


22.03.2023

Learned counsel for appellant present.

Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 07.06.2023 for arguments before D.B. Parcha Peshi given to the parties.


  
(Muhammad Akbar Khan)  
Member (E)

SCANNED  
KPST  
Peshawar

Late Diary  
10<sup>th</sup> Oct, 2022

Noted by counsel  
BR  
14-11-2022

Despite direction for fixation of the cases for the shortest possible dates, the office has fixed this case for a longer date. The Reader of the court is warned to be careful in future. The date fixed in this case is accelerated to 16 / 11 /2022. Notices be issued to the parties and their counsel for the date fixed.

  
(Fareeha Paul)  
Member (E)


  
(Kalim Arshad Khan)  
Chairman


16.11.2022

Counsel for the appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.


Former made a request for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 29.12.2022 before D.B

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

SCANNED  
KPST  
Peshawar  
29/11/22

Due to winter vacation, the cases adjourned  
to 22/3/23 for the same

  
Reader

10:05.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not available today. Last opportunity is granted. To come up for arguments before the D.B on 25.07.2022.

(Fareeha Paul)  
Member (E)




Chairman

25<sup>th</sup> July 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments on 10.10.2022 before the D.B.



(Salah-Ud-Din)  
Member (J)




(Kalim Arshad Khan)  
Chairman

10.10.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. To come up for arguments on 14.12.2022 before D.B.

(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

03.06.2021

Nemo for parties.

Asif Masood Ali Shah learned Deputy District Attorney present.

Notice be issued to appellant/counsel and respondents for 29.09.2021 for arguments before D.B.

*D*

*(Handwritten signature)*

(Rozina Rehman)  
Member (J)

*(Handwritten signature)*  
Chairman

29-9-21

*DB is on Tour case to come up  
for the same on Dated. 19-1-22*

*Reader*

19.01.2022

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Ghausullah Jan, Senior Auditor for the respondents present.

Notice be issued to appellant/counsel for prosecution of the appeal. Case to come up for arguments on 10.05.2022 before the D.B.

*(Handwritten signature)*

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

*(Handwritten signature)*  
Chairman

29.09.2020

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

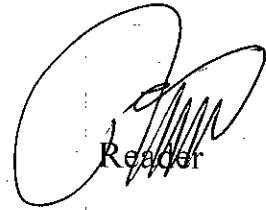
Parawise comments on behalf of respondents No. 5 & 6 also submitted. Placed on record. The matter is assigned to D.B for arguments on 08.12.2020. The appellant may furnish rejoinder, within one month, if so advised.



Chairman

08.12.2020

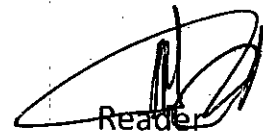
Due to COVID 19, case to come up for the same on 25.02.21 before the DB.



Reader

25.02.2021

Due to Pandemic of Covid-19, the case is adjourned to 03.06.2021 for the same.

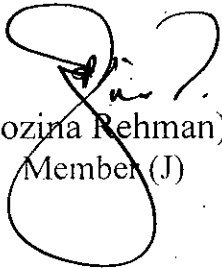


Reader

22.06.2020

Junior to counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General on behalf of respondents present. Written reply of respondents No.4 & 6 still awaited. Learned AAG requested for adjournment in order to submit reply on behalf of respondents No.4 & 6. Opportunity is granted. To come up for written reply/comments of respondents No.4 & 6, on 05.08.2020 before S.B.

  
(Rozina Rehman)  
Member (J)

05.08.2020

Junior counsel for the appellant is present. Mr. Kabirullah Khattak, Additional AG is also present.

Para-wise comments on behalf of respondents No. 1, 2, 3 & 4 have already been submitted while neither written reply on behalf of respondents No. 4 & 6 submitted nor anyone on their behalf is present, therefore, notices be issued to them for submission of written reply/comments by way of last chance. File to come up for written reply/comments on behalf of respondents No. 4 & 6 on 29.09.2020 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER

01.01.2020

Counsel for the appellant present.

On the strength of judgment reported as 2000-SCMR-1864, instant appeal is admitted to regular hearing but subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 11.02.2020 before S.B.

Appellant Deposited  
Security & Process Fee

*[Handwritten signature]*  
11/1/20

*[Handwritten signature]*  
Chairman

SCANNED

11.02.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith M/S Fazle Khaliq, Litigation Officer on behalf of respondents No. 1 to 3 & 5 and Ghaous Ullah Jan, Senior Auditor on behalf of respondents No. 4 & 6 present. Representative of respondents No. 1 to 3 & 5 submitted written reply while representative of respondents No. 4 & 6 requested for further time to file written reply/comments. To come up for written reply/comments on behalf of respondents No. 4 & 6 on 30.03.2020 before S.B.

*[Handwritten signature]*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

30.03.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 22.06.2020 before S.B.

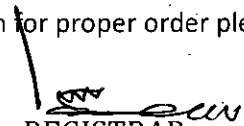

*[Handwritten signature]*  
Reader

Form- A

# FORM OF ORDER SHEET

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

Case No.- 1600/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/11/2019	<p>The appeal of Mr. Muhammad Javed resubmitted today by Mr. Khair-ul-Wahab Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 27/11/19</p>
2-	28/11/19.	<p>This case is entrusted to S. Bench. for preliminary hearing to be put up there on <u>01/01/20</u></p> <p> CHAIRMAN</p>

P-27

R




The appeal of Mr. Muhammad Javed son of Shamsul Qamar DM GHS Lahore Sharqi District Swabi received today i.e. on 22.11.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures-E, F and N of the appeal are illegible which may be replaced by legible/better one.
- 3- Annexures of the appeal may be flagged.
- 4- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may be also be submitted with the appeal.

No. 2045 /S.T,

Dt. 22/11 /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Khair-ul-Wahab Adv. Pesh.

*Resubmitted after completion  
on 27.11.2019* 

①

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

In Re S.A 1600 /2019

Muhammad Javed

**VERSUS**

Govt. of Khyber Pakhtunkhwa & Other

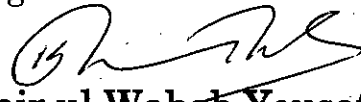
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<b>S#</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
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2.	Affidavit.		6
3.	Addresses of Parties.		7
4.	Copy appointment order	"A"	8
5.	Copy of Regularization order	"B"	9-11
6.	Copy of publication	"C"	12
7.	Copy of application	"D"	13
8.	Copy of appointment orders	"E&F"	14-16
9.	Copy of application request for NOC, and NOC	"G,H&I"	17-19
10.	Copies of LPC, Reliving Order, and departure report	"J,K&L"	20-22
11.	Copies of departmental appeal and rejection order	"M&N"	23-24
12.	Copies of Judgment dated 22-11-2018	"O"	25 25-26
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14.	Wakalatnama		29

Dated : 22/11/2019

  
Appellant

Through

  
**Khair ul Wahab Yousafzai**  
Advocate, High Court  
Peshawar

(1)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

In Re S.A 1600 /2019

Diary No. 1665

Date 22/11/2019

Muhammad Javed S/o Shamsul Qamar,  
drawing master at GHS Lahore Sharqi District  
Swabi

-----*(Appellant)*

**VERSUS**

1. District Education Officer (Male) District Swabi.
2. Deputy Director Estab: (M) E&SE KPK, Peshawar.
3. Director Education (E&S) Education Khyber Pakhtunkhwa Peshawar.
4. District Account Officer Swabi.
5. Govt. of Khyber Pakhtunkhwa through Secretary Education Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.

-----*(Respondents)*

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL ACT -1974 AGAINST THE  
ORDER DATED 25/10/2019 WHEREBY THE  
DEPARTMENTAL APPEAL OF THE APPELLANT  
FOR COUNTING HIS PREVIOUS SERVICE  
TOWARDS PENIONARY BENEFITS WAS**

**Filed to-day REJECTED:**

Registrar

**Prayer in the Appeal;**

That on acceptance of this appeal, the order dated 25/10-2019 may kindly be set aside and the appellant's previous service rendered in IESCO (WAPDA) may kindly be counted in the service record of the appellant.

Not submitted to-day  
and filed.

Registrar  
22/11/19

for the purpose of pensioner benefits. Any other remedy deemed appropriate may also be awarded in favour of appellant.

**Respectfully Sheweth:**

1. That the Appellant joined the IESCO (WAPDA) as tracer on contract basis in year 03/06/2006. **(Copy appointment order is attached as annexure "A").**
2. That the Appellant was regularized on 21/11/2008 and served without break the department (WAPDA) upto the satisfaction of his superiors till 02/09/2013. **(Copy of Regularization order is annexed as Annexure "B")**
3. That in the year 2011 respondent No.1 advertised some posts of Drawing Masters. **(Copy of publication is annexed as Annexure "C")**
4. That the appellant having requisite eligibility for the said post, applied through proper channel. **(Copy of application as is annexed as Annexure "D").** and was appointed as Drawing Master in the Khyber Pakhtunkhwa Elementary & Secondary Education Department vide Ednst: No.2275-G dated 13/07/2013 in BPS-15. **(Copy of appointment**

orders are annexed as Annexure "E&F" respectively).

5. That the appellant submitted an application to the Executive Engineer IESCO (WAPDA) Attock for the grant of NOC which was accordingly granted on 02/09/2013. (Copy of application request for NOC, and NOC are annexed as Annexure "G,H&I" respectively).
6. That in this regard the appellant was relieved from WAPDA Services and was issued Last Pay Certificate and the appellant accordingly submitted his departure report on 2/09/2013 and took charge as drawing master at GHS Jehangira on 02/09/2013. (Copies of LPC, Reliving Order, and departure report are annexed as Annexure "J,K&L" respectively) and took charge as Drawing Master at GHS Jehangira on 02/09/2013.
7. That on 19/10/2017 the appellant submitted an application to DAO Swabi through DEO (M) Swabi for correction in Government Service entry and for counting his previous rendered service in WAPDA, for the purpose of pensionary benefits which was rejected by the respondent No.1 on 26/10/2017. (Copies of departmental appeal and rejection order are annexed as Annexure "M&N" respectively).

