responsible for:

- (i) convening of meetings of the Board with the approval of Chairperson;
- (ii) the preparation of the agenda, working paper and its distribution among the members of Board;
- (iii) recording the minutes of each meeting of the Board and its prompt dispatch to the concerned quarters;
- (iv) implement decisions of the board.
- (v) proper follow-up of all matters connected with or arising out of a meeting of the Board; and
- (vi) monitoring and evaluation of the progress of projects approved by the Board.

9. Institute Management Committees.—(1) With a view to enhance effectiveness of technical and vocational institutions and to make optimal use of the available resources, there shall be Management Committees at the Institute or College or Centre level, called Institute Management Committees, College Management Committees or Centre Management Committees, as the case may be. These Institute Management Committees shall consist of a Chairperson and such other official and non-official members as the Board may determine.

(2) The non-official members may have not less than five years of active industrial management experience.

(3) The Chairperson shall be elected from the non-official members by the members from amongst themselves by vote of majority.

(4) First meeting of the Board shall be chaired by the Principal of the concerned college, Institute or Center, as the case may be.

10. Functions of the Institute Management Committee. ---Management Committees shall be responsible for the following functions for the concerned Institution:

- (a) to identify the local employment opportunities or requirements of skilled labor force;
- (b) to prepare annual training plan based on identified training needs;
- (c) to ensure optimum utilization of the available facilities and monitor training costs;
- (d) to prepare annual budget estimates of the college or institute or centre concerned;
- (e) to reflect on effectiveness of the prescribed training courses and suggest remedial actions;
- (f) to establish institution - industry linkages;
- (g) undertake any other function as may be prescribed by the Board; and
- (h) to develop a sustainable and effective mechanism by which inputs on above mentioned functions is communicated to the Board for its consideration wherever relevant.

11. Meeting of the Management Committee.---(1) The Committee shall meet as per requirement but not later than at least once in a month.

(2) The Committee shall meet at such time and place as determined by the Chairperson.

(3) In case Chairperson is not available, members present for a meeting shall elect one of the present members to preside over the proceedings of that meeting.

(4) Presence of at least 5 members shall constitute quorum for the meeting.

(5) All decision of a meeting shall be made by majority of votes. In the event of equality of votes, the person presiding meeting shall have a second of casting vote.

(6) All administrative and financial matters of the Institute shall be the responsibility of the principal concerned.

12. Delegation of powers. ---The Board may delegate any of its powers, duties or functions to any of its member or officer in such a manner, extent and period as may be prescribed by regulation.

13. **Fund.**---(1) There shall be a Fund to be known as the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority's Fund, which shall vest in the TEVTA and to which shall be credited all moneys received by the Authority, including one-line budget from the Provincial Government, other than salaries and allowances of employees, who opted for civil service under sub-section (3) of section 4 of this Act.

(2) The Fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed by the rules.

(3) The Fund shall be utilized for the purpose of the TEVTA and shall be regulated under the overall supervision of the Board in such a manner as may be prescribed by regulations.

14. **Audit and Accounts.**---(1) The Fund shall be maintained in the scheduled bank and shall be operated in accordance with the direction of the Board.

(2) Fund shall be kept in a separate bank account specifically opened for the purpose.

(3) The Board may invest money not required for immediate expenditure in Government Saving Scheme or in fixed deposit with banks approved by Government.

(4) The bank account shall be operated jointly by the Managing Director and another officer of the head office, not below the rank of BS-19 officer to be nominated by the Board.

(5) The accounts of the Fund shall be maintained in such form and in such manner as may be prescribed.

(6) The Managing Director shall prepare Annual Account Statement of the Fund within thirty (30) days of closing of the respective financial year.

(7) Accounts of the Fund shall be audited by the Auditor General of Pakistan.

15. **Annual reports.**---The Board shall within three months of the close of the financial year submit to the Government an annual report which shall inter-alia focus on the following:

(a) financial status of the TEVTA;

(b) key functions which have been undertaken during the period under consideration; and

(c) challenges faced during the course of activities and remedial actions taken in furtherance to attainment of objectives stated under this Act.

16. **Appointment of Officers, etc.**---The Board may employ officers, advisors, consultants and other employees in service of TEVTA on contract and regular basis, as may be necessary for the efficient administration of TEVTA, in such manners and on such terms and conditions, as may be prescribed.

17. **Public servants.**---All employees recruited by the TEVTA shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Ordinance No. XLV of 1860).

18. Assistance to TEVTA.—The Khyber Pakhtunkhwa Board of Technical Education and the Khyber Pakhtunkhwa Trade Testing Board shall continue to exercise its functions under the relevant laws and shall provide all assistance to TEVTA under the provisions of this Act.
19. Indemnity.—No suit, prosecution or other legal proceedings shall lie against any person exercising the powers, or for anything done in good faith or intended to be done, under this Act.
20. Power to make rules. ---Government may make rules for carrying out the purposes of this Act.
21. Power to make regulations. ---The Board may, make regulations, not inconsistent with this Act and the rules, for carrying out the purposes of this Act.
22. Removal of difficulties.—If any difficulty arises in giving effect to any provision of this Act, Government may make such order, not inconsistent with the provision of this Act, as may be necessary for removing the difficulty.
23. Repeal and savings--- (1) The Khyber Pakhtunkhwa Technical Education and Vocational Training Agency Ordinance, 2002 (Khyber Pakhtunkhwa Ordinance No. XXXIII of 2002) is hereby repealed.
- (2) Notwithstanding the repeal of the aforesaid Act, anything done, action taken, rules made, notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued under this Act and shall have effect accordingly.

