

01.11.2022

Appellant in person present.

Naseer Ud Din Shah, learned Assistant Advocate General alongwith Shahab Khattak Legal Advisor of official respondents No. 1 to 3 present. Nemo for private respondents No.4 to 6.

SCANNED
KPSI
Peshawar

*Respondent No 4 to 6
are out district
therefore they
were not put on
notice. Appellant
didn't contact
us to send
their notice*

Reply on behalf of respondents No.3 to 6 is still awaited. not submitted. Representative of respondent No.3 requested for time to submit reply. Notice be issued to private respondents No.4 to 6 for submission of comments for 01.12.2022 before S.B.

(Rozina Rehman)
Member (J)

01.12.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Private respondents No. 4 to 7 in person present.

Written reply on behalf of official respondents has already been submitted, while private respondents No. 4 to 7 stated that they rely on the written reply already submitted by official respondents and in this respect they also submitted written application, which is placed on file. Adjourned. To come up for rejoinder, if any, as well as arguments on 27.01.2023 before the D.B.

SCANNED
KPSI
Peshawar

(Salah-Ud-Din)
Member (J)

27-1-23

Proper DB is not available

Therefore case is adjourned to

10-5-23

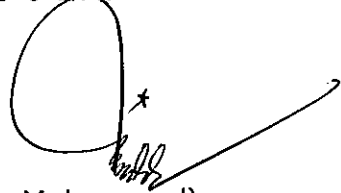
Rouder

31.08.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Shahab Khattak, Legal Advisor for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 to 6.

Notices for
issued for
date fixed
06/10/22

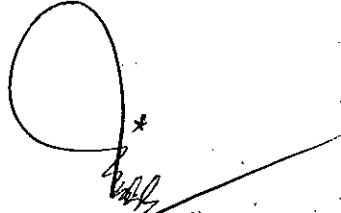
Reply/comments on behalf of official respondents No. 1 & 2 have already been submitted which are placed on file, while reply/comments on behalf of official respondents No. 3 and private respondents No. 4 to 6 are still awaited. Mr. Shahab Khattak, Legal Advisor for official respondent No. 3 seeks time to submit reply/comments on the next date. Fresh notice be issued to private respondents No. 4 to 6 for submission of reply/comments. Adjourned. To come up for reply/comments of official respondent No. 3 and private respondents No. 4 to 6 before the S.B on 06.10.2022.


(Mian Muhammad)
Member (E)

06.10.2022

Appellant present in person. Mr. Muhammad Adeel Butt, Addl. AG alongwith Shahab Khattak, Legal Advisor for respondents No. 1 to 3 and private respondents No. 4 to 7 in person present.

Written reply/comments have not been submitted. Learned AAG and private respondents requested for further time. Request is accepted. To come up for written reply/comments on 01.11.2022 before S.B.


(Mian Muhammad)
Member (E)

10.08.2022

Appellant present in person. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents present. No one present on behalf of private respondents.

Written reply on behalf of respondents No. 1 & 2 submitted which is placed on file. Written reply on behalf of respondent No. 3 to 6 is awaited. Notices be issued to respondents No. 3 to 6 for submission of written reply/comments on 31.08.2022 before S.B.

Rs: 900/-
Appellant Deposited
Security & Process Fee

11/8/22



(Fareeha Paul)
Member (E)

10.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13.06.2022 for the same as before.



Reader.

13th June, 2022

Appellant present in person.

Counsel are on strike. To come up for preliminary hearing on 29.06.2022 before S.B.



(Kalim Arshad Khan)
Chairman

29.06.2022

Learned counsel for the appellant present. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of written reply/comments. To come up for come up for reply/comments on 10.08.2022 before S.B.




(Fareeha Paul)
Member (E)

14.09.2021

Appellant with counsel present.

There is need of assistance as to whether the servants of TEVTA established under an independent Statute, are governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made there under or otherwise.

Let pre-admission notice be issued to learned A.A.G for 08.11.2021 for arguments before S.B



(Rozina Rehmani)
Member (J)

08.11.2021

Appellant present in person. Due to general strike of the lawyers today, learned counsel for the appellant is not in attendance. Mr. Kabirullah Khattak, Addl. AG for the respondents present. Case to come for arguments at preliminary stage on 13.01.2022 before S.B.



Chairman

13.01.2022

Nemo for appellant.

Kabir Ullah Khattak learned Additional Advocate General alongwith Shahab Khattak Coordinator for respondents present.

Reply on behalf of respondents was submitted. Notice be issued to appellant/counsel for 10.03.2022 for preliminary hearing before S.B.



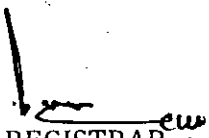


(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 5793 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/06/2021	<p>The appeal of Mr. Zahid Ullah resubmitted today by Mr. Muhammad Anwar Khan 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-	30.07.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/07/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant alongwith counsel present. An application has been submitted on behalf of the appellant seeking amendment in the memorandum of appeal for incorporation in the facts and relief about contract period of service. Since the appeal is at preliminary stage, therefore, the amendment is allowed, subject to all just and legal objections.</p> <p>Learned counsel for the appellant is required to submit amended Memorandum of appeal in the meantime and case to come up for preliminary hearing on 05.10.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Amended
Service Appeal No. 5793 /2021

Mr. Zahid Ullah Assistant.....Appellant

VERSUS

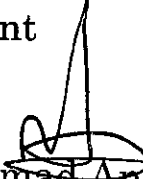
Secretary to Government of KPK & Others.....Respondents

INDEX

S#	Description of Documents	Annexure	Pages
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Appellant

Through


Muhammad Anwar Khan

Advocate Peshawar High
Court

①

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Amended Service Appeal No.: Dated 5793 2021

Mr. Zahid Ullah Assistant Govt. Technical and Vocational Training Authority (KP TEVTA)
Khyber Pakhtunkhwa (Appellant)

VERSUS

1. Secretary to Government Industry Department Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Managaing Director Government Technical and Vocational Training Authority (KP TEVTA) University Town Peshawar.
3. Deputy Director. (ESst.) Government Technical and Vocational Authority (KP TEVTA)-University Town Peshawar.
4. Mr. Aenul Haq Assistant. (GCT Abbotabad)
5. Ahmed Ali Assistant. (GCT Kohat)
6. Zar Khan Assistant (GPI Karak)
7. Junaid ur Rehman Assistant ((KP TEVTA) head Office)(Respondant)

Appeal under section 4 of Khyber Pakhtunkhwa service tribunal act 1974 against office order dated 07/06/2021 issued by the KPK Technical and Vocational Training Authorities (KP TEVTA) where by the name of the appellant is wrongly listed in the final seniority list at serial no. 17 instead of serial no. 4 in the seniority list dated 20/05/20521. After Mr. Muhammad Ishaq Assistant BPS-16. Not to include the name of appellant in the final seniority list at serial no. 4 also not to include my contact service as a regular service is illegal unlawful and affective upon the appellant. The final seniority list dated 20/05/2021 has been issued by the respondent no. 3 in excess of lawful authority and justification is based on malafide discrimination against fundamental rights and not in accordance with merit.

Prayer in the appeal

On acceptance of this appeal, the in punched order dated 07/06/2021 of respondent no. 3 is to be corrected and to include the name of the appellant in the seniority list at serial no. 4 instead of at serial no. 17 and to count the contact service as a regular service. The respondent be restrained not to promote anyone to be BPS-17 unless the name of the applicant has been placed at serial no. 4, back benefit as per seniority and such other relieve as this honorable tribunal may deem fit in the circumstances of the case may also be granted.

2

Respectfully Sheweth:

Brief facts grievances raise to the instant appeal are as under.

1. That the appellant, being the permanent government of technical and vocational centre (Women) Hayatabad having been appointed as Junior Clerk on dated 12/03/1983 in BPS-5 on permanent post.(Copy of appointment and promotion order are as Annexure "A" & "B").
2. That the appellant as well as the other assistants were having the same seniority list but the name of the appellant is wrongly placed at serial no. 17 instead serial no. 4. (Copy of the seniority list is attached as annexure C).
3. That the Khyber Pakhthunkhwa Technical and Vocational Training Authority issued to provisional seniority list void letter no. TEVTA/SL-16/Assistant/ 3088(1-3) Dated 29/04/2019 and the name of appellant has been wrongly placed at serial no. 12 instead of serial no.6 which affect the promotional of the appellant. (copy of seniority list 2019 is attached as annexure D).
4. that five years contact service of appellant has already been counted by the government void rule-2.1 Para 4- sub para 1-2 and the Peshawar High Court Peshawar have also decided the same nature case in writ petition 5195-P/2017 and writ petition 648-P/2017 more over supreme court of Pakistan also counted five years contract service toward regular service PLD20-2016 SC 534 (Copy of rules 2.1, Peshawar high court decisions and supreme court decisions are attached as annexure E, F, G and H respectively).
5. That the appellant being aggrieved submitted representation to respondents for redressed of his grievances regarding his seniority/ promotion as per final seniority list (copy of representation is attached as annexure 1).
6. That being aggrieved and dis-satisfied with impugned order dated 07/06/2021 of the respondent no. 3, the appellant having no other alternate remedy seeks the indulgence of this Honorable Service Tribunal inter adieu on the following grounds.

Grounds:

- A. ~~That~~ the impugned final seniority list dated 07/06/2021 is illegal unlawful arbitrage, perverse and as such without lawful authority, hence not maintainable in the eyes of law. (Copy of Final Seniority List is attached as annexure J)
- B. That the impugned final seniority list circulated vide no. KP-TEVTA/Estt. /SL/16/3309 dated 07/06/2021 cannot be termed as authentic, legal and valid.
- C. That the impugned final seniority list dated 20/05/2021 deprived the appellant availing of his legal rights.
- D. That the impugned final seniority list of 2021 is against the spirit of policy instruction and rules regulation of the government of Khyber pakhthunkhwa on

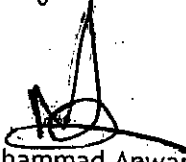
3

the subject as evident from the provisional seniority list of joint cadres 2015 and 2016 in which the appellant is placed at serial no. 13 and 8. (Copy of joint list is attached as annexure J).

It is therefore, most humbly prayed that on acceptance of this service appeal the final seniority list dated 07/06/2021 of the respondent no. 3 may kindly be corrected by placing the name of appellant at serial no. 4 instead of serial no. 17.

Through


APPELLANT


• Muhammad Anwar Khan
Advocate High Court Peshawar

Date: 20-8-2021

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ /2021

Mr. Zahid Ullah Assistant

..... (Appellant)

VERSUS

Secretary to Government of KPK & Others

.....(Respondants)

AFFIDAVIT

I, Mr. Zahid Ullah Assistant Technical Education & Vocational Training Authority (KPTEVTA) Khyber Pakhthunkhwa Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT



2021-08-21

5

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Amendet Service Appeal No.: Dated _____ 2021

APPELLANT

Mr. Zahid Ullah Assistant Govt. Technical and Vocational Training Authority (KP TEVTA)
Khyber Pakhthunkhwa

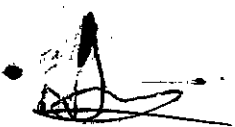
VERSUS

RESPONDENTS

1. Secretary to Government Industry Department Khyber Pakhthunkhwa Civil Secretariat Peshawar.
2. Managaing Director Government Technical and Vocational Training Authority (KP TEVTA) University Town Peshawar.
3. Deputy Director (ESst.) Government Technical and Vocational Authority (KP TEVTA) University Town Peshawar.
4. Mr. Aenul Haq Assistant. (GCT Abbotabad)
5. Ahmed Ali Assistant. (GCT Kohat)
6. Zar Khan Assistant (GPI Karak)
7. Junaid ur Rehman Assistant ((KP TEVTA) head Office)

Through


APPELLANT


Muhammad Anwar Khan
Advocate High Court Peshawar

Date: 20-8-2021

5(a)

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Amended Service Appeal No. _____ 2021

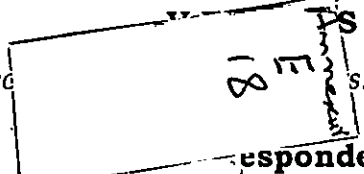
In

Service Appeal No. ~~5750~~/201

Mr. Zahid Ullah

.....Appellant

Govt of KPK through Sec




.....Appellants

APPLICATION FOR SUSPENDING THE IMPUGNED ORDER DATED
07-6-2021 TILL THE DISPOSAL OF
MAIN APPEAL.

Respectfully Sheweth:


1. That the Appellant has filed an Amended appeal along with this Application in which ~~25~~ 25/10/ 2021 is fixed.
2. That all the three ingredient are in favour of Appellant and Appellant has good Prima Facie case.
3. That grounds of main appeal may also be considered as integral part of this application.
4. That if the Impugned order is not suspended the appellant would suffer from irreparable loss and till retirement no chance for promotion.

It is therefore most humbly prayed that the Impugned order may be suspended till the disposal of main appeal.



Appellant

Through



Muhammad Anwar Khan
(Pushtun Ghari)
 Advocate, High Court

Date: 24 / 8 / 2021

AFFIDAVIT:

It is affirmed that the content of this application are true and correct.

Ammer A 5-9

DIRECTORATE OF TECHNICAL EDUCATION,
N.W.F.P., PESHAWAR.

Dated Peshawar the _____ th, 19____

OFFICER ORDER:

No. DTE/Admn/_____

Mr. Sahid Ullah

S/O

of Village & P.O. Badaber Tehsil

Mr. Sahid Ullah District Peshawar is hereby appointed
as Junior Clerk against the vacant post of Junior Clerk.

of Government College of Commerce, Kohat

in the National Pay Scale No 5 (Rs. 290-10-350/12-470-14-
plus other allowances as admissible under the rules subject
to the following terms and conditions that:-

- 1- His/Her employment on the above mentioned post is purely temporary in stop gap arrangement for the period of six months with effect from the date of taking over the charge or till the selection of candidate through Departmental Selection Committee whichever is earlier and his/her services will be terminated at any time without assigning any reasons.
- 2- He/She will have to join duty at his/her own expenses.
- 3- He/She will have to produce a Medical Certificate of fitness from the Medical Superintendent of District concerned, within a week of of the assumption of charge.
- 4- He/She will be governed by such rules and orders relating to Leave, Travelling Allowance, Medical Attendance & pay etc, as may be issued by the Govt. from time to time for the category of Govt. Servants to which he/she will belong.
- 5- His/Her character and antecedents are verified good by the Police authorities.
- 6- In case he/she wishes to resign at any time, one month's notice will be necessary or in lieu thereof, one month's pay shall be forfeited.
- 7- He/She will have to perform any duty assigned to him/her in connection with the affairs of the Department.

If he/she wishes to accept the post on these conditions he/she should report for duty to the Principal, Government College of Commerce, Kohat within fifteen days of the issue of this order, failing which the offer of appointment will be treated as cancelled.

DIRECTOR OF TECHNICAL EDUCATION,
N.W.F.P., PESHAWAR.

Dated, 12-3-83

Endst: No. DTE/Admn/_____

1386

Copy forwarded for information & necessary action to:-

- 1. The Principal, Govt. College of Commerce, Kohat with reference to his recommendation dated 11/1/83.
- 2. The District Accounts Officer, Kohat.
- 3. Mr. Sahid Ullah S/O Mr. Sahid Ullah P.O. Badaber, Tehsil District Peshawar.

DIRECTOR OF TECHNICAL EDUCATION,
N.W.F.P., PESHAWAR.

Kifayat/*

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10

1-188

Office of the
Principal,
Govt College of Commerce
Kohat,
Dated 20-27 1983

No. ESM-900/312

To
The Director,
Technical Education, N.W.F.P.
Peshawar,

Subject:- Arrival Report.

P/4 *Adony*
Ur
2/4

In compliance with your office order No. ETE/Admn/1-1
(vi)/1386 dt. 22.3.83 Mr. Zahid Ullah Jr. Clerk has reported for
duty at this College on 14.3.1983 (P.N.).