8. That feeling aggrieved the appellant approached this August service tribunal but on 22-11-2018 the Hon'ble Service Tribunal Khyber Pakhtunkhwa Peshawar passed an order whereby the service appeal of the appellant was sent to respondents to treat it as departmental appeal of the appellant. **(Copies of Judgment dated 22-11-2018 is Annexed as Annexure "O")**.
9. That on 25-10-2019 the Deputy Director Establishment (Male) E&SE KPK Peshawar rejected the departmental appeal of the appellant. **(Copies of impugned order dated 25-10-2019 is Annexed as Annexure "P")**.
10. That once again the Appellant/Petitioner feeling aggrieved and having no other adequate remedy, approaches this Hon'ble August Service Tribunal on the following grounds amongst others.

### **Grounds:**

- A. That the treatment of the respondents with the appellant is ultra virus, against law, natural justice and against the service rules and regulation.
- B. That the treatment of the respondents are colorable and futile exercise of the department..

- C. That the rejection order of the respondents is arbitrary, unlawful and against the fundamental rights of the appellant.
- D. That acts and omission of the respondents are contrary to the rules laid down by the Superior Courts of Pakistan.
- E. That the impugned order dated 25-10-2019 is against the law, fact, norms of justice and material on record, therefore, not tenable in the eye of law.
- F. That the impugned orders are illegal and without lawful authority.
- G. That appellant may also be allowed to rely on additional grounds at the time of arguments please.

It is, therefore, most humbly prayed that on acceptance of this appeal the respondents may kindly be directed to count the previous service of the appellant in the service record of the appellant for the purpose of pensioner benefits.



**Appellant**

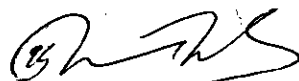
Through



**Khair ul Wahab Yousafzai**  
Advocate, High Court  
Peshawar

**NOTE:-**

No such like appeal for the same appellant upon the same subject matter has earlier been filed by me before this Hon'ble Tribunal.



**Advocate.**

6

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2019

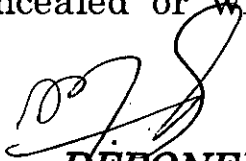
Muhammad Javed

**VERSUS**

Govt. of Khyber Pakhtunkhwa & Other

**AFFIDAVIT**


I, Muhammad Javed S/o Shamsul Qamar, drawing master at GHS Lahore Sharqi District Swabi, do hereby solemnly affirm and declare that all the contents of the accompanied **appeal** is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

  
**DEPONENT**

**CNIC:16201-6211147-7**

**CELL NO: 0313-9449312**

Identified By:

  
**Khairul Wahab Yousafzai**  
Advocate High Court  
Peshawar.



22/11/2019



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2019

Muhammad Javed

**VERSUS**

Govt. of Khyber Pakhtunkhwa & Other

**ADDRESSES OF PARTIES**

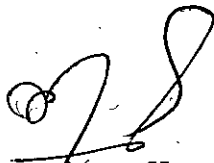
**APPELLANT.**

Muhammad Javed S/o Shamsul Qamar,  
drawing master at GHS Lahore Sharqi District  
Swabi.

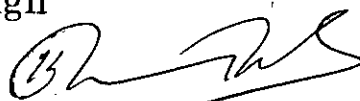
**RESPONDENTS:**

1. District Education Officer (Male) District Swabi.
2. Deputy Director Estab: (M) E&SE KPK, Peshawar.
3. Director Education (E&S) Education Khyber Pakhtunkhwa Peshawar.
4. District Account Officer Swabi.
5. Govt. of Khyber Pakhtunkhwa through Secretary Education Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.

Dated : 22/11/2019

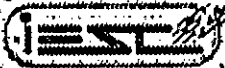
  
Appellant

Through

  
Khair ul Wahab Yousafzai  
Advocate, High Court  
Peshawar

8

Annexure "A"



**ISLAMABAD ELECTRIC SUPPLY COMPANY LIMITED**

Head Office, Street 40, G-7/4, Islamabad

Phone No. 9201197  
Fax No. 9201577

No. 28109-11 /CE/IESCO/HRM

03 106 2006

Muhammad Javed S/o Shamsul Qamar  
Mohallah Dindar Khel, P.O. Chota Lahor,  
Tehsil Chota Lahor, Distt: Swabi.

**Sub: Employment as Tracer in IESCO on Contract Basis**

You are hereby appointed as Tracer on Contract Basis under Islamabad Electric Supply Company Limited, on the following terms and conditions:-

1. Pay minimum of BPS-05 (2415-115-5865) + Allowances will be admissible under the normal rules.
2. Period of contract shall be one-year from the date of assumption of charge, further extendable on performance /demand basis.
3. The service rendered under the present contract shall not qualify for pension or gratuity.
4. (i) You will be governed by the Leave Rules contained in the Pakistan WAPDA Leave Rules for WAPDA Employees, 1982. However, provisions contained in Rules-9 (b), 11, 12, 13, 14, 17, 19, 20 & 20 (A) shall not apply.  
(ii) The leave at your credit shall be carried forward in case the contract is extended without any interruption. However, all leave at your credit shall lapse on the date of final expiry or termination of the contract.
5. Travelling Allowances for journeys as admissible under the WAPDA Travelling Allowance Rules, as amended from time to time to regular employees of the corresponding pay scale.
6. Medical facilities as admissible under the Pakistan WAPDA Employees Medical Attendance Rules, 1979 as amended from time to time.
7. You shall be entitled to House Rent Allowance / House Acquisition as admissible to other employees of the Company.
8. In respect of other matter, not specified in this letter, you will be governed by the Rules/Regulations as applicable to WAPDA Employees.
9. You will be governed under the prevailing instructions of the Authority/Company (Removal from Service Ordinance 2000) as amended from time to time.
10. Your whole time would be at the disposal of the Company. You may be employed in any manner required by appropriate authority without claim for extra remuneration. You will devote your whole time to your duty and at all time obey the rules prescribed for the time being for the regulation of service in the post in which you have been employed. You will be liable to serve anywhere within the Company.
11. You will not have any seniority and will not be placed on regular seniority list of the cadre in which the post for the time being held by you is included.

**ATTESTED**

*[Signature]*  
**ATTESTED TO BE  
TRUE COPY**

You will give one month notice or pay salary of one month in case you wish to resign from service. However, your contract can be terminated without assigning any reasons with immediate effect if you are found guilty of dishonesty, misconduct, negligence in discipline or breach of trust.

You will be liable to pay security deposit equivalent to one month salary at the time of your employment. This amount is refundable on the event of resignation by the employee, however in case of termination it will be adjusted against the notice period salary as referred to in para-12 above.

13. You will make a declaration in writing of all movable and immovable properties, including shares, certificates, securities, insurance policies, cash and jewelry of the value of Rs.50,000/- or more belonging to or held by you or by a member of your family individually or collectively as defined in the Pakistan WAPDA Employees Conduct Rules, 1978, within one month of your entering into service. The members of family according to the Pakistan WAPDA Employees Conduct Rules, 1978 are as under: -

- a) Your wife/wives, real/step children, residing with you and wholly dependent upon you.
- b) Any other relations of the IESCO Employee or your wife when residing and wholly dependent upon you.

14. In case of death, your legal heirs will be entitled to the payment of GLI if you have joined for duty at the place of posting and have drawn salary after requisite deduction.

15. You should before report for duty, produce a certificate of medical fitness from the Medical Superintendent WAPDA Hospital, Rawalpindi or one of the Medical Officer of WAPDA. If any Medical Officer of WAPDA refers you to a Specialist for opinion or if your are required to obtain an X-Ray, ECG, the cost of such consultation/service will be borne by you.

If the above terms and conditions of appointment are acceptable to you, please may send your acceptance and report to HR & Admin: Director IESCO Islamabad by 12-06-2006 alongwith original educational certificates / degree etc. This offer of appointment will be treated as cancelled if you do not convey acceptance thereof within the time specified in above para.

*Javed Iqbal*  
**(JAVED IQBAL)**  
 Dy. Manager (HR)  
 IESCO Islamabad

**ACCEPTANCE OF OFFER**  
*(If the above offer is acceptable to you, please return the  
 Second copy duly signed as a token of acceptance.)*

"I accept the terms and conditions set out above".

Signature of candidate:

Date:

- CC: -
- 1. Finance Director IESCO, Islamabad.
  - 2. Medical Superintendent IESCO Hospital, Rawalpindi.
  - 3. Office Order File.
  - 4. Master file.

Amyan AP

(9)

FROM :

REC. NO.

111 Jeevic

11/03/2008 01:23PM P1

TEST

ISLAMABAD ELECTRIC SUPPLY COMPANY LTD

Street No.40 G-7/4, IESCO Head Office Islamabad

No 68/15-800/CEO/IESCO/HRMR<sub>2</sub>-41

Date: 11/2008

8337

OFFICE ORDER

25-11-08

in pursuance of Managing Director (PEPCO) Office Order No 2308 26IMD/PEPCO/ DDA/A548 dated 15.03.2008. Chief Executive Officer has been pleased to accord the approval for the regularization of following contract employees of different categories of IESCO Islamabad having two years and more satisfactory service.

