

31st Jan, 2023

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Riaz Khan, SO for respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Last chance is given to the appellant. To come up for arguments on 10.05.2023 before the D.B.

SCANNED
K.A.B.T
Peshawar



(Muhammad Akbar Khan)
Member(Executive)

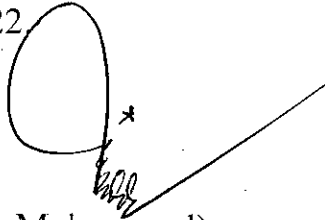


(Kalim Arshad Khan)
Chairman

31.10.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 07.12.2022



(Mian Muhammad)
Member (E)



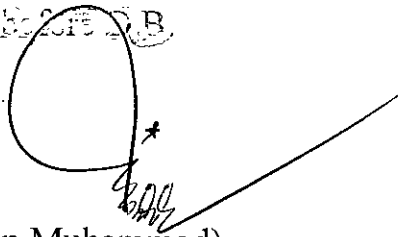
(Salah-ud-Din)
Member (J)

07.12.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 31.01.2023 before D.B.

31.01.2023 Before D.B.



(Mian Muhammad)
Member (E)




(Salah-ud-Din)
Member (J)

SCANNED
K.M.T
Peshawar

24.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Naheed Gul, Assistant for respondents No. 1 to 3 present and submitted reply/comments which is placed on file.


Reply/comments on behalf of respondent No. 4 is still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted to respondent No. 4 to furnish reply/comments on or before next date, failing which the right of respondent No. 4 to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 23.05.2022.


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

23rd May, 2022

Junior to counsel for the appellant present. Mr. Naseer ud Din Shah, Assistant AG along with Mr. Riaz (Superintendent) for the respondents present.

Reply by respondent NO.1 to 3 has already been submitted. Respondent No.4 failed to submit reply. Hence, his right to submit reply shall have been deemed struck off by virtue of previous order. To come up for arguments on 02.08.2022 before D.B.


Fareeha Paul
Member (E)


(Kalim Arshad Khan)
Chairman

2-8-2022

Proper DB not available the case is
adjourned to 31-10-2022


Reader

23.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for full hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 07.12.2021 before the D.B.

Appellant Deposited
Sec. Process Fee
28/7/21


Chairman

07.12.2021

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naheed Gul, Assistant for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit written reply/comments on the next date. Granted. To come up for Written reply/comments on 24.01. 2022 before S.B.



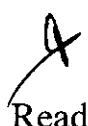


(MIAN MUHAMMAD)
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2510 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/02/2021	<p>The appeal of Mr. Arifullah presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/04/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	12.04.2021	<p>Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 20.07.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>
	20.07.2021	<p>As 20th July, 2021 has been declared public holiday on account of Eid ul Azha, therefore, case is adjourned to 23.07.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2021

Arif Ullah.....Appellant

V E R S U S

Govt. and Others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal		1-3
2.	Application for condonation of delay with Affidavit		4
3.	Copy of NOC is enclosed	A	5
4.	Copy of Order dated 12-11-2018	B	6-9
5.	Copy of Letter dated 06-03-2019 & Departmental Appeal dated 07-03-2019	C & D	10-11
6.	Copies of Letters & Letter dated 16-10-2020	E & F	12-21
7.	Copy of Judgment dated 24-03-2016	G	22-32
8.	Copy of Judgment dated 01-03-2018, Judgment dated 01-08-2011 & Judgment dated 03-01-2013.	H	33-47
9.	Vakalat Nama		48

Dated:-05-02-2021


Appellant

Through


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 2510 /2021

Arif Ullah, Junior Clerk, Establishment Department, Govt. of Khyber Pakhtunkhwa, Peshawar.....
Khyber Pakhtunkhwa Service Tribunal Appellant

V E R S U S

Diary No. 2514

Dated 09/2/2021

1. Govt. of Khyber Pakhtunkhwa, through Secretary Establishment Department, Civil Secretariat, Peshawar.
2. Govt. of Khyber Pakhtunkhwa, through Secretary Transport and Mass Transit Department, Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Secretary, Finance Department Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.

.....**Respondents**

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER ISSUED VIDE LETTER DATED 16-10-2020, COMMUNICATED TO THE APPELLANT ON 11-01-2021 WHEREBY APPEAL OF THE APPELLANT HAS BEEN REGRETED

PRAYER:-

On acceptance of this appeal the impugned Order issued vide Letter dated 16-10-2020 may kindly be set aside and respondents may kindly be directed to count the previous service rendered by the appellant for the purpose of pay protection and pension etc with all back benefits.

Respectfully Submitted:-

That the appellant joined the service of Pakistan Army as Lance Naik/Soldier Clerk on 18-07-2013 and while serving there the posts of Junior Clerk was advertised by respondent No 1, the appellant being perfectly fit and eligible also applied for the same through proper channel and after obtaining No Objection Certificate from Pakistan Army on 19-02-2018. **(Copy of NOC is enclosed as Annexure A).**

2. That the appellant along with others was accordingly appointed as Junior Clerk vide Order dated 12-11-2018 and after appointment, was discharged from the service of Pakistan Army on 01-12-2019 and thus he reported arrival and since appointment he is performing his duties with honesty and full devotion. **(Copy of Order dated 12-11-2018 is enclosed as Annexure B).**

Filed to-day
Registrar
9/2/2021

3. That vide letter dated 06-03-2019 addressed to the concerned quarter of Pakistan Army respondent No 2, sought information regarding counting of his previous service and the appellant also filed departmental appeal before respondent No 2 for the purpose on 07-03-2019. **(Copy of Letter dated 06-03-2019 & Departmental Appeal dated 07-03-2019 is enclosed as Annexure C & D).**
4. That the matter routed through and even vide Letters dated 25-07-2019 and 29-11-2019 respondent No 2 made request to respondent No 3 regarding counting of his previous service however finally appeal of the appellant was regretted which order was sent to respondent No 2 vide Letter dated 16-10-2020, but copy not endorsed to the appellant and accordingly copy of the same was communicated to the appellant on 11-01-2021. **(Copies of Letters & Letter dated 16-10-2020 is enclosed as Annexure E & F).**
5. That the impugned order issued vide Letter dated 16-10-2020 whereby appeal of the appellant for pay protection has been regretted is against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND S:-

- A. That the impugned order is illegal and void ab-initio.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules and the appellant did nothing that amounts to misconduct.
- C. That the Pension Rules 1963 more particularly Rule 2.1 of ibid rules as well as Civil Service Regulations are very much clear on the point which gives protection to such previous service for the purpose of pay protection and pension etc.
- D. That even regular service in Pakistan Army has been counted for the purpose of Seniority besides pay protection and pension vide Judgment dated 24-03-2016 rendered in Writ Petition No 3147-P/2014. **(Copy of Judgment dated 24-03-2016 is enclosed as Annexure G).**
- E. That a number of Judgments rendered by the honorable Tribunal, honorable Peshawar High Court as well as the Apex Court of the Country have also given protection to such service to be counted for the purpose of pay protection and pension etc. Similarly Writ Petition No 1188-P/2014 titled as Baghi Shah VS Govt. of KPK.

Judgment dated 01-03-2018 passed in Writ Petition No 3221-P/2013, Judgment dated 01-08-2011 in Service Appeal No 38/2011 and Judgment dated 03-01-2013 in CPLA NO 552-P/2011 also support the case of the appellant. **(Copy of Judgment dated 01-03-2018, Judgment dated 01-08-2011 & Judgment dated 03-01-2013 is enclosed as Annexure H).**

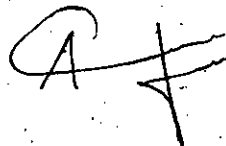
F. That the appellant has been deprived of his due rights without any omission or commission on his part in violation of the principles of natural justice.

G. That the appellant has been discriminated as such service of other employees has been counted while the appellant is not extended such benefits and is treated differently.

H. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated: 05-02-2021



Appellant

Through



FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2021

Arif Ullah.....Appellant

V E R S U S

Govt. and Others.....Respondents

Application for condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the issue in hand is of recurring cause of action besides copy of impugned letter dated 16-10-2020 was communicated to the appellant on 11-01-2012 hence, the appeal is well within time.
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

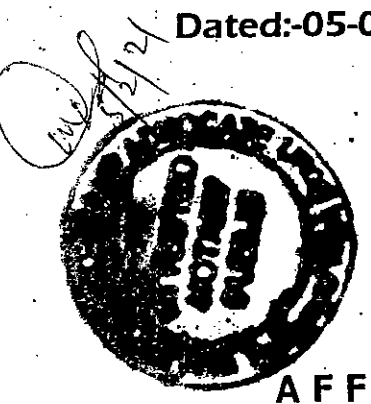
It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-05-02-2021

Arif
Appellant

Through

Fazal Shah Mohmand
FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN



AFFIDAVIT

I, Arif Ullah, Junior Clerk, Establishment Department, Govt. of Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Arif
DEPONENT

NO OBJECTION CERTIFICATE

It is certified that Number 3396469 Lance Naik Clerk Arif-Ullah is presently serving with Frontier Force Regiment Centre (Records Wing) since 22 Jul 2017 is permitted to apply for the post junior clerk (BPS-11) at Govt of KPK. In the light of Army Regulations (Rules) 321, if the individual is selected; this office has no objection.

Frontier Force Centre (Record Wing)
Abbottabad
Telephone Military: 0992 -351-32454
567/S-1 (E)

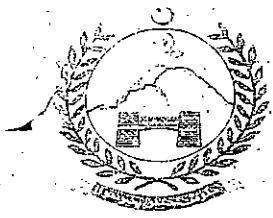
19 February 2018



RESTRICTED

(Signature)
Brigadier
Officer Incharge Records
(Bakhtiar Akram)

ATTESTED TO BE
TRUE COPY



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

-6-

Dated Peshawar the 12th November, 2018

ORDER

NO.SO.E.IV(E&AD) 1-44/2018:- On the recommendations of the Departmental Selection Committee and acceptance of the terms & conditions laid down in their offers of appointment, the following Selectees are hereby appointed as Junior Clerks (BPS-11) in the Civil Secretariat Khyber Pakhtunkhwa, Peshawar w.e.f the date of joining within 30 days:-

S.#	Name & Father's Name	ONIC No.	District/Zone & Quota
1.	Mr. Amjad Khan S/O Khanan Khan	1430182508525	F.R Kohat/01
2.	Mr. Inam Ullah Khan S/O Aman Ullah Khan	1110154095351	F.R Bannu/01
3.	Mr. Shaukat Ali Khan S/O Mirza Ali Khan	2140768681865	Mohmand/01
4.	Mr. Asad Ullah S/O Wahid Shah	2120374622805	Khyber/01
5.	Mr. Rizwan Ullah S/O Muhammad Ishaq	1110102589585	F.R Bannu/01
6.	Mr. Muhammad Naeem S/O Samand Khan	2120274722439	Khyber/01
7.	Mr. Muhammad Shabir S/O Qaisar Khan	2120206438953	Khyber/01
8.	Mr. Muhammad Younas S/O Jomabad	1730134437567	Khyber/01
9.	Mr. Muhammad Arshad S/O Muhammad Ayyub	2140207349563	Mohmand/01
10.	Mr. Noor Rehman S/O Rustam Jan	1110203412811	FR- Bannu/01
11.	Mr. Khaliq Ur Rahman S/O Muhammad Ismail	2170270945341	South Waziristan/01
12.	Mr. Abdul Malik S/O Ameer Khan	1730123836103	FR-Peshawar/01
13.	Mr. Tahir Khan S/O Awas Khan	2120372760313	Khyber/01
14.	Mr. Sadeeq Ullah S/O Shakir Ullah	2130245157779	Kurram/01
15.	Mr. Bismillah Jan S/O Haji Waris	2140399987533	Mohmand/01
16.	Mr. Ismail Khan S/O Khaista Jan	2120216051613	Khyber/01
17.	Mr. Mohib Ullah S/O Kabir Khan	2120374998977	Khyber/01
18.	Mr. Hameedullah S/O Bakhti Gul	2140240266611	Mohmand/01
19.	Syed Waqas Ali Shah S/O Syed Zulfiqar Ali Shah	1730164354751	Peshawar/02
20.	Mr. Malik Adnan Khan S/O Tita Muhammad	1710168408663	Charsadda/02
21.	Mr. Muhammad Aakif S/O Muhammad Shah	1730180505005	Peshawar/02
22.	Mr. Naveed Khan S/O Sher Zada	1730181053183	Peshawar/02
23.	Mr. Muhammad Shahab S/O Raees Khan	1730155820595	Peshawar/02
24.	Mr. Muhammad Kashif Khan S/O Muhammad Aurang Zeb	1730183206389	Peshawar/02
25.	Mr. Muhammad Afzal S/O Niaz Ali	1730169990457	Peshawar/02
26.	Mr. Muhammad Arif S/O Ali Haider	1720177075895	Nowshera/02
27.	Mr. Anwar Ali Shah S/O Shad Muhammad	1710124187669	Charsadda/02
28.	Mr. Kamil Khan S/O Zahid Ur Rehman	1720136760547	Nowshera/02