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

**(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa**

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR

Appeal No.812/2015

Azmatullah,APPELLANT.

VERSUS


Government of Khyber Pakhtunkhwa through Secretary Industries & Technical Education and others.....RESPONDENTS

Application for impleadment of Managing Director KP TEVTA as respondent

Respectfully Sheweth,

- 1) That the above noted case is fixed before this august court on 15.6.2016.
- 2) That the Khyber Pakhtunkhwa Directorate General Technical Education & Manpower Training has by law been converted into the head office of and brought under the control, of Khyber Pakhtunkhwa Technical Education & Vocational Training Authority (KP-TEVTA) with Managing Director as its administrative head.
- 3) That the Managing Director KP-TEVTA is not respondent in the case.
- 4) That the promotion / posting transfer policy has been changed and presently all the promotion cases will be processed under the KP-TEVTA Act:2015.

Keeping in view of the above, It is therefore, requested that the appellant may be directed to file amended appeal impleading Managing Director KP-TEVTA, as respondent instead of Director General Technical Education (Respondent No.2)and also request to the authority KP-TEVTA, under the existing policy.


Assistant Director (Litigation)
KP-TEVTA
15/6/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 812/2015

Mr. Azmatullah.....APPELLANT.

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Industries,
Technical Education & Manpower Training K. P. Peshawar and others.

.....RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO. ~~3,2~~ 1.

no. 2

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- A- That the appeal is badly time barred.
- B- That the appellant has no cause of action.
- C- That the Directorate General of Technical Education and Manpower Training Khyber Pakhtunkhwa has, by law, been converted into the head office, and brought under the control of, Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K P TEVTA), with Managing Director as its administrative head. The name of respondent No. 2, therefore, needs to be changed in the writ petition accordingly.


ON FACTS

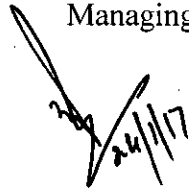
- 1) Para 1 of the appeal is correct.
- 2) Para 2 of the appeal is correct.
- 3) Regarding para 3 of the appeal is correct as per record.
- 4) Para 4 of the appeal is incorrect with further clarification that Department has been acted under the law and rules and legally appointed the class-iv against the post with effect from 7.1.2013 to 10.5.2013.
- 5) Regarding para 5 of the appeal is incorrect with further clarification that, respondent department was entertain the departmental appeal of the appellant vide letter dated 29~~01~~2015 at annexure-A, but the principal GPI (W) Peshawar in her reply stated that the appellant reported for duty on 17.5.2013 and he had been paid from 17.5.2013 at annexure-B.
- 6) Para 6 of the appeal need no comments.

G R O U N D S

- a) Para "a" of the appeal is incorrect. The appellant was treated in accordance with law & rules and the department did not act in violation of the relevant law.
- b) Para "b" of the appeal as explain in above paras.
- c) Para "c" of the appeal is incorrect.
- d) Para "d" of the appeal is incorrect with the further clarification that the impugned order of the respondent is legal and law full.
- e) Para "e" of the appeal need no comments.

It is, therefore, requested that the appeal may be dismissed with cost.

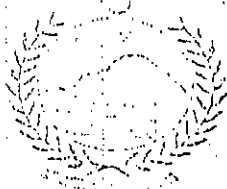

RESPONDENT NO.2)
Managing Director KP-TEVTA, Peshawar.


24/1/17

Annex-A

Annexure A

091-9211820



DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

No. DGTE&MT/Admin/22-17(v)/

Dated: 22/07/2015

To

The Principal,
Govt. Polytechnic Institute (W),
Arbab Road, Peshawar.

Handwritten notes and stamps:
14/3/15
22/7/15

Subject: - WRIT PETITION No. 989/ 2014 TITLED AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER
PAKHTUNKHWA AND OTHERS.

I am directed to refer to the subject noted above and to enclose
herewith a copy of the judgment announced dated 20-11-2014 by the Peshawar
High Court, Peshawar in Writ Petition No. 989/ 2014 titled Azmatullah S/O
Rehman Ullah presently working in your Institute. The Court has referred the
case to this office to consider grievances of the petitioner on merit as per rules
and policy. The grievances may be addressed if possible with regard to the
following:

1. Release of pay for the period 07-01-2013 to 10-05-2013.
2. Reversion of his post from Chowkidar to Naib Qasid.

Kindly send your comments so that further action could be taken.

Mr. Tahir

(SHAMS-UL-HAQ)
DEPUTY DIRECTOR (ADMN).