S.NO	Name	Father's Name	Date of Joining	Present place of posting
<b>IESCO HEAD OFFICE</b>				
<b>DATA ENTRY OPERATOR</b>				
1	Assia Rehman	Abdul Rehman	24.08.2006	Marketing Cell H/O Ibd
2	Maid Anwar	Anwar ul Haq	11.08.2006	Legal Directorate H/O
<b>TRACER</b>				
3	Sajad Awan	Muhammad Razzaq	12.06.2006	Manager (CMSO) H/O Ibd
<b>DRIVER</b>				
4.	Tahir Mehmood	Muhammad Ashraf	27.04.2005	DM (TPT) H/O Ibd.
5.	Muhammad Ali	Alam Sher	24.04.2006	DM (TPT) H/O Ibd
5	Muhammad Usman	Muhammad Ghallb	04.05.2006	DM (TPT) H/O Ibd
7	Zaneen Akhtar	Muhammad Akhtar	29.05.2006	DM (TPT) H/O Ibd
8.	Aamir Ilyas	Muhammad Ilyas	15.05.2006	DM (TPT) H/O Ibd
9	Riaz Muhammad	Raza Muhammad	13.10.2006	DM (TPT) H/O Ibd
10	Masood Khan	Daud Khan	20.04.2006	DM (TPT) H/O Ibd
11	Muhammad Kaleem	Zemosh Khan	07.10.2006	DM (TPT) H/O Ibd
12	M. Zia ul Haq	Muhammad Kamal	11.10.2006	DM (TPT) H/O Ibd
13	Aamir Shahzad	Muhammad Taj	10.10.2006	DM (TPT) H/O Ibd
<b>ALM</b>				
14	Shahbaz Anwar	Muhammad Anwar	30.11.2006	DM (TPT) H/O Ibd
<b>SECURITY GUARD</b>				
15	Abdul Aziz	Alaf Din	20.10.2005	DM (Security) Ibd
15	Hafiz Muhammad Ashraf	Sher Zaman	21.10.2005	DM (Security) Ibd
			09.10.2006	DM (Security) Ibd

TESTED TO BE  
11/03/2008

(10)

DRIVER		Father's Name	Date of Joining	Present place of posting
300	Adnan Khan	Mukhtiar Khan		
301	Nisar Ahmed	Amir Zaman	16.06.2003	Shadi Khan S/Div
302	Riaz Khan	Umraz Khan	24.05.2006	Pindi Gheb S/Div
TRACER				
303	Masood ur Rehman	Mehlooz ur Rehman	10.06.2006	Attock Circle
304	Muhammad Javed	Shams ul Qamar	12.06.2006	Attock Division
LDC				
305	M Kazim Soomro	M Yaqoob Soomro	16.01.2006	Wah Cantt S/Div
BILL DISTRIBUTOR				
306	Asif Ali Khan	M Akram	10.07.2003	Taxila S/Div
KHATEEB-CUM-IMAM				
307	Muhammad Zaman	Farman Ali	03.10.2006	Pindi Gheb S/Div
JHELUM CIRCLE				
LS-II				
308	Muhammad Ali	Munawar Khan	10.11.2005	S A Gir S/Div
309	Muhammad Ensan	Muhammad Zaman	24.12.2001	Dina-I S/Div
310	Muhammad Ghazanfar	Muhammad Rafique	10.06.2003	Bewal S/Div
ALM				
311	Mansaf Khan	Muhammad Sharif	30.11.2005	Dina-I S/Div
312	Muhammad Shakil	Fateh Muhammad	30.11.2005	Dina-I S/Div
313	Aliq ur Rehman	Ghulam Saifdar	30.11.2007	City S/Div S A Gir
314	Qamar Zaman	Mukammal Shah	30.11.2008	Cantt S/Div Jhelum
315	Khair	Dilawar	30.11.2009	Civil Line S/Div Jhelum
316	Adnan Saeed	Muhammad Bashir	13.08.2002	Urban S/Div Jhelum
317	Ashfaq Ahmed	Muhammad Younas	30.11.2005	Sangoi S/Div
318	Qasim Mushtaq	Mushtaq Hussain	21.04.2003	Gulyana S/Div
319	Gilal Nawaz	Shah Nawaz	22.11.2005	Sohawa S/Div
320	Rashid Mehmood	Muhammad Akram	30.11.2005	Sangoi S/Div
TRACER				
321	Shafique Akhtar	Air Akhtar	12.05.2005	Jhelum I Divn
BILL DISTRIBUTOR				
322	Asif Inyan	Habib ur Rehman	07.08.2001	Urban S/Div Jhelum
DRIVER				
323	Shahid Mushtaq	Muhammad Mushtaq	10.10.2006	City S/Div Gujran Khan
324	Muhammad Ranizan	Muhammad Jan	24.04.2006	Cantt S/Div Jhelum

(11)

Name	Father's Name	Date of Joining	Present place of posting
CHOWKIDAR			
347	Muhammad Hanars	Muhammad Sadiq	11.12.2001 Tariq Shahed S/Div
348	Muhammad Akram	Muhammad Buksh	28.12.2001 Daryata Jalp S/Div

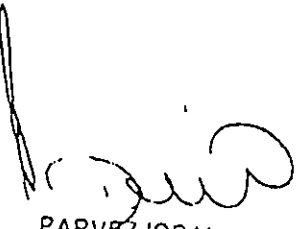
NOTE:

In pursuance of Managing Director (PEPCO), Wapda House Lahore Office Order No.1724-75/MD/PEPCO/DDA/A-435 dated 27.02.2008, Chief Executive Officer, IESCO has accorded the approval for relaxation in upper age limit in respect of employees at serial No. 73,78,165,205,248,297,302,306,346,347 & 348 being competent authority.

In terms of Director General (S&GA) WAPDA House Lahore letter No.(D/G/S&G)/07461/2/11/50277-50927 dated 17.10.2006, the contract service shall only be counted towards pension without any other financial benefit

- The seniority of above employees, declared as regular, will be reckoned from the date of their joining on contract basis.
- All other terms and conditions of service as regular employees shall be applicable upon them.

This issues with the approval of Chief Executive Officer, IESCO

  
 PARVEZ IQBAL  
 Manager (HR)  
 IESCO Islamabad. 21/11/08

- C.C
1. Managing Director (PEPCO) Wapda House Lahore.
  2. Finance Director, IESCO Islamabad.
  3. Chief Engineer (I & G) IESCO Islamabad.
  4. Manager (Admin) IESCO Head Office Islamabad.
  5. Manager (Legal & Labour) IESCO Head Office Islamabad.
  6. Manager (MM) IESCO Head Office Islamabad.
  7. All Managers (Operation) IESCO Islamabad.
  8. Manager (PR) IESCO Head Office, Islamabad.
  9. Manager, IESCO Computer Centre Islamabad.
  10. SE (GSO Circle) IESCO Islamabad.
  11. P.D (Comm) Operation IESCO Islamabad.
  12. P.D (GSC) IESCO Islamabad.
  13. MS WAPDA Hospital Rawalpindi.
  14. Regional Manager (M&T) IESCO Islamabad.
  15. Dy. Manager (Coordination) IESCO Islamabad.
  16. Dy. Manager Security IESCO Islamabad.
  17. Dy. Manager (TPT) IESCO H/O Islamabad
  18. Dy. Manager Civil Division IESCO Islamabad.
  19. General Secretary PWHECL Union (CBA) 28-Nisbat Road, Bakhtiar Labour Hall, Lahore.
  20. Establishment Assistant IESCO H/O Islamabad.
  21. MIS Section IESCO Head Office Islamabad.
  22. Muster etc

کون بہت خوش تیر کی... کون کی شہانہ روزگاروں سے... کھیلوں کے قیام سے... جہاں ہماری اس میں دوستی...

فکر... (ETEA) نام اور درخواستیں... 18/6/2011 تک... (ETEA) نام اور درخواستیں...

نمبر	نام	تاریخ	مقام برائے	تمام برائے	مہر کی
1	بی اے / بی ایس سی / ایس ای ڈگری کسی بھی تسلیم شدہ یونیورسٹی سے۔ بی اے / بی ایس سی / ایس ای ڈگری کسی بھی تسلیم شدہ یونیورسٹی سے۔	18/7/2011	GHIS	GHIS	35418 سال
2	بی اے / بی ایس سی / ایس ای ڈگری کسی بھی تسلیم شدہ یونیورسٹی سے۔ بی اے / بی ایس سی / ایس ای ڈگری کسی بھی تسلیم شدہ یونیورسٹی سے۔	21/7/2011	-do-	-do-	ایسا
3	(1) بی اے / بی ایس سی / ایس ای ڈگری کسی بھی تسلیم شدہ یونیورسٹی سے۔ (2) بی اے / بی ایس سی / ایس ای ڈگری کسی بھی تسلیم شدہ یونیورسٹی سے۔	23/7/2011	-do-	-do-	ایسا
4	بی اے / بی ایس سی / ایس ای ڈگری کسی بھی تسلیم شدہ یونیورسٹی سے۔	26/7/2011	-do-	-do-	ایسا
5	بی اے / بی ایس سی / ایس ای ڈگری کسی بھی تسلیم شدہ یونیورسٹی سے۔	28/7/2011	-do-	-do-	ایسا
6	ایک ایس ای ڈگری کسی بھی تسلیم شدہ یونیورسٹی سے۔	30/7/2011	-do-	-do-	ایسا

عمومی مشورہ: (1) تمام اقداریاں حکومت خیبر پختونخوا کے سربراہان کے حکم پر... (2) جانشینوں کے لئے... (3) معذور افراد کے لئے... (4) ایجنٹ امیدواروں کی موجودگی کی صورت میں... (5) صرف ان امیدواروں کو... (6) ایجنٹوں کے لئے... (7) تقرری سے... (8) ایجنٹوں کے لئے... (9) صرف... (10) اگر اس... (11) زبردستی... (12) اگر اس... (13) نکلنے... (14) تمام... (15) تمام... (16) اگر کسی... (17) ایجنٹوں کے لئے... (18) ایجنٹوں کے لئے... (19) ایجنٹوں کے لئے... (20) ایجنٹوں کے لئے...

ATTESTED TO BE

(3) Annex "D"

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (ELEMENTS SECOND EDUCATION) SWABI  
 APPLICATION FOR APPOINTMENT AS

DISTRICT CODE: DM  
 ROLL/FORM NO. 16  
 1. Name of Applicant (In block letter) MUHAMMAD JAVED  
 2. Father's Name SHAMS-UL-QAMAR  
 3. N.C. No. 16201-62.11147-7  
 4. Date of Birth (as per SSC) 27-02-1977  
 5. Age on 18.06.2011  
 6. Qualification. MA Drawing certificate

Years 34 Moths 04 Days 09

Examination	Roll No.	Year of Passing	Total Marks of Examination	Marks Obtained
SSC	27729	1993	850	461
FA/IFSc/D.Com	181328	1997	1100	537
BA/BSc/B.Com	32151	2000	550	272
MA/MSc/M.Com	26572	2004	1100	630
M.Ph/Phd				
Total				

S#	Post	Criteria for Score					Screening Test
		SSC	FA/IFSc	BA/IFSc	MA/IFSc	M.Ph/Phd	
1	AT/TT/CT/DM PET	10	15	20	07	05	40
2	Qari	35	15	10	--	--	40

Example for calculation: Marks obtained x Marks allocated / Total Marks = 26-63

Attestation by Controlling Officer in case of in service candidates.