Signature 26/3/83
Principal
Govt. College of Commerce,
Kohat.
14.3.83

No. _____ Dated. _____/1983.

A copy is forwarded for information to the District,
Accounts Officer Kohat.

sd/
Principal,
Govt. College of Commerce
Kohat.

698
27363

Accepted

Signature

Accepted

Signature

Jr. Clerk in ...
the post being vacant ...

7

GOVERNMENT OF N.W.F.F.
DIRECTORATE OF MANPOWER & TRAINING
210 BENEVOLENT FUND BUILDING
PESHAWAR CANTT:

ORDER

Project Employees

No. DMT/4-2/5283 : On the recommendations of the Departmental Selection Committee, adhoc appointment of the following officials are regularised wef. the dates given against each:-

S.No.	Name	Office	Date of regularisation	Remarks
1	2	3	4	5

ASSISTANT (B-11)

1. Miss Azra Bibi. E/Exchange, Abbottabad. 2.1.1986 -

MANPOWER SURVEY OFFICER (B-11)

2. Mohammad Iqbal Shah. Headquarter Office Manpower & training. 14.7.1986 -
Dte:

LIBRARIAN (BPS-11)

3. Mohammad Javid. A.T.C. Mingora. 12.3.1987 -

DISPENSER (B-6)

4. S. Muheer Hussain Shah. T.T.C. D.I. Khan. 2.1.1986 -

5. Khurshid Iqbal. A.T.C. Mingora. 12.7.1987 -

JUNIOR CLERK (B-5)

6. Jahaideur Rehman. ✓ E/Exchange, Peshawar. 2.1.1986 -

7. Mir Salam Khan. ✓ E.E. D.I. Khan. 3.1.1986 -

8. Mr. Yar Mohammad. E.E. Kohat. 4.1.1986 -

9. Mr. Sher Ali Baz. T.T.C. Peshawar. 5.1.1986 -

10. Mr. Mohammad Khalid Jamil. T.T.C. D.I. Khan. 6.1.1986 -

11. Muntaz Hussain. T.T.C. Peshawar. 7.1.1986 -

12. Mr. Pirzada Asim. E.E. D.I. Khan. 8.1.1986 -

13. Mr. Inayatullah. T.T.C. D.I. Khan. 9.1.1986 -

14. Miss. Saida Shana Akhtar. E.E. Abbottabad. 1.4.1986 -

15. Mohammad Ismail. Headquarter Office Manpower & Trg: Dte: 5.6.1986 -

16. Shaukat Mehmood. E.E. Kohat. 21.1.1987 -

17. Mohammad Hayat. (I). Headquarter Office Manpower & trig: Dte: 2.12.1987 -

18. Mohammad Nayat (II). E.E. Bannu. 1.6.1987 -

19. Faqir Hussain. V.G.U. Peshawar. 29.6.1987 -

20. Mubarik Ahmad. E.E. Mardan. 29.11.1987 -

21. Mohammad Tufail. E.E. Kohat. 23.9.1987 -

22. Waheedur Rehman (working against the Senior Clerk). T.T.C. D.I. Khan. 1.10.1986 -

Alleged
10

8

--: 2 :-

DRIVER (BPS-4).

23. Firdos Khan. A.T.C. Mardan. 28.11.1987

2. Their appointment will be on purely temporary basis. Their services will be liable to termination at 14 days notice from either side or on the payment of 14 days pay in lieu thereof.

Sd/-
(SIKANDAR ALI KHAN)
Director.

Endst: No. DMT/4-2/5283

26
Dated: 25.9.1988.

Copy forwarded to:-

- 1) The Accountant General, NWFP, Peshawar.
- 2-7) The District Accounts Officer, Kohat, Bannu, D.I.Khan, Mardan, Swat & Abbottabad.
- 8-12) The Principals, Technical Training Centres, Peshawar, D.I.Khan, ATCs, Mardan & Mingora.
- 13) The Regional Manager, Employment Exchange, Peshawar.
- 14-18) The Managers, Employment Exchanges, Kohat, Bannu, DIKhan, Mardan and Abbottabad.
- 19) The Advisor, Vocational Guidance Unit, Peshawar.
- 20) The Assistant Director (Accounts) Directorate of Manpower & Training NWFP, Peshawar.
- 21) The Administrative Officer, HQrs. Peshawar.
- 22-45) Official concerned.
- 46-69) Personal files of the officials concerned.
- 70) File No. M-166.

They are requested that entries to this effect be made in their service books. It may be ensured that other terms and conditions of service as laid down in the adhoc appointment orders such as (i) Production of Medical fitness Certificate and (ii) satisfactory verification of their character and antecedents by police have been fulfilled.

Mohammad Rashid
(MOHAMMAD RASHID)
Deputy Director.

Attest
MD

N.K. Khattak/

Government of N.W.F.P.
Directorate of Manpower & Training
Benevolent Fund Building Hall Nos.
210-11 Saddar Road, Peshawar Cantt:

128

ORDER

Project Employees

In partial modification of the order bearing No. DMT/4-2/5283, dated 26th September, 1988, the regularisation of the adhoc appointment of the following ministerial staff shall take effect from the date as given against each:-

- | | |
|---|------------|
| 1- Junaid ur Rehman,
Junior Clerk,
Employment Exchange
Peshawar. | 28-04-1984 |
| 2- Mir Salam Khan,
Junior Clerk
Employment Exchange
Bannu. | 30-04-1984 |
| 3- Yar Mohammad,
Junior Clerk,
Employment Exchange,
Kohat. | 02-05-1984 |
| 4- Sher Ali Baz,
Junior Clerk
Now Senior Clerk
TTC, Peshawar. | 23-05-1984 |
| 5- Mohammad Khalid Jamil,
Junior Clerk,
TTC, D.I.Khan. | 06-04-1985 |
| 6- Mumtaz Hussain,
Junior Clerk
TTC Peshawar. | 22-05-1985 |
| 7- Pir Zada Asim,
Junior Clerk
TTC, D.I.Khan. | 01-07-1985 |
| 8- Inayat Ullah, Junior Clerk
TTC, D.I.Khan. | 01-08-1985 |

The privileges such as selection grade and promotion already granted to their counterparts shall not be affected by this order.

Director
Manpower and Training
N.W.F.P.

Dated, 4th June, 1991.

Endst: No. DMT/4-2/4033-31

Copy to:-

- 1- The Accountant General, NWFP, Peshawar.
- 2-4- The District Account Officer, Kohat, Bannu & D.I.Khan.
- 5- The Principal, Technical Training Centre, Peshawar.
- 6-9- The Regional Manager and Manager Employment Exchange, Peshawar, Kohat, Bannu and D.I.Khan.

(S. ASHIQ HUSSAIN SHAH)
DEPUTY DIRECTOR

Attested
MD

No. DMT/4-2/5283-31
210-11 Saddar Road, Peshawar Cantt. 500 Nos. 3-2-81-8

Amna B

10 -

11 Amna B 11-12

DIRECTORATE OF TECHNICAL EDUCATION,
AND MANPOWER TRAINING, N.W.F.P.,
PESHAWAR.

OFFICE ORDER:-

Consequent upon the recommendation of the Departmental Promotion Committee, the following Senior Clerks are hereby promoted to the post of Assistant / Computer Operator-Cum-Assistant BPS-14 in officiating capacity with immediate effect:-

S/No.	Name of promotee.	S/No.	Name of promotee.
1	Mr. Samin Jan	2	Mr. Alam Khan
3	Mr. Zehayat ur Rehman	4	Mr. Wajid Ali
5	Syed Laiq Ghawas	6	Mr. Maqsood Khan
7	Mr. Ihsanullah	8	Mr. Ibni Amin
9	Mr. Muhammad Yamin	10	Mr. Saqib Ullah
11	Mr. Muhammad Istar	12	Mr. Muhammad Zahid Khan
13	Mr. Zahid Ullah		

Their promotion is also subject to the following terms and conditions:-

- 1- They will be on probation for a period of one year.
- 2- Seniority position of the promotee shall stand intact as they were in the seniority list of lower cadre of Senior Clerk.

On their promotion, they are posted in the stations against the vacant posts as noted against each in the interest of public service.

Sr. No	Name of incumbent.	Placement.
1	Mr. Samin Jan, Senior Clerk, TTTC, Hayatabad Peshawar.	Assistant / Head Clerk, Government College of Commerce, Charsadda.
2	Mr. Alam Khan, Senior Clerk, GCMS, Karak.	Assistant / Head Clerk, Government College of Management Sciences, Karak.
3	Mr. Zehayat ur Rehman, Senior Clerk, DTE&MT, NWFP.	Assistant / Head Clerk, Government College of Management Sciences, Nowshera at Jalozai.
4	Mr. Wajid Ali, Senior Clerk, GTVC (W) Mardan.	Assistant / Head Clerk, Govt. Technical & Vocational Centre (Boys) Mardan.
5	Syed Laiq Ghawas, Senior Clerk, GTVC (B) Mardan.	Computer Operator-Cum-Assistant, Govt. College of Management Sciences, Mardan.
6	Mr. Maqsood Khan, Senior Clerk, DTE&MT, NWFP.	Assistant / Head Clerk, Government College of Technology, Nowshera.

P.T.O

AH. A. T. W.

[Signature]

AH. A. T. W.

[Signature]

Annex C-11-15
TECHNICAL EDUCATION & VOCATIONAL
TRAINING AUTHORITY KHYBER PAKHTUNKHWA
5-771 Old Bara Road, University Town Peshawar
Web: www.kptevta.gov.pk



NOTIFICATION

In exercise of the powers conferred under sub-section (I) of section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa, Act No. XIII OF 1973), the competent Authority is pleased to notify the final seniority list as stood on 20-05-2021 of **Assistant (BPS-16)** GCT's, GPI's, GTI's, GTVC's, GTTC, GATTC & Employment Exchanges for information /circulation amongst all the concerned staff under intimation to this office.

MANAGING DIRECTOR.

No. KP-TEVTA/ESTT/SL-16/ 3309

Dated. 07/06/2021.

Copy for information & necessary action to all the Principals, GCTs/GPIs/GTIs/GTVCs/GTTC/GATTC/Employment Exchange, Khyber Pakhtunkhwa.

DA/As above.

DEPUTY DIRECTOR (ESTT)

JUNAID/...

Attended



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KHYBER PAKHTUNKHWA
Technical Education & Vocational Training Authority (KP-TEVTA)
5-771, Old Bara Road, University Town Peshawar
Web: www.kptevta.gov.pk



FINAL SENIORITY LIST OF ASSISTANT (BPS-16) IN THE KHYBER PAKHTUNKHWA TECHNICAL EDUCATION AND VOCATIONAL TRAINING AUTHORITY, AS STOOD ON 20-05-2021.

Sr. No	Name of incumbent with academic qualification	Date of birth with domicile	Date of entry into Govt. service on Regular Basis	Regular appointment / promotion to the present post.			Present Posting	Remarks
				Senior Clerk	Assistant	Method of recruitment		
1.	Mr. Hazrat Rehman, D.Com. B A	08-04-1964 Bannu.	04-01-1986	17-10-1989	22-5-2007	By Promotion	GCT Peshawar	
2.	Mr. Ruhul Amin, B.A.	10-10-1964 Swabi.	05-01-1986	17-10-1989	22-5-2007	By Promotion	GCT Swabi	
3.	Muhammad Ishaq, B.A./D.Com	15-03-1964 Lakki.	05-01-1986	17-10-1989	22-5-2007	By Promotion	KP-TEVTA Head Office	
4.	Mr. Laghal Khan, Matric.	15-01-1962 Chitral.	05-01-1986	07-03-1993	22-5-2007	By Promotion	GTVC (B) Chitral	
5.	Mr. Shaukat Hussain, B.A	12-03-1962 Peshawar	07-02-1987	07-03-1993	22-5-2007	By Promotion	GPI (W) Hayatabad	
6.	Mr. Ainul Haq, Matric	10-05-1964 Peshawar.	07-02-1987	21-02-1991	22-5-2007	By Promotion	GCT Abbottabad	
7.	Mr. Ahmad Ali, B.A.	06-06-1968 Bannu	07-02-1987	07-03-1993	22-5-2007	By Promotion	GCT Kohat	
8.	Mr. Zar Khan, Matric	12-02-1964 Karak	07-02-1987	07-03-1993	22-5-2007	By Promotion	GPI Karak	
9.	Mr. Junaid ur Rehman, FA	07-01-1965 Peshawar	28-04-1984	10-05-1993	22-5-2007	By Promotion	KP-TEVTA Head Office	
10.	Mr. Suleman Shah, M.A	03-05-1965 Bannu	07-02-1987	22-09-1993	22-5-2007	By Promotion	GCT Bannu	
11.	Mr. Aman Ullah, FA	10-03-1963 DIK	01-01-1986	14-07-1990	28-5-2007	By Promotion	GTVC (B) D.I. KHAN	
12.	Mr. Zehayat ur Rehman, Matric.	23-09-1961 Peshawar.	07-02-1987	28-11-1994	15-09-2007	By Promotion	KP-TEVTA Head Office	

13.	Syed Laiq Ghawas, Matric.	21-04-1966 Mardan.	07-02-1987	28-11-1994	15-09-2007	By Promotion	EE Mardan	
14.	Mr. Abni Amin, B.A	01-03-1964 Swabi.	11-10-1987	28-11-1994	15-09-2007	By Promotion	GTVC (B) Jehangira	Detailed to GCT Swabi
15.	Muhammad Yamin, M.A (Islamiat)	08-08-1964 D.I.Khan.	21-09-1988	24-10-1995	15-09-2007	By Promotion	Emp/Exchange D.I.Khan	Adjusted against the post of Com: Operator
16.	Muhammad Zahid Khan, D.Com.	13-03-1962 Peshawar	21-09-1988	24-10-1995	15-09-2007	By Promotion	KP-TEVTA Head Office	
17.	Mr. Zahid Ullah, FA OM Training STI 2 week	05-04-1965 Peshawar	21-09-1988	24-10-1995	15-09-2007	By Promotion	GTVC (W) Hayatabad	
18.	Muhammad Jamil B.A.	08-11-1964 D.I. Khan	21-09-1988	10-07-1996	25-11-2009	By Promotion	GCT D I KHAN	
19.	Muhammad Israr F.A.	07-01-1966 Dir.	21-09-1988	10-07-1996	25-11-2009	By Promotion	GCT Timergara	
20.	Miss. Rizwana Aman, i. M.A (Islamiat) ii) PTC, CT, B. Ed & M. Ed iii) DIT	05-04-1985 Lakki	15-03-2010		15-03-2010	By Initial	GPI (W) D.I. Khan	
21.	Mr. Amin Ullah M.Sc. (Physics)	16-11-1986 Mardan	13-10-2010		13-10-2010	By Initial	GPI Takhtbhai Mardan	
22.	Mr. Anwar Sadat M.A. (English/B.Ed.	01-02-1984 Karak	13-10-2010		13-10-2010	By Initial	GTVC (B) Gul Bahar	
23.	Mr. Kamran Khan Afridi M.A. (I.R.)/M.Phil.	28-3-1979 FR Kohat	13-10-2010		13-10-2010	By Initial	KP-TEVTA Head Office	
24.	Mr. Shehzad Ali Shah B.Com-II	16-4-1987 Mansehra	13-10-2010		13-10-2010	By Initial	GTVC (B) Mansehra	
25.	Mr. Nasrullah Khan, B.A.	19-04-1969 Mardan	21-09-1988	13-03-1997	01-02-2013	By promotion	Emp/ Exchange Swabi	Adjusted against the post of Manager
26.	Muhammad Tariq, Matric.	02-01-1965 Peshawar	21-09-1988	13-03-1997	01-02-2013	By promotion	FATA TE	
27.	Mr. Asad Munir Khan i) B. Sc (Hons)Eco, MA Poli Sci ii) 01 Month Office Management Training STI iii) 2 week Training GTTC	25-09-1989 Peshawar	28-01-2014		28-01-2014	By initial		On Deputation
28.	Mr. Fazal Ghaffar M.Sc. (P/Studies)	16-08-1988 Swat.	28-01-2014		28-01-2014	By initial	GCT Swat	
29.	Mr. Nauman Faísal BBA (Hons).	8-04-1988 Mohmand	28-01-2014		28-01-2014	By initial	KP-TEVTA Head Office	