Muhammad Rasool
Muhammad Rasool (M.A., LL.B)
Assistant Director (Legal)
Technical Education & Vocational
Training Authority, KPK Peshawar

Annex - B

OFFICE OF THE PRINCIPAL
GOVERNMENT POLYTECHNIC INSTITUTE
FOR WOMEN PESHAWAR



No. GPI (W)/Pesh/ Admn/3670

Dated 23 / 02 / 2015.

To

The Director General,
Technical Education & Manpower Trg,
Khyber Pukhtoon Khwa, Peshawar.

Subject: WRIT PETITION NO.989/2014 TITELD AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER PAKHTUN
KHAWA AND OTHERS.

Reference your letter No.DGTE&MT/Admn/22-17 (v) dated 29-01-2015
on the subject noted above it is submitted that -

- 1- The concerned Chowkidar reported for duty at this College on 17-05-2013
and he has already been paid from 17-05-2013.
- 2- His Father got retired as Naib Qasid. So the vacant post of his father
should be given to him as there is no vacant post of Naib Qasid at this
college so far.

Muhammad Rasool

Muhammad Rasool (M.A, L.L.B)
Assistant Director (Legal)
Technical Education & Vocational
Training Authority, KPK Peshawar

Nizakat Begum
(MRS. NIZAKAT BEGUM)
PRINCIPAL.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 812/2015

Mr. Azmatullah.....APPELLANT.

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Industries,
Technical Education & Manpower Training K. P. Peshawar and others.

.....RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO. 2

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- A- That the appeal is badly time barred.
B- That the appellant has no cause of action.
C- That the Directorate General of Technical Education and Manpower Training Khyber Pakhtunkhwa has, by law, been converted into the head office, and brought under the control of, Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K P TEVTA), with Managing Director as its administrative head. The name of respondent No. 2, therefore, needs to be changed in the writ petition accordingly.


ON FACTS

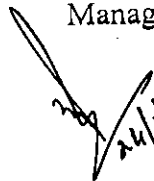
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- 6) Para 6 of the appeal need no comments.

G R O U N D S

- a) Para "a" of the appeal is incorrect. The appellant was treated in accordance with law & rules and the department did not act in violation of the relevant law.
- b) Para "b" of the appeal as explain in above paras.
- c) Para "c" of the appeal is incorrect.
- d) Para "d" of the appeal is incorrect with the further clarification that the impugned order of the respondent is legal and law full.
- e) Para "e" of the appeal need no comments.

It is, therefore, requested that the appeal may be dismissed with cost.


RESPONDENT NO.2)
Managing Director KP-TEVTA, Peshawar.


24/1/17

Annex "A" Ammesur A

091-9211820



DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

No. DGTE&MT/Admn/22-17(v)/ 2015

Dated: 21/07/2015

To

The Principal,
Govt. Polytechnic Institute (W),
Arbab Road, Peshawar.

Handwritten notes and stamps, including a date stamp 20/1/15.

Subject: WRIT PETITION No. 989/ 2014 TITLED AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER
PAKHTUNKHWA AND OTHERS.

I am directed to refer to the subject noted above and to enclose herewith a copy of the judgment announced dated 20-11-2014 by the Peshawar High Court, Peshawar in writ Petition No. 989/ 2014 titled Azmatullah S/O Rehman Ullah presently working in your Institute. The Court has referred the case to this office to consider grievances of the petitioner on merit as per rules and policy. The grievances may be addressed if possible with regard to the following:

- 1- Release of pay for the period 07-01-2013 to 10-05-2013.
- 2- Conversion of his post from Chowkidar to Naib Qasid.

Kindly send your comments so that further action could be taken.

Handwritten signature and notes on the left side of the page.

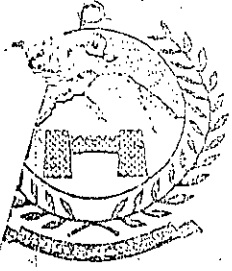
(SHAMS-UL-HAQ)
DEPUTY-DIRECTOR (ADMN).

Handwritten signature of Muhammad Rasool.

Muhammad Rasool (M.A, L.L.B)
Assistant Director (Legal)
Technical Education & Vocational
Training Authority, KPK Peshawar

Annex-B

OFFICE OF THE PRINCIPAL
GOVERNMENT POLYTECHNIC INSTITUTE
FOR WOMEN PESHAWAR



No. GPI (W)/Pesh/Admn/5670

Dated 23/02/2015.

To

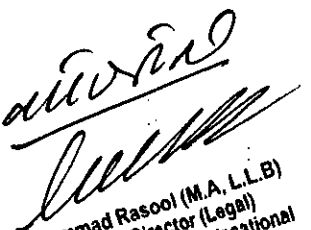
The Director General,
Technical Education & Manpower Trg,
Khyber Pukhtoon Khwa, Peshawar.


Subject:

WRIT PETITION NO.989/2014 TITLED AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER PAKHTUN
KHAWA AND OTHERS.

Reference your letter No.DGTE&MT/Admn/22-17 (v) dated 29-01-2015
on the subject noted above it is submitted that -

- 1- The concerned Chowkidar reported for duty at this College on 17-05-2013
and he has already been paid from 17-05-2013.
- 2- His Father got retired as Naib Qasid. So the vacant post of his father
should be given to him as there is no vacant post of Naib Qasid at this
college so far.