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	me & Father's Name	CNIC No.	District/Zone & Quota
	Aamir Sohail S/O Fazle Qadir	1720196517509	Nowshera/02
30.	Mr. Muhammad Jawad S/O Sohbat Khan	1730188640713	Peshawar/02
31.	Sayyed Muhammad Bilal S/O Muhammad Saleem	1620210146273	Swabi/02
32.	Mr. Jawad Ali S/O Fazal Rahim	1610252683571	Mardan/02
33.	Mr. Rafi Ullah S/O Muhammad Ullah	1710241633505	Peshawar/02
34.	Mr. Waleed Ahmad S/O Nazir Ahmad	1730132582375	Peshawar/02
35.	Mr. Hassan Rahman S/O Gul Sher	1620209006899	Swabi/02
36.	Mr. Gul Nawaz Khan Durrani S/O Tasleem Khan Durrani	1730180029573	Peshawar/02
37.	Mr. Muhammad Sheraz S/O Muhammad Shafiq	1730113910439	Peshawar/02
38.	Mr. Rehmat Ud Din S/O Abdul Haq	1520298499999	Chitral/03
39.	Mr. Ali Ahmad S/O Afzal Aman	1520142285155	Chitral/03
40.	Mr. Anis Ahmad S/O Mullah Muhammad	1730102251313	Dir Upper/03
41.	Mr. Fazli Mula S/O Umar Zada	1730188798915	Swat/03
42.	Mr. Amjad Hussain S/O Mirza Hussain	1520147258355	Chitral/03
43.	Mr. Shafqat Ullah S/O Fazal Hanan	1550224993739	Shangla/03
44.	Mr. Muhammad Waseem S/O Habibullah	1540286859747	Malakand/03
45.	Mr. Umar Rahman S/O Khaista Rahman	1540162627049	Malakand/03
46.	Mr. Ijaz Ahmad S/O Gul Shahzada	1540224495405	Malakand/03
47.	Mr. Rashid Ul Hassan S/O Usman Khan	1520160419997	Chitral/03
48.	Mr. Ishfaq Ahmad S/O Rahmat Khan	1570348968485	Dir Upper/03
49.	Mr. Waqas Iqbal S/O Muhammad Iqbal	1560295667981	Swat/03
50.	Mr. Muhammad Qasim Khan S/O Muhammad Saleem	1540267315931	Malakand/03
51.	Mr. Tehseen Javid S/O Ghulam Mohammad	1570181441713	Dir Upper/03
52.	Mr. Muhammad Farooq Khan S/O Karim Khan	1560258078093	Swat/03
53.	Mr. Muhammad Arshad Khan S/O Saleem Khan	1530778691815	Dir Lower/03
54.	Mr. Adnan Adil S/O Mushtaq Ali	1560292169795	Swat/03
55.	Mr. Majid Iqbal S/O Nawsherwan	1530638870865	Dir Lower/03
56.	Mr. Wajahatul Mujahid S/O Mir Akbar Shah	1520242081241	Chitral/03
57.	Syed Umer Saeed S/O Syed Shahin Shah	1410117788949	Hangu/04
58.	Mr. Zahid Ullah S/O Abdul Manan	1120164597211	Lakki Marwat/04
59.	Syed Shoaib Ullah Shah S/O Syed Mousam Shah	1730168831597	Bannu/04
60.	Mr. Safir Ullah Qureshi S/O Sami Ullah Qureshi	1110192620437	Bannu/04
61.	Mr. Arif Ullah S/O Muhammad Jan	1120159874415	Lakki Marwat/04
62.	Mr. Yasir Farid S/O Farid Ullah Shah	1730192421253	Karak/04
63.	Mr. Imran Ullah S/O Faiz Ullah	1120124487709	Lakki Marwat/04
64.	Mr. Saqib Ali S/O Sadiq Ali	1110133726309	Bannu/04
65.	Mr. Abdul Samad S/O Fazal Ur Rahim	1730150421905	Kohat/04
66.	Mr. Muhammad Ibrahim S/O Fazal Ur Rahman	1120195992919	Lakki Marwat/04
67.	Mr. Muhammad Tuqeer Nasir S/O Muhammad Fazil	1730177226715	D.I Khan/04

S.#	Name & Father's Name	CNIC No.	District/Zone & Quota
58.	Mr. Maqsood Ur Rehman S/O Fazal Ur Rehman	1120173604863	Lakki Marwat/04
69.	Mr. Kamran Ullah S/O Habib Ullah	3710155124055	Karak/04
70.	Mr. Irshad Ali Shah S/O Ahmad Ali Shah	1730150140223	Bannu/04
71.	Mr. Abdus Sattar Khan S/O Dr Ahmad Gul Khan	1210343328521	D.I Khan/04
72.	Mr. Jawad Rafique S/O Abdul Rafique	1330125794795	Haripur/05
73.	Mr. Jamal Ahmed S/O Muhammad Riaz Qureshi	1730187384327	Abbottabad/05
74.	Mr. Muhammad Haris S/O Abdul Rauf	1310103717343	Abbottabad/05
75.	Mr. Asim S/O Khawaj Muhammad	1350318673077	Mansehra/05
76.	Mr. Attique Ahmed S/O Muhammad Siddique	1310187207483	Abbottabad/05
77.	Mr. Faizan Nazar S/O Nazar Muhammad	1310182559965	Abbottabad/05
78.	Mr. Zeeshan Ahmad S/O Muhammad Pervaiz Qureshi	1730103498399	Abbottabad/05
79.	Mr. Muhammad Zeeshan S/O Jahangir Khan	1310159437539	Abbottabad/05
80.	Mr. Abdul Baseer S/O Khan Afsar	1310149032423	Abbottabad/05
81.	Mr. Shahzeb Khan Jadoon S/O Jahanzeb Khan	1310177353565	Abbottabad/05
82.	Mr. Anees Ur Rehman S/O Nazeem Shah	1330274932915	Haripur/05
83.	Mr. Aqib Javed S/O Malik Aman	1310119069925	Abbottabad/05
84.	Mr. Vikash S/O Omparkash	1730106630079	Peshawar/ Minority Quota
85.	Mr. Waqas Jan S/O Arshad Jan	1110196057375	Bannu/ Minority Quota
86.	Mr. Mehboob Ur Rehman S/O Khalid Khan	4210117639635	Haripur/ Disable Quota
87.	Mr. Muhammad Israr S/O Mukhtiar Khan	1730181313589	Mohmand/ Disable Quota
88.	Mr. Wasim Ullah Khan S/O Nasr Ullah Khan	1120157868815	Lakki Marwat/ Disable Quota
89.	Miss. Ayesha Khan D/O Arshad Iqbal	1430163586282	Kohat/ Female Quota

2. The above chronological order will confer no right of seniority. Their inter-se-seniority will be determined in light of the Merit Order.

3. Consequent upon their appointment as Junior Clerk (BS-11), the following postings are hereby ordered:-

S.#	Name & Father's Name	Place of Posting
1	Mr. Amjad Khan S/O Khanan Khan	P&D Deptt.
2	Mr. Inam Ullah Khan S/O Aman Ullah Khan	CM Sectt.
3	Mr. Shaukat Ali Khan S/O Mirza Ali Khan	Agriculture Deptt.
4	Mr. Asad Ullah S/O Wahid Shah	Auqaf Deptt.
5	Mr. Rizwan Ullah S/O Muhammad Ishaq	C&W Deptt.
6	Mr. Muhammad Naeem S/O Samand Khan	Governor Sectt.
7	Mr. Muhammad Shabir S/O Qaisar Khan	Governor House
8	Mr. Muhammad Younas S/O Jomabad	Merged Area Sectt.
9	Mr. Muhammad Arshad S/O Muhammad Ayyub	Energy & Power Deptt.
10	Mr. Noor Rehman S/O Rustam Jan	Food Deptt.
11	Mr. Khaliq Ur Rahman S/O Muhammad Ismail	Agriculture Deptt.

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S.#	Name & Father's Name	Place of Posting
12	Mr. Abdul Malik S/O Ameer Khan	Energy & Power Deptt.
13	Mr. Tahir Khan S/O Awas Khan	Merged Area Sectt.
14	Mr. Sadeeq Ullah S/O Shakir Ullah	Merged Area Sectt.
15	Mr. Bismillah Jan S/O Haji Waris	CM Sectt.
16	Mr. Ismail Khan S/O Khaista Jan	Governor Sectt.
17	Mr. Mohib Ullah S/O Kabir Khan	Social Welfare Deptt.
18	Mr. Hameedullah S/O Bakhti Gul	CM Sectt.
19	Syed Waqas Ali Shah S/O Syed Zulfiqar Ali Shah	CM Sectt.
20	Mr. Malik Adnan Khan S/O Tila Muhammad	Food Deptt.
21	Mr. Muhammad Aakif S/O Muhammad Shah	Finance Deptt.
22	Mr. Naveed Khan S/O Sher Zada	E&A Deptt (Estate Office)
23	Mr. Muhammad Shahab S/O Raees Khan	E&AD (O/O Special Assistant to CM for Industries)
24	Mr. Muhammad Kashif Khan S/O Muhammad Aurang Zeb	CM Sectt.
25	Mr. Muhammad Afzal S/O Niaz Ali	Health Deptt.
26	Mr. Muhammad Arif S/O Ali Haider	Irrigation Deptt.
27	Mr. Anwar Ali Shah S/O Shad Muhammad	Irrigation Deptt.
28	Mr. Kamil Khan S/O Zahid Ur Rehman	Home Deptt.
29	Mr. Aamir Sohail S/O Fazle Qadir	ST&IT Deptt.
30	Mr. Muhammad Jawad S/O Sohbat Khan	Finance Deptt.
31	Sayyed Muhammad Bilal S/O Muhammad Saleem	P&D Deptt.
32	Mr. Jawad Ali S/O Fazal Rahim	Higher Education Deptt.
33	Mr. Rafi Ullah S/O Muhammad Ullah	P&D Deptt.
34	Mr. Waleed Ahmad S/O Nazir Ahmad	Home Deptt.
35	Mr. Hassan Rahman S/O Gul Sher	Relief Deptt. Vice S.No.92
36	Mr. Gul Nawaz Khan Durrani S/O Tasleem Khan Durrani	E&AD (R-III Section) Vice S.No.93
37	Mr. Muhammad Sheraz S/O Muhammad Shafiq	Industries Deptt.
38	Mr. Rehmat Ud Din S/O Abdul Haq	Higher Education Deptt.
39	Mr. Ali Ahmad S/O Afzal Aman	Excise & Taxation Deptt.
40	Mr. Anis Ahmad S/O Mullah Muhammad	Law Deptt. Vice S.No.94
41	Mr. Fazli Mula S/O Umar Zada	Merged Area Sectt.
42	Mr. Amjad Hussain S/O Mirza Hussain	E&AD (Admn Branch)
43	Mr. Shafqat Ullah S/O Fazal Hanan	IPC Deptt.
44	Mr. Muhammad Waseem S/O Habibullah	LGE&RD Deptt.
45	Mr. Umar Rahman S/O Khaista Rahman	Law Deptt. Vice S.No.91
46	Mr. Ijaz Ahmad S/O Gul Shahzada	Labour Deptt.
47	Mr. Rashid Ul Hassan S/O Usman Khan	Irrigation Deptt.
48	Mr. Ishfaq Ahmad S/O Rahmat Khan	Mineral Development Deptt.
49	Mr. Waqas Iqbal S/O Muhammad Iqbal	Mineral Development Deptt.
50	Mr. Muhammad Qasim Khan S/O Muhammad Saleem	Auqaf Deptt.
51	Mr. Tehseen Javid S/O Ghulam Mohammad	Merged Area Sectt.
52	Mr. Muhammad Farooq Khan S/O Karim Khan	Health Deptt.
53	Mr. Muhammad Arshad Khan S/O Saleem Khan	Population Welfare Deptt.
54	Mr. Adnan Adil S/O Mushtaq Ali	PHE Deptt.
55	Mr. Majid Iqbal S/O Nawsherwan	Population Welfare Deptt. Vice S.No.96
56	Mr. Wajahat-ul Mujahid S/O Mir Akbar Shah	E&A Deptt (R-I Section)
57	Syed Umer Saeed S/O Syed Shahin Shah	PHE Deptt.
58	Mr. Zahid Ullah S/O Abdul Manan	PHE Deptt.
59	Syed Shoaib Ullah Shah S/O Syed Mousam Shah	E&AD (O&M Section)
60	Mr. Safir Ullah Qureshi S/O Sami Ullah Qureshi	E&AD (CBA Branch)

S.#	Name & Father's Name	Place of Posting
61	Mr. Arif Ullah S/O Muhammad Jan	Transport Deptt.
62	Mr. Yasir Farid S/O Farid Ullah Shah	E&AD, (HRD- II Section)
63	Mr. Imran Ullah S/O Faiz Ullah	Excise & Taxation Deptt.
64	Mr. Saqib Ali S/O Sadiq Ali	Finance Deptt.
65	Mr. Abdul Samad S/O Fazal Ur Rahim	IPC Deptt.
66	Mr. Muhammad Ibrahim S/O Fazal Ur Rahman	Social Welfare Deptt.
67	Mr. Muhammad Tuqeer Nasir S/O Muhammad Fazil	P&D Deptt.
68	Mr. Maqsood Ur Rehman S/O Fazal Ur Rehman	Finance Deptt.
69	Mr. Kamran Ullah S/O Habib Ullah	Finance Deptt.
70	Mr. Irshad Ali Shah S/O Ahmad Ali Shah	Finance Deptt.
71	Mr. Abdus Sattar Khan S/O Dr Ahmad Gul Khan	Mineral Development Deptt.
72	Mr. Jawad Rafique S/O Abdul Rafique	Housing Deptt.
73	Mr. Jamal Ahmed S/O Muhammad Riaz Qureshi	Housing Deptt.
74	Mr. Muhammad Haris S/O Abdul Rauf	Health Deptt.
75	Mr. Asim S/O Khawaj Muhammad	Relief Deptt.
76	Mr. Attique Ahmed S/O Muhammad Siddique	Governor House
77	Mr. Faizan Nazar S/O Nazar Muhammad	CM Sectt.
78	Mr. Zeeshan Ahmad S/O Muhammad Pervaiz Qureshi	IPC Deptt.
79	Mr. Muhammad Zeeshan S/O Jahangir Khan	Merged Area Sectt.
80	Mr. Abdul Baseer S/O Khan Afsar	CM Sectt. Vice S.No.95
81	Mr. Shahzeb Khan Jadoon S/O Jahanzeb Khan	Finance Deptt.
82	Mr. Anees Ur Rehman S/O Nazeem Shah	ST&IT Deptt.
83	Mr. Aqib Javed S/O Malik Aman	Auqaf Deptt. Vice S.No.97
84	Mr. Vikash S/O Omparkash	E&AD (E-I Section)
85	Mr. Waqas Jan S/O Arshad Jan	Housing Deptt.
86	Mr. Mehboob Ur Rehman S/O Khalid Khan	C&W Deptt.
87	Mr. Muhammad Israr S/O Mukhtiar Khan	Mineral Development
88	Mr. Wasim Ullah Khan S/O Nasr Ullah Khan	Housing Deptt. Vice S.No.90
89	Miss. Ayesha Khan D/O Arshad Iqbal	P&D Deptt.