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30.	Mr. Ahmad Ali, i) B. Sc (Hons)/ Eco, ii) MPhil Eco iii) DIT	03-04-1989 Swabi	04-09-2014		04-09-2014	By initial	GPI Sardar Garhi	
31.	Mr. Fahim Ullah, BS (Hons) Computer Science	23-01-1986 Peshawar	04-09-2014		04-09-2014	By initial	FATA TE	
32.	Mr. Abdul Wahid, i. MSc. Geography ii. B.Ed. ii) 01 Month Office Management Training STI	07-01-1990 Chitral	04-09-2014		04-09-2014	By initial	Emp/ Exchange Nowshera	Adjusted against the post of Manager
33.	Mr. Hafeez ur-Rehman, D.Com	15.2.1966 Mansehra	18.10.1988	09.05.2000	24-08-2020	By promotion	GPI Mansehra	
34.	Mr. Taj Muhammad BA	21.3.1964 Mohmand	19.10.1988	09.05.2000	24-08-2020	By promotion	GTI Ekka Ghund Mohmand	
35.	Mr. Amir Mumtaz D.Com	18.7.1967 Bannu	21.9.1988	09.05.2000	24-08-2020	By promotion	GTVC (B) Bannu	
36.	Mr. Mazhar Ahmad Matric	04.05.1964 Peshawar	01.01.1986	23.10.2002	24-08-2020	By promotion	GPI (W) Timergara	
37.	S. Iqidar Hussain Shah BA	02.04.1964 DIK	26.4.1986	31.07.2003	24-08-2020	By promotion	GTVC (B) Haripur	
38.	Muhammad Iqbal BA	15.4.1968 Bannu	17.10.1988	29.10.2003	24-08-2020	By promotion	GCT Bannu	
39.	Mr. Gul Dad D.Com	07.02.1971 Peshawar	02.12.1989	29.10.2003	24-08-2020	By promotion	CCT Peshawar	
40.	Mr. Gul Badshah MA	01.9.1966 Peshawar	29.5.1988	20.01.2004	24-08-2020	By promotion	KP-TEVTA Head Office	
41.	Muhammad Yaseen i) MA (Islamiyat) ii) DIT	10.2.1967 DIK	06.12.1989	01.01.2005	24-08-2020	By promotion	GTVC (B) Ghazni Khel	
42.	Mr. Janif Ullah FA	14.8.1973 Peshawar	28.7.1996	01.01.2005	24-08-2020	By promotion	FATA Directorate	
43.	Mr. Fazal Ghani Matric	01.03.1969 Swabi	02.12.1989	01.06.2005	24-08-2020	By promotion	GATTAC Peshawar	
44.	Muhammad Ayub Ansari D-Com	01.4.1964 DIK	02.12.1989	01-06-2005	24-08-2020	By promotion	GTVC (B) Tank	
45.	Mr. Noor Ul Bashar FA STI 01-month Management C & M 01 week course	09.05.1968 Nowshera	12.12.1989	28.05.2007	24-08-2020	By promotion	GPI Mardan	
46.	Mr. Gul Basher Khan FA STI 01 month Management 01 Year Diploma in Computer	12.2.1965 Nowshera	14.5.1988	28.5.2007	24-08-2020	By promotion	GTVC(B) Hatyan	
47.	Sher Zemin FA	14.4.1969 Mardan	25.5.1988	28.5.2007	24-08-2020	By promotion	GTVC Boys Mardan	

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48.	Mr. Noor Ul Islam Matric	31.01.1970 Bannu	01.04.1990	28.5.2007	24-08-2020	By promotion	SDC Battagram	
49.	Mr. Razia Nawaz D.Com	13.09.1971 Bannu	08.09.1990	28.5.2007	24-08-2020	By promotion	GTV (B) Palodheri Mardan	
50.	Mr. Aleem Jan Matric	01.01.1965 Mohmand	10.9.1990	28.5.2007	24-08-2020	By promotion	GCT Nowshera	
51.	Mr. Ikram Ullah FA	04.9.1967 DIK	15.9.1990	28.5.2007	24-08-2020	By promotion	GCT Timergara	
52.	Mr. Sajjad Ali Matric	20-02-1970 Karak	31.01.1991	5.11.2008	24-08-2020	By promotion	GTV (B) Karak	
53.	Muhammad Ali Jan Matric	05.02.1967 Swat	19.10.1988	5.11.2008	24-08-2020	By promotion	Emp/Exchange Mingora Swat	Adjusted against the post of Manager
54.	Mr. Javid FA	01.01.1966 Swat	11.12.1988	5.11.2008	24-08-2020	By promotion	GPI Batkhela	
55.	Mr. Sher Nawaz Khan Matric	01.06.1964 Lakki	16.8.1989	5.11.2008	24-08-2020	By promotion	GPI Lakki	

Certified that the seniority list is final/un-disputed and not subjudice.

JUNAID

DEPUTY DIRECTOR (ESTT)

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Annex D

TENTATIVE SENIORITY LIST OF ASSISTANT (BPS-16) IN THE KHYBER PAKHTUNKHWA TECHNICAL EDUCATION AND VOCATIONAL TRAINING AUTHORITY, AS STOOD ON 25-04-2019.

Sr.No	Name of incumbent with academic qualification	Date of birth with domicile	Date of 1st entry into Govt. service	Regular appointment / promotion to the present post.			Present Posting	Remarks
				Date	BPS	Method of recruitment		
1	Mr. Tariq Sher, Matric	12-12-1960 Peshawar	01-01-1983	01-01-2005	16	By promotion	GTI BARA	
2	Mr. Hazrat Rehman, D.Com. B.A	08-04-1964 Bannu.	17-01-1982	22-5-2007	16	By Promotion	GCT Peshawar	
3	Mr. Abdur Rashid, Matric.	16-02-1964 D.I. Khar.	23-12-1980	22-5-2007	16	By Promotion	GPI HARPUR	
4	Mr. Kuntul Amin, B.A.	10-10-1964 Swabi.	12-04-1982	22-5-2007	16	By Promotion	GCT SWABI	
5	Muhammad Ishaq, B.A./D.Com	15-03-1964 Laki.	01-03-1983	22-5-2007	16	By Promotion	KP-TEVTA	
6	Mr. Ainul Haq, Matric	10-05-1964 Peshawar.	24-01-1984	22-5-2007	16	By Promotion	GCT ABTD	
7	Mr. Laghal Khan, Matric.	15-01-1962 Chitral.	14-01-1982	22-5-2007	16	By Promotion	GTVC Chitral	
8	Mr. Shaukat Hussain, B.A	12-03-1962 Peshawar	17-10-1982	22-5-2007	16	By Promotion	GCT NOWSHERA	
9	Mr. Ahmad Ali, B.A.	06-06-1968 Bannu	28-02-1987	22-5-2007	16	By Promotion	GCT KOHAT	
10	Mr. Zar Khan, Matric	12-02-1964 karak	01-03-1987	22-5-2007	16	By Promotion	GPI KARAK	
11	Mr. Junaid ur Rehman, FA	07-01-1965 Peshawar	28-04-1984	22-5-2007	16	By Promotion	KP-TEVTA	
12	Mr. Zahid Ullah, FA OM Training STI 2 week	05-04-1965 Peshawar	14-03-1983	22-05-2007	16	By Promotion	GTVC W Hayatabad	

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Annex D

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13.	Mr. Mir Salam Khan Matric	11-04-1961 Bannu	30-04-1984	22-5-2007	16	By Promotion	GTVC (B) BANNU
14.	Mr. Shoukat Ali Matric	03-03-1961 Charsadda	19-03-1986	22-5-2007	16	By Promotion	GCT TANGI
15.	Mr. Suleman Shah, M.A	03-05-1965 Bannu	28-11-1986	22-5-2007	16	By Promotion	GCT BANNU
16.	Mr. Amanullah, Matric	10-03-1963 DIK	02-07-1981	22-5-2007	16	By Promotion	GTVC DI KHANJ
17.	Mr. Zehayat ur Rehman Matric.	28-09-1961 Peshawar.	15-10-1985	15-09-2007	16	By Promotion	KP-TEVTA H/O
18.	Syed Laiq Ghawas, Matric.	21-04-1966 Mardan.	19-3-1984	15-09-2007	16	By Promotion	EE MARDAN
19.	Mr. Ibni Amin, B.A	01-03-1964 Swabi.	27-01-1985	15-09-2007	16	By Promotion	GTVC JEHANGIRA
20.	Muhammad Yamin, M.A (Islamiat)	08-08-1964 D.I.Khan.	10-10-1988	15-09-2007	16	By Promotion	GPI W DIKHAN
21.	Muhammad Zahid Khan, D.Com.	13-03-1962 Peshawar.	12-08-1986	15-09-2007	16	By Promotion	KP-TEVTA H/O
22.	Mr. Rashid Ullah, B.A	12-03-1960 Thana	26-10-1980	19-09-2007	16	By Promotion	GPI MALAKAND
23.	Mr. Jehanzeb Khan Matric	01-11-1959 Mardan.	11-08-1985	25-11-2009	16	By Promotion	GPI MARDAN
24.	Mr. Ikram Ullah Matric.	11-03-1966 Peshawar.	16-02-1987	25-11-2009	16	By Promotion	GATTC Peshawar
25.	Muhammad Jamil B.A.	08-11-1964 D.I. Khan	18-07-1987	25-11-2009	16	By Promotion	GCT DI KHAN
26.	Muhammad Israr F.A.	07-01-1966 Dir.	04-07-1987	25-11-2009	16	By Promotion	EE Thana
27.	Miss. Rizwana Aman, M.A (Islamiat) C.T.	05-05-1985 Lakki	15-03-2010	15-03-2010	16	By Initial	GPI LAKKI
28.	Muhammad Irfan Shah M.A (Political Science-II)	05-05-1985 SWA	26-10-2010	26-10-2010	16	By Initial	GTVC B HANGU
29.	Mr. Amin Ullah M.Sc (Physics)	16-11-1986 Mardan	14-10-2010	14-10-2010	16	By Initial	GPI TAKHTBAI MARDAN

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SERVICE QUALIFYING FOR PENSION

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. Rule 2.1

SERVICE RENDERED AFTER RETIREMENT ON SUPERANNUATION PENSION.

Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity. Note below Rule - 2.1

3. **Beginning of Service:** Subject to any special rules, the service of Civil servant begins to qualify for pension when he takes over charge of the post to which he is first appointed. Rule 2.2.

4. **Temporary and officiating service:** Temporary and officiating service shall count for pension as indicated below:-

- i) Civil servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and
- ii) temporary and officiating service followed by confirmation shall also count for pension or gratuity. Rule 2.3.

CLARIFICATION OF PHRASE - QUALIFYING SERVICE

Temporary and officiating service followed by confirmation or temporary/officiating service exceeding five years qualifies for pension.

Some confusion seems to exist in some quarters as to how condonation of interruptions between two spells of temporary/officiating service may be regulated under Rule 2.12(1) of the West Pakistan Civil Services Pension Rules. According to Rule 2.3 (ii) temporary and officiating service followed by confirmation or temporary/officiating service exceeding five years counts for pension/gratuity. The provisions of Rules 2.12(1) take account of only those cases where the Government servant had prior to the interruption rendered periods of qualifying service and it is considered fit to permit him to count certain past qualifying service towards pension/gratuity. The condonation of interruptions in service with a view to allowing past Non-qualifying temporary/officiating service to qualify for pension/gratuity under Rule 2.3 is not permissible. In other words condonation of interruptions for pension/gratuity in temporary/officiating service is permissible only where the broken period of temporary/officiating service is qualifying i.e. it exceeds five years or is followed by confirmation. Where neither condition is fulfilled, condonation of interruptions is not permissible. To make it more clear the following illustrations are given:-

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Annex F19-21

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

WP No. 5195-P/2017.

Gohar Zaman and others

Vs

Government of Khyber Pakhtunkhwa through 1 Secretary
Education and others.



Date of hearing 11.09.2018

Petitioner (by) Muhammed Arif Jan Advoca

Respondent (by) Ab Nawaz Khan

JUDGMENT

MUSARRATHILALI 1. Petitioners, Gohar-Zaman and others, through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, have prayed that respondents may be directed to count the temporary services of the petitioners with effect from their initial recruitment to 01.07.2008 towards their regular service for the purpose of grant of pension and they may be allowed pension and other terminal benefits.

2. In essence, it is the petitioners' case that they were appointed as Chowkidars/Sweepers (Class-IV)

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EXAMINED
Peshawar High Court

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in different Schools of the respondents' department on fixed pay. It is averred in the petition that vide Circular letter dated 29.01.2008 of the Government of Khyber Pakhtunkhwa, Finance Department, whereby services of all the employees on fixed pay were regularized w.e.f. 01.07.2008, however, they were allowed fixation of pay from the date of their initial appointment but without arrears. It is also averred in the petition that the petitioners were retired after attaining the age of superannuation, however, when their pension papers were prepared and sent to the District Comptroller of Accounts for processing the case of pension, their services were counted w.e.f. 01.07.2008 i.e. the date of their regularization of service. Petitioners approached the respondents for releasing pensionary benefits but in vain; hence, the instant writ petition.

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3. Respondents were directed to file their comments, which they have filed, wherein, issuance of the desired writ has been opposed.

Arguments heard and record perused.

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4. Admittedly, relief on similar point has already been granted by Larger Bench of this Court in Writ Petition No. 2246-P/2017 decided on 22.06.2017, thus the petitioners also deserve the same treatment in the light of ibid judgment.

5. In the circumstances, the action of the respondents appears to be inconsistent in the light of the aforesaid judgment and on account of Article 25 of the Constitution which guarantees equal rights and equal protection of law for every citizen.

6. Accordingly, for the reasons stated hereinabove, the instant writ petition is allowed as prayed for.

CERTIFIED TO BE TRUE COPY
 Examiner
 Peshawar High Court, Peshawar
 under and under Article 87 of
 the Constitution of Pakistan 1973.
 19 SEP 2018

Q. Ahmad
 CHIEF JUSTICE

M. Nadeem
 JUDGE

Announced
 11.09.2018

(DB) Hon'ble Mr. Justice Waqar Ahmad Seth, Chief Justice
 Hon'ble Justice Musarrat Hilal
 Near Shahi PS

Attorney

Attorney

Attorney

Annex
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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

WP No. 648-P/2017



Khurram Sultan and others

vs

University of Engineering & Technology, Khyber
Pakhtunkhwa, Peshawar and others

Date of hearing 12.02.2019

Petitioner (by) *Iyed Hazia Ali and Tahir Anwar Advocates*

Respondent (by) *Barrister Irfan Yar Ali Khan*

JUDGMENT

MUSARRAT HILALI Petitioners, Khurram Sultan
and others, through the instant petition under Article 199
of the Constitution of Islamic Republic of Pakistan,
1973, have prayed that the respondents may be directed
to count the temporary service of the petitioners w.e.f.
the date of their appointment as temporary/fixed pay
basis towards their regular service for the purpose of
adding it to the pensionable service. They have further

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EXAMINER
Peshawar High Court

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prayed that the respondents may be directed to enter necessary entries in their service record to this effect.

2. In essence, it is the petitioners' case that they were initially appointed on temporary basis at fixed salaries in the year, 2004 and onwards. The services of petitioners were extended from time to time, however, their services remained continuous. It is averred in the petition that the services of petitioners were regularized, and after regularization they submitted numerous applications to the respondents for allowing them back benefits and to count their previous service on temporary basis, however, no action was taken. Feeling aggrieved therefrom, petitioners, having no other alternate, adequate and efficacious remedy, have approached this Court for redressal of their grievances.

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Respondents were directed to file their comments which they have filed wherein issuance of the desired writ has been opposed.