Muhammad Rasool (M.A, L.L.B)
Assistant Director (Legal)
Technical Education & Vocational
Training Authority, KPK Peshawar


(MRS. NIZAKAT BEGUM)
PRINCIPAL.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Amended service appeal no ____ 2016

In

Service appeal No.812/2016

Mr: Azmatullah

versus

Govt of KPK and Others

**APPLICATION FROM SUBMITTING CORRECT
ADDRESS OF RESPONDENTS NO.3**

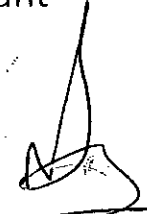
Respectfully Sheweth

1. That the above titled appeal is fixed for hearing today on dated 1/3/2017.
2. That due to separation of commerce and industries department. The Respondent No.3 address and designation has been changed. The correct address of the Respondents is as under:
Director General of commerce Education Management Sciences near Ranu Ghari Chamkani Chowk GT Road Peshawar.

Date: 1/03/2017


Applicant

Through


Muhammad Anwar Khan
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 812/2016

Mr. Azmatullah **APPELLANT**

· VERSUS

Government of Khyber Pakhtunkhwa through Secretary Higher Education Khyber
Pakhtunkhwa and others..... **RESPONDENTS**

AFFIDAVIT

I, Naeem Gul, Assistant Director (Litigation), Higher Education Department Government of Khyber Pakhtunkhwa, do hereby declare and affirm on oath, that the contents of the Para-wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Identified by

Additional Advocate General
Khyber Pakhtunkhwa



Deponent

CNIC No. 17301- 5007645-1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 812/2016

Mr. Azmatullah. APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Higher Education Khyber Pakhtunkhwa and others.....RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO. 3

PRELIMINARY OBJECTIONS:

- A- That the appeal is badly time barred.
- B- That the appellant has got no locus standi.
- C- That the appeal is incompetent in its present form.
- D- That the appellant has not come to this Honorable Tribunal with clean hands.
- E- That the appeal suffers from laches.
- F- That the appellant has no cause of action.

Respectfully Sheweth

- 1) Pertains to record. Needs no comments.
- 2) It is incorrect. The appellant was appointed by the Director General Technical Education and Manpower Training now Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (KP-TEVTA) and was posted in Government Polytechnic Institute for Women Peshawar. The appellant was not appointed by the Respondent No.1 and 3 nor did the appellant perform any duty with the Respondent No.1 and 3.
- 3) It is incorrect in view of the reply given in para-1 above.
- 4) It is incorrect in view of the reply given in para-1 above
- 5) It is incorrect with further clarification that the appellant reported for duty in Government Polytechnic Institute (W) Hayatabad Peshawar on 17.05.2013 and he has been paid from 17.05.2013. It is further clarified that the appellant has not performed any duty with the Respondent No.1, 3 and 7. (Annexure-A)
- 6) It is incorrect in view of the aforementioned comprehensive reply.
- 7) Needs no comments.

Grounds:

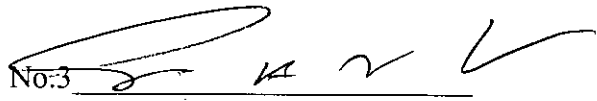
- A. Para "a" of the appeal is incorrect. The appellant was treated in accordance with law & rules and the department did not act in violation of the relevant law.
- B. As explained in the above paras.

- C. Para "c" of the appeal is incorrect.
- D. Para pertains to respondent No.8.
- E. Needs no comments.

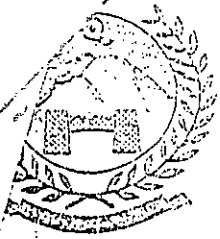
It is, therefore, requested that the appeal may be dismissed with cost.

RESPONDENT

No:3


Director General Commerce Education & Management
Sciences Khyber Pakhtunkhwa Peshawar.

Annex "A" (A)



OFFICE OF THE PRINCIPAL
GOVERNMENT POLYTECHNIC INSTITUTE
FOR WOMEN PESHAWAR

No. GPI (W)/Pesh/ Admn/5670

Dated 23/02/2015.

To

The Director General,
Technical Education & Manpower Trg,
Khyber Pukhtoon Khwa, Peshawar.

Subject:

WRIT PETITION NO.989/2014 TITEL,D AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER PAKHTUN
KHAWA AND OTHERS.

Reference your letter No.DGTE&MT/Admn/22-17 (v) dated 29-01-2015
on the subject noted above it is submitted that -

- 1- The concerned Chowkidar reported for duty at this College on 17-05-2013
and he has already been paid from 17-05-2013.
- 2- His Father got retired as Naib Qasid. So the vacant post of his father
should be given to him as there is no vacant post of Naib Qasid at this
college so far.

Muhammad Rasool (M.A. LL.B)
Assistant Director (Legal)
Technical Education & Vocational
Training Authority, KPK Peshawar

(MRS. NIZAKAT BEGUM)
PRINCIPAL.