4. In addition to the above, the following transfers/postings amongst the officials of Civil Secretariat, Khyber Pakhtunkhwa, Peshawar are hereby ordered, with immediate effect, in the public interest:-

S.#	Name of official	From	To
90.	Mr. Saifullah, Junior Clerk (BS-11)	Housing Deptt.	Finance Deptt.
91.	Mr. Shakir Ali Shah, Junior Clerk (BS-11)	Law Deptt.	P&D Deptt.
92.	Mr. Umair Khan, Junior Clerk (BS-11)	Relief Deptt.	Finance Deptt.
93.	Mr. Bashir Hussain, Junior Clerk (BS-11)	E&AD (R-III Section)	Information Deptt.
94.	Mr. Bashir Ahmad, Junior Clerk (BS-11)	Law Deptt.	E&SE Deptt.
95.	Mr. Ibrar Hussain, Junior Clerk (BS-11)	CM Sectt.	P&D Deptt.
96.	Mr. Awais Khan, Junior Clerk (BS-11)	Population Welfare Deptt.	Finance Deptt.
97.	Mr. Tahseen Ullah, Junior Clerk (BS-11)	Auqaf Deptt.	E&AD (Transport Section)

SECRETARY ESTABLISHMENT
GOVT. OF KHYBER PAKHTUNKHWA

Endst: of Even No. and Date.

A copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Chief Secretary Khyber Pakhtunkhwa.
3. Section Officer (Secret), Establishment Department.
4. Section Officer (Admn), Administration Department.
5. Estate Officer, Administration Department.
6. Section Officer (Estt), Merged Area Sectt. Warsak Road, Peshawar.
7. **All concerned Section Officer (Estt/Gen/Admn)** _____ of
the Concerned Administrative Deptt.
8. Deputy Director (IT), Establishment & Administration Department.
9. P.S to Secretary Establishment, Establishment Department.
10. P.A to Special Secretary (Estt), Establishment Department.
11. P.A to Addl: Secretary (HRD Wing) Establishment Department.
12. P.A. to Deputy Secretary (Estt:), Establishment Department.
13. Officials concerned/ Personal File


(HAZRAT JAMAL)
SECTION OFFICER (E-IV)

INTENDED TO BE
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GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

Ph: 091-9223546

Fax: 091-9212556

-10-

No. SO-(C)/TD/4-4/Misc/2018/
Dated Peshawar the 06.03.2019

To

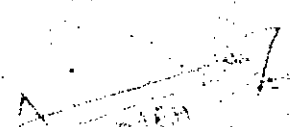
The Frontier Force Regimental Centre (Record Wing)
Abbottabad.

SUBJECT: COUNTING OF ARMED FORCE SERVICES.

It is informed that Ex-Army Number 3396469 Naik/Clerk Arif Ullah served in Frontier Force Regiment w.e.f 18 July 2013 to 01 December 2018 and was discharged from service on being permanently absorbed on an appointment outside the Army vide AR(I) 171 (b). The above mentioned individual presently is serving as junior clerk (BPS-11) with Transport Department (Civil Secretariat) at Govt of KPK. Following documents are also enclosed herewith for counting of above subject service:-

- | | | | |
|----|--|---|-----------|
| a. | Present Service Book in Original | - | 01 Copy |
| b. | Military Discharge Certificate in Original | - | 01 " |
| c. | No Objection Certificate (NOC) | - | 02 Copies |
| d. | Application of the Individual | - | 03 " |
| e. | Willingness Certificate | - | 04 " |

2. The case may be considered on humanitarian basis, please, if allowed to relevant rules / regulations governing the subject issue.


SECTION OFFICER (ADMN)

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-11- "D"

651
7-3-13

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Transport & Mass Transit Department.

Subject: -

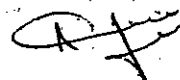
**DEPARTMENTAL APPEAL FOR FIXATION / PROTECTION OF PAY
ON APPOINTMENT FROM ONE POST TO ANOTHER POST.**

Sir,

With due respect it is submitted that prior to my appointment in the Civil Secretariat Establishment Department, Peshawar Govt. of Khyber Pakhtunkhwa vide letter dated 12/11/2018 (Annex-A). I was serving in the Pakistan Army, as Naik Clerk (BS-09) and getting pay @ Rs. 18720/- PM, while on my appointment as Junior Clerk in Civil Secretariat, the pay fixed as Rs.12570/-PM, which was less than my previous pay. I had applied for the post of Junior Clerk (BS-11) in the Establishment Department through proper channel (Annex-B).

It is therefore, requested in your good honor that my case may be forwarded to Finance Department for favorable recommendation of my pay protection.

Thanking you in anticipation.



Arif Ullah
Junior Clerk
Coordination Section
Transport & Mass Transit Department.

DS

Handwritten initials/signature

Handwritten note

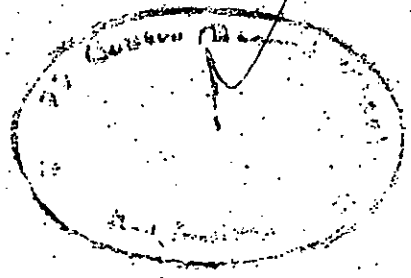
Handwritten note

NON-PAYMENT OF SERVICE GRATUITY CERTIFICATE

- 1. It is certified that Ex No 3496469 Rank W/Off Name A. Ullah was paid a sum of Rs: Nil on account of service gratuity for the period in the Army from 18 Jul 2013 to 01 Dec 2018.
- 2. The service gratuity paid to the above named individual is allowed to refundable military department, if the service is allowed to count towards civil pension.

Office: Abbottabad

Dated: 0 Apr 2019



Masud Khan
 Maj (Retd)
 For OIC Records
 (Masud Khan)

MILITARY ACCOUNT OFFICER

M. S. Khan

NON-QUALIFYING SERVICE CERTIFICATE

Certified that the non-qualifying service in respect of Ex No 3496469 Rank W/Off Name A. Ullah of FF Regt is as under:
Nil Year Nil Months Nil Days

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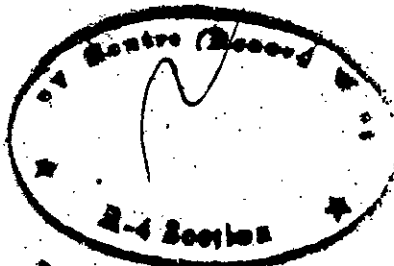
CERTIFICATE OF VERIFICATION OF MILITARY SERVICE

The information is required for the purpose of Art 356/357 of CSR is given as under:-

Army No. Ex 3396469 Rank Nk/Cik Name Arif Ullah Age the time of Discharged: 27 Yrs 08 Months 23 Days. Cause of Discharged: Disch from colour svc Under PAA Rule 12(2) Item III (V) on being permanently absorbed in an appt outside the Army in Conjunction with AR (I) 171(O). Date of Enrolment: 18 Jul 2013. Date of Discharge: 01 Dec 2018. Colour Svc From: 18 Jul 2013 to 01 Dec 2018. Reserve Svc: Nil. Whether his military service was pensionable under the military rules but terminated before pension was granted in there of: Yes. Whether he was entitled to service gratuity if so how much? No. Whether Pensionary contribution has been recovered and credited to India/Pakistan revenue for the period of his service out of India. Nil. Non qualifying service if any date to be specified:- Nil. P/Leave from 23 Jun 2017 to 21 Jul 2017. Satisfactory paid military service during the World 2nd War was length of war Service: Nil. Period of War Service rendered in connection with War dealt with under Art 357 of CMA & P: Nil. Service in Military was superior/inferior (Character) "Exemplary".

Station: Abbottabad

Dated: 02 Apr 2019



MILITARY ACCOUNT OFFICER

(Handwritten Signature)
Maj (Retd)
For OIC Records
(Masud Khan)

(Handwritten Signature)
PSO
Abbottabad

ATTESTED TO BE
TRUE COPY

-14-



Office of the
**CONTROLLER MILITARY ACCOUNTS
(PENSIONS)**

CMA Complex, Lahore.

Tel: +92-42-99220361, Fax: +92-42-99220245

Email: cmad@pma.gov.pk

No. Pen/Coord/3-XVII

Dated 31.05.2019

To

The OI/C Record Wing
FFC Abbottabad

Subject: COUNTING OF ARMED FORCE SERVICE EX-ARMY NO. 3396469
NAIK/CLK ARIF ULLAH.

Reference Your letter No. ICF/3396469/R-4 dated 12.04.2019

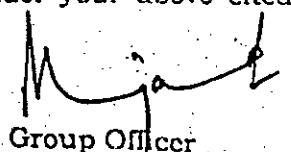
The case has been examined, it is stated that above named Individual was appointed as Junior Clerk (BPS-11) through proper channel in the Govt. of KPK. He has requested to count the Army service rendered w.c.f 18.07.2013 to 01.12.2018 with the civil service. Pension Sub Office FFC Abbottabad has issued the certificate dated 10.04.2019 regarding verification of Military Service.

It is stated that the concerned department may be requested to process the case for counting of former service. The proportionate share of pensioner charges raised by the concerned Audit office on retirement of Individual will be accepted by this office, in the light of instruction, contained in this office I.O No 25 dated 31.10.2018.

Sheet Roll along with connected documents received under your above cited letter is returned herewith.

Copy for information to:-

The OIC Pension Sub office FFC Abbottabad


Group Officer

— Sd —
Accounts Officer

ATTACHED TO BE
TRUE COPY

July 2019

To: Government of Khyber Pakhtunkhwa Transport &
Mass Transit Department
Peshawar

07

-15-

Subject: Counting of Armed Force Services

1/01

Your ltr No. SO (C)/TD/4-4/Misc/2018/1835 dated 06 Mar 2019 reference.

1. It is intimated that following documents in respect of No 3396469 Naik/Clerk Arif Ullah are returned herewith in the light of Controller of Military Accounts (Pensions) Lahore letter Number Pen/Coord/3-XVII dated 31 May 2019 (copy attached):-

- a. Discharge Book (in original)
- b. Service Book (in original)
- c. 3 x original copies of certificate of Verification of Military Service
- d. 3 x original copies of Non Payment of Service Gratuity Certificate
- e. 3 x original copies of Non Qualifying Service Certificate
- f. 2 x original Applications
- g. 2 x original willingness certificates
- h. 1 x copy of No Objection Certificate

2. Copy of Controller of Military Accounts (Pension) Lahore L.O No 25 dated 31 October 2018 is also enclosed for your perusal.

3. Forwarded for your information/necessary action, please.

P1. put up

MASUD KHAN
Major (Retired)
For Officer in Charge Records
(Masud Khan)

AS-IV
10/17/19
10/17/19
S-0111

RESTRICTED

8296

RESTRICTED TO BE
MADE COPY



GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

Ph: 091-9223615

Fax:091-9212556

No. SOG(TPT)/1-31/PF/2018-19/6122-24

Dated: 25-07-2019

-16-

To,

The Secretary to Govt: of Khyber Pakhtunkhwa,
Finance Department.

Subject: COUNTING OF ARMED FORCE SERVICE

Dear Sir,

I am directed to refer to the subject cited above and to state that Mr. Arif Ullah was serving in Pak Army as Naik/ Clerk from dated 18-07-2013 to 01-12-2019 however, he applied for the post of Junior Clerk in the Establishment & Administration Department Government of Khyber Pakhtunkhwa through proper channel and has been selected for the said post vide Establishment Notification No. SO(E).IV(E&AD)1-44/2018 dated 12-11-2018 and presently posted as working Junior Clerk in this Department. (copy enclosed)

It is pertinent to mention here that the Mr. Arif Ullah, Junior Clerk desires that the Competent Authority consider his previous service served in Pak Army for the purpose of Pay & Pension. The following documents are attached received from Frontier Force Regiment (Record Wing) Abbottabad Pak Army as under:

1. No Objection Certificate (NOC)
2. Application of the individual
3. Willingness Certificate
4. Certificate of Verification of Military Service
5. Non Payment of Service Gratuity Certificate
6. Discharge Slip (In Original)
7. Sheet Roll/Service Book (Photocopy Duly Attested)
8. Present Service Book (In Original)
9. L.P.C (Original)

It is therefore requested that necessary action for consideration of his previous service may please be taken as per prevailing rules/policy.

SECTION OFFICER (ADMN)
Transport & Mass Transit Department

Edstt: No. & Date Even

Copy for information to the:

1. PS to Secretary Transport & Mass Transit Department Govt. of Khyber Pakhtunkhwa.
2. Deputy Secretary Transport & Mass Transit Department Govt. of Khyber Pakhtunkhwa.

SECTION OFFICER (ADMN)
Transport & Mass Transit Department

-17-



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

NO.FD/SOSR-II/5-50/2019 - 39
Dated Peshawar the 10.10.2019

To / The Secretary to Govt. of Khyber Pakhtunkhwa,
Transport & Mass Transit Department.

File No. 2360

Dated 17-10-19

Subject:- COUNTING OF ARMED FORCE SERVICE.