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NO

Attor Gen.

NO

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NO

ATTESTED
EXAMINER
Peshawar High Court

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12/11/17

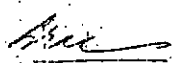
Arguments heard and appended record gone through.

At the very outset of the proceedings, learned counsel for the petitioners referred to judgments of august Supreme Court of Pakistan titled "Board of Intermediate and Secondary Education, Faisalabad through Chairman and others Vs. Tanveer Sajid and others" (2018 SCMR 1405), "Board of Intermediate and Secondary Education, DG Khan and another Vs. Muhammad Ahsan and others" (2018 SCMR 325) and this Court's Larger Bench judgment delivered in Writ Petition No.3394-P/2016, titled, "Amir Zeb Widow of Mst. Asiya Shaqir Vs. The District Accounts Officer, Nowshera and 03 others" decided on 22.06.2017, and submitted that on similar point relief has already been granted by the Apex Court as well as this Court to the 'similarly placed' persons, thus the petitioners also deserve alike treatment.

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 Peshawar High Court

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5. In the light of above judgments, wherein the similarly placed persons have already been granted the same relief, thus, the instant writ petition is also allowed as prayed for.

JUDGE

Announced
12.02.2019

JUDGE

9096

Date of Presentation of Application 04/3/19
No of Pages 01
No of Pages 01
Date of Presentation of Copy 04/3/19
Date of Issuance of Copy 04/3/19
Filed by

CERTIFIED TO BE TRUE COPY
04 MAR 2019

(BY) Hon'ble Justice Musarek Haid
Hon'ble Mr. Justice Ishaq Ibrahim
Floor Sixth, PS

Attested

Attested

Attested

2019 P L C (C.S.) 108

[Punjab Service Tribunal]

Before Justice (R) Abdul Sami Khan, Chairman

FAREEHA REHMAN and others

Versus

PROVINCE OF PUNJAB through Secretary Higher Education and others

Service Appeals Nos. 2730 to 2742, 2946 to 2978 and 4058 to 4065 of 2016, decided on 19th July, 2018.

Punjab Service Tribunal Act (IX of 1974)---

---S. 4---Constitution of Pakistan, Art.25---Regularization in service---Back benefits---Discrimination---Appellants were lecturers appointed on contract basis for a period of 3 years---Grievance of appellants was that similarly placed other lecturers had been regularized---Validity---Appellants were appointed as female lecturers through departmental selection committee on contract basis for a period of 3 years---Contract services of appellants were extended from time to time without any break for about 15 years---Appellants were met with discriminatory treatment as same was established from facts and documentary evidence relied upon by appellants that other employees of Government of Punjab through different orders/notifications were regularized---Claim of appellants that their employments should have been regularized from date of initial appointments was refused which showed that they had been dealt with discrimination---Service Tribunal set aside orders passed by authorities as appellants were entitled for regularization from date of initial appointment as lecturers---Appeal was allowed in circumstances.

Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others" reported as 2014 SCMR 1289 rel.

Muhammad Sajid Khan Tanoli for Appellant (in Appeals Nos.2730 to 2742 of 2016 and 2946 to 2978 of 2016).

Rizwana Anjum Mufti for Appellant (in Appeals Nos.4058 to 4065 of 2016).

Muhammad Arshad Naseer District Attorney.

ORDER

JUSTICE (R) ABDUL SAMI KHAN, CHAIRMAN.----Since common questions of law and facts are involved in the following appeals which are being disposed of through this single judgment:-

- I) Fareeha Rehman v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2730/2016).
- II) Raheela Ghafoor v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2731/2016).
- III) Zomra Ilyas v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2732/2016).
- IV) Andleeb Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2733/ 2016).
- V) Noreen Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2734/ 2016).
- VI) Anjum Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2735/ 2016).
- VII) Huma Khanum v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2736/ 2016).

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- VIII) ~~Saima Sajjad~~ v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2737/ 2016).
- IX) Shahzadi Bano v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2738/ 2016).
- X) Husn e Sehar Zaidi v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2739/ 2016).
- XI) Sarwat Jameel v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2740/ 2016).
- XII) Nasreen Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2741/ 2016).
- XIII) Saima Andleeb v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2742/ 2016).
- XIV) Irum Batool v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2946/ 2016).
- XV) Samina Kousar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2947/ 2016).
- XVI) Nazia v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2948/ 2016).
- XVII) Sarwat v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2949/ 2016).
- XVIII) Maqbool v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2950/ 2016).
- XIX) Uzma Zaidi v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2951/ 2016).
- XX) Uzma Nasir v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2952/ 2016).
- XXI) Rashida v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2953/ 2016).
- XXII) Zoufishan v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2954/2016).
- XXIII) Parveen Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2955/ 2016).
- XXIV) Ansar un Nisa v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2956/ 2016).
- XXV) Tasneem v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2957/ 2016).
- XXVI) Benish v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2958/ 2016).
- XXVII) Zubia Ilyas v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2959/ 2016).
- XXVIII) Farzana Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2960/ 2016).

- XXIX) Naveeda v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2961/ 2016).
- XXX) Saba v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2962/ 2016).
- XXXI) Fatima v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2963/ 2016).
- XXXII) Razia Nadeem v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2964/ 2016).
- XXXIII) Wajeeha v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2965/ 2016).
- XXXIV) Saima v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2966/ 2016).
- XXXV) Sadia Iftikhar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2967/ 2016).
- XXXVI) Saiqa v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2968/ 2016).
- XXXVII) Razia Sultana v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2969/ 2016).
- XXXVIII) Aneela Hafeez v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2970/ 2016).
- XXXIX) Mobeen Afshan v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2971/2016).
- XL) Roohi-Azhar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2972/ 2016)
- XLI) Nargis v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2973/ 2016).
- XLII) Shazia Wahid v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2974/ 2016).
- XLIII) Farah v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2975/ 2016).
- XLIV) Irum Raheela v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2976/ 2016).
- XLV) Shabana v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2977/ 2016).
- XLVI) Aneela Gul v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2978/ 2016).
- XLVII) Qurat ur Ain v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4058/ 2016).
- XLVIII) Safia Amjad Malik v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4059/ 2016).
- XLIX) Munazza Mufti v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4060/ 2016).

- L) Shazia Jabeen v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4061/ 2016). 20
- LI) Rizwana Nazir v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4062/ 2016).
- LII) Farzana Khan v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4063/ 2016).
- LIII) Uzma Tariq v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4064/ 2016).
- LIV) Ghazala Naz v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4065/ 2016).

2. Appellants filed instant appeals under section 4 of the Punjab Service Tribunal Act, 1974 praying that the appellants may be regularized in their services w.e.f. their date of initial appointments with all back pensionary and other benefits and their previous length of service about 15 years be considered as a regular employee and seniority may also be fixed from the date of original appointments and the probation period may also be considered as regular service by way of setting aside the impugned order dated 9.5.2016.

3. Briefly, the departmental authorities established eight colleges during the period from 1998-1999 and the Director of Education (Colleges), Rawalpindi recruited 70 female lecturers along with other staff on contract basis through Departmental Selection Committee for a period of three years with the approval of the competent authority. The Higher Education Department extended their contract services from time to time but they were not regularized despite rendering long service without break. It is also mentioned that the services of other lecturers recruitment by the respondent department during this period were regularized gradually.

Appellants along with other female lecturers filed Writ Petitions Nos.2713/2009 and 2722/2009 in the Lahore High Court, Rawalpindi Bench, Rawalpindi for regularization of their services. The said writ petitions were accepted vide orders dated 4.4.2012 with the following direction:--

"For the reasons supra, both the writ petition are accepted and the respondents are directed to regularize the petitioners with immediate effect within a period of two months".

Thereafter, the respondent department filed I.C.A. No.155/2012 assailing the judgment dated 4.4.2012 which was dismissed vide order dated 16.5.2013, hence the judgment of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi has attained finality.

In compliance of the order of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi, appellants along with other lecturers who were on the strength of Higher Education Department on 4.12.2014 were regularized into government service with immediate effect vide Notification No.SO(CE-III)61-2/2009 dated 4.12.2014 and not from the date of their initial appointments.

Aggrieved of the notification dated 4.12.2014, appellant preferred departmental appeals which were not decided and later on, appellants filed Service Appeals Nos. 1788, 1790 to 1800 of 2015 and 2050 to 2090 of 2015 which were decided by this Tribunal vide order dated 18.2.2016 with direction to the Secretary, Higher Education Department, Government of the Punjab, Lahore to decide the pending representations/departmental appeals of the appellants within a period of 30 days.

In deference to the same, the Secretary, Higher Education Department, Government of the Punjab, Lahore vide order dated 9.5.2016 decided the representations/ departmental appeals of the appellants and refused the claim of the appellants as prayed. Hence these appeal.

4. I have considered the arguments of both parties and perused the record.
5. It is established from the record that the appellants were appointed as female lecturers through

Departmental Selection Committee in the year, 1998-99 on contract basis for a period of three years. The contract services of the appellants were extended from time to time without any break for about 15 years.

6. It has been noticed that the appellants were met with discriminatory treatment which is established from the facts and documentary evidence relied upon by the learned Counsel for the appellants that the other employees of the Government of the Punjab through different orders/notifications were regularized but the claim of the appellants that their employment may be regularized from the date of initial appointments was refused which shows that they have been dealt with discrimination by the Higher Education Department, Government of the Punjab.

In this regard I may observe here that it has been settled by the Hon'ble Supreme Court of Pakistan that seniority of a civil servant was to be reckoned from the date of initial appointment and not from the date of conformation or regularization.

7. In this regard reliance can easily be placed on the judgment of the Full Bench of the Hon'ble Supreme Court of Pakistan titled as "Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others" reported as 2014 SCMR 1289 held as under:-

"civil servant---Seniority of---Reckoned from date of initial appointment---In service matters, while considering the seniority of civil servants, the seniority was reckoned from the date of initial appointment and not from the date of confirmation or regularization".

8. For what has been discussed above, I came to the conclusion that the appellants were entitled for regularization from the date of their initial appointments as Lecturers, hence these appeals are allowed by setting the impugned orders.

MH/2/PST

Appeal allowed.

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Annex
H-31-48

Annex H 31-

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P.L.D 2016 Supreme Court 534

Present: Anwar Zaheer Jamali, C.J.; Mian Saqib Nisar, Amir Hani Muslim, Iqbal Hameedur Rahman and Khilji Arif Hussain, JJ

Civil Appeal No.1072/2005

CHAIRMAN, PAKISTAN RAILWAY, GOVERNMENT OF PAKISTAN, ISLAMABAD and others—Appellants

Versus

SHAH JEHAN SHAH—Respondent

(On appeal against the judgment dated 29-12-2003 passed by the Federal Service Tribunal, Islamabad in Appeal No: 6(P)/CS/2003).

Civil Appeal No.686/2012

Mst. ROBINA SHAHEEN—Appellant

Versus

DIRECTOR EDUCATION (E&SC) KHYBER PAKHTUNKHWA and others—Respondent

(On appeal against the judgment dated 9-4-2012 passed by the KPK Service Tribunal, Peshawar, in Appeal No.1539/2009).

Civil Appeals Nos. 1072 of 2005 and 686 of 2012, decided on 14th April, 2016.

(a) Interpretation of statutes ---

---When a word had not been defined in the statute, its ordinary dictionary meaning was to be looked at.

(b) Words and phrases ---

---"Count"—Definition.

Chambers 21st Dictionary and Oxford Advanced Learner's Dictionary of Current English 7th Edn. ref.

(c) Civil Service Regulations (CSR)---

---Art. 371-A---Pensionary benefits---Government servants rendering temporary service in a temporary establishment for more than five years---Entitlement to grant of pensionary benefits within the meaning of Art.371-A of the Civil Service Regulations (CSR)---Scope---Article 371-A of the Civil Service Regulations (CSR) would not ipso facto or simpliciter allow government servants rendering temporary service in a temporary establishment for more than five years to be entitled to grant of pension. Rather such period would only be counted towards such government servants' pension if otherwise entitled to pension. Mir Ahmad Khan v. Secretary to Government and others (1997 SCMR 1477) declared to be per incuriam]

Service rendered for more than five years as contemplated by Article 371-A of the Civil Service Regulations (CSR) would only be added, included, or taken into account for the purposes of pensionary benefits, and not make such government servant qualify for pension per se. Article 371-A of Civil Service

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Regulations (CSR) by itself did not provide for the entitlement for the purposes of pension, rather it was restricted to the counting of the period of a minimum of five years which had been rendered by the temporary employee that once he was appointed on a permanent basis, such period (of five years) shall be taken into account for the object of calculating his entitlement to pension with respect to the requisite minimum period under the law.

Mir Ahmad Khan v. Secretary to Government and others 1997 SCMR 1477 declared to be per incuriam

Article 371-A cannot be used as a tool to bypass the conditions for qualifying service of pensionary benefits, and such government servant had to fulfill the minimum number of years for grant of pension. This was due to the use of the word "count" as opposed to "qualify" or "eligible" in Article 371-A of the Civil Service Regulations (CSR).

It was absurd, ludicrous and inconceivable that a government servant, who was in regular employment, would become entitled to pension after serving the minimum years of qualifying service as prescribed by the law, whereas while interpreting Article 371-A of the Civil Service Regulations (CSR), a government servant who had served as a temporary employee could be given preference over a regular employee, and after a minimum service of only five years would automatically become entitled to pension. Holding so would be against the object and spirit of the concept of pension.

PLD 2013 SC 829 ref.

(d) Civil Service Regulations (CSR)---

---Art. 371-A---Pensionary benefits---Government servants rendering temporary service in a temporary establishment---"Temporary establishment"---Meaning---Temporary establishment could be said to mean an organisation or institution which was not permanent, rather effective for a certain period only.

Hafiz S.A. Rehman, Senior Advocate Supreme Court for Appellants (in C.A. No.1072 of 2005).

Riaz Sherpao, Advocate Supreme Court and Mir Adam Khan, Advocate-on-Record for Appellant (in C.A.No.686 of 2012).

Abdur-Rehman Siddiqui, Advocate Supreme Court for Respondent (in C.A. No.1072 of 2005).

Ijaz Anwar, Advocate Supreme Court and M.S. Khattak, Advocate-on-Record for Respondent No.5 (in C.A.No.686 of 2012).

Waqar Ahmed Khan, Addl. A.G. (on behalf of Khyber Pakhtunkhwa).


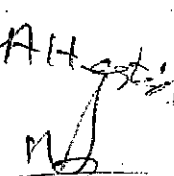
Dates of hearing: 14th and 15th March, 2016.

JUDGMENT

MIAN SAQIB NISAR, J:- These appeals, by leave of the Court, involve a similar question of law, hence are being disposed of together. The key question involved herein is whether persons who have rendered more than five years' service in a temporary establishment are entitled to the grant of pensionary benefits within the meaning of Article 371-A of the Civil Service Regulations (CSR), and a re-visitaton of the judgment of this Court reported as Mir Ahmad Khan v. Secretary to Government and others (1997 SCMR 1477).

Civil Appeal No.1072/2005:

2. This appeal entails the facts in that the respondent was appointed as an Assistant Executive Engineer

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(BPS-17) in Pakistan Locomotive Factory Risalpur, Pakistan Railways on 11.7.1989 on an ad hoc basis whereafter his employment was converted into a contract employment for two years with effect from 1.7.2000. Subsequently, due to the respondent's failure to qualify for regularization before the Federal Public Service Commission, his services were terminated on 4.9.2002. He filed a departmental appeal on 8.10.2002 for the grant of pensionary benefits which (departmental appeal) was dismissed vide order dated 9.1.2003. Subsequently, the respondent approached the learned Federal Service Tribunal (Tribunal) challenging not the termination of his services or the conversion of services from ad hoc to contractual, rather only non-payment of pensionary benefits. The learned Tribunal while relying upon the case of Mir Ahmad Khan (supra) accepted the respondent's service appeal on 29.12.2003 through the impugned judgment holding as follows:-

"7. In view of the clear provision available in Civil Service Regulations as CSR 371-A(i) and in the light of the judgment of Honourable Supreme Court, reproduced below, there is no ambiguity that the Appellants who have put in more than 10 years of uninterrupted service were entitled to pension as per rules

9. In view of the rulings of Honourable Supreme Court, we accept the appeals, set aside the impugned orders and direct the respondents to give pension to the Appellants as admissible to them under CSR 371-A (i). They are also entitled to receive their other legal dues like General Provident (GP) Fund etc. However, Respondents would be at liberty to deduct any valid/legal dues outstanding against them from amount payable to them."