Acknowledgement

It is certified that Rs. 300/- (Three hundred only) received from defendant NOS Accountant - General Wazir Pabhtomkhwa Fort Road Peshawar Cantt. Now in the case titled ~~by~~ Azmatullah v/s Secy Higher Education and others Peshawar vide Case NO 812/2016 ~~Azmat~~
18/9/2017

Respondent no 5
only

~~φ~~
21/9/17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 812/2016

Mr. Azmatullah..... **APPELLANT**

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Higher Education Khyber Pakhtunkhwa and others..... **RESPONDENTS**

REPLY ON BEHALF OF RESPONDENT NO. 3

PRELIMINARY OBJECTIONS:

- A- That the appeal is badly time barred.
- B- That the appellant has got no locus standi.
- C- That the appeal is incompetent in its present form.
- D- That the appellant has not come to this Honorable Tribunal with clean hands.
- E- That the appeal suffers from laches.
- F- That the appellant has no cause of action.

Respectfully Sheweth

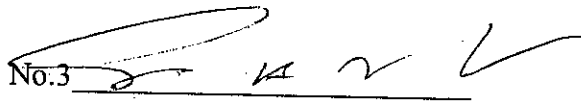
- 1) Pertains to record. Needs no comments.
- 2) It is incorrect. The appellant was appointed by the Director General Technical Education and Manpower Training now Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (KP-TEVTA) and was posted in Government Polytechnic Institute for Women Peshawar. The appellant was not appointed by the Respondent No.1 and 3 nor did the appellant perform any duty with the Respondent No.1 and 3.
- 3) It is incorrect in view of the reply given in para-1 above.
- 4) It is incorrect in view of the reply given in para-1 above
- 5) It is incorrect with further clarification that the appellant reported for duty in Government Polytechnic Institute (W) Hayatabad Peshawar on 17.05.2013 and he has been paid from 17.05.2013. It is further clarified that the appellant has not performed any duty with the Respondent No.1, 3 and 7. (**Annexure-A**).
- 6) It is incorrect in view of the aforementioned comprehensive reply.
- 7) Needs no comments.

Grounds:

- A. Para "a" of the appeal is incorrect. The appellant was treated in accordance with law & rules and the department did not act in violation of the relevant law.
- B. As explained in the above paras.

- C. Para "c" of the appeal is incorrect.
- D. Para pertains to respondent No.8.
- E. Needs no comments.

It is, therefore, requested that the appeal may be dismiss with cost.

RESPONDENT No.3 
Director General Commerce Education & Management
Sciences Khyber Pakhtunkhwa Peshawar.



OFFICE OF THE PRINCIPAL
GOVERNMENT POLYTECHNIC INSTITUTE
FOR WOMEN PESHAWAR

Annex - A

No: GPI (W)/Pesh/ Admn/5270

Dated 23/02/2015

To

The Director General,
Technical Education & Manpower Trg,
Khyber Pukhtoon Khwa, Peshawar.

Subject:

WRIT PETITION NO.989/2014 TITELD AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER PAKHTUN
KHAWA AND OTHERS.

Reference your letter No.DGTE&MT/Admn/22-17 (v) dated 29-01-2015
on the subject noted above it is submitted that -

- 1- The concerned Chowkidar reported for duty at this College on 17-05-2013
and he has already been paid from 17-05-2013.
- 2- His Father got retired as Naib Qasid. So the vacant post of his father
should be given to him as there is no vacant post of Naib Qasid at this
college so far.

Muhammad Rasool (M.A, L.L.B)
Assistant Director (Legal)
Technical Education & Vocational
Training Authority, KPK Peshawar

Nizakat Begum
(MRS. NIZAKAT BEGUM)
PRINCIPAL.

Before the Service Tribunal Khyber Pakhtunkhwa Peshawar

Appeal No. 812/2016

Azmat Ullah.....Appellant.

V/S

Government of Khyber Pakhtunkhwa, through Secretary Higher,
Education Department Peshawar and others.....Respondents.

(Reply on behalf of respondent No.5)

Preliminary Objections.


- 1). That the appellant has no cause of action.
- 2). That the appellant has no locus standi.
- 3). That the instant appeal is not maintainable.
- 4). That the appellant is bad due to joinder and mis-joinder of necessary parties.

Respectfully Sheweth:-

Para No. 1 to 7:-

It is submitted that the case in hand is totally administrative matter, relates with respondent No. 1, 2 & 3. And they are in better position to satisfy the grievances of the appellant. Besides, appellant has raised no grievances against respondent No. 5.

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


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Rejoinder

Service Appeal No. 812/2015

In

Amended Appeal No 433/2016

26/2/18

Mr. Azmat Ullah**Appellant**

V E R S U S

Government of KPK through Chief Secretary Higher Education Department, Khyber Pakhtun Khawa Civil Secretariat, Peshawar & Others.....**Respondents**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Rejoinder		1-4
2.	Affidavit		5
3.	Letter No DGTE MT/E-II/A-176/2045(1-2)	A1-A2	6-9
4.	letter no DGTE/MT/Admn/22-17(v)	B	10-11

Dated: 17/02/2018

Azmat

Appellant

Through

Muhammad Anwar Khan

Muhammad Anwar Khan
(Pushtun Ghari)
Advocate High Court,
Peshawar

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Rejoinder, Dr.