*[Signature]*  
 Executive Engineer  
 IESCO Operation Division  
 Attock

Signature of Applicant Javed  
 Permanent Home Address: Dindarkhailage, Lahore  
 Post Office Lahore  
 Tehsil Lahore District Swabi  
 Contact Phone No. 03348737862



(14)

✓

Annexure - "E"

OFFICE OF THE DISTRICT EDUCATION OFFICER (DM(E)) SWABI

In the light of Hon. High Court decision in Writ petition No.385/2012 announced on 15-05-2013 by Justice Nisar Hussain Khan received from Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department vide letter No. SO(LIT-1) E&SE/1-1/2012 dated 5-6-2013, a meeting of Departmental Selection Committee held in the office of DDO (Male) Swabi, on 01-07-2013 at 10:00 Am. minutes of the said meeting were issued vide No.2227-Gen dated 1-7-2013 and the following candidates were recommended for appointment as DM(Male) (BPS-15 Rs.8500-7000-29500) plus usual allowances as admissible under the rules of Government of Khyber Pakhtunkhwa. They are hereby appointed as a fresh candidate against the vacant posts at the schools noted against each name from 01-09-2013 in the interest of public service subject to the below terms and conditions.

S#	Name of Candidate	Father Name	School Where appointed	Remarks
1	Jamal Abdul Nasir Khan V&PO Tordher The Laher Distt: Swabi	Bakht Ali Khan	GMS Tordher	AVP
2	Mazhar Ali j/Clerk GHS Asota Sharif Swabi	Wilayat Shah	GMS Gulbahar Maini	AVP
3	Muhammad Naeem V&PO Tand Kai	Fazal Haider	GHS Gani Chatra	AVP
4	Shida Younas V&PO Para Kalu Khan	Atlas Khan	GMS Dewal Ghari	AVP
5	Muhammad Zeb Process Serwer Senior Civil Judge Swabi	Hamesh Gul	GMS No.2 Topi	AVP
6	Ghani Said Village Mansabdar PO KSK Tehsil Razar Distt: Swabi	Muzaffar Shah	GMS Gandaf	AVP
7	Khalid Hussain V&PO Jalsai	Wafdar Khan	GMS Jalsai	AVP
8	Abdus Salam Village Khesha PO Permoli Tehsil Razar Disst Swabi	Khalid Dad	GMS Kolager	AVP
9	Muhammad Javed Tracer BPS-7 Executive Engineer IESCO Operation Division Attock	Shams ur Qamar	GHS Jehangira	AVP

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TRUE COPY

B. S. S.

**TERMS AND CONDITION:-**

1. Their services will be considered on regular with pension and gratuity in terms of the Provincial Civil servants regularized under Khyber Pakhtunkhwa civil servant Act, 2013 as per prescribed by the Government vide Finance Department (Regulation Wing) No. SOSR-III / FD/ 12-1/2005 dated 27-2-2013.
2. They will produce their Health and Age certificate before taking over charge.
3. Their services are liable to termination on one month notice from either side in case of resignation without notice their one month pay/allowances shall be forfeit to the Government.
4. They should join their post with in 15 days of the issuance of this notification. their appointment will be expiring automatically and no subsequent appeal etc shall be entertained.
5. They will be on probation for a period one year extendable for another one year.

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

In the light of Hon'ble Court decision in Writ Petition No 385/2012 announced on 15.05.2013 by Justice Nisar Hussain Khan received from Government of Khyber Pakhtunkhwa elementary and Secondary Education Department vide letter No SO (LIT-1) E&SE/1-1/2012 dated 5.06.2013, a meeting of Departmental Selection Committee held in the office of DEO Male Swabi on 01.07.2013 at 10.00 AM minutes of the said meeting were issued via No 2227-Gen dated 01.07.2013 and the following candidates were recommended for appointment as DM (male) in (BPS-15 Rs 8500-700-29500) Plus usual allowances as admissible under the rules of Government of Khyber Pakhtunkhwa. They are hereby appointed as a fresh candidate against the vacant posts, at the schools noted against each name from 01.09.2013 in the interest of Public Service Subject to the below terms and conditions.

S#	Name of candidate	Father Name	School Where appointed	Remarks
1.	Jamal Abdul Nasir Khan V&PO Tordher The Lahor District Swabi	Bakht Ali Khan	GMS Tordher	AVP
2.	MAzhar Ali J/Clerk GHS Asota Sharif Swabi	Wilayat Shah	GMS Gulbahar Miani	AVP
3.	Muhammad NAEem V7PO Tand Kai	Fazal haider	GHS Ghani Chatra	AVP
4.	Shida Younas V&PO para Kalu Khan	Atlas Khan	GMS Dewal Ghari	AVP
5.	Muhammad Zeb Process Serwer Senior civil Judge Swabi	Hamesh Gul	GMS No 2 Topi	AVP
6.	Ghani Said Village Mansadbar PO KSK Tehsil Razar Distt Swabi	Muzaffar Shah	GMS Gandaf	AVP
7.	Khalid Hussain V&PO Jalsai	Wafdar Khan	GMS Jalsai	AVP
8.	Abdus Salam Village Khesha PO Permoli Tehsil Razar Distt Swabi	Khalid Dad	GMS Kolager	AVP
9.	Muhammad Javed Tracer BPS-7 Executive Engineer IESCO Operation Division Attock	Shams ur Qamar	GHS Jehangira	AVP

**TERMS AND CONDITIONS:-**

1. Their services will be considered on regular with pension and gratuity in terms of the Provincial civil Servants regularized under Khyber Pakhtunkhwa Civil Servants Act 2013 as per prescribed by the Government vide Finance Department (Regulation Wing) No. SOSR-III/FD/12-1/2005 dated 27.02.2013.
2. They will produce their Health and Age Certificate before taking over charge.
3. Their services are liable to termination on one month notice from either side in case of resignation without notice their one month pay / allowances shall be forfeit to the Government.
4. They should join their post with in 15 days of the issuance of this notification, their appointment will be expiring automatically and no subsequent appeal etc shall be entertained.
5. They will be on probation for a period one year extendable for another one year.

(13)

6. They will be governed by such rules and regulations as may be issued from time to time by the Government.
7. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded under the rules framed from time to time.
8. Charge report should be submitted to all concerned.
9. There Principals/ Head Masters concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after 15 days of the issue of his posting order.
10. If any Certificate/Degree/Domicile etc of any candidate found fake or bogus in the verification process so they will be terminated without further notice and he will be hand over to Anti Corruption Department.
11. The appointing authority shall arrange verification of all the certificates/digress(Academic and Professional) etc of the appointee and will issue the pay release order to DAO Swabi, further more the Drawing and Disbursing Officer will not draw their salaries till the completion of verification process.
12. No TA/DA/etc is allowed to any one.

(SIRAJ MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) SWABI

Endost: No. 22756 /DM appointment File/01 Dated 04-7-2013

Copy of the above is forwarded for information and necessary action to the:

1. PS to Secretary (Elementary & Secondary education) Khyber Pakhtunkhwa Peshawar.
2. Director (Elementary & Secondary education) Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Swabi.
4. Deputy District education Officer Male Swabi
5. All the Principal/Head Master concerned schools
6. ADO (B&A) and Establishment local Office.
7. The Candidates concerned.

04/7/2013  
DISTRICT EDUCATION OFFICER  
(MALE) SWABI

16

Annexure "F"



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI  
CORRIGENDUM

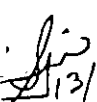
Please read the Term and Condition Para 4 "After their appointment i-e-1-9-2013 they should join with in 15days otherwise the appointment order will be automatically consider as canceled" in stead of they should join their post with in 15 days of the issuance of this notification. their appointment will be expiring automatically and no subsequent appeal etc shall be entertained" in the appointment order issued vide this office Endost: No.2275-G dated 4-7-2013


(SIRAJ MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
MALE SWABI

Endost: No. 2388-6 / Dated 13-07 /2013

Copy of the above is forwarded to the:-  
Copy of the above is forwarded for information and necessary action to the:-

1. PS to Secretary (Elementary & Secondary education) Khyber Pakhtunkhwa Peshawar.
2. Director (Elementary & Secondary education) Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Swabi
4. Deputy District education Officer Male Swabi
5. All the Principal/Head Master concerned schools
6. ADO (B&A) and Establishment local Office.
7. The Candidates concerned.

  
13/7/13  
DISTRICT EDUCATION OFFICER  
MALE SWABI

  
**ATTESTED TO BE  
TRUE COPY**

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI**  
**CORRIGENDUM**

Please read in Term and Condition Para 4 "After their appointment i.e. 01.09.2013 they should join with in 15 days otherwise the appointment order will be automatically consider as cancelled" instead of they should join their post within 15 days of the issuance of this notification, their appointment will be expiring automatically and no subsequent appeal etc shall be entertained" in the appointment order issued vide this office endost: No 2275-G dated 04-07-2013.

**(SIRAJ MUHAMMAD)**  
**DISTRICT EDUCATION OFFICER**  
**MALE SWABI**

Endosrt No. 2388-G dated 13.07.2013

Copy of the above is forwarded to the:-

Copy of the above is forwarded for information and necessary action to the:-

1. PS to Secretary (elementary & Secondary education) Khyber Pakhtunkhwa
2. Director (elementary & Secondary Education) Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Swabi.
4. Deputy District Education Officer Male Swabi
5. All the Principal / Head Master concerned Schools.
6. ADO (B&A) and establishment local Office.
7. The Candidates concerned.