Aggrieved of the above order, the appellants approached this Court, and leave was granted on 15.9.2005 in the following terms:-

"Since interpretation of a number of provisions of Civil Service Regulations as to entitlement to pension of the government servants, which will have impact on a large number of cases, is involved leave is granted to consider whether temporary service rendered by the three respondents qualified for pension?"

Subsequently, this Court on 21.2.2012 was of the view that a larger bench should hear the matter for the following reason(s):-

".....The learned counsel for the appellant states that admittedly respondent is not a Civil Servant and he cannot claim pensionary benefits thus the judgment in the case of Mir Ahmed Khan (ibid) needs to be revisited in that if such wide interpretation is given to Regulations 371-A all contractual and temporary employees working in the Government Department would become entitled to pensionary benefits on termination of their employment, without being regularly employed. Since Mir Ahmed Khan's case was decided by three members' Bench, the matter be placed for consideration of the Hon'ble Chief Justice for placing the case before a larger Bench"

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3. The basic argument of the learned counsel for the appellants was that Article 371-A was an enabling, as opposed to charging provision, and that the use of the word "count" in Article 371-A of the CSR, as opposed to "eligible" or "qualify", does not mean that government servants who have rendered more than five years' continuous temporary service in a temporary establishment are entitled to the grant of pension, rather that such period of service would only be counted/added for the purposes of calculating pension, which the government servant has to nevertheless qualify for by fulfilling the three conditions of qualification for pension as provided in Article 361 of the CSR. In support of his arguments, he made reference to various Articles of the CSR and Fundamental Rules (FR). Learned counsel attempted to buttress his submissions by drawing an analogy with the judgment reported as Federation of Pakistan and others v. Rair Khan (1993 SCMR 609), in which it was held that the period of ad hoc service followed by regular service in the same scale shall be counted towards length of service prescribed for promotion or move-over in the next higher scale, thus in the same manner, the period of temporary service of more than five years would be counted towards pension if it was followed by regular service.

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4. On the other hand learned counsel for the respondent argued that the word "count" can be used interchangeably with "qualify" or "eligible", and in fact "count" is more often than not the precise word used for the purposes of pensionary benefits. Further, the appellants' interpretation of Article 371-A of the CSR that the period of temporary service of more than five years would be counted towards pension if it was followed by regular service would only be true if the said article specifically provided "temporary followed by permanent service", but this is not the case. Further, the words "except as otherwise provided" in Article 368 of the CSR gives sanction to the grant of pensionary benefits to temporary employees. In support of his arguments, learned counsel placed reliance upon two office memorandums issued by the Ministry of Finance at Serial Nos. 5 and 6 of Chapter V of Section VI of the Compendium of Pension Rules and Orders.

5. Heard. Before resolving the proposition at hand, we find it expedient to reproduce the relevant articles of the CSR which read as under:-

"361. Except as otherwise provided in these Regulations, the service of an officer does not qualify for pension unless it conforms to the following three conditions:-

First.- The service must be under Government.

Second.- The employment must be substantive and permanent. Third.- The service must be paid by Government.

These three conditions are fully explained in the following Articles.

368. Except otherwise provided in these Regulations services does not qualify unless the officer holds a substantive office on a permanent establishment.

369. An establishment, the duties of which are not continuous, but are limited to certain fixed periods in each year, is not a temporary establishment. Service in such an establishment, including the period during which the establishment is not employed, qualifies; but the concession of counting as service the period during which the establishment is not employed does not apply to an officer who was not on actual duty when the establishment was discharged, after completion of its work, or to an officer who was not on actual duty on the first day on which the establishment was again re-employed.

370. An officer transferred from a temporary to a permanent appointment can count his service in the temporary office, it, though at first created experimentally or temporarily, it eventually becomes permanent.

371. An officer without a substantive appointment officiating in an office which is vacant, or the permanent incumbent of which does not draw any part of the pay or count service, may, if he is confirmed without interruption in this service, count his officiating service.

371-A. Notwithstanding anything contained in Articles 355(b), 361, 368, 370 and 371 of these Regulations, temporary and officiating service, in the case of Government servants who retired on or after the 1st January, 1949, or who joined service thereafter, shall count for pension according to the following rule:-

(i) Government servants borne on temporary establishments who have rendered more than 5 years continuous temporary service shall count such service for the purpose of pension or gratuity excluding broken periods of temporary service, if any, rendered previously, and

(ii) Continuous temporary and officiating service of less than five years immediately followed by

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confirmation shall also count for gratuity or pension, as the case may be." (Emphasis supplied)

We begin with the basics. The CSR pertains to salary, leave, pension and travelling allowance of those serving in the civil departments. Despite the nomenclature used, i.e. Civil Service Regulations, the application of the CSR is not restricted to "civil servants" as defined in the Civil Servants Act, 1973 (Act), but also applies to "government servants". Interestingly, "government servants" has neither been specifically defined in the Act nor in the CSR. However, we are not treading those waters, rather leaving it for an appropriate case, as the applicability of the CSR to the respondent is not disputed in the instant matter. Although we would like to observe that whether or not a particular Article of the CSR applies only to a civil servant or extends to the broader pool of government servants would ultimately depend on the particular wording of the article under consideration. The CSR classifies pension into four basic types:- compensation pension, invalid pension, superannuation pension and retiring pension. In order to be able to claim pensionary benefits, one must fulfill the three conditions of qualifying service for pension stipulated in Article 361 of the CSR:- (i) the service must be under the Government; (ii) the employment must be substantive and permanent; and (iii) the service must be paid by the Government. An interpretation of the provisions pertaining to the second condition is relevant to the matter at hand. Article 368 of the CSR provides that the officer must hold a substantive office on a permanent establishment. Articles 370 and 371 of the CSR in essence allow for temporary and officiating services respectively, to be counted towards an officer's service if such service (temporary or officiating) becomes permanent.

6. Article 371-A(i) allows for governments servants who have rendered temporary service for more than five years at a temporary establishment to count such service for the purposes of their pension (or gratuity), but the temporary service must be continuous, and excludes broken periods of temporary service rendered previously. By way of example, Article 371-A(i) would attract to a government servant who rendered continuous temporary service at a temporary establishment for six years and was subsequently confirmed at the end of his temporary service, those six years would be counted towards his service for the purposes of pensionary benefits. The said article would also encompass the situation where a government servant rendered continuous temporary service at a temporary establishment for six years but was not confirmed at the end of his temporary service, rather two years after his temporary service ended he was taken back and confirmed, then again those six years would be counted towards his service for the purposes of pensionary benefits, excluding the broken period of two years (the interregnum). On the other hand, Article 371-A(ii) provides that government servants who have rendered temporary and officiating service for less than five years immediately followed by confirmation shall also count for gratuity or pension (as the case may be), which (service) must also be continuous. By way of illustration, where a government servant rendered continuous temporary or officiating service for three years and was subsequently immediately confirmed, those three years would be counted towards his service for the purposes of pension. However, due to the inclusion of the word "immediately" and the omission of the words "excluding broken periods of temporary service" in clause (ii) of the Article 371-A, in a situation where a government servant rendered continuous temporary or officiating service for three years but was not confirmed at the end of his temporary service, rather two years after his temporary service ended he was taken back and subsequently confirmed, then those three years would not be counted towards his pensionary benefits. However, it is important to note that Article 371-A presupposes that such a government servant, whether falling under clause (i) or (ii), is otherwise entitled to pension (or gratuity, as the case may be). In other words, Article 371-A cannot be used as a tool to bypass the conditions for qualifying service of pensionary benefits, and such government servant has to fulfill the minimum number of years for grant of pension. This is due to the use of the word "count" as opposed to "qualify" or "eligible", as rightly argued by the learned counsel for the appellant. As per the settled rules of interpretation, when a word has not been defined in the statute, the ordinary dictionary meaning is to be looked at. Chambers 21st Dictionary defines "count" as "to find the total amount of (items), by adding up item by item; to include". Oxford Advanced Learner's Dictionary of Current English (7th Ed.) defines "count" as "to calculate the total number, of people, things, etc. in a particular group; to include sb/sth when you calculate a total; to consider sb/sth in a particular way; to be considered in a particular way". Thus in light of the above, service rendered for more than five years as contemplated by Article 371-A would only be added, included, or taken into account for the purposes of pensionary benefits, and not

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make such government servant qualify for pension per se. This interpretation is bolstered by logic, reason and common sense. If we were to accept the reasoning of the learned Service Tribunal in the impugned judgment and the arguments of the learned counsel for the respondents, it would create a bizarre and anomalous situation, where a government servant who has rendered temporary service in a temporary establishment for, let us say, seven years, would be entitled to pensionary benefits, and on the other hand, a government servant rendering services as a regular employee for fifteen years would not (yet) have completed the requisite number of years to qualify for grant of pension. It is absurd, ludicrous and inconceivable that a government servant, who is in regular employment, would become entitled to pension after serving the minimum years of qualifying service as prescribed by the law, whereas while interpreting Article 371-A, a government servant who has served as a temporary employee could be given preference over a regular employee, and after a minimum service of only five years would automatically become entitled to pension. Holding so would be against the object and spirit of the concept of pension which has been discussed by this Court in Regarding pensionary benefits of the Judges of Superior Courts from the date of their respective retirements, irrespective of their length of service as Judges (PLD 2013 SC 829) as follows:-

"...pension is not the bounty from the State/employer to the servant/ employee, but it is fashioned on the premise and the resolution that the employee serves his employer in the days of his ability and capacity and during the former's debility, the latter compensates him for the services so rendered. Therefore, the right to pension has to be earned and for the accomplishment thereof, the condition of length of service is most relevant and purposive." (Emphasis supplied)

Thus, we are not inclined to interpret Article 371-A in such a way so as to render the provisions stipulating minimum years for grant of pensionary benefits superfluous and redundant. As far as the provisions of Article 371-A are concerned, which is a non-obstante clause to Articles 355(b), 361, 368, 370 and 371 stipulated therein, suffice it to say that such article by itself does not provide for the entitlement for the purposes of pension, rather, at the cost of repetition, it is restricted to the counting of the period of a minimum of five years which has been rendered by the temporary employee that once he is appointed on a permanent basis, such period shall be taken into account for the object of calculating his entitlement to pension with respect to the requisite minimum period under the law. Therefore we are not persuaded to hold the words "Notwithstanding anything contained in Articles 355(b), 361, 368, 370 and 371 of these Regulations..." in Article 371-A, to allow those who do not fulfill the requisite conditions for qualifying for pension to bypass such conditions, so as to render the articles of the CSR providing for such conditions unnecessary and surplus. Therefore, we are of the candid view, that Article 371-A of the CSR would not ipso facto or simpliciter allow government servants rendering temporary service in a temporary establishment for more than five years to be entitled to grant of pension, rather such period would only be counted towards such government servants' pension if otherwise entitled to pension.

7. It is not disputed that the respondent rendered continuous temporary service and that his length of service was continuous and for more than five years. However, the question that needs to be answered is whether he was working in a "temporary establishment" or not. "Temporary establishment" has not been defined in the CSR, the Fundamental and Supplementary Rules issued by the Government of Pakistan, the ESTA Code or the Compendium of Pension Rules and Orders. In this context Article 369 of the CSR mentions temporary establishment but only explains what it is not and thus is not very helpful. Therefore as mentioned earlier in the opinion, as per the settled rules of interpretation, the dictionary meaning of the words has to be resorted to. The Concise Oxford Dictionary (6th Ed.) has defined "temporary" as "lasting, meant to last, only for a time", and "establishment" as an "organized, body of men maintained for a purpose". Chambers 21st Century Dictionary defines "temporary" as "lasting, acting or used, etc for a limited period of time only", and "establishment" as "a public or government institution". Oxford Advanced Learner's Dictionary of Current English (7th Ed.) defines "temporary" as "lasting or intended to last or be used only for a short time; not permanent" and "establishment" as "an organisation, a large institution...". In light of the above dictionary meanings, "temporary establishment" can be said to mean an organisation or institution which is not permanent, rather effective for a certain period only. Admittedly the respondent was serving in Pakistan Locomotive Factory Risalpur, Pakistan Railways, which does not

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in any way fall within the meaning and purview of "temporary establishment". Thus the respondent could not rely upon Article 371-A of the CSR. Besides, if hypothetically speaking Pakistan Locomotive Factory Risalpur was a temporary establishment, even then the respondent would not be able to take the benefit of Article 371-A (supra) as he otherwise does not qualify for pensionary benefits having not been subsequently taken into permanent employment, which is sine qua non for the grant thereof.

8. Adverting to the law laid down in the case of Mir Ahmad Khan (supra) wherein it was held:-

"Admittedly the appellant put in more than ten years' temporary service before his services were terminated he was, therefore, entitled to pensionary benefits under Regulation 371-A(i) of Civil Service Regulations."

In light of the discussion in paragraph No.6, the judgment delivered in Mir Ahmad Khan's case (supra) is declared to be per incuriam.

9. In view of the foregoing, we find that the respondent was not entitled to the grant of pensionary benefits in terms of Article 371-A of the CSR, and the learned Service Tribunal had erroneously allowed him pension by wrongly relying upon the case of Mir Ahmad Khan (supra) which is declared to be per incuriam.

10. The above are the detailed reasons for our short order of even date whereby the appellants' appeal was accepted and the impugned judgment was set aside, which reads as follows:-

"We have heard the arguments of learned ASCs for the parties. For the reasons to be recorded later, this appeal is allowed, the impugned judgment of the Federal Service Tribunal dated 29.12.2003 is set aside and the service appeal preferred by the respondent is dismissed."

Civil Appeal No.686/2012:

11. The brief facts of the instant appeal are that the appellant was a Professional Teaching Certification (PTC) Teacher in the Commissionerate for Afghan Refugees, Peshawar (Commissionerate), from 28.2.1987 to 17.1.2005, i.e. approximately 18 years. During her employment at the Commissionerate she applied for two months leave on 20.1.2004 after which she was appointed as a PTC Teacher in the Schools and Literacy Department, Government of Khyber Pakhtunkhwa (department) and she assumed charge of her post on 25.11.2004 and tendered her resignation with the Commissionerate on 10.1.2005. Thereafter she filed a departmental appeal to respondent No.1 claiming that her 18 years' service with the Commissionerate be counted for the purposes of her pension, which (departmental appeal) was accepted vide order dated 24.6.2008. However, the said order stated that her 10 years' service be counted towards calculation of her pension, as opposed to 18 years, which the appellant was dissatisfied with thus she filed a corrigendum application for correction of the said mistake. However, in response, the department on 20.7.2009 informed the appellant that her prior service with the Commissionerate could not be counted towards her pension. Aggrieved, the appellant filed an appeal before the learned Khyber Pakhtunkhwa Service Tribunal which was dismissed vide the impugned judgment dated 9.4.2012 whereafter she approached this Court. Leave was granted on 5.7.2013 in the following terms:-

".....Prima facie, it is difficult to understand that admittedly when the petitioner had served for a period of about 18 years in the Commissionerate and thereafter joined the Education Department and initially the Education Department had also accepted her claim allowing computing of her previous service for the purpose of pension then what prevailed with the department subsequently in disallowing continuity. In view of the judgment cited by the learned counsel in the case of Zafar Shah (2003 SCMR 686) in such like circumstances, continuity for the purpose of extending the benefit of pension is permissible.

3. Inter alia; to examine this aspect of the case, leave to appeal is granted in this case...."

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Subsequently on 19.9.2013, it was decided that this case was to be heard along with Civil Appeal No.1072/2005 before the larger bench as they both involved similar questions of law.