Dear Sir,

I am directed to refer to your department letter No. SOG(TPT)/1-31/PF/2018-19/6122-24 dated 25.07.2019 on the subject noted above and to state that in light of Rule 2.8 civil servant pension rules and order read with CSR-356 (a,b) note 1-5, which allow counting of military service towards pension, please.

Yours faithfully,

Rizwanullah
(SECTION OFFICER (SR.II))

Copy forwarded for information to:-

1. PA to Additional Secretary (Reg.) Finance Department, Khyber Pakhtunkhwa, Peshawar.

Rizwanullah
(SECTION OFFICER (SR.II))

DS-I
SOG/17/10/19

17/10/19

ASST 18/10

ATTACHED TO...

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

21/2/19

21/2/19

Subject: -

PROTECTION OF PAY ON APPOINTMENT FROM ONE POST TO ANOTHER POST.

Dear Sir,

I am directed to refer to the subject noted above and to state that the newly appointed Junior Clerk (BPS-11) Mr. Arif Ullah in Transport & Mass Transit Department, who was serving in Pakistan Army as Naik Clerk (BPS-09) and applied through proper channel for the current job and was successfully appointed as Junior Clerk (BPS-11) in Civil Secretariat. As per Finance Department letter No FD/SOSR-II/5-50/2019-39 Dated 10.10.2019. Service of the above official has been counted, but the official has also applied for Pay Protection. Copies of the following relevant Documents are also enclosed:-

- a. No Objection Certificate (NOC).
- b. Certificate of Rank Pay Scale.
- c. Establishment Department Order.
- d. Arrival Report.
- e. Discharge Certificate.
- f. Last Pay Certificate (LPC).
- g. Certificate of Verification of Military Service.
- h. Non Payment of Service Gratuity Certificate.
- i. SO(SR-II) Finance Department Letter

It is therefore, requested to kindly sanction the Pay Protection/ Adjustment of Pay of the official for further submission to the Accountant General (AG) Office, please.

Encl:- As above.

Yours faithfully,

o/c

(SECTION OFFICER (ADMN))

Endst: No. & Date Even

Copy forwarded to the;

1. P.S. to Secretary Transport & Mass Transit Department Khyber Pakhtunkhwa.
2. Master File.

o/c

(SECTION OFFICER (ADMN))

ATTACHED TO BE
INDICATED

-19-

CERT REGARDING PAY SCALE

It is certified Ex No 3396469 Nk/Clk Arif Ullah has been discharged from this Records on 31 Dec 2018 in "Basic Pay Scale 9".

Sta: Abbottabad

Dated: 19 Nov 2019



Haider Ali
Maj
Adm Offr
(Haider Ali)

Scanned with
CamScanner



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LAST PAYMENT CERTIFICATE

Army No: 3396469 Rank: Mk/Cik Name: Adif Ullah

Entitlement	Amount	Deduction	Amount	Remarks
Pay Grade	Y-3	I-Tax	0.00	
Rank Pay	17880.00	DSPF Subs	0.00	
D/Pay	0.00	HBA	0.00	
JA	300.00	MCA	0.00	
GS Pay	0.00	DATE OF SOD: <u>30 Nov 2018 (AN)</u> DATE OF SOS: <u>01 Dec 2018 (FN)</u> FAID UPTO : <u>30 Nov 2018</u>		
SSA	240.00			
CA	1932.00			
CILQ/Consy-A	0.00			
Appt Pay	0.00			
10% AR-2016	1122.00			
10%AR 2017	1788.00			
10%AR 2017 SP	1788.00			
10% AR-2018	1788.00			
Total	26832.00			

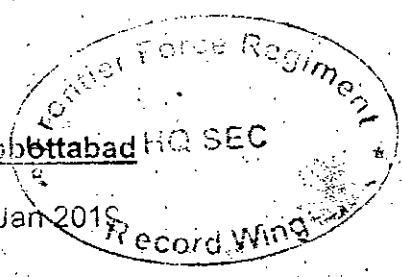
IA FEC (RW)

Sta

Abbottabad HQ SEC

Dated:

16 Jan 2018



[Signature]
Maj
Adm Offr
(Haider Ali)

APPROVED / NOT APPROVED

[Signature]

[Signature]
Adm Offr
Haider Ali

IN TEST TO
TRUST



- 21 -

GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gk.pk>

[facebook.com/GoKFD](https://www.facebook.com/GoKFD)

[twitter.com/GoKFD](https://www.twitter.com/GoKFD)

NO. FD (SOSR-1) 12-5/2019(3166B)

Dated Peshawar the: 16-10-2020

To:

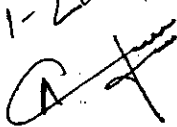
The Section Officer (Admn),
Transport & Mass Transit Department,
Peshawar.

Subject: -

PROTECTION OF PAY ON APPOINTMENT FROM ONE POST TO ANOTHER POST.

I am directed to refer to your letter No.SOG(TPT)/1-31/PF/2018-19/8966-67 dated 29-11-2018 on the subject noted above and to state that Finance Department regrets its ability to accede to the proposal of Transport & Mass Transit Department as there is no policy regarding protection of pay of the official concerned.


(REHMAT KHAN)
SECTION OFFICER (SR-I)

Received on
dt: 11-1-2021

Arifullah

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IN THE PESHAWAR HIGH COURT PESHAWAR



W P No. 3147P 2014

Mr. Fazle Mabood s/o Abdul Qayum Khan R/O canal town Street-4A House # 31 P O University campus Peshawar.
Senior Engineer (Planning & Coordination)-Technical Peshawar,
Technical Region Peshawar.
Employee NO.10022916..... (Petitioner)

VERSUS

1. Federation of Pakistan through Ministry of Information Technology and Telecommunication, Islamabad.
2. President/CEO Pakistan Telecommunication Company Ltd, PTCL Headquarters, office G-8/4 Islamabad.
3. General Manager (HR Operations) Pakistan Telecommunication Company Ltd, PTCL Headquarters, office G-8/4 Islamabad.
4. General Manager Technical Peshawar.

..... (Respondents)

Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973

Prayer in Writ Petition:

On acceptance of this writ petition an appropriate writ may please be issued directing the respondent to protect the Compulsory Services of the petitioner from 10.11.1984 to 16.8.1987, which he rendered in the Pakistan Armed Forces in terms of The Compulsory Service in the Armed Forces, Ordinance No. XXXI of 1971, for the purpose of pay, seniority, promotion etc and to allow the arrears of pay in accordance with law or any other remedy deemed proper may also be allowed.

The terms and conditions of service of initial appointment in T&T now PTCL of the petitioner were confirmed as statutory governed under the civil servant act 1973, thereby entitled for all kind of benefits given by the government time to time.

FILED TODAY
Deputy Registrar
30 SEP 2014

ATTESTED
EXAMINER
Peshawar High Court

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT)



WP No. 3147-P/2014

JUDGMENT.

Date of hearing 24-03-2016

Appellant/Petitioner Fazle Mabood Ky - Qaz. Anwar Odian

Respondent Govt. Pk. - Niz. Niz Khan Adilabad - 8 Niz. Niz Khan WAC

WAQAR AHMAD SETH, J:- Fazle Mabood,

petitioner herein, through the instant constitutional petition, seeks issuance of an appropriate writ with the following prayer:-

“On acceptance of this writ petition an appropriate writ may please be issued directing the respondent to protect the Compulsory Services of the petitioner from 10.11.1984 to 16.8.1987, which he rendered in the Pakistan Armed Forces in terms of the Compulsory Services in the Armed Forces, Ordinance No. XXXI of 1971, for the purpose of pay, seniority, promotion etc and to allow the arrears of pay in accordance with law or any other remedy deemed proper may also be allowed.

The terms and conditions of service of initial appointment in T&T now PTCL of the petitioner were confirmed as statutory governed under the Civil Servant Act, 1973, thereby entitled for all kind of benefits given by the government time to time”.

ATTESTED

EXAMINER
Peshawar High Court

2. Facts, in brief, are that the petitioner was holding the qualification of B.E (Electronics) and under the provision of Compulsory Service Act, he was allowed temporary commission in the Pakistan Land Forces (Corps of EME) in the temporary Rank of Captain vide order dated 28.11.1984 and he was relieved from service vide order dated 16.4.1987. Subsequently, the petitioner was appointed as Assistant Divisional Engineer (BPS-17) in Telephone & Telegraph (T&T) Department on adhoc basis vide order dated 10.1.1988 but subsequently, his adhoc appointment on the said post was confirmed by the Federal Public Service Commission vide order dated 17.6.1990. The petitioner was promoted to the post of Divisional Engineer (BS-18) vide Notification dated 8.11.1993 and he took up the matter with the respondents for counting of Army Services for the purpose of pay, seniority etc as contained in Section 9-A of the Compulsory Service in the Armed Forces Ordinance, 1971 but the respondents

ATTESTED

EXAMINER
Peshawar High Court

have neither allowed him pay protection nor seniority etc in terms of the Ordinance (ibid). Hence, the instant Writ Petition.

3. Respondent No.1 has filed comments wherein he denied the averments of Writ Petition being not related to him.

4. Similarly, respondent No.2 has also filed comments wherein it has been raised several objections including the maintainability of Writ Petition that Pakistan Telecommunication Company Ltd is a company incorporated under the Companies Ordinance, 1984 and it has no statutory rules governing employment of its employees. It has further been stated that in Masood Ahmad Bhatti's case, the Hon'ble Apex Court was not properly assisted on distinction between 'terms and conditions' of employment and 'rules and regulations' and in this regard, the respondent quoted section 6 of Agricultural Development of Pakistan (Re-Organization and Conversion) Act, 2002, which reads as under:-

ATTESTED
EXAMINER
Peshawar High Court

"Continuation in service of the company.- (The employees of ADBP who were in the service of ADBP before the effective date shall stand transferred to and become the employees of the company as of the effective date on the same terms and conditions and shall be subject to the same rules and regulations as were applicable to them before the effective date".

It has also stated that PTCL is a Company and there is Board of Directors, which were empowered to manage business of a company and to exercise all powers of a company in general meeting and not by Companies Ordinance, or by Articles or by a special resolution, hence, the respondent prayed for dismissal of writ petition.

- 5. Arguments heard and record perused.
- 6. Admittedly, petitioner holding the qualification of B.E (Electronic) was allowed temporary commission in the Pakistan Land Forces in the temporary rank of Captain, vide order dated, 28.11.1984, with effect from 10.11.1984 and was relieved from the service vide order dated, 16.04.1987.

The total service rendered by him in the Compulsory

ATTESTED
EXAMINER
Peshawar High Court

Services of Pakistan Land Forces is, 2 years 9 months and 7 days. The Ordinance No. XXXI of 1971, commonly known as Compulsory Services in the Armed Forces Ordinance, 1971, Section 2 (c) "Essential Persons" means essential personnel as defined in the Essential Personnel (Registration) Ordinance, 1948, and includes such other person as the Federal Government, may by notification in the official gazette, declared to be an essential person for the purpose of this Ordinance. Likewise the Essential Personnel (Registration) Ordinance 1948, schedule-1 includes at serial No.2 "Engineer (Electrical)" and as such petitioner fully qualifies and comes within the ambit of Essential Personnel for the purpose of Armed Forces Ordinance, 1971.

7. Record shows that petitioner was appointed, thereafter as Assistant Divisional Engineer in BS-17 in the Telephone and Telegraph Department of Pakistan on adhoc basis vide order dated 10.01.1988 and later on he was confirmed as Assistant Divisional Engineer, upon

ATTESTED
 EXAMINER
 Peshawar High Court

the recommendations of Federal Public Commission, vide order dated 17.06.1990. Subsequently petitioner was promoted as Divisional Engineer BS-18 vide notification dated 8.11.1993. For the purpose of plea of the petitioner, in the writ petition section 9-A of the Compulsory Services in the Armed Forces Ordinance, 1971, is relevant and reads as under:-

"The Armed Forces Ordinance, 1971 provides that, Notwithstanding anything contained in any other law for the time being in force, a medical practitioner or other essential person who, following his release from service with the Armed Forces, after having rendered satisfactory service under this Ordinance for a period of not less than two years enters employment of the Federal Government or a Provincial Government or a Organization controlled by the Federal Government of a Provincial Government or any statutory or local shall be entitled to count towards his seniority in such employment the period of service rendered by him under this Ordinance and to his pay in such employment being fixed after giving him credit for the service so rendered.

ATTESTED
EXAMINER
Peshawar High Court

8. Since there is no dispute or denial by the respondents regarding rendering compulsory service under the Armed Forces of Pakistan by the petitioner therefore, by virtue of above quoted section he is entitled for counting the said period i.e 2 years 9 months and 7 days towards his seniority, pay protection etc. The request of the petitioner in this respect right from 18.2.2003 is on record. Office letter No. S/F-72 (PT) Islamabad, the 4th January 2008 of respondents / company annexed at page-38 of the writ petition shows that sanction was accorded to the protection of pay of the petitioner on his appointment as Probationary Assistant Divisional Engineer in the respondents / company, but the same was not given practical effect. In addition to this there is yet another document annexed at page-37 not denied by the respondents which is relevant for the present controversy, is reproduced as below:-

ATTESTED

EXAMINER
Peshawar High Court

Pakistan Telecommunication Company Limited.

No. TE (W)-Misc/Pen.Cont/2009-10/76 dated 5.11.2009.

To,

Mr. Zaheer ud Din Babar,
Office Coordinator HR&A,
PTCL, Headquarters, G-8/4,
Islamabad.

Subject: COUNTING OF PREVIOUS SERVICE OF
MR. FAZAL-E-MABOOD S.E (DEV-11)
PESHAWAR, W.E.F 10.11.1984 TO
16.8.1987 RENDERED IN PAK ARMY.

It is intimated that a cheque No. K-181984 dated 09.09.2009 amounting to Rs. 27,744/- has been received in this office and duly cleared by the bank for counting of previous service rendered by the above named officer in Pak Army from 10.11.1984 to 16.08.1987.