**DISTRICT EDUCATION OFFICER**  
**MALE SWABI**

(17)

Annexure "G"

To:-

The Executive Engineer  
IESCO Attock.

Subject:- APPOINTMENT AS DRAWING MASTER..

Respected Sir,

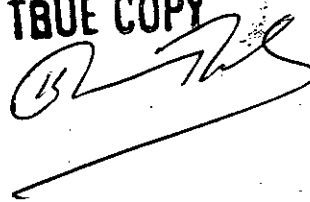
I the Undersigned had been appointed as Tracer in IESCO on 12.6.2006 and now working under your kind control. I had applied for the post of Drawing Master in KPK (Distt: Swabi). Thereafter the Education department KPK called me for test and interview and they considered me for the post of Drawing Master District Education Officer Swabi vide O/O No. 2275-G/DM dated 4.7.2013 and Endst No. 2388-G dated 13.7.2013.

Sir, now I want to join duty as Drawing Master in Government High School Jehangira, hence necessary NÖC for joining new place of posting in Education Department KPK may please be issued and obliged.

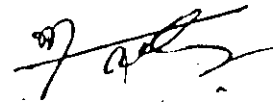
Copy of Letter of appointment is also enclosed please.

DA/a.a.

ATTESTED TO BE  
TRUE COPY



Yours obediently



(Mohammad Javed)

Tracer

IESCO Oper. Div. Attock.

(18)

Annexure "A"

Office of the Executive Engineer (E) IESCO Attock Division.  
PH # 9316080 Fax # 9316081.E-Mail.attockdivisionattock@yahoo.com



No. 12104-51

Dated: 30. 8. 2013

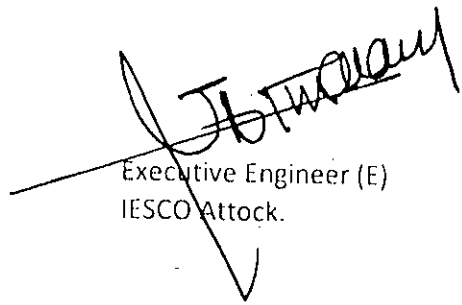
The Manager (HRM)  
IESCO, G-7/4  
Islamabad.

Through Proper Channel

Subject: REQUEST FOR NOC FOR JOINING NEW PLACE OF POSTING.

Enclosed herewith find an application of Mr. Mohammad Javed Tracer of IESCO Division Attock regarding issuance of NOC for joining new place of posting as Drawing Master in Education department KPK Swabi.

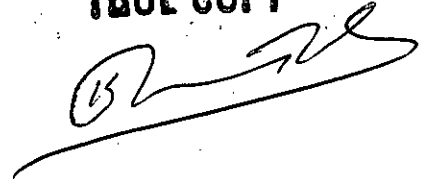
Da/a.a.

  
Executive Engineer (E)  
IESCO Attock.

Copy to the:-

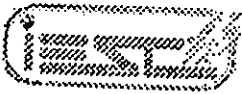
- 1) S.E. IESCO Attock Circle Wah.

ATTESTED TO BE  
TRUE COPY



(19)

Amr... I



**ISLAMABAD ELECTRIC SUPPLY COMPANY LIMITED**

Tele: Pbx: 051-9252937-39  
Direct : 051-9252891  
Fax: 051-9252927

HR Directorate  
IESCO Headquarters  
St 40, G-7/4, Islamabad

No. 39749 IESCO/HRM/

Date: 02/09/13

Dy: Manager (Opr)  
Division IESCO Attock.

Subject: REQUEST FOR EMPLOYMENT IN OTHER DEPARTMENT

Reference: Your office letter No. 12104-5 dated 30-08-2013.

This office has no objection on the employment of Mr. Muhammad Javed Tracer. IESCO Operation Division Attock as Drawing Master in Education Department KPK Swabi.

DY: MANAGER (HRM)  
IESCO ISLAMABAD

CC:-

Master file.

ATTESTED TO BE  
TRUE COPY

02 September-2013



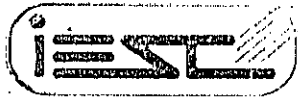
(20)

Annexure "J"

**ISLAMABAD ELECTRIC SUPPLY COMPANY LIMITED.**

Office of the Executive Engineer (E) IESCO Attock Division.

Ph # 9316080 Fax # 9316081. E-Mail.attockdivisionattock@yahoo.com



No. 12/21-23 Admn/Atk.

Dated 02/09/2013.

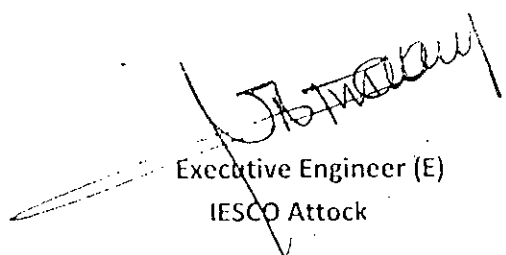
The District Education Officer (M),  
Sawabi.

Subject:- RELIVING ORDER IN THE NAME OF MOHAMMAD JAVED TRACER OF IESCO (WAPDA) ATTOCK DIVISION.

Ref: - Your office order No.2275-G Dated.04.07.2013 & No. 2388-G dated 13.07.2013. & Dy: Manager (HRM) IESCO, Islamabad office NOC vide No.39749 dated 02.09.2013 (Copy attached).


In this regard Mohammad Javed S/O Shamas-ul-Qamar Tracer working in IESCO Attock Division has been relived from this Division on 02.09.2013.

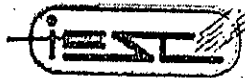
The LPC & Service Book of the official duly completed in all respect is enclosed herewith for further process in your office please.

  
Executive Engineer (E)  
IESCO Attock

Cc to:-

1. The Deputy Manager (HRM) IESCO Islamabad for information w/r to his office letter No.39749/IESCO/HRM/Dated.02.09.2013 please.
2. The Manager MIS Section IESCO Head Office Islamabad.

  
ATTESTED BY  
TRUE COPY



(21)

Annexure "K"

**ISLAMABAD ELECTRIC SUPPLY COMPANY LIMITED**

Phone No. 0579316080  
Fax No. 0579316081

Office of the  
Executive Engineer  
IESCO Attock Division

LAST PAY CERTIFICATE

Last pay certificate of MOHAMMAD JAVED  
 Designation Tracer BPS-07  
 Office of the IESCO Attock Division  
 Proceeding on District Education Officer Male, Sawabi vide o/o No. 2275-G Dated 04-07-2013 & 2388-G Dated 13-07-2013 and Dy. Manager (HRM) IESCO Islamabad NOC No. 39749 Dated 02-09-2013. Appointed as Drawing Master

2. He has been paid up to 01-09-2013 at the following rates:-

Particulars			
Allowances		Deduction	
Basic pay	7400	E.P/Fund A/C No: - 0222527	
House Rent	1589	E.P fund	530
Conveyance allowance	1840	E.P fund Advance	-
Job allowance	-	GLI	129
Livery Allowance	-	W.W fund	65
50 % Adhoc Allowance-2010	1955	TUF	-
15 % Adh-2011	587	M.B. Fund	10
20% Adh-2012	1480	Income Tax	-
10% Adh-2013	740		
Washing	-		
WAPDA allowance	-		
Cash Medical allowance	1000		
GLI	-		
<b>Gross Pay: -</b>	<b>16591-</b>	<b>Total Deduction</b>	<b>734-</b>
<b>Net Pay: 15857-</b>			

3. He made over charge the office of IESCO Attock Division on 02-09-2013 F.N.
  4. Recoveries are to be made from the pay of official as detailed on the reverse.
  5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.
- | Period                      | Rate                   | Amount |
|-----------------------------|------------------------|--------|
| From _____ to _____ @ _____ | Rs _____ a month _____ |        |
| From _____ to _____ @ _____ | Rs _____ a month _____ |        |
6. He is entitled to draw the following:
  7. He is also entitled to joining time for \_\_\_\_\_
  8. The details of the Income Tax recovered from him up to the date from the beginning of the current year are noted on the reverse.
- Note \_\_\_\_\_

Endst.No. 12124

Date 02-9-13

Forwarded in original to District Education Officer Male, Sawabi along with service book for further necessary action

**ATTESTED TO BE TRUE COPY**

*[Signature]*  
Executive Engineer  
IESCO Attock

22

Annexure - 1<sup>st</sup>

To

The Executive Engineer (E)  
IESCO Attock Division.

Subject: DEPARTURE REPORT.

Respected Sir,

In compliance of District Education officer Male Sawabi o/o No. 2275-G Dated 04-07-2013 and 2388-G Dated 13-07-2013 and Dy. Manager (HRM) IESCO Islamabad NOC vide No. 39749 Dated 02-09-2013 (Copy attached).

I submit my departure report today i.e. 02-09-2013 due to my appointment as Drawing Master in Education Department District Sawabi KPK.

Your co-operation in this respect is highly appreciated.

Yours obedient,

Mohammad Javed Tracer

Dated : 2.9-13

Hc  
1  
Au/2/9/13

ATTESTED TO BE  
TRUE COPY

(23)

Annexure - "M"

To

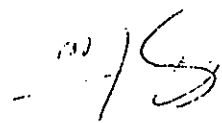
The DAO Swabi  
Through DEO (M) Swabi

Subject: application for correction in Govt service entry and entitlement for pension benefit.  
R/Sir;

I have the honor to state I have joined Govt service in WAPDA on 12-06-2006 vide No. 28109 Dated 03-06-2006 and took over charge against tracer post BPS-07 on 12-06-2006. Later on I applied for DM post through proper channel and appointed against the same post vide DEO (M) Swabi notification No. 2275-G Dated 04-07-2013 and notification No. 2388-G Dated 13-07-2-2013 and took charge against DM post at GHS Jehangira on 02-09-2013. Necessary entries in this regard have also been made in my service book. But the pay slip shows my entries in Govt service as 02-09-2013 instead of 12-06-2006. Necessary correction/entries may please be made in my service book and other relevant document to enable me to avail service benefit for the purpose of pension and other relevant privilege

Thanking you!