12. Learned counsel for the appellant primarily submitted that the time spent at the Commissionerate is to be counted towards her pension in terms of Article 371-A of the CSR.

13. On the other hand, learned counsel for the respondents stated that due to the special facts and circumstances prevalent at that time, the decision rendered in the case of Mir Ahmad Khan (supra) is good law, however in the instant matter, the appellant is not entitled to inclusion of the period she spent as an employee of the Commissionerate for the purposes of pensionary benefits for the reason that she was in fact a project employee of a non-governmental organisation called Basic Education for Afghan Refugees (BEFARe), and not an employee of the Federal Government, and that she had resigned from the Commissionerate on 10.1.2005 after which she joined the department.

14. Learned Additional Advocate General, KPK adopted the arguments of Mr. Hafiz S. A. Rehman, learned counsel for the appellants in Civil Appeal No.1072/2005.

15. Heard. The appellant's main grievance is that the eighteen years she spent at the Commissionerate be counted towards her service at the department for the purposes of the grant of pensionary benefits as per Article 371-A of the CSR, suffice it to say that the Commissionerate for Afghan Refugees does not in any way fall within the meaning of "temporary establishment" as defined in Civil Appeal No.1072/2005 above to mean an organisation or institution which is not permanent, rather effective for a certain period only as described. Even otherwise, the appellant's service with the department was temporary and on a contract basis, and there is nothing on the record which suggests that she was subsequently confirmed or made permanent within the department. Therefore keeping in view the interpretation of Article 371-A of the CSR explained above with regard to Civil Appeal No.1072/2005 in that the said article would not ipso facto allow government servants rendering temporary service in a temporary establishment for more than five years to be entitled to grant of pension, rather such period would only be counted towards such government servants' pension if otherwise entitled to pension, we are of the opinion that the appellant is not entitled to pensionary benefits as claimed by her.

16. In light of the above, we find no infirmity in the impugned judgment warranting interference by this Court, therefore this appeal is dismissed as being devoid of merit.

MWA/C-6/S

Appeal dismissed.

Accepted
[Signature]

Accepted
[Signature]

2014 S C M R 1289

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[Supreme Court of Pakistan]

Present: Tassaduq Hussain Jillani, C.J., Nasir-ul-Mulk, Anwar Zaheer Jamali, Asif Saeed Khan Khosa and Ejaz Afzal Khan, JJ

MUHAMMAD AŞLAM AWAN, ADVOCATE SUPREME COURT---Petitioner

Versus

FEDERATION OF PAKISTAN and others---Respondents

Constitutional Petition-No.9 of 2014, decided on 6th May, 2014.

(Constitution petition under Article 184 of the Constitution regarding seniority of the Judges of Lahore High Court, Lahore)

Per Tassaduq Hussain Jillani, CJ.

(a) Constitution of Pakistan---


---Arts. 175(3), 184(3) & 199 & Preamble---Independence of judiciary---Significance and effect---Public confidence---Enforcement of Fundamental Rights of the people---Judicial independence both of the individual Judge and of the Judiciary as an institution was essential so that those who brought their causes/cases before the Judges and the public in general had confidence that their cases would be decided justly and in accordance with law---Judicial independence was one of the foundational values of the Constitution which was based on trichotomy of powers in which the functions of each organ of the State had been constitutionally delineated---Fundamental Rights guaranteed under the Constitution could not be secured unless Judiciary was independent because the enforcement of said rights had been left to Judiciary in terms of Arts. 184(3) & 199, of the Constitution and the relevant law.

(b) Constitution of Pakistan---

---Arts. 193, 194, 197, 255(3) & 260(1)---Seniority of a Judge of the High Court---Computation of---Period of service as Additional Judge to be counted towards seniority---Qualification for a person to be appointed as Additional Judge (of the High Court) was the same (as that of a Permanent Judge of the High Court) provided under Art. 193 of the Constitution---Under Art. 260(1) of the Constitution, a 'Judge' in relation to a High Court included the Chief Justice of the Court and also "a person who is an Additional Judge of the Court"---Similar oath was prescribed for both the offices (Additional and Permanent Judge of the High Court) in terms of Art. 194 of the Constitution and both were "deemed to have entered upon the office" on the day on which they made the oath (Article 255(3) of the Constitution)---Thus when an Additional Judge entered upon the office having taken oath in terms of Art. 194 of the Constitution and was later appointed as a Judge (under Article 193), his service in the office continued, there was no break in service and, therefore, the period spent as Additional Judge had to be counted towards his seniority while computing the period of service of a permanent Judge in the High Court.

Ghulam Jillani v. Mr. Justice Muhammad Gul 1978 SCMR 110; Supreme Court Bar Association v. Federation of Pakistan PLD 2002 SC 939; Hira Singh and others v. Jai Singh and others AIR 1937 Allahabad 588; Federation of Pakistan v. Sindh High Court Bar Association PLD 2012 SC 1067 and PLD 2013 SC 829 ref.

(c) Constitution of Pakistan---

Accepted


---Arts. 193, 194, 197, 255(3), 260(1) & 184(3)---Constitutional petition under Art. 184(3) of the Constitution regarding inter se seniority of the Judges of the High Courts---Inter se seniority of Additional and Permanent Judges of the High Court---Computation of---Criterion and principles---Constitutional convention---Scope---Inter se seniority of Judges of a High Court shall reckon from the order and date of their appointment as Additional Judges of that Court---Inter se seniority of Additional Judges of a High Court appointed vide the same order and date shall reckon from their seniority in age---If appointment of two or more (district judiciary) service candidates was simultaneously made with that of the candidates from the Bar, the service Judges shall retain their existing seniority in the department regardless of their age, though that would be the determining factor in respect of their seniority vis-a-vis the candidates from the Bar---Supreme Court-observed that such mode and principle of determining inter se seniority of Judges of the High Court had been consistent in all the four Provinces, barring one time deviation when the Administration Committee of Sindh High Court followed a different course; that such mode was normative because it was more in accord with equity and constitutional intent reflected in various provisions of the Constitution, thus it had assumed the character of a constitutional convention---Constitutional petition was dismissed accordingly.

[1981] 2 SCR 753 (Supreme Court of Canada) and Professor W. Hogg (Constitutional Law of Canada, 1977) ref.

(d) Civil service---

---Civil servant---Seniority of---Reckoned from date of initial appointment---In service matters, while considering the seniority of civil servants, the seniority was reckoned from the date of initial appointment and not from the date of confirmation or regularization.

(e) Precedent---

---Administrative decision---Judicial decision---Administrative decision would not assume the character of a precedent to be followed but a judicial decision may assume such a character.

Jaswant Sugar Mills v. Kakshmi Chand AIR 1963 SC 677 ref.

Per Asif Saeed Khan Khosa, J.; agreeing with Tassaduq Hussain Jilani, CJ.

(f) Constitution---

---Constitution of a country was a living organism.

(g) Constitution---

---Words and concepts within a Constitution---Change in meaning through passage of time and changed circumstances---Original words of a Constitution did assume different meanings, the initial concepts envisaged therein did undergo metamorphosis and the earlier schemes contained in the same evolved and transformed into different mechanisms with passage of time, changed circumstances and sprouting requirements.

(h) Constitution of Pakistan---

---Art. 197---Additional Judge of the High Court---History of the concept and utility of the office of an Additional Judge of a High Court in the Indo-Pak subcontinent stated.

Al-Jehad Trust through Raeesul Mujahideen Habib-ul-Wahab-ul-Khairi and others v. Federation of Pakistan and others PLD 1996 SC 324 ref.

(i) Constitution of Pakistan---

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---Arts. 193, 194, 197, 255(3) & 260(1)---Additional Judge of the High Court---Office of---Appointment of Additional Judge of the High Court as Permanent Judge of such Court not an appointment to a new office but continuation in the same office of a Judge---Qualifications prescribed by the Constitution for an Additional Judge of a High Court were the same as those stipulated for a (Permanent) Judge of such Court---Process of appointment of an Additional Judge was the same as that of appointment of a (Permanent) Judge--- Constitution did not provide for a separate and different oath of office for an Additional Judge and before entering upon the said office an Additional Judge had to make the same oath which was prescribed by the Constitution for a (Permanent) Judge of a High Court---Said oath of office for an Additional Judge was prescribed by the Constitution itself and by virtue of the provisions of Art. 260(1) of the Constitution a "Judge" in relation to a High Court included an "Additional Judge" of that Court---Judge of a High Court was appointed in many stages and his appointment as an Additional Judge marked the first and initial stage and his final and formal appointment as a (Permanent) Judge was the culminating stage of such appointment---Additional Judge's subsequent appointment as a Judge was not an appointment to a new office but through such appointment his initial appointment as an Additional Judge matured and merged into the office of a Judge---Subsequent oath made by Additional Judge was nothing but in continuation of his earlier oath, particularly when the subsequent oath was the selfsame oath which he had already made before entering upon the office of an Additional Judge---By making the said oath as an Additional Judge he had already entered the office of a Judge and his subsequent oath as a (Permanent) Judge only reinforced and confirmed his position in that office.

(j) Constitution of Pakistan---

---Arts. 193, 194, 197, 255(3), 175A & 184(3)---Constitutional petition under Art. 184(3) of the Constitution regarding inter se seniority of the Judges of the High Court---Seniority of a Judge of the High Court---Computation of---Seniority of a Judge of the High Court was to be reckoned with reference to his making of the first oath as an Additional Judge of such Court---Such was the spirit of the of the Constitution---Supreme Court observed that such mode of determining seniority of a Judge of a High Court was safer as it obviated the chances of tinkering or fiddling with the seniority of a Judge by the Judicial Commission or the Parliamentary Committee by delaying the matter of his nomination and confirmation as such or by the Federal Government by delaying issuance of the notification of appointment of an Additional Judge as a (Permanent) Judge for reasons which may be manufactured or contrived; that such mode of determination of seniority of a Judge of a High Court (provided in the present judgment) was likely to foster and advance the constitutional mandate regarding "fully" securing the independence of the judiciary---Constitutional petition was dismissed accordingly.

Zaka ur-Rehman Awan, Advocate Supreme Court for Petitioner.

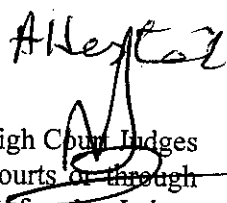
Salman Aslam Butt, Attorney-General, Taimur Khan, Consultant to Attorney-General and Sardar Dilnawaz Cheema, Consultant to Attorney-General on Courts Notice.

Dates of hearing: 5th and 6th May, 2014.

ORDER

TASSADUQ HUSSAIN JILLANI, C.J.---The question of inter se seniority of High Court Judges has been raised off and on either on the administrative side in the respective High Courts or through representations addressed to the President of Pakistan. Such issues though important for the Judges concerned, yet have a potential to cause some ripple in the comity of Judges and it is imperative that those be resolved in the light of some objective criterion to be laid down by this Court.

2. Leaving the question of seniority to be decided by the President or by the concerned Chief Justice of a High Court without reference to any objective criterion may raise issues of judicial independence which is mandated under the Constitution and is essential in a democracy. Judicial independence both of the individual Judge and of the Judiciary as an institution is essential so that those who bring their


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causes/cases before the Judges and the public in general have confidence that their cases would be decided justly and in accordance with law. Judicial independence is one of the foundational values of the Constitution of Islamic Republic of Pakistan which is based on trichotomy of powers in which the functions of each organ of the State have been constitutionally delineated. The very Preamble of the Constitution pledges "wherein the independence of judiciary shall be fully secured". The Constitution makers conferred this independence because they wanted the Judges to "do right to all manner of people, according to law, without fear or favour, affection or ill-will" (Oath of office of Judges). The fundamental rights guaranteed under the Constitution cannot be secured unless Judiciary is independent because the enforcement of these rights has been left to Judiciary in terms of Articles 184(3) and 199 of the Constitution and the relevant law. Judiciary has not been made part of the Executive or the Legislature (Article 7). The separation of Judiciary from the Executive was made a Constitutional mandate (Article 175(3)). So jealously this independence has been guarded that even in the appointment of Judges (Article 175A) and in their removal (Article 209) the primacy is that of the Judiciary. The Judicial Commission is headed by the Chief Justice of Pakistan and its Members comprise of four senior most Judges of the Supreme Court, a former Chief Justice or Judge of the Supreme Court, Chief Justices and senior puisne Judges of the respective High Courts (if the appointment is that of the Judge of the High Court), Minister for Law and Attorney General for Pakistan as also representative of the Bar. The recommendations made by the Judicial Commission are sent to the Parliamentary Committee which is to decide within 14 days, failing which the recommendations made by the Judicial Commission are deemed to have been affirmed. The primacy in the entire process of appointment of Judges is still with the Judiciary. The Court through this judgment in laying down a criterion/guideline to determine the inter se seniority of the Judges of the High Courts has partly been influenced to protect and preserve this seminal Constitutional value.

3. The questions raised in this petition are two fold: (i) From which date the inter se seniority of Judges of the High Court appointed under Article 193 of the Constitution vide the same order and date be reckoned i.e. from the date of their appointment as Additional Judges under Article 197 or from the date they are appointed as Judges under Article 193 of the Constitution, and (ii) what should be the criterion to determine the inter se seniority of Judges appointed the same day and vide the same order both from the Bar and District Judiciary? These questions have been raised in the following set of circumstances:

On 14-9-2009, the President of Pakistan in exercise of his powers under Article 197 of the Constitution of Islamic Republic of Pakistan appointed following 12 Additional Judges of the Lahore High Court "for a period of one year, with effect from the date they take oath of their offices":-

- (1) Mr. Justice Syed Mansoor Ali Shah
- (2) Mr. Justice Sh. Najam ul Hassan
- (3) Mr. Justice Manzoor Ahmad Malik
- (4) Mr. Justice Asad Munir
- (5) Mr. Justice Ijaz ul Ahsan
- (6) Mr. Justice Hafiz Abdul Rehman Ansari
- (7) Mr. Justice Sardar Tariq Masood
- (8) Mr. Justice Tariq Javaid
- (9) Mr. Justice Nasir Saeed Sheikh
- (10) Mr. Justice Mansoor Akbar Kokab
- (11) Mr. Justice Kh. Imtiaz Ahmad

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(12) Mr. Justice Sagheer Ahmad Qadri

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4. On 17-2-2010 yet another notification was issued with regard to the appointment of 22 Additional Judges under Article 197 of the Constitution "for a period of one year" with effect from the date they took oath of their offices. Their names are:--

- (1) Mr. Justice Mian Shahid Iqbal
- (2) Mr. Justice M. Farrukh Irfan Khan
- (3) Mr. Justice Mamoon Rashid Shaikh
- (4) Mr. Justice Shaukat Umar Pirzada
- (5) Mr. Justice Waqar Hassan Mir
- (6) Mr. Justice Yawar Ali Khan
- (7) Mr. Justice Muhammad Khalid Mahmood
- (8) Mr. Justice Ch. Shahid Saeed
- (9) Mr. Justice M. Anwar Bhour
- (10) Mr. Justice Ijaz Ahmad
- (11) Mr. Justice Sardar Muhammad Shamim Khan
- (12) Mr. Justice Hassan Raza Pasha
- (13) Mr. Justice Syed Mazahar Ali Akbar Naqvi
- (14) Mr. Justice Muhammad Anwar ul Haq
- (15) Mr. Justice Muhammad Qasim Khan
- (16) Mr. Justice Shahid Hameed Dar
- (17) Mr. Justice Ch. Muhammad Tariq
- (18) Mr. Justice Mazhar Iqbal Sidhu
- (19) Mr. Justice Rauf Ahmad Shaikh
- (20) Mr. Justice Shaikh Ahmad Farooq
- (21) Mr. Justice Muhammad Naseem Akhtar
- (22) Mr. Justice Syed Akhlaq Ahmad