Service Appeal No. 812/2015

In

Amended Appeal No 433/2016

Mr. Azmat Ullah **Appellant**

V E R S U S

Government of KPK through Chief Secretary Higher
Education Department, Khyber Pakhtun Khawa Civil
Secretariat, Peshawar & Others..... **Respondents**

Rejoinder to the Reply of Respondent no 2 and 3.

Respectfully Sheweth:

The appellant Submits as under:

That all the preliminary objections raised by the respondents are incorrect, false, irrelevant, with out lawful authority and vexatious. The appellant has been appointed by Respondent no 3 and also adjusted in government Polytechnic institute (women) Tehkal Peshawar by Respondent no 3 with further classification that the new adjustment will take effect from the date of appellant first appointment.

ON Fact:

1-3 Para no 1 to 3 of the appeal are admitted as correct, By the Respondents so no comments

4. Para no 4 of the appeal is correct where as reply of respondents are ~~is~~ corrected. Respondent no 3 admitted the service of appellant w.e.f 7-1-2013 to 7-5-2013. vide letter No o DGTE and MT/E-II/A-176/332 dated 7/5/2013. And Letter No DGTE MT/E-II/A-176/2045(1-2) dated 13-3-2013 is attached as Annexure A1 and A2.
5. Para no 5 of the appeal is correct where as reply of respondents are incorrect. The respondent no 3 accepted the request of the appellant for payment of 7-1-2013 and also conversion of post to Naib Qasid vide letter no DGTE/MT/Admn/22-17(v) dated 29/1/2015 addressed to principal is attached as Annexure B.
6. That in adjustment order dated 7/5/2012 the terms and condition is the same that is with effect ~~from~~ 7/1/2013. The pay of appellant with effect from 7/1/2013 to 7/5/2013 and conversion to the post of N.qasid has been accepted and discussed by respondents no 3 and 6.

7. Para no 7 is admitted by respondent as correct so no comments.

GROUND:

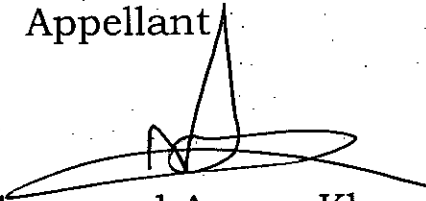
- A. Para no A of appeal is correct where as Para A of the reply is incorrect. Both the respondents no 3 and 6 accepted and agreed upon the requested of appellant vide letter dated 7/5/2013, 29/1/2015 and 23/2/2015.
- B. The reply of Para B of respondent is explained in above Para.
- C. Para c of the appeal is correct where as reply of respondents are incorrect.
- D. Para D of appeal is correct where as reply of respondent is incorrect.
- E. Para E of the appeal is admitted by the respondent, so no comments.

It is therefore, most humbly prayed that in light of forgoing facts, the respondents may be directed to pay the salaries ~~from~~ 7-1-2013 to 7-5-2013 and also may graciously be directed for conversion of ~~post~~ from Chowkidar to Naib Qasid.

Dated: 17/02/2018


Appellant

Through


Muhammad Anwar Khan
(Pushtun Ghari)
Advocate High Court,
Peshawar

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 812/2015

In

Amended Appeal No 433/2016

Mr. Azmat Ullah**Appellant**

V E R S U S

Government of KPK through Chief Secretary Higher Education Department, Khyber Pakhtun Khawa Civil Secretariat, Peshawar & Others.....**Respondents**

AFFIDAVIT

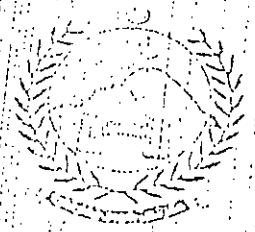
I, Mr. Azmat Ullah Son of Rehman Ullah Chowkidar Government Polytechnic Institute (Women) Hayat abad, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **REJOINDER** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Azmat
DEPONENT



Annexure A - A1-6
A1-A2

Phone: 091-9213027



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

OFFICE ORDER

Consequent upon his appointment as Chowkidar at Govt. Commerce College Mangu vide the Directorate General order Endst: No. DGTE&MT/Estt-II/A-176/104(1-4) dated 07-07-2012 and consequent upon the non-availability of vacant post of Chowkidar at the said Institute, the Competent Authority is pleased to adjust Mr. Azmatullah, S.C. Rehmanullah R/O Muhallah Suleman Khel, Village Charkhana, Tehsil & District Peshawar against the vacant post of Chowkidar recently vacated due to retirement at Government Polytechnic Institute (W) Tehkal University Road Peshawar with immediate effect on the same terms and condition as laid down in order of his appointment issued vide office order as quoted above.

DGTE&MT/Estt-II/A-176/332

DIRECTOR GENERAL

Endst No. DGTE&MT/Estt-II/A-176/332 (copy) Dated 15/7/2013

Copy forwarded for information and necessary action.