Note: Enclosed attested copy of service book and other relevant documents.

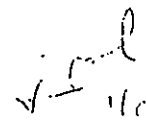


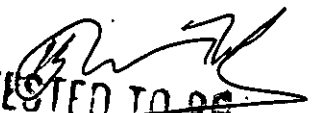
Yours sincerely  
Muhammad Javed  
DM GHS Lahor Sharqi

NO: 1169

Dated 19-10-17

Forwarded to DEO (M) Swabi  
for further necessary action please.

  
HEAD MASTER  
GHS Lahor (Sharqi).  
Dist: Swabi

  
ATTESTED TO BE  
TRUE COPY

(24)

Annexure "N"



**DISTRICT EDUCATION OFFICE (MALE) SWAB**  
(Office phone & Fax No 0938-280239, *emis\_swabi@yahoo.com*)

No: 11668 /DM/G/File Dated 26/10 2017

To

The Head Master,  
GHS Lahor Sharqi

**ATTESTED TO BE  
TRUE COPY**

Subject:-  
Memo,

APPLICATION OF WAPDA SERVICE TOWARDS EDUCATION FOR  
PENSIONARY BENEFITS.

Reference your letter 1169 Dated 19-10-2017 on the above noted subject  
You are directed to inform Mr Muhammad Javed DM of your School may be  
informed that the civil services rules shall not apply to Government servants engaged on contract  
which contain no stipulation for pension under the rules. Your appointment in LESCO was on  
contract basis. Hence as per law, rules and policy your contract temporary service can not be  
counted towards pensionary benefits, you are already informed previously in this connection.  
You are warned not to make repetitive appeals on the same stance, because repetitive  
departmental appeals wastes the Precious time of the office.

DISTRICT EDUCATION OFFICER  
(MALE) SWAB

**BETTER COPY**

**DISTRICT EDUCATION OFFICE (MALE) SWABI**  
**(Office Phone & Fax No. 0938-280239, emis swabi@yahoo.com)**

**No: 11068/DM/G/File Dated 26.10.2017**

To,

The Head Master  
GHS Lahor Sharqi

**Subject:- APPLICATION OF WAPDA SERVICE TOWARDS EDUCATION FOR PENSIONER BENEFITS**

**Memo,**

Reference your letter 1169 Dated 19.10.2017 on the above noted subject.

You are directed to inform Mr. Muhammad Javed DM of Your School may be informed that the Civil Services rules shall not apply to Government servants engaged on contract which contain no stipulation for pension under the rules. Your appointment in LESCO was on contract basis. Hence as per law, rules and policy your contract company service can notice counted towards pensisory benefits, you are already informed previously in this connection. You are warned not to make repetitive appeals on the same stance, because repetitive departmental appeals wastes the Precious time of the office.

**DISTRICT EDUCATION OFFICER  
MALE SWABI**

(25)

Annexure - "0"

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 1305 of 2017




Muhammad Javed Son of Shams ul Qaimi ~~Deputy~~ Master  
at GHS, Lahor Sharqi Tehsil Lahor District Swabi.

..... Appellant

VERSUS

- 1- District Accounts Officer, Swabi.
- 2- District Education Officer, (M) District Swabi.
- 3- Director Education, Elementary & Secondary Education  
KPK Peshawar
- 4- Govt of Khyber Pakhtunkhwa through Secretary  
Education Peshawar
- 5- Accountant General, Khyber Pakhtunkhwa Peshawar
- 6- Chief Secretary, Khyber Pakhtunkhwa Peshawar.  
..... Respondents

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

APPEAL UNDER SECTION - 4 OF THE  
KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE ORDER  
DATED 26/10/2017 WHEREBY THE  
DEPARTMENTAL APPEAL OF THE  
APPELLANT FOR COUNTING HIS PREVIOUS  
SERVICE TOWARDS PENIONARY BENEFITS  
WAS REJECTED:

Prayer in Appeal;

That on acceptance of this appeal, the order  
dated 26/10/2017 may kindly be set aside and the



22.11.2018

Counsel for the appellant present.

Learned counsel for the appellant, when confronted with the situation that as per available record, no service appeal or review petition was preferred by him before the departmental authority/competent authority, he requested for transmitting the instant appeal to the respondents/competent authority for consideration and decision as departmental appeal against the impugned order dated 26.10.2017.

Accordingly the office shall send original record of the instant appeal to respondent No. 3 within one week who shall decide the matter on its merit and in accordance with the law and the relevant rules, after notice to the appellant. File be consigned to the record room.

A copy of the case file be consigned to the record room.

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar  
Peshawar  
Service Tribunal,  
Khyber Pakhtunkhwa  
Peshawar

  
SD/ Chairman

Announced:  
22.11.2018

Date of Presentation 24-11-2018  
Number of Copies 800  
Cost of Copies 600  
Total 6  
Name of Copy [Signature]  
Date of Presentation of Copy 27-11-2018  
Date of Delivery of Copy 27-11-2018



(27)

Annexure "P"

BETTER COPY NO. 11

**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.**

No. 2941/F.NO APPEALS/PST/CITY/AT/TT  
DATED 25-10-2019

To: Muhammad Javed DM  
GHS Lahore Sharqi Sawabi

Subject: **APPEAL**

1. I am directed to refer to your appeal dated 16-07-2019 on the subject cited above and to inform you that your appeal in light of DEO (M) Swabi letter bearing No.11288 dated 03-09-2019 has been rejected being against relevant rules in policy field.

Deputy Director Estab: (Male)  
Elementary Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst. No.

Copy of the above is forwarded to :-

1. The District Education Officer (Male) Sawabi w/r his letter cited above.
2. The PA to Director E&SE Local Office.

Deputy Director Estab: (Male)  
Elementary Secondary Education  
Khyber Pakhtunkhwa Peshawar

*Revised*



**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA,  
PESHAWAR**

No. 2941 / 107  
Date 11/10/10

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50 روپے	33481			
ایڈویکٹ: ضمیر الودھا، ڈوسٹری		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: 12-5388				
رابطہ نمبر: 03005952824				

بعدالت جناب:

مخاطب: ایڈیٹور	دعوی:
محمد جاوید بنام حکومت	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**باعت تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ


آن مقام سروس ٹریڈنگ کمپنی اور ضمیر الودھا کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 22 نومبر 2019

المقام سروس ٹریڈنگ کمپنی کے لیے منظور ہے۔

ضمیر الودھا

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔



20/11/19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 1600 of 2019

Muhammad Javed S/O Shamsul Qamar, Drawing Master at GHS Lahor Sharqi  
District Swabi .....Appellant

**VERSUS**

1. District Education Officer (Male) District Swabi.
2. Deputy Director Establishment Male E&SE Khyber Pakhtunkhwa Peshawar.
3. Director Establishment Male E&SE Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer Swabi.
5. Govt. of Khyber Pakhtunkhwa through Secretary, E&SE Khyber  
Pakhtunkhwa Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.

.....**Respondents**.....

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3	2011 SCMR 363	"B"	7-10

DISTRICT EDUCATION OFFICER  
(MALE) SWABI

**District Education Officer  
(Male) Swabi.**

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 1600 of 2019

Muhammad Javed S/O Shamsul Qamar, Drawing Master at GHS Lahor Sharqi  
District Swabi .....Appellant

**VERSUS**

1. District Education Officer (Male) District Swabi.
2. Deputy Director Establishment Male E&SE Khyber Pakhtunkhwa Peshawar.
3. Director Establishment Male E&SE Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer Swabi.
5. Govt. of Khyber Pakhtunkhwa through Secretary, E&SE Khyber Pakhtunkhwa Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.

.....**Respondents**.....

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No.1,2,3 AND 5.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That services under Federal Government cannot be tagged with services under provincial Government, hence, the instant service appeal is not maintainable. ~~(Judgment annexed as per)~~
2. That the service rendered under contract shall not qualify for pension or gratuity, hence the instant service appeal is not maintainable.
3. That appeal of the appellant is hit by the principle of laches, hence not maintainable and is also liable to be dismissed.
4. That no scope of repeated appeals/representations available to the civil servants and the period of limitation could not be extended by repeated representations, hence, the instant appeal is not maintainable.
5. That the departmental appeals and service appeal are badly time barred, hence, the instant appeal is not maintainable.
6. That the appellant has no locus standi or cause of action to file the instant appeal.
7. That the appellant has not come to the tribunal with clean hands, hence, not maintainable.

**District Education Officer**  
District Swabi.

- 8. That the appellant has concealed the material facts from this honorable tribunal, hence, not maintainable.
- 9. That the appellant has field the instant appeal just to pressurize the respondents.
- 10. That the appellant is estopped by his own conduct to file the instant appeal.
- 11. That, the appeal is not maintainable in the present form and in the present circumstances of the issue.

**FACTS:**

- 1. That the appellant himself admits, his previous service in IESCO (WAPDA) as tracer was on contract basis. It is settled law that the service rendered under contract shall not qualify for pension or gratuity. The stance of the appellant is conjectural and ludicrous.
- 2. That the entry of regularization of his service is not existed anywhere in his service book. IESCO is a company. Furthermore, WAPDA is not under provincial Government. "It is settled law that services under Federal Government cannot be tagged with services under provincial Government". Same is reported in 1992 SCMR 1140. "Decision of one province cannot be made applicable to other province" same is reported in 2013 SCMR 304, 211 SCMR 363 and 2003 PLC (CS) 1057". "Law evolved by Judiciary could not be applied retrospectively, more particularly so in already settled issues". Same is reported in 2001 PLC (CS) 184. IESCO is not a Government institution. (Judgment annexed as "A" & "B").
- 3. That admitted to the extent, respondent No.1 advertised various district cadre posts including the posts of Drawing Masters in the year 2011 for fresh recruitment.
- 4. That the appellant applied to the post and was appointed as a fresh candidate. He took over charge on 2-9-2013 as a fresh candidate without any agitation. After the lapse of more than four years, his claim of counting contract company service towards pensionary benefits is conjectural and ludicrous. It is a settled law that services under federal Government cannot be tagged with services under provincial Government.
- 5. That the previous service of the appellant in IESCO (WAPDA) as tracer was on contract basis. The appellant was appointed in the light of Judgment of the Honorable Peshawar High Court Peshawar in Writ petition NO. 385-

*[Handwritten Signature]*  
 District Education Officer  
 (M/19) Swabi.