There is nothing outstanding against the officer concerned under this head. Further action in this regard for issuing the regular sanction may be taken in accordance with existing rules (Authority Matrix). This may be treated as clearance certificate for only above mentioned period.

Assistant Manager (HR).

ATTESTED

EXAMINER
Peshawar High Court.

9. Had the respondents implemented the law and the above said letter in due time then petitioner would have been promoted to BS-19 in December 2000, when his junior were promoted and the name of petitioner would have been at serial No. 11 instead of 299 of the seniority list of Divisional Engineers (BS-18) in the PTCL, circulated vide letter dated 5.01.2003.

10. The respondents department in their comments and arguments at the bar have not contradicted the factual as well as the legal position as narrated above rather have question the maintainability of the writ petition. Record is suggestive that petitioner before filing the instant writ petition had filed service appeal No.111(P) CS / 2010 before Service Tribunal, which was returned at preliminary stage on the point of privatization of PTCL, vide order dated 24.04.2010. The apex Court of the country had time and again held in different judgments that a writ is maintainable in respect of the employees of the T&T Department, so absorbed in the PTCL. Admittedly the respondents / corporation is

ATTESTED

EXAMINER
Peshawar High Court

owned and control by the Federal Government, therefore, the very protection of section 9-A of the Compulsory Service in the Armed Forces Ordinance, 1971, is applicable and as such this writ petition is allowed, the respondents are directed to count the services of petitioner from 10.11.1984 to 16.8.1987 rendered in Pakistan Land Forces for the purpose of pay, seniority, promotion etc.

11. Writ petition is allowed in above terms.

ANNOUNCED.
Dated: 24.03.2016.

JUDGE

JUDGE

Nawab Shah

=====

[Signature]
CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 c
of Constitution of Pakistan

01 FEB 2024

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29-3-16

No. 25020
 Date of Presentation of Application 4/2/2016
 No of Pages 20-1
 Copying fee _____
 Total 20/-
 Date of Preparation of _____
 Date of Delivery of Copy 4/2/2016
 Received By [Signature]

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

WRIT PETITION NO. 3221-P 2013.



- 1- Sultan Muhammad, Principal,
Bajaur Public School Bajaur Agency.
- 2- Khalid Ahmed, SET,
Bajaur Public School Bajaur Agency.
- 3- Syed Jehanzeb, SET,
Bajaur Public School Bajaur Agency.
- 4- Liaqat Ali Khan, SET,
Bajaur Public School Bajaur Agency.
- 5- Nasrum Minallah, SET,
Bajaur Public School Bajaur Agency.
- 6- Muhammad Rahim Jan, SET,
Bajaur Public School Bajaur Agency.
- 7- M. Ashfaq Hassan, SET,
Bajaur Public School Bajaur Agency.
- 8- Ubaidur Rehman, SET,
Bajaur Public School Bajaur Agency.
- 9- Bahadur Khan, SET,
Bajaur Public School Bajaur Agency.
- 10- Muhammad Dawood, SET,
Bajaur Public School Bajaur Agency.
- 11- Purdil Khan, SET,
Bajaur Public School Bajaur Agency.
- 12- Raiz Hussain, CT,

FILED FORAY
Deputy Registrar
28 NOV 2013

ATTESTED
EXAMINER
Peshawar High Court

- Bajaur Public School Bajaur Agency.
- 13- Javed, CT,
Bajaur Public School Bajaur Agency.
- 14- Hakim Said, CT,
Bajaur Public School Bajaur Agency.
- 15- Muhammad wahab, CT,
Bajaur Public School Bajaur Agency.
- 16- IkramulHaq, DM,
Bajaur Public School Bajaur Agency.
- 17- Saeedullah PET,
Bajaur Public School Bajaur Agency.
- 18- Imran Khan , PTC,
Bajaur Public School Bajaur Agency.
- 19- Liaqat Ali Khan, PTC,
Bajaur Public School Bajaur Agency.
- 20- Juma Khan, PTC,
Bajaur Public School Bajaur Agency.
- 21- Burhanuddin, Qari,
Bajaur Public School Bajaur Agency.
- 22- Amir.Nawab Khan, AT,
Bajaur Public School Bajaur Agency.
- 23- Abdul Wahab, KPO,
Bajaur Public School Bajaur Agency.
- 24- YarBadshah, Sr. Clerk,
Bajaur Public School Bajaur Agency.

ATTESTED
EXAMINER
Peshawar High Court

FILED TODAY
Deputy Registrar
28 NOV 2013

Muhammad Sher, Lab: Asstt,
Bajaur Public School Bajaur Agency.

- 26- Naik Ahmed, Lab: Attendant,
Bajaur Public School Bajaur Agency.
- 27- Ghaus-ur- Rehman, N/Qasid,
Bajaur Public School Bajaur Agency.
- 28- Nihar Khan, Mali,
Bajaur Public School Bajaur Agency.
- 29- AbdurRehman, Chowkidar,
Bajaur Public School Bajaur Agency.
- 30- William Masih, Sweeper,
Bajaur Public School Bajaur Agency.

.....Petitioners.

VERSUS

- 1- The Ministry of SAFRAN, Through The Federal Secretary for
SAFRAN, Federal Secretariat, Constitutional Avenue
Islamabad.
- 2- X The Ministry of Finance Through Federal Secretary Finance
Division, Constitutional Avenue Islamabad. X
- 3- The Addl: Chief Secretary , FATA Secretariat, Warsak Road
Peshawar.
- 4- The Secretary Education FATA, FATA Secretariat Warsak Road
Peshawar.
- 5- The Director Education, FATA, Warsak Road Peshawar.
- 6- The Secretary Finance, FATA Secretariat, Warsak road
Peshawar.
- 7- ✓ The Chairman Board of Director, Bajaur Public School Bajaur
Agency.
- 8- The Addl: Accountant General of Pakistan Revenue, Sub Office
Peshawar, near Gunner lane Peshawar Cantt:
- 9- The Agency Education Officer, Bajaur Agency.

.....Respondents:

*deleted
as per order
dated 27/11/2013*

FILED TODAY
Deputy Registrar
28 NOV 2013

WP3221P2013GROUND

ATTESTED
EXAMINER
Peshawar High Court

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT

Writ Petition No.3221-P/2013



JUDGMENT

Date of hearing: 01.03.2018

Petitioner(s): By *Muhammad Asif Jafar* Advocate

Respondent(s): By *Muhammad Hamayun Mansoor* Advocate

IKRAMULLAH KHAN, J.- Petitioners have

filed instant Constitutional petition for issuance of an appropriate writ with the following prayer:-

"On acceptance of this writ petition the non-counting of previous service of the petitioners towards pay protection and pensionary benefits by the respondents may be declared as illegal, unconstitutional, arbitrary and exploitation of the past good service of the petitioners. The respondents may further please be directed to give full pay protection with pensionary benefits of the past service rendered by the petitioners to meet the ends of justice and principles of equity. Any other remedy which this august court deems fit and not specifically prayed for that may also be awarded in favour of petitioners."

2. In essence, petitioners were appointed in the year 1990 and onwards by the Political Agent, Bajaur

ATTESTED
EXAMINER
Peshawar High Court

Agency as Principal, Teachers, Ministerial Staff and Class-IV employees, in the Bajaur Public School and College with the condition that they would be allowed pay scales and other allowances admissible to a Civil Servant in Bajaur Agency. Later on, the Bajaur Public School and College was taken into supervision and control by the Federal Government and services of all the employees appointed by the Political Agent, Bajaur Agency on contract basis were made regularized vide Notification issued by the Governor's Secretariat, Khyber Pakhtunkhwa, Peshawar on March 28, 2013. In para-4 of the Notification, it has been held that all the eligible incumbent teaching and non-teaching staff will be adjusted against the regular sanctioned posts on merit cum seniority in service in the respective scales and categories. As the petitioners were eligible to be regularized, as such, they were adjusted on regular newly created posts with immediate effect vide order dated 20.5.2013, however, the previous services rendered by the petitioners were not counted towards their pay and pension by the respondents, hence, the instant writ petition.

3. Learned counsel for petitioners contended that though the services of petitioners were regularized since 2013 but the respondents have denied

ATTESTED
EXAMINER
Peshawar High Court

the benefit of protection of pay and pensionary benefits to the petitioners on the sole ground that the previous services rendered by them were on contract basis, as such, it could not be counted towards the length of their service, which act of respondents is against law.

4. On the other hand, learned counsel for respondents contended that the services of petitioners were not either on contract or adhoc basis, but they were appointed by the Political Agent, therefore, the period of services rendered by the petitioners in the concerned School could not be counted towards their pay and pension, etc.

5. We have heard learned counsel for the parties in light of law and available record.

6. The first appointment orders of the petitioners reveal that though they were appointed by the Political Agent, Bajaur Agency but on the condition that the petitioners will receive all the benefits and allowances admissible under the rules to a Civil Servant. The Notification issued by the worthy Governor, Khyber Pakhtunkhwa itself reveals rather admitted therein that petitioners were on contract basis and their services were regularized. Rule 2.1 of Chapter-II (Service Qualifying for Pension) of Civil

ATTESTED

EXAMINER
Peshawar High Court

Servants Act, 1973, prescribes conditions of qualifications for pension, which read as:-

Rule 2.1. Conditions of Qualifications.-The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions:-

First:- The Service must be under Government.

Second:- The Service must not be non-pensionable.

Third:- The service must be paid by Government from the Provincial Consolidated Fund.

Note- (1) For the previous service of displaced Government Servants which qualifies for pension see Chapter-VII.

Note- (2) Service rendered after retirement on superannuation pension / retiring pension shall not count for pension or gratuity.

7. The abovementioned rule admittedly shall be applied to the case of petitioners as they were appointed on the conditions applicable to the Civil Servants. This court in Writ Petition No.1188-P/2014 titled "Baghi Shah Versus The Govt. of KPK through Secretary Finance, Peshawar and two others, decided on 9.9.2014 has held that :-

"The Courts, being the custodian, are to safeguard the inalienable rights of the citizens as enshrined in

ATTESTED

EXAMINER
Peshawar High Court

the constitution. Whenever any such infringement of rights is brought to the notice of the court that is to be struck down. Here in the instant case, since respondents have not denied discrimination as averred in the petition, so their act of depriving the petitioner of his pensionary benefits is not condonable and is liable to be struck down."

8. Similarly, this court while resolving the identical proposition of law in case titled "**Muhammad Arif Versus The Secretary to Government of KPK, Transport Department, Peshawar and other**" decided on 24.11.2014 has held : "that the period served by a Government Servant on contract basis shall be counted towards his pensionary benefits, after regulation, in accordance with Rule 2.3 of the West Pakistan Civil Services Pension Rules, 1963."

9. Likewise, in case titled "**Muhammad Farooq Versus Engineer in Chief, ENC Branch, General Headquarters (GHQ), Rawalpindi** reported as (2012 CLJ 343), the Honourable Lahore High Court has held as follows:-

"Government Servant continuously remaining in service without break would after his regularization have

ATTESTED

EXAMINER
Peshawar High Court

the right that the period of his service before regularization be counted towards his pay, pension and promotion.”

10. This Court has decided a number of Writ Petitions through its consolidated judgment dated 22.6.2017 delivered in WP No.3394-P/2016 has held: “that the person selected for appointment on contract basis and thereafter his regularization, the period served as a contract employee shall be counted towards his pension, pay and promotion, etc.”

11. The facts as well as the legal proposition involved in this case is similar to the one already decided by this court in the above mentioned cases, therefore, this court could not take a different view, therefore, this writ petition is disposed of in the term that the services rendered by the petitioners as contract employees shall be considered towards their pay and pension.

Announced.
Dated: 01.03.2018

JUDGE

JUDGE

No. 25021
Date of Presentation of Application 14/2/2021
No of Pages 12-9
Copying fee
Total 72/-
Date of Preparation of Copy 14/2/2021
Date of Delivery of Copy 14/2/2021
Received By [Signature]

NOTIFIED TO BE TRUE COPY
Examiner,
Punjab High Court, Patna
Authorized Under Article 67 of
the Constitution of India

04 FEB 2021

BEFORE THE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No 38/2011

Date of institution - 07.01.2011

Date of decision - 01.08.2011



Arshad Alam, Additional Government Pleader, Law Department, Khyber Pakhtunkhwa, Peshawar. Presently Assistant Director (Legal), Anti Narcotics Force, Peshawar (on deputation).....(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Law, Parliamentary Affairs & Human Rights Department Civil Secretariat, Peshawar.
2. Secretary, Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.
3. Secretary, Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.....(Respondent)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 FOR ISSUING APPROPRIATE DIRECTIONS TO THE RESPONDENTS TO COUNT THE SERVICE OF THE APPELLANT RENDERED IN PAKISTAN AIR FORCE TOWARDS THE PRESENT SERVICE AT LAW DEPARTMENT FOR THE PURPOSES OF PAY, PENSION/C.P FUND, GRATUITY AND OTHER ATTACHED SERVICE BENEFITS FOR WHICH APPELLANT FILED DEPARTMENTAL TO THE COMPETENT AUTHORITY ON 14.05.2010 BUT THE SAME WAS REJECTED AND COMMUNICATED TO APPELLANT VIDE LETTER DATED 08.12.2010.

Mr. Khalid Rehman Advocate.....For appellant.
Mr. Sherafyan Khattak, A.A.G.....For respondents.

SYED MANZOOR ALI SHAH.....MEMBER.
MR.KHALID HUSSAIN.....MEMBER.

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER:- This appeal has been filed by the appellant for issuing directions to the respondents to count his service rendered in Pakistan Air Force towards the present service at Law Department for the purposes of pay, pension, C.P Fund, Gratuity and other attached service benefits.

Brief facts of the case are that the appellant joined the service of Law Department as Additional Government Pleader on adhoc basis on 1.12.2008.