7/5/2013

- 1- The Accountant General, Khyber Pakhtunkhwa
- 2- The Principal, GPI (W) Tehkal Road Peshawar
- 3- Mr. Azmatullah, S.C. Rehmanullah R/O Muhallah Suleman Khel, Village Charkhana, Tehsil & District Peshawar.
- 4- Office copy.

Signature and stamp area

DEPUTY DIRECTOR (ADMIN)

ATTESTED
Muhammad Anwar Khan
(Pushkar Chari)
Advocate High Court
Peshawar

6 7 0
Better Copy

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

OFFICE ORDER

Consequent upon his appointment as Chowkidar at Govt: Commerce College Hangu vide This Directorate General order Endst: No. DGTE&MT/Estt-II/A-176/104(1-4) DATED 07-01-2013 and Consequent upon the non availability of vacant post of Chowkidar at the and instate, the Competent Authority is pleased to adjust Mr. Azmat Ullah, S/O Rehman Ullah R/O Mohallah Suleman Khel, Village Char Khana, Tehsil & District Peshawar against the vacant post of Chowkidar recently vacated due to retirement at Government Polytechnic Institute (W) Tehkal University Road Peshawar. With immediate effect on the same terms and condition as laid down in order of his appointment issued Vide office order as quoted above.

DIRECTOR GENERAL
Dated 17/05/2013

If he wishes to accept the post on the above terms and conditions, he/she should report for duty to the Principal concerned with in 30 days of the issue of the order failing which the offer of appointment will be treated as cancelled.


DIRECTOR GENERAL
Dated 07/01/2013

Endst: No. DGTE&MT/Estt-II/A-176/332(1-4)

Copy forwarded for information & necessary action:

1. The Accounts Gernal Khyber Pakhtunkhwa
2. The Principal, GPI (W) Tehkal Road Peshawar.
3. Mr. Azmat Ullah S/O Rehman Ullah R/O Mohallah Suleman Khel, Village Char Khana, Tehsil & District Peshawar.
4. Office Copy.

DEPUTY DIRECTOR (ADMN)



ATTESTED
Muhammad Anwar Khan
(Pushtun Ghari)
Advocate High Court
Peshawar

GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT TRUST BUILDING PESHAWAR CAMPUS

NO. DGTE&MT/Estt-II/A-176/ 2045 (12) 2
Dated Peshawar: (he) 13/12/2013

To ✓
The District Accounts Officer,
Hangu.

Subject: IMPLEMENTATION OF THE APPOINTMENT ORDERS OF CLASS-IV

I am directed to refer to the subject and above and to state the following candidates have been appointed against the newly created vacancies of Class IV at GCC, Hangu on the recommendation of the Departmental Selection Committee after observing procedural and legal formalities.

Sr.No.	Name of the Official / Father Name	Remarks
1 ✓	Mr. Awal Mir S/O Sher Mir	Appointed as Naib Qasid (On merit basis)
2	Mr. Kalimat Khan S/O Firdous Khan	Appointed as Naib Qasid (Under Employees Son's Quota)
3	Mr. Iqbal Ullah S/O Abdul Khaliq	Appointed as Chowkidar (Under Employees Son's Quota)
4	Mr. Azmat Ullah S/O Rehman Ullah	Appointed as Chowkidar (Under Employees Son's Quota)

However, the Principal, Govt. Commerce College, Hangu has not accepted their arrival reports because he has made appointments at his own level without observing the proscribed criteria and their monthly salaries have already been started from your office.

Hence, it is requested that the salary bills of those persons appointed by the Principal concerned may kindly be held in abeyance till such time the issue is resolved by the competent authority.

ids: No. DGTE&MT/Estt-II/A-176/

DEPUTY DIRECTOR (ADMN)
Dated: 12/2013

Copy for information and necessary action to the Principal GCC, Hangu with the advice to take similar action till the resolution of the issue.

DEPUTY DIRECTOR (ADMN)

ATTESTED
Muhammad Anwar Khan
(Pushtun Ghari)
Advocate High Court
Peshawar

12-9

Better Copy
GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLEND FUND BULDING PESHAWAR CANTT

No. DGTE&MT/Estt-II/A-176/2045(1-2)
Dated Peshawar : 13/03/2013

To
The District Accounts Officer,
Hangu.

Subject: IMPLEMENTATION OF THE APPOINTMENT OF CLASS-IV.

I am directed to refer to the subject noted above to state the following candidates been appointed against the newly created vacant post of class IV at GCC, Hangu on commendation of the Departmental Selection Committee after observation codal and legal formalities.

S.No	Name of the Official/ Father Name	Remarks
1	Mr.Awal Mir S/O Sher Mir	Appointed as Naib Qasid (On merit basis)
2.	Mr. Kalimat Khan S/O Firdous Khan	Appointed as Naib Qasid (Under Employees Son's Quota)
3.	Mr. Imdad Ullah S/O Abdul Khaliq	Appointed as Chowkidar (Under Employees Son's Quota)
4.	Mr. Azmat Ullah S/O Rehman Ullah	Appointed as Chowkidar (Under Employees Son's Quota)

However, the Principal, Govt: Commerce College, Hangu has not accepted their arrival reports because he has made appointments at his own level without observing the prescribed criteria and their monthly salaries have already been started from your office.