3

P/2012 as a fresh candidate. The issuance of no objection certificate (NOC) does not make the contract service of the appellant regular. It is settled law that services under Federal Government cannot be tagged with services under provincial Government.

6. That the present appointment of the appellant was a fresh appointment. The relieving of the appellant from contract service in IESCO and issuance of last pay certificate (LPC) are not relevant to the fresh appointment in Elementary & Secondary Education department Khyber Pakhtunkhwa. The counting of contract company service towards pensionary benefits is against relevant law, rule and policy in field. The appellant took over charge as a fresh candidate without any agitation <sup>in</sup> ~~and~~ 2013.
7. That, it is a settled law that services under federal government cannot be tagged with service under provincial government. His previous service in IESCO (WAPDA) as tracer was on contract basis. That is why his belatedly filed application was rightly rejected. The counting of contract company service towards pensionary benefit is against relevant law, rules and policy in field.
8. That in the compliance of order passed by the Honorable Service Tribunal, respondent No.3 the appellate authority treated the service appeal of the appellant as departmental appeal. All the relevant record was perused and scrutinized carefully. The departmental appeal was rejected being against the relevant rules and policy in field.
9. That the departmental appeal was rejected by the appellate authority i.e Director Elem: & Sec: Education Khyber Pakhtunkhwa being against the relevant rule and policy in field. The rejection of the departmental appeal of the appellant is in-accordance with law, rules and policy.
10. That the appellant has no cause of action to file the instant appeal and the appeal in hand is liable to be dismissed inter-alia the following grounds.


**GROUNDS:**

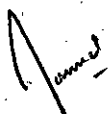
- A. Incorrect, hence strongly denied, the treatment of the respondents with the appellant is in accordance with law, natural justice, service rules and regulations.
- B. Incorrect, hence denied, the treatment of the respondents with the appellant is in accordance with law, natural justice and policy. Colorable and futile exercise of the department is out of question.

District Education Officer  
(Male) Swabi.


- C. Incorrect, hence denied, the rejection order of the respondents is in accordance with law, rules and policy. The fundamental rights of the appellant is well protected.
- D. Incorrect, hence denied, the acts and omission of the respondents are in accordance with law, rules and regulations laid down by the superior courts of Pakistan.
- E. Incorrect, hence denied, the impugned order dated 25.10.2019 is in accordance with law, facts, norms of natural justice and material on record, therefore, tenable in the eye of law.
- F. Incorrect, hence denied, the impugned orders are legal and with lawful authority.
- G. That the respondents may be allowed to raise/argue additional grounds at the day of hearing the service appeal please.

In view of the above stated submission, it is earnestly requested that the appeal of the appellant may vary graciously be dismissed with costs in favor of the respondents.


  
 DISTRICT EDUCATION OFFICER  
 (MALE) SWABI  
**District Education Officer  
 (Male) Swabi.**

  
 DIRECTOR E&SE  
 Khyber Pakhtunkhwa Peshawar

**Director**  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar

  
 Deputy Director (Estab)  
 Male E&SE Khyber  
 Pakhtunkhwa Peshawar

**Director (Estt.)  
 Elementary & Secy. Education  
 Khyber Pakhtunkhwa Peshawar**

  
 SECRETARY  
 E&SED Khyber Pakhtunkhwa Peshawar

**AFFIDAVIT**

I Muhammad Idrees District Education Officer male Swabi do hereby solemnly affirm and declare that all the contents of the accompanied para-wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this honorable tribunal.

  
 DISTRICT EDUCATION OFFICER  
 (MALE) SWABI  
**District Education Officer  
 (Male) Swabi.**



Annexure - A.

⑤

1992 S C M R 1140

[Supreme Court of Pakistan]

Present: Abdul Shakurul salam, Rustam S. Sidhwa and Muhammad Afzal Lone, JJ

AYUB HASSAN ---Appellant

versus

GOVERNMENT OF THE PUNJAB---Responder

Civil Appeal No.99 of 1989, decided on 30th July, 1991.

(On appeal from the judgment, dated 19-4-1983 of the Punjab Service Tribunal, in Appeal No.175/1619 of 1982).

(a) Civil service---

---Retirement---Civil servant's retirement on the ground of his having completed twenty-five years of service qualifying for pension and other retirement benefits---Validity---Had civil servant not been retired he would have retired on superannuation---Civil servant's service under the Central Government could not be tagged with his service under the Provincial Government---Order of civil servant's retirement by including in his service, the period of his service under the Central Government being not warranted by law, order of his retirement was set aside.

(b) Civil service--

---Retirement---Civil servant's retirement after completion of twenty-five years of service qualifying for pension and other retirement benefits--Provincial Government while passing impugned order of civil servant's retirement had included in his service record the period of his service under the Central Government---Service under the Central Government could not be tagged with service under the Provincial Government---Civil servant's order of retirement being not valid was set aside.

Mr. Shamsi, Advocate Supreme Court and Ejaz Ahmad Khan, Advocate-on-Record for Appellant.

Abdul Maajid Sheikh, Advocate Supreme Court and Rao Muhammad Yousaf Khan, Advocate-on-Record. (absent) for Respondents.

Date of hearing: 30th July, 1991.

**JUDGMENT****ABDUL SHAKURUL SALAM, J.**---This appeal by leave arises in the following circumstances:

The appellant was working as Additional Sessions Judge when by an order, dated 10-12-1979 he was retired from service on the ground of having completed 25 years of service qualifying for pension and other retirement benefits. He filed a review petition but it was dismissed on 4-4-1981. He then filed an appeal before the Punjab Service Tribunal. It too was dismissed on 19-4-1983. He

District Education Officer  
(Male) Swabi.

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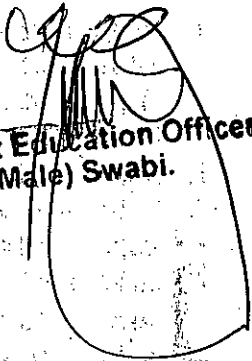
filed petition for leave to appeal and it was submitted that "at the time when the order of retirement was made, he had put in only 15 years of service under the Provincial Government. Before joining service under the Provincial Government, he was an employee of the Central Government. While computing the period of qualifying service, the Provincial Government has taken into account his service under the Central Government as well which was not permissible under the rules. In support of this contention, he relied upon the judgment of this Court reported as Secretary to Government of Punjab v. Noor Muhammad Khan PLD-1984 SC 82. Leave was granted to consider the contention vide order, dated 19-2-1989. .

2. It is pointed out by the learned counsel for the appellant that if he had not been retired vide the impugned order, dated 19-4-1983 the appellant would have retired on superannuation on 24-9-1988. In view of the judgment of this Court quoted above service under the Central Government could not be tagged with service under the Provincial Government. Therefore, the impugned order, dated 10-12-1979 is set aside. The appeal is allowed. Learned counsel for the respondents has submitted that the appellant is occupying a Government Quarter. He must vacate it. Appellant who is present in person states that he shall vacate the quarter by 1-10-1991. Let him do so.

The appeal is allowed in the above terms without any order as to costs.

AA/A-910/S

Appeal allowed.

  
District Education Officer  
(Male) Swabi.

Annexure - B (7)

2011 SCMR 363

[Supreme Court of Pakistan]

Present: Javed Iqbal and Jawwad S. Khawaja, JJ

JAHANGIR SARWAR and others---Petitioners

Versus

LAHORE HIGH COURT and another---Respondents


Civil Petition No. 2148-L of 2009, deiced on 8th November, 2010.

(On appeal from the order dated 10-9-2009 passed by the Lahore High Court, Lahore in Writ Petition No. 16680 of 2009).

**Punjab Civil Servants Act (VIII of 1974)---**

---S.23---Punjab Judicial Service Rules, 1994, R.7(1)(a)---Sindh Civil Servants Act (XIV of 1973), S. 26---Sindh Judicial Service Rules, 1994, R. 8(1)(b)---Constitution of Pakistan, Arts. 25 & 18S(3)---Appointment of judicial officers---Two years law practice---Pre-condition---Reasonable classification, principle of---Applicability---Petitioner assailed provisions of R. 7(1)(a) of Punjab Judicial Service Rules, 1994, whereby condition of two years' law practice was made mandatory for any candidate to be appointed as Judicial officer---Plea raised by petitioner was that condition imposed by Punjab Government was discriminatory as no such condition was required by Sindh Government under R. 8(1)(b) of Sindh Judicial Service Rules, 1994---Validity---Sindh Government framed Sindh Judicial Service Rules, 1994, in exercise of powers conferred upon it under S. 26 of Sindh Civil Servants Act, 1973, whereas Punjab Judicial Service Rules, 1994, were framed by Governor under S. 23 of Punjab Civil Servants Act, 1974---Rules applicable in two Provinces were enacted under two different statutes and in view of peculiar circumstances of each Province---Rules made in one Province could not be made applicable to other Province unless so adopted and petitioner failed to mention any such order in that regard---Principle of reasonable classification or differentia was not misinterpreted or misconstrued as Art. 25 of the Constitution did not prohibit reasonable classification with regard to operation of law---Provisions of Sindh Judicial Service Rules, 1994, could not be made applicable in the Province of Punjab---Supreme Court declined to interfere in the judgment passed by High Court---Leave to appeal was refused.