ATTESTED
Khyber Pakhtunkhwa Service Tribunal, Peshawar

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Subsequently he was regularly appointed as such on 30.5.2009. He has served in Pakistan Air Force as Commissioned Officer (BPS-17) w.e.f. 28.7.2003 and retired on 30.9.2008. Under the law, the appellant is entitled for counting of his service performed in the Pakistan Air Force towards the present service in Law Department for service benefits. Therefore, the appellant preferred a departmental appeal but the same was rejected vide letter dated 8.12.2010. Hence, the instant appeal.

3. Arguments heard and file perused.

4. The learned counsel for the appellant argued that the respondents have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully refused to count the previous service of appellant rendered in the Pakistan Air Force for the purpose of service benefits towards the present service in the Law Department, which is unjust, unfair and hence not sustainable in the eye of Law. Before joining the Law Department, the Pakistan Air Force had issued proper NOC to the appellant which was received by the Law Department, therefore, legally Respondents were required to count the Air Force service towards the service in Law Department but the Respondents have unlawfully refused to extend the benefits of the PAF service which has adversely affected the service career of appellant. Under Article 356 (a) of Civil Service Regulations (C.S.R), service so rendered by a person is to be considered for the purposes of Pay, Pension/C.P. Fund and Gratuity after joining the new service of the Government but the respondents have unlawfully refused the same, which cannot be sustained under the law. In support of his arguments he relied on 2008-PLC- (C.S) 482.

5. The A.A.G argued that the appellant was appointed on as-hoc basis vide order dated 01-12-2008 and latter on was recommended by Khyber Pakhtunkhwa Public Service Commission vide Notification dated 30 (15-2008). The appellant retired from Air Force and after retirement appointed on adhoc/contract basis as Adfl. Government Pleader on 01-12-2008. The law provides continuity of service for reckoning the previous service for the purpose of financial benefits. Since appointment of appellant lacks continuity, therefore he is not entitled to take advantage of his previous service.

EX-MEMBER
Khyber Pakhtunkhwa
Public Service Commission
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6. Keeping in view the facts and circumstances of the case the Tribunal while agreeing with the arguments put forth by the learned counsel for the appellant, accepts the appeal, sets aside the impugned order and directs the respondent department to count his PAF service with present service from 28.7.2003 for the purpose of pay, pension and other attached retirement benefits in light of Civil Service Regulation (C.S.R) No. 420 (h), 422 and 365 (a). The appellant will remit the amount of gratuity to the PAF, if received. The two months will be considered as leave without pay. The parties are, however, left to bear their own costs. File be consigned to the record.

ANNOUNCED
01.08.2011

[Signature]
(KHALID HUSSAIN)
MEMBER.

[Signature]
(SYED MANZOOR ALI SHAH)
MEMBER.

Certified to be true copy
[Signature]
Khalid Hussain
Secretary Tribunal,
Peshawar

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present

Mr. Justice Nasir-ul-Mulk
Mr. Justice Tariq Parvez

ANNEX I

CIVIL PETITION NO. 552-P OF 2011

(On appeal from the judgment/order dated 01.08.2011 passed by KPK Service Tribunal, Peshawar in Appeal No. 18/2011)

Secretary, Law Department,
Govt. of KPK Peshawar and others Petitioners
Arshad Alam Respondent.

For the petitioners Mr. Naveed Akhtar, Addl. AG.

Respondent In-person.

Date of hearing 03.01.2013.

JUDGMENT

TARIQ PARVEZ, J. Facts of the case are that respondent served the Pakistan Air Force as Commissioned Officer w.e.f. 28.07.2003 and retired on 30.09.2008; thereafter he joined the service in Law Department as Additional Government Pleader on adhoc basis on 01.12.2008 and subsequently was regularly appointed as such on 30.05.2009. He preferred departmental appeal for counting of his service, rendered by him in Pakistan Air Force, which was rejected on 08.12.2010. He then went in appeal before the Service Tribunal, which has been allowed by means of the impugned judgment. Hence this petition for leave to appeal by the Secretary, Law Department, Govt. of KPK.

ATTESTED

[Signature]
Deputy Registrar,
Supreme Court of Pakistan,
Peshawar.

ATTESTED *[Signature]*

CP. 552-P/2011

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2. Learned Additional Advocate General has appeared and argued that the respondent was initially appointed on adhoc basis and later on was recommended by the Public Service Commission for regular appointment on 30.05.2009. According to him since after retirement the respondent was appointed on adhoc/contractual basis and was later on appointed on regular basis, therefore, he lacks continuity in his service as such is not entitled to counting of service rendered by him in Pakistan Air Force for the purposes of Pay, Pension and other attached service benefits. He has further contended that the impugned judgment suffers from legal and factual infirmities and requires interference by this Court.

3. The respondent has appeared in-person and supported the impugned judgment.

3. We have heard the learned Additional Advocate General as well as the respondent and have also gone through the available record. Article 365(a) of the Civil Service Regulations clearly provides that the service rendered by a person as commissioned officers, non-commissioned officers and men of the Pakistan Army be allowed to count, when followed by service qualifying for pension under civil rules. Admittedly the respondent had served the Pakistan Air Force as Commissioned Officer before joining the petitioner-department and he had been issued proper NOC by the Pakistan Air Force for joining new service, therefore, keeping in view the Article

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Deputy Registrar,
Court of Pakistan

365(a) *ibid* the petitioner-department had unlawfully refused to extend

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[Signature]

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the benefit of his previous service. As such the Service Tribunal was justified in allowing the appeal of the respondent.

In view of above, we find no merit in this petition, as such the same is dismissed. Leave declined.



Islamabad the,
03.01.2013
Fahad Hussain

Sd/- Nasir-ul-Mulk, J
11/1/2013

Certified to be true copy
04.01.2013
Deputy Registrar,
Supreme Court of Pakistan,
Islamabad

NOT APPROVED FOR REPORTING.

07/1/13

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8

IN THE SERVICE TRIBUNAL KP, PESHAWAR.

Service Appeal No. _____/2020

Arif Ullah

.....Petitioner.

VERSUS

Gout. & others

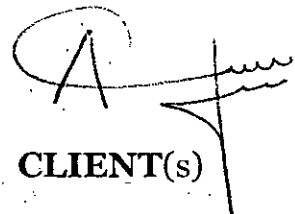
..... Respondents.

I, the undersigned, do hereby appoint and constitute,


FAZAL SHAH MOHMAND Advocate Supreme Court. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

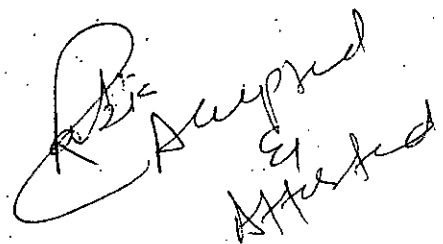
1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 5-2-2021.


CLIENT(s)

ACCEPTED BY:


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

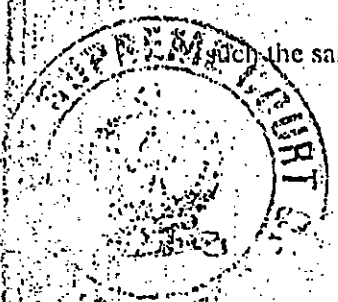

Accepted
&
Attested

CI: 552-P/2-11.

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the benefit of his previous service. As such the Service Tribunal was justified in allowing the appeal of the respondent.

In view of above, we find no merit in this petition, as such the same is dismissed. Leave declined.



Islamabad the,
03.01.2013

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Self - Nasir - ul - Mulk, J
in/ - Transcription - 11

Certified to be true copy
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03.01.2013
Deputy Registrar,
Supreme Court of Pakistan,
Islamabad

NOT APPROVED FOR REPORTING.

07/1/13

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IN THE SERVICE TRIBUNAL KP, PESHAWAR.

Service Appeal No. _____/2020

Aarif Ullah

.....Petitioner.

VERSUS

Gout. & others

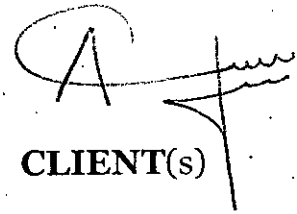
..... Respondents.

I, the undersigned, do hereby appoint and constitute,

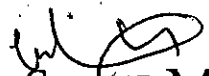
FAZAL SHAH MOHMAND Advocate Supreme Court. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

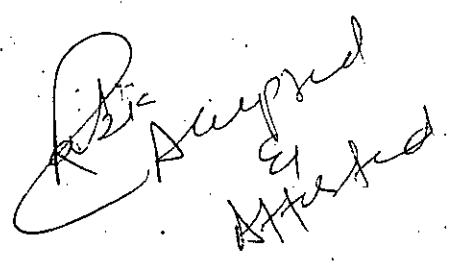
1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 5-2-2021.


CLIENT(s)

ACCEPTED BY:


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.


Accepted & Attested

BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR

Service Appeals No.2410/2021

Mr. Arif Ullah Junior Clerk (BS-11) Transport Department Khyber Pakhtunkhwa ... **Appellant**

VERSUS

Secretary Establishment & Others **Respondents**

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Dated 20/01/2022


Deponent

CNIC No: 17301-6272682-3

Mobile: 0315-5737137

Service Appeal No.2510/2021

Arif Ullah, Junior Clerk (BS-11)

(Appellant)

VERSUS

1. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department. Respondents
2. Secretary to Govt of Khyber Pakhtunkhwa, Transport Department. Respondents
3. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department. Respondents

Joint Parawise Comments on behalf of the respondents No.1 to 3

PRELIMINARY OBJECTIONS.

1. That the petitioner has got no cause of action against the respondents.
2. The Petitioner is estopped by his own conduct to file the present petition in the Court.
3. That no discrimination/injustice has been done to the appellant.
4. That the petition is badly time-barred.

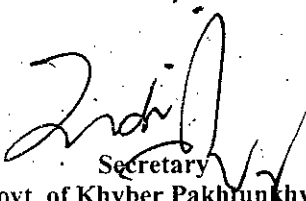
ON FACTS


- 1 Correct to the extent that the appellant joined the service of Pakistan Army as Lance Naik/Soldier Clerk on 18.07.2013. The post of Junior Clerk (BS-11) was advertised by respondent No.1 and the appellant applied through proper channel after obtaining NOC from Pakistan Army on 19.02.2018.
- 2 Correct to the extent that the appellant alongwith others was appointed as Junior Clerk (BS-11) vide Order dated 12.11.2018 and after appointment, was discharged from service of Pakistan Army on 01.12.2018.
- 3 Correct. The appellant was transferred from Establishment Department and Posted in Transport Department (F/A). He submitted departmental appeal for fixation/protection of pay (F/B) which was sent to Finance Department for the purpose that whether pay of the petitioner is protectable in light of rules (F/C). Finance Department Regretted the case with remarks that "there is no policy regarding protection of pay of the official concerned" (F/D). Later on the official concerned/appellant was transferred from Transport Department to Relief Department (F/E).
- 4 Correct. The request of the appellant was received from Transport Department duly processed and regretted on the grounds that there is no policy regarding protection of pay of an official appointed from one post to another or from federal government to provincial Government. The case was also taken up with Finance Division (F/F) which replied that the Federal rules/regulations are not applicable to employees of Provincial Government (F/G).
- 5 As explained at Para-04


GROUND

- A. Incorrect. That the order was issued as per law and in good faith.
- B. Incorrect. That no discrimination as per law has been done to the appellant.
- C. Incorrect. Rule 2.8 of Pension Rules 1963 and Civil Service Regulation CSR-356(a-b) note 1-5, provides only for counting of military service towards pension and there is no provision of pay protection under the ibid rules.
- D. Incorrect. That previous service (civil service), in case where applied through proper channel is counted for the purpose of Pension benefits instead of Seniority. However, the said judgment is related to employees of Federal Government whereas in the instant case the officials past service belongs to Federal Government, in which case pay protection is not admissible as explained in Para-4 of the facts above.
- E. Incorrect. The judgments cited by the appellant are not related to the instant case.
- F. Incorrect. That no injustice has been meted out to the appellant.
- G. Incorrect. That no violation of rules/law has been made.
- H. That the respondents also seek permission to agitate further grounds at the time of arguments.

It is, therefore, respectfully prayed that the appeal of the appellant may be dismissed with cost.