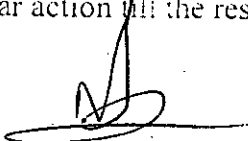
Hence, it is requested that the salary bills of those persons appointed by Principal concerned may kindly be held in abeyance till such time the issue resolved by the competent authority.

DEPUTY DIRECTOR (ADMN)
Dated...../2013

Endstt: No. DGTE&MT/Estt-II/A-176/

Copy for information and necessary action to the Principal GCC, Hangu with the advice to take similar action till the resolution of the issue.

DEPUTY DIRECTOR (ADMN)


ATTESTED
Muhammad Anwar Khan
(Pushtun Ghar)
Advocate High Court
Peshawar

Annexure B10

10 - 11

091-9211820



DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLENT FUND BUILDING PESHAWAR CANTT

No. DGTE&MT/Admn/22-17(v)/

Dated: 29/01/2015

29/01/2015

To

The Principal,
Govt. Polytechnic Institute (W),
Arbab Road, Peshawar.

CL P & W, Peshawar
Date 29/1/15

Subject - WRIT PETITION No. 989/ 2014 TITLED AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER
PAKHTUNKHWA AND OTHERS.

I am directed to refer to the subject noted above and to enclose here with a copy of the judgment announced dated 20-11-2014 by the Peshawar High Court, Peshawar in Writ Petition No 989/ 2014 titled Azmatullah S/O Rehman Ullah presently working in your Institute. The Court has referred the case to this office to consider grievances of the petitioner on merit as per rules and policy. The grievances may be addressed if possible with regard to the following:

- 1
- 2

1. Release of pay for the period 07-01-2013 to 10-05-2013.
2. Conversion of his position from Chowkdar to Naib Qasid.

Kindly send your comments so that further action could be taken.

(SHAMS-UL-HAQ)
DEPUTY DIRECTOR (ADMN).

Mr. Tahir
[Handwritten signature]

[Handwritten signature]

ATTESTED
Muhammad Anwar Khan
(Pushtun Ghari)
Advocate High Court
Peshawar

091-9211820

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**DIRECTORATE GENERAL TECHNICAL EDUCATION
& MANPOWER TRAINING, PESHAWAR
BENEVOLEND FUND BULDING PESHAWAR CANTT**

No. DGTE&MT/Admn/22-17(v)
To

Dated: 29/01/2015

The Principal,
Govt: Polytechnic Institute (W),
Arbab Road, Peshawar.


Subject: WRIT PETITION NO. 989/2014 TITLED AZMAT ULLAH S/O
REHMAN ULLAH VERSUS GOVT OF KHYBER PAKHTUN KHWA
AND OTHER.

I am directed to refer to the subject noted above and to enclose here with in copy, of Judgment announced dated 20-11-2014 by the Peshawar High Court Peshawar in writ petition No. 989/ 2014 titled Azmat Ullah S/O Rahman Ullah presently working in your institute. The Court has refered the case to this office to consider grievance of the petitioner on merit as per rules and policy. The grievance may be addressed if possible with regard to the following:

1. Release pay for the period 07.01.2013 to 10.05.2013.
2. Conversion of his post from Chowkidar to Naib Qasid.

Kindly send your comments so that further action could be taken.

(SHAMS -UL-HAQ)
DEPUTY DIRECTOR (ADMN)
DIRECTOR GENERAL


ATTESTED
Muhammad Anwar Khan
(Pushtun Ghari)
Advocate High Court
Peshawar

10/11
Answer-B

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OFFICE OF THE PRINCIPAL
GOVERNMENT POLYTECHNIC INSTITUTE
FOR WOMEN PESHAWAR



No. GPI (W)/Pesh/ Admn/3273

Dated 23 / 02 / 2015.

To

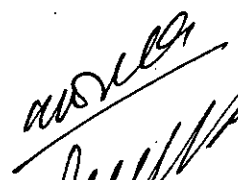
The Director General,
Technical Education & Manpower Trg,
Khyber Pukhtoon Khwa, Peshawar.

Subject:

WRIT PETITION NO.989/2014 TITELD AZMATULLAH S/O
REHMAN ULLAH VERSUS GOVT. OF KHYBER PAKHTUN
KHAWA AND OTHERS.

Reference your letter No.DGTE&MT/Admn/22-17 (v) dated 29-01-2015
on the subject noted above it is submitted that -

- 1- The concerned Chowkidar reported for duty at this College on 17-05-2013 and he has already been paid from 17-05-2013.
- 2- His Father got retired as Naib Qasid. So the vacant post of his father should be given to him as there is no vacant post of Naib Qasid at this college so far.


Muhammad Rasool (M.A, LLB)
Assistant Director (Legal)
Technical Education & Vocational
Training Authority, KPK Peshawar


(MRS. NIZAKAT BEGUM)
PRINCIPAL.