Pakistan Petroleum Workers Union v. Ministry of Interior 1991 CLC 13; Fauji Foundation v. Shamimur Rehman PLD 1983 SC 457; Ziaullah Khan v. Government of Punjab PLD 1989 Lah. 554; Akram Khan v. State PLD 1976 Lah. 1224; I. A. Sharwani v. Government of Pakistan 1991 SCMR 1041; Aziz Begum v. Federation of Pakistan PLD 1990 SC 899; Balochistan Bar Association v. Government of Balochistan PLD 1991 Quetta 7; Kathi Raning v. State of Saurashtra AIR 1952 SC 123; Dharendra v. Supdt. and Remembre AIR 1954 SC 424; Zain Noorani v. Secretary of National Assembly PLD 1957 Kar. 1; Government of Punjab Health Deptt. v. Naila Begum PLD 1987 Lah. 336; Government of Punjab and others v. Mst. Naila Begum PLD 1988 Lah. 331; Charanjit Lal v. Union of India AIR 1951 SC 41; State of West Bengal v. Anwar Ali AIR 1952 SC 75; Rehman Shagoo v. State of J&K 1958 Cri L Jour 885; TK Abraham v. State of Tra. Co AIR 1958 Ker. 129 and PLR 1957 (1) 743 rel.

  
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Mushtaq Ahmad Mohal, Advocate Supreme Court and Mahmudul Islam, Advocate-on-Record for Petitioners.

Nemo for Respondents.

Date of hearing: 8th November, 2010.

## JUDGMENT

**JAVED IQBAL, J.**---A Writ Petition was preferred on behalf of petitioners in the Lahore High Court, Lahore with the following prayer:--

"It is therefore most respectfully prayed that the instant writ petition may very kindly be accepted and the Rule 7(1)(a) of the Punjab Judicial Service Rules, 1994 may very kindly be declared ultra vires, discriminatory, violative to fundamental rights of the petitioners and the same may very graciously be struck down and the respondents may very kindly be directed to equate the Punjab Judicial Service Rules, 1994 with the Sindh Judicial Service Rules, 1994 for the purpose of eligibility/ qualification for the posts of Civil Judge cum Judicial Magistrates and the respondents may very kindly be further directed to allow the staff of the Supreme Court, Lahore High Court or courts subordinate to Lahore High Court including the petitioners to compete for the posts of Civil Judges cum Judicial Magistrates, in the Province of Punjab, in the interest of justice.

It is further prayed that during pendency of this writ petition, the respondent No.1 may very kindly be directed to provisionally allow the petitioners to appear in the written examination and viva voce/selection process for 229 posts of Civil Judges-cum-Judicial Magistrates, to meet the ends of justice.

Any other relief which this honourable court deems fit and proper in the circumstances of the case, may also very kindly be granted to the petitioners".

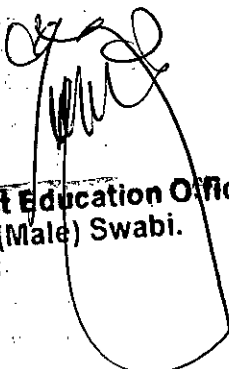
2. Being aggrieved from dismissal of Writ Petition by means of judgment impugned this petition for leave to appeal has been filed.

3. Mr. Mushtaq Ahmad Mohal, learned Advocate Supreme Court entered appearance on behalf of petitioners and contended that legal and factual aspects of the controversy have not been appreciated in its true perspective which resulted in serious miscarriage of justice. In order to support the said contention it is submitted that the provisions as enumerated in Rule-8(1)(b) of the Sindh Judicial Service Rules, 1994 could have been made applicable to the case of petitioners whereby two years law practice is not required for the employees of the Supreme Court, High Court of Sindh or courts subordinate to the High Court of Sindh who are eligible to compete for the post of Civil Judge/Judicial Magistrate without having such experience. It is next contended that under Rule 7(1)(a) of the Punjab Judicial Service Rules, 1994 a candidate is required to have two years law practice for appointment against the post of Civil Judge-cum-Judicial Magistrate which is not only in violation of the provisions as enumerated in Article 25 of the Constitution of Islamic Republic of Pakistan but is unreasonable and illogical and more so that the exemption given to the employees of various Courts in Sindh should have been given to the employees working in different courts of the Province of Punjab. It is next contended that learned single Judge of Lahore High Court, Lahore in chambers has misinterpreted and misconstrued the principle of reasonable classification and differentia and there should have been no difference in rules framed by the Province of Sindh and Province of Punjab in view of the similarity of duties being performed by the employees in various courts in both the Provinces.

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4. We have carefully examined the contentions made on behalf of petitioners in the light of relevant provisions of Sindh Judicial Service Rules, 1994 and the Punjab Judicial Service Rules, 1994. The requisite experience of two years law practice as an advocate has been prescribed in Rule 7(1)(a) of the Punjab Judicial Service Rules, 1994 and no exemption whatsoever given to any class of employees irrespective of the fact as to whether they are performing their duties in any court or otherwise. Mr. Mushtaq Ahmad Mohal, learned Advocate Supreme Court was asked at the outset how Sindh Judicial Service Rules, 1994 can be made applicable in the Province of Punjab but no satisfactory answer could be given. It is worth mentioning that the Sindh Judicial Service Rules, 1994 have been framed in exercise of powers conferred upon Government of Sindh under section 26 of the Civil Servants Act, 1973 and the Punjab Judicial Service Rules, 1994 have been framed by the Governor of Punjab in exercise of powers as conferred upon him under section 23 of the Punjab Civil Servants Act, 1974. The Rules applicable in Province of Punjab and Sindh were enacted under two different Statutes and in view of the peculiar circumstances of each Province. The rules made in one Province cannot be made applicable to the other Province unless so adopted. Mr. Mushtaq Ahmad Mohal, learned Advocate Supreme Court on behalf of petitioners failed to mention any such order in this regard.

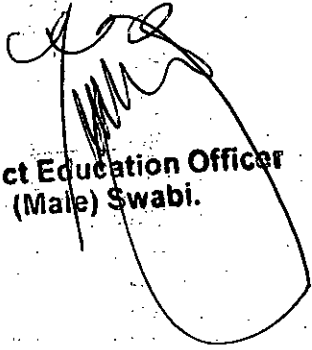
5. We are not persuaded to agree with learned Advocate Supreme Court on behalf of petitioners that the principle of reasonable classification or differentia has been misinterpreted or misconstrued for the simple reason that Article 25 of the Constitution of Islamic Republic of Pakistan does not prohibit reasonable classification with regard to operation of law. In this regard reference can be made to the cases titled Pakistan Petroleum Workers Union v. Ministry of Interior (1991 CLC 13), Fauji Foundation v. Shamimur Rehman (PLD 1983 SC 457), Ziaullah Khan v. Government of Punjab (PLD 1989 Lah.554). It is well settled by now that "equality clause does not prohibit different laws for those differently circumstanced provided a rational standard is laid down to guide the discretion of the relevant Authority to choose the appropriate law. A State may classify persons and objects for the purpose of legislation and make laws applicable only to persons or objects within a class. In fact almost all legislation involves some kind of classification whereby some people acquire rights or suffer disabilities which others do not. Expression "equal protection of laws" does not place embargo on power of State" to classify either in adoption of police laws, or tax laws, or eminent domain laws" rather gives to State exercise of wide scope of discretion, of course, nullifying "what is without any reasonable basis". The State has the power of what is known as "classification" on the basis of rational distinctions relevant to the particular subject dealt with. Classification may be due to geographical situation or it may be based on territorial, economic, communal and other similar considerations. The Constitution itself contemplates passing of different laws for different provinces by their respective legislatures. The doctrine of reasonable classification is founded on the assumption that the State has to perform multifarious activities and deal with a vast number of problems. It, therefore, should have the power to make a reasonable classification of persons and things, to whom different treatment may be accorded, provided there is legitimate basis for such difference the State can make laws to attain special objects, and the administrative authorities may make classification, in pursuance of such laws. But the classification should not be arbitrary and capricious and must rest on reasonableness and have a fair nexus and a just relation with the need for which classification is made". Ziaullah Khan v. Government of Punjab (PLD 1989 Lah. 554), Akram Khan v. State PLD 1976 Lah. 1224, Fauji Foundation v. Shamimur Rehman (PLD 1983. SC 457), I.A. Sharwani v. Government of Pakistan (1991 SCMR 1041), Aziz Begum v. Federation of Pakistan (PLD 1990 SC 899), Balochistan Bar Association v. Government of Balochistan (PLD 1991 Quetta 7), Kathi Raning v. State of Saurashtra (AIR 1952 SC-123), Dharendra v. Supdt. and Remembre (AIR 1954 SC 424), Zain Noorani v. Secretary of National Assembly (PLD 1957 Kar.1), Government of Punjab Health Deptt. v. Naila Begum (PLD 1987 Lah. 336), Government of Punjab and others v. Mst. Naila Begum (PLD 1988 Lah. 331), Charanjit Lal v. Union of India (AIR 1951 SC 41), State of West Bengal v. Anwar Ali (AIR 1952 SC 75), Rehman Shagoo v. State of J&K (1958 Cri L Jour 885), TK Abraham v. State of Tra.Co (AIR 1958 Ker. 129), PLR 1957(1) 743).

  
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6. By no stretch of imagination, Sindh Judicial Service Rules, 1994 can be made applicable in the Province of Punjab for the reasons mentioned hereinabove. The petition being devoid of merit is dismissed and leave refused.

M.H./J-1/SC

Petition dismissed.

  
**District Education Officer  
(Male) Swabi.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 1600/2019

Muhammad Javed ..... Appellant

V/S

The District Education Officer (M) District Swabi & others ..... Respondents.

(Para wise reply on behalf of Respondent No.4 & 6)

Respectfully Sheweth:-

Para 1 to 10:-

After detail scrutiny of the subject case, it is submitted that the matter under contemplation is purely an administrative issue and pertains to Respondent No.1, 3 & 5, who are in better position to redress the grievances of the appellant besides the appellant has raised no grievances against Respondent No.6.

Keeping in view the above mentioned facts it is, therefore, humbly prayed that the name of Respondent No. 4 & 6 may be deleted from the list of Respondents.

  
DISTRICT ACCOUNTS OFFICER  
SWABI

  
ACCOUNTANT GENERAL  
KHYBER PAKHTUNKHWA