 Secretary
 Govt. of Khyber Pakhtunkhwa
 Establishment Department
 (Respondent No.1)


 Secretary
 Govt. of Khyber Pakhtunkhwa
 Transport Deptt
 (Respondent No.2)


 Secretary
 Govt. of Khyber Pakhtunkhwa
 Finance Deptt
 (Respondent No.3)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Dated Peshawar the 12th November, 2018

ORDER

NO.SO.E.IV(E&AD) 1-44/2018:-

On the recommendations of the Departmental Selection Committee and acceptance of the terms & conditions laid down in their offers of appointment, the following Selectees are hereby appointed as Junior Clerks (BPS-11) in the Civil Secretariat Khyber Pakhtunkhwa, Peshawar w.e.f the date of joining within 30 days:-

S.#	Name & Father's Name	CNIC No.	District/Zone & Quota
1.	Mr. Amjad Khan S/O Khanan Khan	1430182508525	F.R Kohat/01
2.	Mr. Inam Ullah Khan S/O Aman Ullah Khan	1110154095351	F.R Bannu/01
3.	Mr. Shaukat Ali Khan S/O Mirza Ali Khan	2140768681865	Mohmand/01
4.	Mr. Asad Ullah S/O Wahid Shah	2120374622805	Khyber/01
5.	Mr. Rizwan Ullah S/O Muhammad Ishaq	1110102589585	F.R Bannu/01
6.	Mr. Muhammad Naeem S/O Samand Khan	2120274722439	Khyber/01
7.	Mr. Muhammad Shabir S/O Qaisar Khan	2120206438953	Khyber/01
8.	Mr. Muhammad Younas S/O Jomabad	1730134437567	Khyber/01
9.	Mr. Muhammad Arshad S/O Muhammad Ayyub	2140207349563	Mohmand/01
10.	Mr. Noor Rehman S/O Rustam Jan	1110203412811	FR- Bannu/01
11.	Mr. Khaliq Ur Rahman S/O Muhammad Ismail	2170270945341	South Waziristan/01
12.	Mr. Abdul Malik S/O Ameer Khan	1730123836103	FR-Peshawar/01
13.	Mr. Tahir Khan S/O Awas Khan	2120372760313	Khyber/01
14.	Mr. Sadeeq Ullah S/O Shakir Ullah	2130245157779	Kurram/01
15.	Mr. Bismillah Jan S/O Haji Waris	2140399987533	Mohmand/01
16.	Mr. Ismail Khan S/O Khaista Jan	2120216051613	Khyber/01
17.	Mr. Mohib Ullah S/O Kabir Khan	2120374998977	Khyber/01
18.	Mr. Hameedullah S/O Bakhli Gul	2140240266611	Mohmand/01
19.	Syed Waqas Ali Shah S/O Syed Zulfiqar Ali Shah	1730164354751	Peshawar/02
20.	Mr. Malik Adnan Khan S/O Tila Muhammad	1710168408663	Charsadda/02
21.	Mr. Muhammad Aakif S/O Muhammad Shah	1730180505005	Peshawar/02
22.	Mr. Naveed Khan S/O Sher Zada	1730181053183	Peshawar/02
23.	Mr. Muhammad Shahab S/O Raees Khan	1730155820595	Peshawar/02
24.	Mr. Muhammad Kashif Khan S/O Muhammad Aurang Zeb	1730183206389	Peshawar/02
25.	Mr. Muhammad Afzal S/O Niaz Ali	1730169990457	Peshawar/02
26.	Mr. Muhammad Arif S/O Ali Haider	1720177075895	Nowshera/02
27.	Mr. Anwar Ali Shah S/O Shad Muhammad	1710124187669	Charsadda/02
28.	Mr. Kamil Khan S/O Zahid Ur Rehman	1720136760547	Nowshera/02

S.#	Name & Father's Name	CNIC No.	District/Zone & Quota
29.	Mr. Aamir Sohail S/O Fazle Qadir	1720196517509	Nowshera/02
30.	Mr. Muhammad Jawad S/O Sohbat Khan	1730188640713	Peshawar/02
31.	Sayyed Muhammad Bilal S/O Muhammad Saleem	1620210146273	Swabi/02
32.	Mr. Jawad Ali S/O Fazal Rahim	1610252683571	Mardan/02
33.	Mr. Rafiq Ullah S/O Muhammad Ullah	1710241633505	Peshawar/02
34.	Mr. Waleed Ahmad S/O Nazir Ahmad	1730132582375	Peshawar/02
35.	Mr. Hassan Rahman S/O Gul Sher	1620209006899	Swabi/02
36.	Mr. Gul Nawaz Khan Durrani S/O Tasleem Khan Durrani	1730180029573	Peshawar/02
37.	Mr. Muhammad Sheraz S/O Muhammad Shafiq	1730113910439	Peshawar/02
38.	Mr. Rehmat Ud Din S/O Abdul Haq	1520298499999	Chitral/03
39.	Mr. Ali Ahmad S/O Afzal Aman	1520142285155	Chitral/03
40.	Mr. Anis Ahmad S/O Mullah Muhammad	1730102251313	Dir Upper/03
41.	Mr. Fazli Mula S/O Umar Zada	1730188798915	Swat/03
42.	Mr. Amjad Hussain S/O Mirza Hussain	1520147258355	Chitral/03
43.	Mr. Shafiq Ullah S/O Fazal Hanan	1550224993739	Shangia/03
44.	Mr. Muhammad Waseem S/O Habibullah	1540286859747	Malakand/03
45.	Mr. Umar Rahman S/O Khaista Rahman	1540162627049	Malakand/03
46.	Mr. Ijaz Ahmad S/O Gul Shahzada	1540224495405	Malakand/03
47.	Mr. Rashid Ul Hassan S/O Usman Khan	1520160419997	Chitral/03
48.	Mr. Ishfaq Ahmad S/O Rahmat Khan	1570348968485	Dir Upper/03
49.	Mr. Waqas Iqbal S/O Muhammad Iqbal	1560295667981	Swat/03
50.	Mr. Muhammad Qasim Khan S/O Muhammad Saleem	1540267315931	Malakand/03
51.	Mr. Tehseen Javid S/O Ghulam Mohammad	1570181441713	Dir Upper/03
52.	Mr. Muhammad Farooq Khan S/O Karim Khan	1560258078093	Swat/03
53.	Mr. Muhammad Arshad Khan S/O Saleem Khan	1530778691815	Dir Lower/03
54.	Mr. Adnan Adil S/O Mushtaq Ali	1530292169795	Swat/03
55.	Mr. Majid Iqbal S/O Nawsherwan	1530638870865	Dir Lower/03
56.	Mr. Wajahatul Mujahid S/O Mir Akbar Shah	1520242081241	Chitral/03
57.	Syed Umer Saeed S/O Syed Shahin Shah	1410117788949	Hangu/04
58.	Mr. Zahid Ullah S/O Abdul Manan	1120164597211	Lakki Marwat/04
59.	Syed Shoaib Ullah Shah S/O Syed Mousam Shah	1730168831597	Bannu/04
60.	Mr. Safir Ullah Qureshi S/O Sami Ullah Qureshi	1110192620437	Bannu/04
61.	Mr. Arif Ullah S/O Muhammad Jan	1120159874415	Lakki Marwat/04
62.	Mr. Yasir Farid S/O Farid Ullah Shah	1730192421253	Karak/04
63.	Mr. Imran Ullah S/O Faiz Ullah	1120124487709	Lakki Marwat/04
64.	Mr. Saqib Ali S/O Sadiq Ali	1110133726309	Bannu/04
65.	Mr. Abdul Samad S/O Fazal Ur Rahim	1730150421905	Kohat/04
66.	Mr. Muhammad Ibrahim S/O Fazal Ur Rahman	1120195992919	Lakki Marwat/04
67.	Mr. Muhammad Tuqeer Nasir S/O Muhammad Fazil	1730177226715	D.I Khan/04

S.#	Name & Father's Name	CNIC No.	District/Zone & Quota
68.	Mr. Maqsood Ur Rehman S/O Fazal Ur Rehman	1120173604863	Lakki Marwat/04
69.	Mr. Kamran Ullah S/O Habib Ullah	3710155124055	Karak/04
70.	Mr. Irshad Ali Shah S/O Ahmad Ali Shah	1730150140223	Bannu/04
71.	Mr. Abdus Sattar Khan S/O Dr Ahmad Gul Khan	1210343328521	D.I Khan/04
72.	Mr. Jawad Rafique S/O Abdul Rafique	1330125794795	Haripur/05
73.	Mr. Jamal Ahmed S/O Muhammad Riaz Qureshi	1730187384327	Abbottabad/05
74.	Mr. Muhammad Haris S/O Abdul Rauf	1310103717343	Abbottabad/05
75.	Mr. Asim S/O Khawaj Muhammad	1350318673077	Mansehra/05
76.	Mr. Attiq Ahmed S/O Muhammad Siddique	1310187207483	Abbottabad/05
77.	Mr. Faizan Nazar S/O Nazar Muhammad	1310182559965	Abbottabad/05
78.	Mr. Zeeshan Ahmad S/O Muhammad Pervaiz Qureshi	1730103498399	Abbottabad/05
79.	Mr. Muhammad Zeeshan S/O Jahangir Khan	1310159437539	Abbottabad/05
80.	Mr. Abdul Baseer S/O Khan Afsar	1310149032423	Abbottabad/05
81.	Mr. Shahzeb Khan Jadoon S/O Jahanzeb Khan	1310177353565	Abbottabad/05
82.	Mr. Anees Ur Rehman S/O Nazéem Shah	1330274932915	Haripur/05
83.	Mr. Aqib Javed S/O Malik Aman	1310119069925	Abbottabad/05
84.	Mr. Vikash S/O Omparkash	1730106630079	Peshawar/ Minority Quota
85.	Mr. Waqas Jan S/O Arshad Jan	1110196057375	Bannu/ Mincrity Quota
86.	Mr. Mehboob Ur Rehman S/O Khalid Khan	4210117639635	Haripur/ Disable Quota
87.	Mr. Muhammad Israr S/O Mukhtiar Khan	1730181313589	Mohmand/ Disable Quota
88.	Mr. Wasim Ullah Khan S/O Nasr Ullah Khan	1120157868815	Lakki Marwat/ Disable Quota
89.	Miss. Ayesha Khan D/O Arshad Iqbal	1430163586282	Kohat/ Female Quota

2. The above chronological order will confer no right of seniority. Their inter-se seniority will be determined in light of the Merit Order.

3. Consequent upon their appointment as Junior Clerk (BS-11), the following postings are hereby ordered:-

S.#	Name & Father's Name	Place of Posting
1	Mr. Amjad Khan S/O Khanan Khan	P&D Deptt.
2	Mr. Inam Ullah Khan S/O Aman Ullah Khan	CM Sectt.
3	Mr. Shaukat Ali Khan S/O Mirza Ali Khan	Agriculture Deptt.
4	Mr. Asad Ullah S/O Wahid Shah	Auqaf Deptt.
5	Mr. Rizwan Ullah S/O Muhammad Ishaq	C&W Deptt.
6	Mr. Muhammad Naeem S/O Samand Khan	Governor Sectt.
7	Mr. Muhammad Shabir S/O Qaisar Khan	Governor House
8	Mr. Muhammad Younas S/O Jomabad	Merged Area Sectt.
9	Mr. Muhammad Arshad S/O Muhammad Ayyub	Energy & Power Deptt.
10	Mr. Noor Rehman S/O Rustam Jan	Food Deptt.
11	Mr. Khaliq Ur Rahman S/O Muhammad Ismail	Agriculture Deptt.

S.#	Name & Father's Name	Place of Posting
12	Mr. Abdul Malik S/O Ameer Khan	Energy & Power Deptt.
13	Mr. Tahir Khan S/O Awas Khan	Merged Area Sectt.
14	Mr. Sadeeq Ullah S/O Shakir Ullah	Merged Area Sectt.
15	Mr. Bismillah Jan S/O Haji Waris	CM Sectt.
16	Mr. Ismail Khan S/O Khaista Jan	Governor Sectt.
17	Mr. Mohib Ullah S/O Kabir Khan	Social Welfare Deptt.
18	Mr. Hameedullah S/O Bakhtli Gul	CM Sectt.
19	Syed Waqas Ali Shah S/O Syed Zulfiqar Ali Shah	CM Sectt.
20	Mr. Malik Adnan Khan S/O Tila Muhammad	Food Deptt.
21	Mr. Muhammad Aakif S/O Muhammad Shah	Finance Deptt.
22	Mr. Naveed Khan S/O Sher Zada	E&A Deptt (Estate Office)
23	Mr. Muhammad Shahab S/O Raees Khan	E&AD (O/O Special Assistant to CM for Industries)
24	Mr. Muhammad Kashif Khan S/O Muhammad Aurang Zeb	CM Sectt.
25	Mr. Muhammad Afzal S/O Niaz Ali	Health Deptt.
26	Mr. Muhammad Arif S/O Ali Haidar	Irrigation Deptt.
27	Mr. Anwar Ali Shah S/O Shad Muhammad	Irrigation Deptt.
28	Mr. Kamil Khan S/O Zahid Ur Rehman	Home Deptt.
29	Mr. Aamir Sohail S/O Fazle Qadir	ST&IT Deptt.
30	Mr. Muhammad Jawad S/O Sohbat Khan	Finance Deptt.
31	Sayyed Muhammad Bilal S/O Muhammad Saleem	P&D Deptt.
32	Mr. Jawad Ali S/O Fazal Rahim	Higher Education Deptt.
33	Mr. Rafi Ullah S/O Muhammad Ullah	P&D Deptt.
34	Mr. Waleed Ahmad S/O Nazir Ahmad	Home Deptt.
35	Mr. Hassan Rahman S/O Gul Sher	Relief Deptt. Vice S.No.92
36	Mr. Gul Nawaz Khan Durrani S/O Tasleem Khan Durrani	E&AD (R-III Section) Vice S.No.93
37	Mr. Muhammad Sheraz S/O Muhammad Shafiq	Industries Deptt.
38	Mr. Rehmat Ud Din S/O Abdul Haq	Higher Education Deptt.
39	Mr. Ali Ahmad S/O Afzal Aman	Excise & Taxation Deptt.
40	Mr. Anis Ahmad S/O Mullah Muhammad	Law Deptt. Vice S.No.94
41	Mr. Fazli Mula S/O Umar Zada	Merged Area Sectt.
42	Mr. Amjad Hussain S/O Mirza Hussain	E&AD (Admn Branch)
43	Mr. Shafqat Ullah S/O Fazal Hanan	IPC Deptt.
44	Mr. Muhammad Waseem S/O Habibullah	LGE&RD Deptt.
45	Mr. Umar Rahman S/O Khaista Rahman	Law Deptt. Vice S.No.91
46	Mr. Ijaz Ahmad S/O Gul Shahzada	Labour Deptt.
47	Mr. Rashid Ul Hassan S/O Usman Khan	Irrigation Deptt.
48	Mr. Ishfaq Ahmad S/O Rahmat Khan	Mineral Development Deptt.
49	Mr. Waqas Iqbal S/O Muhammad Iqbal	Mineral Development Deptt.
50	Mr. Muhammad Qasim Khan S/O Muhammad Saleem	Auqaf Deptt.
51	Mr. Tehseen Javid S/O Ghulam Mohammad	Merged Area Sectt.
52	Mr. Muhammad Farooq Khan S/O Karim Khan	Health Deptt.
53	Mr. Muhammad Arshad Khan S/O Saleem Khan	Population Welfare Deptt.
54	Mr. Adnan Adil S/O Mushtaq Ali	PHE Deptt.
55	Mr. Majid Iqbal S/O Nawsherwan	Population Welfare Deptt. Vice S.No.96
56	Mr. Wajahatul Mujahid S/O Mir Akbar Shah	E&A Deptt (R-I Section)
57	Syed Umer Saeed S/O Syed Shahin Shah	PHE Deptt.
58	Mr. Zahid Ullah S/O Abdul Manan	PHE Deptt.
59	Syed Shoaib Ullah Shah S/O Syed Mousam Shah	E&AD (O&M Section)
60	Mr. Safir Ullah Qureshi S/O Sami Ullah Qureshi	E&AD (CBA Branch)