Akhtar




5. The President vide the notification dated 17-2-2011 under Article 197 of the Constitution, extended the period of following 18 out of 34 Additional Judges (appointed vide the notifications referred to above) as Additional Judges "for a period of one year with effect from the date their present term expires":--

- (1) Mr. Justice Sagheer Ahmad Qadri
- (2) Mr. Justice Nasir Saeed Sheikh
- (3) Mr. Justice Sh. Najam ul Hassan
- (4) Mr. Justice Kh. Imtiaz Ahmad
- (5) Mr. Justice Manzoor Ahmad Malik
- (6) Mr. Justice Sardar Tariq Masood
- (7) Mr. Justice Ijaz ul Ahsan
- (8) Mr. Justice Syed Mansoor Ali Shah
- (9) Mr. Justice Sheikh Ahmad Farooq
- (10) Mr. Justice Ch. Shahid Saeed
- (11) Mr. Justice Rauf Ahmad Shaikh
- (12) Mr. Justice Ijaz Ahmad
- (13) Mr. Justice Muhammad Khalid Mehmood Khan
- (14) Mr. Justice Shahid Hameed Dar
- (15) Mr. Justice Muhammad Anwaarul Haq
- (16) Mr. Justice Sardar Muhammad Shamim Khan
- (17) Mr. Justice Muhammad Qasim Khan
- (18) Mr. Justice Mazhar Iqbal Sidhu

6. ~~Out of~~ the afore-mentioned 18 Judges, 15 were appointed as Judges under Article 193 of the Constitution vide the notification dated 11-5-2011 on the recommendation of Judicial Commission, who are as follows:--

- (1) Mr. Justice Nasir Saeed Sheikh
- (2) Mr. Justice Sh. Najam ul Hassan
- (3) Mr. Justice Manzoor Ahmad Malik
- (4) Mr. Justice Sardar Tariq Masood
- (5) Mr. Justice Ijaz ul Ahsan
- (6) Mr. Justice Syed Mansoor Ali Shah
- (7) Mr. Justice Sheikh Ahmad Farooq

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- (8) Mr. Justice Ch. Shahid Saeed
- (9) Mr. Justice Rauf Ahmad Shaikh
- (10) Mr. Justice Ijaz Ahmad
- (11) Mr. Justice Muhammad Khalid Mehmood Khan
- (12) Mr. Justice Shahid Hameed Dar
- (13) Mr. Justice Muhammad Anwaarul Haq
- (14) Mr. Justice Sardar Muhammad Shamim Khan
- (15) Mr. Justice Mazhar Iqbal Sidhu

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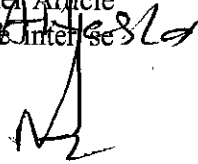
7. On 25-8-2011 the President (on the recommendation of the Judicial Commission and Parliamentary Committee) appointed another three Additional Judges as Judges of the High Court under Article 193 of the Constitution with effect from the date they make oath of their offices and they took oath on 5-9-2011. Those are:--

- (1) Mr. Justice Sagheer Ahmad Qadri
- (2) Mr. Justice Kh. Imtiaz Ahmad
- (3) Mr. Justice Muhammad Qasim Khan

8. On 2-12-2013, the Hon'ble Senior Puisne Judge of the Lahore High Court Mr. Justice Nasir Saeed Sheikh requested the Hon'ble Chief Justice of the Lahore High Court that the inter se seniority of the Judges appointed under Article 193 of the Constitution be determined in conformity with the law laid down by this Court and, thereafter, the Administration Committee of the High Court be reconstituted. The Administration Committee was reconstituted on 14-12-2013.

9. Learned counsel for the petitioner contended that the notification dated 14-12-2013 wherein the Administration Committee was reconstituted is violative of the Constitution and the law laid down by this Court in *Nadeem Ahmed v. Federation of Pakistan* (2013 SCMR 1062) and *Federation of Pakistan through Secretary, Ministry of Law and Parliamentary Affairs and Justice v. Sindh High Court Bar Association through President* (PLD 2012 SC 1067); that the inter se seniority of the Judges had to be determined by the Chief Justice; that it's a long standing practice of the High Court that the Judges whose appointments are made by a single order take seniority according to age; that an Additional Judge appointed under Article 197 of the Constitution is a specie apart; that if he is made permanent, a fresh appointment order is made under Article 193 of the Constitution and his service as Additional Judge cannot be counted towards his seniority; that the inter se seniority has to be reckoned from the date when an Additional Judge is made permanent Judge of the High Court under Article 193 of the Constitution. He contended that when a person is appointed as Judge of the High Court under Article 193 of the Constitution, he has to take fresh oath and, therefore, it is a fresh appointment. He referred to Article 255(3) of the Constitution to contend that it has specifically been provided that "where, under the Constitution, a person is required to make an oath before he enters upon an office, he shall be deemed to have entered upon the office on the day on which he makes the oath". The effect of the afore-referred provision, according to learned counsel, is that it is only the day a person becomes a Judge under Article 193 of the Constitution when he can be considered as a permanent Judge and, therefore, the inter se seniority has to be reckoned from the said date.

ATTORNEY GENERAL FOR PAKISTAN

Article 81


10. Learned Attorney-General for Pakistan traced the history of appointment of Additional Judges in India which dates back to East India (High Courts of Judicature) Act, 1861, under which the Judges of the High Courts were appointed by Her Majesty and held office during Her Majesty's pleasure; that there was a provision of appointing an Acting Judge in absence of a permanent Judge who was to perform the duties until the return of the said Judge or until the Governor General cancels the appointment of the Acting Judge. This arrangement continued till the Government of India Act, 1935, when the expression 'Additional Judges' was used for the first time in section 222 of the Act and that appointment was to be made when the office of any Judge was vacant and the Judges so appointed were for a period "not exceeding two years" as the case may be. In India the Constitution was promulgated in 1950, Article 217 of which empowered the President to appoint a Judge of the High Court and there was no mention of Additional or Acting Judge. Under Article 224 of the said Constitution, however, the Chief Justice of a High Court with the consent of the President could request any person who had held the office of a Judge of the High Court "to sit and act as a Judge of the High Court for that State". In 1956, Article 224 was amended and it was provided that "if by reason of any temporary increase in the business of a High Court or by reason of arrears of work therein, it appears to the President that the number of the Judges of that Court should be for the time being increased, the President may appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify." In India, now, every Additional Judge becomes permanent when vacancy occurs. The first Constitution of Pakistan was promulgated in 1956, Article 165 of which provided for the appointment of a Judge of the High Court. On 18-11-1958 by virtue of Presidential Order No. 3 (The Courts (Additional Judges) Order, 1958) issued by General Muhammad Ayub Khan it was stipulated that "if by reason of any temporary increase in the business of the Supreme Court or of a High Court or by reason of arrears of work in any such Court it appears to the President that the number of the Judges of the court should be for the time being increased, the President may appoint persons duly qualified for appointment as Judges to be additional Judges of the Court for such period not exceeding two years as he may specify." The mode of appointment of Additional Judge became pari materia with Article 224 of the Indian Constitution. In 1962, the second Constitution was promulgated, Article 96 of which codified in pith and substance what was provided in Presidential Order No. 3 of 1958 regarding mode of appointment of Additional Judge of the High Court. In 1973, the Constitution of Pakistan which is in vogue today was promulgated. However, Article 193 regarding the mode of appointment of Chief Justice and Judges of the High Court was amended and it was laid down that the President shall appoint these Judges in accordance with Article 175A of the Constitution. After such an appointment, oath is administered to such an appointee in terms of Article 194 which mandates that "before entering upon office, the Chief Justice of a High Court shall make before the Governor, and any other Judge of the Court shall make before the Chief Justice, oath in the form set out in the Third Schedule". Learned Attorney General submitted that Article 194 makes no difference between an Additional Judge and a permanent Judge. In support of his submission that the Constitution does not make a difference between the two offices, he referred to (i) Article 160, (ii) Article 177(2)(a), (iii) the wording of oath of office, and (iv) the mode of appointment provided in terms of Article 175A of the Constitution.

11. Learned Attorney-General for Pakistan cited the case of appointment of Mr. Justice Faqir Muhammad Khokhar, Hon'ble former Judge, as Judge of the Supreme Court which appointment was challenged before this Court Supreme Court Bar Association v. Federation of Pakistan (PLD 2002 SC 939) to submit that in the said case the petitioner/President of the Supreme Court Bar Association had challenged the appointment inter alia on the ground that he had not completed five years of service as Judge of the High Court to be eligible for appointment to the Supreme Court but this Court while computing the requisite service of five years as Judge of the High Court included the period he served as Additional Judge.

12. Learned Attorney-General referred to many precedents in the Lahore High Court in which the seniority of Judges went along with their appointment as Additional Judges. He contended that a Judge of the High Court enters the office from the day he makes oath as Judge of the said Court as Additional Judge. This Constitutional intent is evident from Article 194 of the Constitution which provides as under:--

"194. Before entering upon office, the Chief Justice of a High Court shall make before the Governor, and any other Judge of the Court shall make before the Chief Justice, oath in the form set out in the Third Schedule."

13. This intent is further reinforced in Article 255(3) of the Constitution which reads as follows:--

"where, under the Constitution, a person is required to make an oath before he enters upon an office, he shall be deemed to have entered upon the office on the day on which he makes the oath"

14. Similar is the import, according to him, of Article 275(4) of the Constitution. In support of the submissions made, learned Attorney General relied on Begum Tahira Sultan in Re: (1989 MLD 4701), paras 2 and 3 of which reads as follow:--

(2) I requested the immediate presence of Mr. Abdul Hafeez Memon, the Advocate-General of Sindh, because although I could not expect him to argue the question at such short notice I wanted a clear statement on behalf of the Government whether it was their stand that this Court continues to exist or not. He assured me in categorical terms on behalf of the Government of Sindh, that Government regarded this Court as a continuing body with all the powers and functions that it had so far enjoyed and performed. In this view of the matter Mr. Niamat Ullah Molvi agreed to file another application expressly challenging our jurisdiction and it was agreed that the question would be argued today as it has been done.

(3) Today Mr. Molvi has filed an application in which it is expressly stated that this Court has no jurisdiction to take up any matter unless a fresh oath is taken by the Court, by which I suppose he meant the judges of this Court, on the ground that the Constitution of 1972 stood repealed as on 10-4-1973 the date of its enactment. Without prejudice to this contention, it was also urged in the application that the Constitution of 1973 had already come into force and that we could not function unless we took oath under that Constitution. So far as the last question is concerned it is easily dealt with because, even assuming that the Constitution of 1973 has come into force Article 275 of that Constitution expressly continues in office the Chief Justice and other Judges of the High Courts and sub-Article (4) of that Article does not require that an oath be taken before any functions are performed by such an official but only that he shall take as soon as is practicable after the commencing date, the prescribed oath. It is to be noted that in the Constitution of 1973, as in the Constitution of the 1972, certain functionaries enter upon their office only after taking an oath but that both these Constitutions provided in respect of such persons as were already in office that they would continue to be in office and that they would take oath as soon as was practicable. In point of fact even when the 1972 Constitution came into force, the Judges of this Court including myself, did not take the oath upon the commencing date but a few days later."

15. In support of the above contention, he relied upon yet another judgment in Hira Singh and others v. Jai Singh etc. (AIR 1937 Allahabad 588).

16. He also referred to Muhammad Siddique Ahmed Khan v. Pakistan Railways (1997 SCMR 1514) to contend that even in civil service, the seniority in grade of an officer is with effect from his continuous officiation in that grade and not from his confirmation. At page 1520 of the judgment, this Court observed as follows:--

"It is settled position of law that seniority in a grade will be accorded to an officer with effect from the date of his continuous officiation in that grade and not from the date of his confirmation. Similar view was taken in the case Araab Mukhtar Ahmed v. Secretary to Government of Pakistan, Establishments Division, Rawalpindi (1983 PLC (C.S.) 104). Learned counsel for the appellants Engineering Officers' Association and others v. State Maharashtra and others (AIR 1990 SC 1607), (sic) where it was observed by the Supreme Court of India that once an incumbent is appointed to a post, his seniority has to be counted from the date of his appointment and not from the date of confirmation. It was also observed that where an appointment is not made by following the procedure laid down by the rules but the appointee continues in the post uninterruptedly till the regularization of his service in accordance with the rules, the period of officiating service will be counted."

17. He also referred to the Indian judgment reported at *The Director Recruits Class-II Engineering Officers Association and others v. State of Maharashtra and others* (AIR 1990 SC 1607) wherein the seniority of a civil servant was counted from the date of his appointment and not from the date of his confirmation, relevant portion of the judgment is as under:--

"44. To sum up, we hold that:

(A) Once an incumbent is appointed to a post according to rule, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation. The corollary of the above rule is that where the initial appointment is only ad hoc and not according to rules and made as a stop-gap arrangement, the officiation in such post cannot be taken into account for considering the seniority.

(B) If the initial appointment is not made by following the procedure laid down by the rules but the appointee continues in the post uninterruptedly till the regularisation of his service in accordance with the rules, the period of officiating service will be counted.

18. He also relied on *Al-Jehad Trust v. Federation of Pakistan* (PLD 1996 SC 324) wherein this Court dilated upon the distinguishing feature of the appointment of Judges in the High Court made under the Indian Constitution and appointment of Additional Judges of the High Court in Pakistan, wherein at page 506, it was held as follows:--

"It will not be out of context to mention that the above provision was lifted from clause (1) of Article 224 of the Indian Constitution, 1950, which reads as follows:--

"224. Appointment of additional and acting Judges.--(1) If by reason of any temporary increase in the business of a High Court or by reason of arrears of work therein, it appears to the President that the number of the Judges of that Court should be for the time being increased, the President may appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify."

At this juncture, it may be pertinent to mention that in 1956 Constitution, there was no provision for appointment of Additional Judges in view of above speech of Quaid-e-Azam made by him in 1931 in the aforesaid Sub-Committee deprecating the practice of appointing Additional Judges. But in 1958, the then President Ayub Khan issued the above President Order. Article 96 was incorporated in 1962 Constitution for appointment of Additional Judges even against permanent vacancies. This provision has been lifted in 1972 Interim Constitution and 1973 Permanent Constitution.

It may be noticed that under the above President Order of 1958 and under clause (1) of Article 224 of the Indian Constitution, an Additional Judge could be appointed in the following, two contingencies:--

- (i) temporary increase in the business of a High Court; and
- (ii) temporary increase in arrears of work.

Whereas under Article 197 of the Constitution, an Additional Judge can be appointed against a permanent vacancy or when a High Court Judge is absent or is unable to perform the functions of his office due to any other cause or for any reason it is necessary to increase the number of Judges of a High Court. In other words, under Article 224(1) of the Indian Constitution, the appointment of an Additional Judge is purely temporary to achieve the above two objects, whereas under our Constitution, though the appointment of an Additional Judge is to be made for a period not exceeding two years but an Additional Judge can be appointed against a permanent vacancy. This makes a lot of difference.

I may observe that the parity of reasoning for not appointing an Acting Chief Justice or an Acting Judge in the Supreme Court against, permanent vacancies for a long period is equally applicable to an

Annex 2
i

49-50

8/10
The Managing Director
ICP-Torta old Bara Road
Peshawar

Sub: Counting of Temporary Service to Regular Service
& Correction of Final Seniority of Assst. BPS-16
stood on 20-5-2021 (Final) etc.

R/civ.

The Final Seniority 2021 of Assistant BPS-16 has been issued from your good office & my name has been placed at S.No. 17 instead S.No. 4 which is incorrect. I am senior from Mr. Anwar-Haq, Ahmad Ali, Zar Khan, Jumaid-Roham to Mohd. Zahid Khan etc. because their date of appointment is 1984, 85, 86, 87 & 1988 & my date of appointment is 14-3-1983. Kindly count my previous service to words regular service & my name may be placed at S.No. 4 instead of S.No. 17 in the same S/List 2021, after Mohd. Ishaq Assst. Head office because his date of appointment is 01-03-1983 & my date of appointment is 14-3-1983 and also grant me all back benefits. The Peshawar High Court, Service Tribunal, Supreme of Pakistan, Finance Deptt. have granted all the benefits to all Civil Servants in the past.