S.#	Name & Father's Name	Place of Posting
61	Mr. Arif Ullah S/O Muhammad Jan	Transport Deptt.
62	Mr. Yasir Farid S/O Farid Ullah Shah	E&AD, (HRD- II Section)
63	Mr. Imran Ullah S/O Faiz Ullah	Excise & Taxation Deptt.
64	Mr. Saqib Ali S/O Sadiq Ali	Finance Deptt.
65	Mr. Abdul Samad S/O Fazal Ur Rahim	IPC Deptt.
66	Mr. Muhammad Ibrahim S/O Fazal Ur Rahman	Social Welfare Deptt.
67	Mr. Muhammad Tugheer Nasir S/O Muhammad Fazil	P&D Deptt.
68	Mr. Maqsood Ur Rehman S/O Fazal Ur Rehman	Finance Deptt.
69	Mr. Kamran Ullah S/O Habib Ullah	Finance Deptt.
70	Mr. Irshad Ali Shah S/O Ahmad Ali Shah	Finance Deptt.
71	Mr. Abdus Sattar Khan S/O Dr Ahmad Gul Khan	Mineral Development Deptt.
72	Mr. Jawad Rafique S/O Abdul Rafique	Housing Deptt.
73	Mr. Jamal Ahmed S/O Muhammad Riaz Qureshi	Housing Deptt.
74	Mr. Muhammad Haris S/O Abdul Rauf	Health Deptt.
75	Mr. Asim S/O Khawaj Muhammad	Relief Deptt.
76	Mr. Attique Ahmed S/O Muhammad Siddique	Governor House
77	Mr. Faizan Nazar S/O Nazar Muhammad	CM Sectt.
78	Mr. Zeeshan Ahmad S/O Muhammad Pervaiz Qureshi	IPC Deptt.
79	Mr. Muhammad Zeeshan S/O Jahangir Khan	Merged Area Sectt.
80	Mr. Abdul Baseer S/O Khan Afsar	CM Sectt. Vice S.No.95
81	Mr. Shahzeb Khan Jadoon S/O Jahanzeb Khan	Finance Deptt.
82	Mr. Anees Ur Rehman S/O Nazeem Shah	ST&IT Deptt.
83	Mr. Aqib Javed S/O Malik Aman	Auqaf Deptt. Vice S.No.97
84	Mr. Vikash S/O Omparkash	E&AD (E-I Section)
85	Mr. Waqas Jan S/O Arshad Jan	Housing Deptt.
86	Mr. Mehboob Ur Rehman S/O Khalid Khan	C&W Deptt.
87	Mr. Muhammad Israr S/O Mukhtiar Khan	Mineral Development
88	Mr. Wasim Ullah Khan S/O Nasr Ullah Khan	Housing Deptt. Vice S.No.90
89	Miss. Ayesha Khan D/O Arshad Iqbal	P&D Deptt.

4. In addition to the above, the following transfers/postings amongst the officials of Civil Secretariat, Khyber Pakhtunkhwa, Peshawar are hereby ordered, with immediate effect, in the public interest:-

S.#	Name of official	From	To
90	Mr. Saifullah, Junior Clerk (BS-11)	Housing Deptt.	Finance Deptt.
91	Mr. Shakir Ali Shah, Junior Clerk (BS-11)	Law Deptt.	P&D Deptt.
92	Mr. Umair Khan, Junior Clerk (BS-11)	Relief Deptt.	Finance Deptt.
93	Mr. Bashir Hussain, Junior Clerk (BS-11)	E&AD (R-III Section)	Information Deptt.
94	Mr. Bashir Ahmad, Junior Clerk (BS-11)	Law Deptt.	E&SE Deptt.
95	Mr. Ibrar Hussain, Junior Clerk (BS-11)	CM Sectt.	P&D Deptt.
96	Mr. Awais Khan, Junior Clerk (BS-11)	Population Welfare Deptt.	Finance Deptt.
97	Mr. Tahseen Ullah, Junior Clerk (BS-11)	Auqaf Deptt.	E&AD (Transport Section)

SECRETARY ESTABLISHMENT
GOVT. OF KHYBER PAKHTUNKHWA

Endst: of Even No. and Date:

A copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Chief Secretary Khyber Pakhtunkhwa.
3. Section Officer (Secret), Establishment Department.
4. Section Officer (Admn), Administration Department.
5. Estate Officer, Administration Department.
6. Section Officer (Estt), Merged Area Sectt, Warsak Road, Peshawar.
7. All concerned Section Officer (Estt/Gen/Admn) _____ of the Concerned Administrative Deptt.
8. Deputy Director (IT), Establishment & Administration Department.
9. P.S to Secretary Establishment, Establishment Department.
10. P.A to Special Secretary (Estt), Establishment Department.
11. P.A to Addl: Secretary (HRD Wing) Establishment Department.
12. P.A. to Deputy Secretary (Estt), Establishment Department.
13. Officials concerned/ Personal File


(HAZRAT JAMAL)
SECTION OFFICER (E-IV)

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Transport & Mass Transit Department.

Subject: -

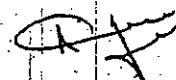
DEPARTMENTAL APPEAL FOR FIXATION / PROTECTION OF PAY
ON APPOINTMENT FROM ONE POST TO ANOTHER POST.

Sir,

With due respect it is submitted that prior to my appointment in the Civil Secretariat Establishment Department, Peshawar Govt. of Khyber Pakhtunkhwa vide letter dated 12/11/2018 (Annex-A). I was serving in the Pakistan Army, as Naik Clerk (BS-09) and getting pay @ Rs. 18720/- PM, while on my appointment as Junior Clerk in Civil Secretariat, the pay fixed as Rs.12570/-PM, which was less than my previous pay. I had applied for the post of Junior Clerk (BS-11) in the Establishment Department through proper channel (Annex-B).

It is therefore, requested in your good honor that my case may be forwarded to Finance Department for favorable recommendation of my pay protection.

Thanking you in anticipation.



Arif Ullah
Junior Clerk
Coordination Section
Transport & Mass Transit Department.

DS

A/7/13

8/2/13

Diary No. 651
Date: 7-3-13
PS To Secretary Transport
Deptt Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

Ph:091-9213075

No. SOG(TPT)/1-31/PF/2018-19/8966

Dated: 29/11/2019

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

Subject: PROTECTION OF PAY ON APPOINTMENT FROM ONE POST TO ANOTHER POST.

Dear Sir,

I am directed to refer to the subject noted above and to state that the newly appointed Junior Clerk (BPS-11) Mr. Arif Ullah in Transport & Mass Transit Department, who was serving in Pakistan Army as Naik Clerk (BPS-09) and applied through proper channel for the current job and was successfully appointed as Junior Clerk (BPS-11) in Civil Secretariat. As per Finance Department letter No FD/SOSR-II/5-50/2019-39 Dated 10/10/2019, Service of the above official has been counted, but the official has also applied for Pay Protection. Copies of the following relevant Documents are also enclosed:-

- No Objection Certificate (NOC).
- Certificate of Rank Pay Scale.
- Establishment Department Order.
- Arrival Report.
- Discharge Certificate.
- Last Pay Certificate (LPC).
- Certificate of Verification of Military Service.
- Non Payment of Service Gratuity Certificate.
- SO(SR-II) Finance Department Letter

It is therefore, requested to kindly sanction the Pay Protection/ Adjustment of Pay of the official for further submission to the Accountant General (AG) Office, please.

Encl:-As above.

Yours faithfully,

(SECTION OFFICER (ADMN))

Endst: No. & Date Even

Copy forwarded to the:

- P.S to Secretary Transport & Mass Transit Department Khyber Pakhtunkhwa.
- Master File.

(SECTION OFFICER (ADMN))



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Annex D

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Finance Department, Govt. Secretariat Peshawar | <http://www.finance.gkp.gov.pk> | Facebook.com/GovtPK | govt@kpk.gov.pk

No. FD (SOSR-1) 12-5/2019(31668)
Dated Peshawar the: 26-10-2020

To: The Section Officer (Admin),
Transport & Mass Transit Department,
Peshawar.

Subject: - PROTECTION OF PAY ON APPOINTMENT FROM ONE POST TO ANOTHER POST.

page 20/c

I am directed to refer to your letter No. SOG(TPT)/1-31/PF/2018-19/8966-67 dated 29-11-2019 on the subject noted above and to state that Finance Department regrets its ability to accede to the proposal of Transport & Mass Transit Department as there is no policy regarding protection of pay of the official concerned.

(REHMAT KHAN)
SECTION OFFICER (SR-I)

*Received on
dt: 11-1-2021
Arifullah*



GOVERNMENT OF KHYBER PAKHTU
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Dated Peshawar the, 18.02.2020

NOTIFICATION

No. SOE.IV(E&AD) 1-14/2020 (Gen):-

The posting/ transfer of the officer/ officials of Civil Secretariat, Khyber Pakhtunkhwa is hereby ordered with immediate effect, in the public interest:-

S.#	Name of officials	From	To
1.	Mr. Zahir Shah, Superintendent (BS-17)	E&AD (Waiting for posting), Ex-Minister for Health	Relief Deptt.
2.	Mr. Arifullah, Junior Clerk (BS-11)	Transport Deptt.	Relief Deptt.
3.	Mr. Mehmood Sallim, Senior Clerk (BS-14)	E&AD (Waiting for posting), Ex-Minister for Sports.	E&AD (E-II Se

SECRETARY ESTABLISHMENT
GOVT. OF KHYBER PAKHTUNKHWA

Endst. No. & date even.

A copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Section Officer (Secret), Establishment Department.
3. Section Officer (Admn), Health Department.
4. Section Officer (Gen), Relief Department.
5. Section Officer (Gen), Transport Department.
6. Section Officer (E-II), Sports Department.
7. Deputy Director (IT), Establishment & Administration Department.
8. P.S to Secretary (Estt), Establishment Department.
9. P.S to Special Secretary (Estt), Establishment Department.
10. P.A to Deputy Secretary (Estt), Establishment Department.
11. Officers/ Officials concerned.

SEC 2020



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

PUNJAB

Amn-e-F

NO. FD (SOSR-1) 12-5/2019(31668)
 Dated Peshawar the: 18-02-2020

[Handwritten signature]
 18/02/2020

To: The Joint Secretary (Regulation),
 Government of Pakistan,
 Finance Division,
Islamabad.

Subject: - PROTECTION OF PAY ON APPOINTMENT FROM ONE POST TO ANOTHER POST.

Dear Sir,
 I am directed to refer to the subject noted above and to state that one Mr. Arif Ullah, Junior Clerk (BPS-11) Transport Department, Civil Sectt: Khyber Pakhtunkhwa has requested for pay protection of his previous service rendered in Pak Army as Naik Clerk (Y-3). He had applied through proper channel, however, his pay has not yet been protected, because the Provincial Government did not find any rules / policy under which his pay is covered.

2. In this connection, it is, therefore, requested that the Provincial Government may kindly be apprised as to whether his pay is protectable or not. If protectable, then relevant rules / policy may kindly be furnished to process the case further, please.

Your's faithfully,

[Handwritten signature]
(FAZAL HUSSAIN)
 Deputy Secretary (Reg-1)

Government of Pakistan
Finance Division
(Regulations Wing)

Annex-2
15

Islamabad, the 13th April, 2020.

F.No. 2(1)R-I/2020-88

OFFICE MEMORANDUM

Subject:- PROTECTION OF PAY ON APPOINTMENT FROM ONE POST TO ANOTHER POST. P-46/C

The undersigned is directed to refer to Finance Department KP's letter No. FD(SOSR-I)12-5/2019 (31668) dated 18.02.2020 on the subject noted above and to say that the case has been examined and it has been observed that in terms of Article-141, 142 read with Article 240 of the Constitution of the Islamic Republic of Pakistan, 1973, the service matter of the employees of Provincial Government are regulated through Act and Rules of the Provincial Governments where as the employees of the Federal Government are regulated under Federal Government Act/Rules. Therefore, Federal rules/regulations are not applicable on employees of provincial government.

02. The matter may be decided accordingly please.

Finance Department,
(Mr. Fazal Hussain),
Deputy Secretary (Regulation-I),
Government of Khyber Pakhtunkhwa,
Peshawar.

(Amir Muhammad Afridi)
Section Officer (R-I)
051-9245843

Finance Division
(R.I. Section)
20/04/2020

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

Service Appeal No: 2510/2021

Arif Ullah Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary, KP Respondents

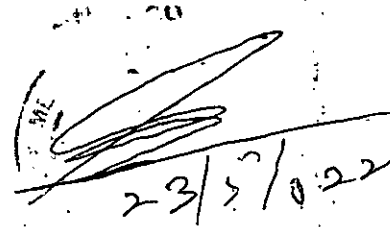
AFFIDAVIT

I, Riaz Khan, Superintendent (Litigation-III Section) Establishment Department do hereby solemnly affirm and declare that the contents of the accompanying parawise comments is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

DEPONENT

CMIC No. 17301-6272682-3

Contact: 0315-5737137


23/5/22