Thanks

Zahid
20/5/21
yours sincerely
Zahidullah
Assst. BPS-16 GAWW
Hayatabad (ICP-Torta)

To

The Secretary to Government of KPK,
Industries Department Peshawar.

Sub: APPEAL REGARDING COUNTING OF ^{Temporary} ~~AD-HOC~~ CONTRACT SERVICE IN TO REGULAR SERVICE/SENIORITY & PROMOTION TO BPS-17.

Respected Sir,

I have the honor to refer to your letter No.KP-TEVTA/SL-16/ASST/1321 (1-3) dated 16-02-2021, I submit the following few lines for your kind consideration please.

I was appointed as Jr.Clerk on 14.3.1983 on a permanent post after fulfilling all codal formalities required for fresh appointment.

4. The seniority was granted from 1977 to 1982 to all ministerial staff of the department who were appointed on ^{Temporary} ~~ad-hoc~~ basis from their initial/First appointment & 17 project employees working on ad-hoc basis were regularized during 1986 and 1987 from different dates and then the same 17 employees were regularized and granted the seniority from 1984 instead of 1986.

5. While the seniority status of the applicant was at serial No. 13, 8, 12 & 19 in the seniority lists of 2015, 2016, 2019 & 2021 after M. Ishaq Asstt. BPS-16 Head office.

6. I received all the benefits from 14.3.1983 like, pay & allowances, T.A, Medical etc. by the Govt. Rules issued in time to time. In the light of the above facts you are requested to kindly grant/Count my more than five years ^{Temporary} ~~ad-hoc~~ contract service towards Regular Service from 14.3.1983 to 20.9.1988, Seniority & Promotion to BPS-17 etc, as the Govt. granted this benefits to all the Civil Servants. The Peshawar High Court, Supreme Court, Service Tribunal & Finance Deptt; were counted the Temporary Service to words regular service to all Civil Servants. *my name may pl. be placed at serially instead of No. 17 in Final List 2021.*

Thanks

Yours sincerely,

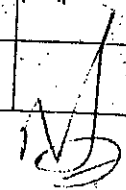
Mr. Zahid Ullah

Assistant GTVC (W) Hayatabad


Annex J 51-59

FINAL SENIORITY LIST OF HI ASSISTANT/ JR. SCALE STENOGRAPHER & STORE SUPERVISOR
GTVC'S, GTI'S, GPI'S, GCT'S & GTTC IN TECHNICAL EDUCATION & VOCATIONAL TRAINING AUTHORITY AS A STOOD ON 1-12-2015.

S.No.	Name of Incumbents with academic qualification.	Date of Birth with Domicile	Date of 1st entry into Govt. Service	Regular appointment / Promotion to the present post Date	Method of Recruitment.	Place of Duty	Remarks
1.	Mr. Mohammad Ayoub Shah BA	11-10-1956 Abbottabad	27-09-1978	18-01-1984	Initial		
2.	Mr. Abdul Majid, B.Com.	03-06-1964 Peshawar	12-10-1988	12-10-1988	Initial		
3.	Mr. Farid Ullah, BA	20-04-1968 Peshawar	20-11-1989	20-11-1989	Initial		
4.	Mr. Siraj Khan, BA	02-04-1971 Peshawar	01-11-1992	20-10-2001	Initial		
5.	Mr. Farman Ali, F.A	01-11-1957 Swabi.	01-06-1982	01-01-2005	By Promotion		
6.	Mr. Tariq Ali, F.A	04-06-1957 Peshawar	01-01-1986	01-01-2005	By promotion		
7.	Mr. Tariq Sher, Matric	12-12-1960 Peshawar	01-01-1986	01-01-2005	By promotion		
8.	Mr. Hazrat Rehman, D.Com	08-04-1964 Bannu.	17-01-1982	22-5-2007	By Promotion		
9.	Mr. Abdur Rashid, Matric.	16-02-1964 D.I.Khan.	22-12-1960	22-5-2007	By Promotion		
10.	Mr. Laghal Khan, Matric.	15-01-1962 Chitral.	14-01-1982	22-5-2007	By Promotion		
11.	Mr. Ruhul Amin, R.A	10-10-1964 Swabi.	12-04-1982	22-5-2007	By Promotion		
12.	Muhammad Ishaq, B.A./D.Com	15-03-1964 Lakki.	01-03-1983	22-5-2007	By Promotion		


Attested


						Place of Duty	Remark
13.	Mr. Zahid Ullah, FA	05-04-1965 Peshawar	14-03-1983	22-05-2007	By Promotion		
14.	Muhammad Zahid, Matric	20-12-1958 Peshawar.	11-12-1983	22-5-2007	By Promotion		
15.	Mr. Aenuf Haq, Matric	10-05-1964 Peshawar.	24-01-1984	22-5-2007	By Promotion		
16.	Mr. Ghulam Shabir, D.Com.	03-08-1957 D.I.Khan.	16-03-1985	22-5-2007	By Promotion		
17.	Mr. Shoukat Hussain, B.A	12-03-1962 Peshawar	17-01-1986	22-5-2007	By Promotion		
18.	Mr. Tahir Farooq, D.Com	09-01-1963 D.I.Khan.	23-11-1985	22-5-2007	By Promotion		
19.	Mr. Ahmad Ali, B.A.	06-06-1968 Bannu	26-02-1987	22-5-2007	By Promotion		
20.	Mr. Zar Khan, Matric	12-02-1964 karak	01-03-1987	22-5-2007	By Promotion		
21.	Mr. Junaid ur Rehman FA	07-01-1965 Peshawar	28-04-1984	22-5-2007	By Promotion		
22.	Mr. Mir Salam Khan Matric	11-04-1961 Bannu	30-04-1984	22-5-2007	By Promotion		
23.	Mr. Shoukat Ali Matric	03-03-1961 Charsadda	19-03-1986	22-5-2007	By Promotion		
24.	Mr. Faqir Hussain Matric	29-01-1959 Peshawar	13-10-1985	22-5-2007	By Promotion		
25.	Mr. Suleman Shah, M.A	03-05-1965 Bannu	28-11-1986	22-5-2007	By Promotion		

Attested


25.	Mr. Amanullah, Matric	10-03-1963 DIK	02-07-1981	28-5-2007	By Promotion		
26.	Mr. Zulfiqar Ali Shah, MA (Political Science) MA (Islamiyat)	02-08-1980 Peshawar		24-08-2007 24-08-2007	Initial		
27.	Mr. Samin Jan, Matric.	18-08-1956 Peshawar.	23-07-1983	15-09-2007	By Promotion		
28.	Mr. Zehayat ur Rehman Matric.	28-09-1961 Peshawar.	15-10-1985	15-09-2007	By Promotion		
29.	Mr. Wajid Ali, Matric.	03-02-1958 Mardan.	03-12-1980	15-09-2007	By Promotion		
30.	Syed Laiq Ghawas, Matric.	21-04-1966 Mardan.	19-3-1984	15-09-2007	By Promotion		
31.	Mr. Ibni Amin, B.A	01-03-1964 Swabi.	27-01-1985	15-09-2007	By Promotion		
32.	Muhammad Yamin, M.A (Islamiat)	08-08-1964 D.I.Khan.	10-10-1988	15-09-2007	By Promotion		
33.	Muhammad Zahid Khan, D.Com.	13-03-1962 Peshawar.	12-08-1986	15-09-2007	By Promotion		
34.	Mr. Rashid Ullah, B.A	12-03-1960 Thana	26-10-1980	19-09-2007	By Promotion		
35.	Mr. Jehanzeb Khan Matric.	01-11-1959 Mardan.	11-08-1985	25-11-2009	By Promotion		
36.	Muhammad Jamil B.A.	08-11-1964 D.I. Khan	18-07-1987	25-11-2009	By Promotion		

25.	Mr. Amanullah, Matric	10-03-1963 DIK	02-07-1981	28-5-2007	By Promotion
26.	Mr. Zulfiqar Ali Shah, MA (Political Science) MA (Islamiyat)	02-08-1980 Peshawar	24-08-2007	24-08-2007	Initial
27.	Mr. Samin Jan, Matric.	18-08-1956 Peshawar.	23-07-1983	15-09-2007	By Promotion
28.	Mr. Zehayat ur Rehman Matric.	28-09-1961 Peshawar.	15-10-1985	15-09-2007	By Promotion
29.	Mr. Wajid Ali, Matric.	03-02-1958 Mardan.	03-12-1980	15-09-2007	By Promotion
30.	Syed Laiq Ghawas, Matric.	21-04-1966 Mardan.	19-3-1984	15-09-2007	By Promotion
31.	Mr. Ibni Amin, B.A	01-03-1964 Swabi.	27-01-1985	15-09-2007	By Promotion
32.	Muhammad Yamin, M.A (Islamiat)	08-08-1964 D.I.Khan.	10-10-1988	15-09-2007	By Promotion
33.	Muhammad Zahid Khan, D.Com.	13-03-1962 Peshawar.	12-08-1986	15-09-2007	By Promotion
34.	Mr. Rashid Ullah, B.A	12-03-1960 Thana	26-10-1980	19-09-2007	By Promotion
35.	Mr. Jehanzeb Khan Matric.	01-11-1959 Mardan.	11-08-1985	25-11-2009	By Promotion
36.	Muhammad Jamil B.A.	08-11-1964 D.I. Khan	18-07-1987	25-11-2009	By Promotion

Attest


37.	Muhammad Israr F.A.	07-01-1966 Dir.	04-07-1987	25-11-2009	By Promotion		
38.	Mr. Ikram Ullah Matric.	11-03-1966 Peshawar.	16-02-1987	25-11-2009	By Promotion		
39.	Mr. Khair Ullah, BA.	09-03-1957 Bannu	12-07-1982	26-11-2009	By Promotion		
40.	Miss. Rizwana Aman, M.A (Islamiat) C.T.	05-05-1985 Lakki	15-03-2010	15-03-2010	By Initial		
41.	Muhammad Irfan Shah M.A (Political Science-II)	5-5-1985 SWA	26-10-2010	26-10-2010	By Initial		
42.	Mr. Amin Ullah M.Sc (Physics)	16-11-1986 Mardan	14-10-2010	14-10-2010	By Initial		
43.	Mr. Anwar Sadat M.A. (English/B.Ed.	1-2-1984 Karak	18-10-2010	18-10-2010	By Initial		
44.	Mr. Kamran Khan Afridi M.A. (I.R.)/M.Phil.	28-3-1979 FR Kohat	01-11-2010	01-11-2010	By Initial		
45.	Mr. Shehzad Ali Shah B.Com-II	16-4-1987 Mansehra	01-11-2010	01-11-2010	By Initial		
46.	Mr. Zulkifal Shah, Matric.	3-3-1964 Mardan	12-12-1983	01-02-2013	By promotion		
47.	Nasrullah Khan, B.A.	19-04-1969 Mardan	17-10-1988	01-02-2013	By promotion		
48.	Muhammad Tariq, Matric.	2-1-1965 Peshawar.	15-10-1988	01-02-2013	By promotion		
49.	Mr. Asif Kamran i) B.A.	3-08-1985 S.W.A.	01-01-2014	01-01-2014	By initial		

Attended
AD

50.	Mr. Asad Munir i) B.Sc(Hons)	25-09-1989 Peshawar	29-01-2014	29-01-2014	By initial		
51.	Mr. Nauman Faisal i) BBA (Hons)	8-04-1988 Peshawar	31-01-2014	31-01-2014	By initial		
52.	Mr. Fazal Ghaffar i) M.Sc(P/Studies)	16-08-1988 Swat	01-02-2014	01-02-2014	By initial		
53.	Mr. Ahmad Ali, B.Sc.(Hons), Economics	03-04-1989 Swabi	04-09-2014	04-09-2014	By initial		
54.	Mr. Khan Zeb, M.A Political Science	02-03-1986 Mohmand Agency	04-09-2014	04-09-2014	By initial		
55.	Mr. Fahim Ullah, BS (Hons) Computer Science	23-01-1986 Peshawar	04-09-2014	04-09-2014	By initial		
56.	Mr. Abdul Wahid, Msc:Geography.	07-01-1990 Chitral	04-09-2014	04-09-2014	By initial		
57.	Mr. Tayyab, BLIS	06-10-1985 Mansehra	04-09-2014	04-09-2014	By initial		

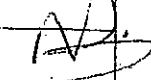
DEPUTY DIRECTOR
(Admn/HR)

AH-666
[Signature]

56

TENTATIVE SENIORITY LIST OF HEAD CLERK / ASSISTANT/ JR: SCALE STENOGRAPHER & STORE SUPERVISOR
MVC'S, GT'S, GPI'S, GCT'S & GTTC IN TECHNICAL EDUCATION & VOCATIONAL TRAINING AUTHORITY AS A STOOD ON 31-12-2016.

Sl. No.	Name of Incumbents with academic qualification.	Date of Birth with Domicile	Date of Ist entry into Govt. Service	Regular appointment/ Promotion to the present post.		Place of Duty	Remarks
				Date	Method of Recruitment.		
1. ✕	Mr. Farman Ali, F.A ✕	01-11-1957 Swabi.	01-06-1982	01-01-2005	By Promotion		
2. ✕	Mr. Tariq Sher, Matric ✕	12-12-1960 Peshawar	01-01-1986	01-01-2005	By promotion		
3.	Mr. Hazrat Rehman, D.Com	08-04-1964 Bannu.	17-01-1982	22-5-2007	By Promotion		
4. /	Mr. Abdur Rashid, Matric.	16-02-1964 D.I.Khan.	22-12-1980	22-5-2007	By Promotion		
5.	Mr. Laghal Khan, Matric.	15-01-1962 Chitral.	14-01-1982	22-5-2007	By Promotion		
6. /	Mr. Ruhul Amin, B.A.	10-10-1964 Swabi.	12-04-1982	22-5-2007	By Promotion		
7.	Muhammad Ishaq, B.A./D.Com ✓	15-03-1964 Lakki.	01-03-1983	22-5-2007	By Promotion		
8.	Mr. Zahid Ullah, FA ✓	05-04-1965 Peshawar	14-03-1983	22-05-2007	By Promotion		
9. ✕	Muhammad Zahid, Matric	20-12-1958 Peshawar.	11-12-1983	22-5-2007	By Promotion		
10.	Mr. Aenul Haq, Matric	10-05-1964 Peshawar.	24-01-1984	22-5-2007	By Promotion		
11.	Mr Shoukat Hussain, B.A	12-03-1962 Peshawar	17-01-1986	22-5-2007	By Promotion		
12.	Mr. Tahir Farooq, D.Com	09-01-1963 D.I.Khan.	23-11-1985	22-5-2007	By Promotion		
13	Mr. Ahmad Ali, B.A.	06-06-1968 Bannu	26-02-1987	22-5-2007	By Promotion		

Atty Cor


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	Mr. Khan, Matric	12-02-1964 Karak	01-03-1987	22-5-2007	By Promotion	Place of Duty	Remarks
	Mr. Junaid ur Rehman F.A.	07-01-1965 Peshawar	28-04-1984	22-5-2007	By Promotion		
	Mr. Mir Salam Khan Matric	11-04-1961 Bannu	30-04-1984	22-5-2007	By Promotion		
17.	Mr. Shoukat Ali Matric	03-03-1961 Charsadda	19-03-1986	22-5-2007	By Promotion		
18.	Mr. Fadir Hussain Matric	29-01-1959 Peshawar	13-10-1985	22-5-2007	By Promotion		
19.	Mr. Suleman Shah, M.A.	03-05-1965 Bannu	28-11-1986	22-5-2007	By Promotion		
20.	Mr. Amanullah, Matric	10-03-1963 DIK	02-07-1981	28-5-2007	By Promotion		
21.	Mr. Zehayat ur Rehman Matric.	28-09-1961 Peshawar	15-10-1985	15-09-2007	By Promotion		
22.	Mr. Wajid Ali, Matric.	03-02-1958 Mardan	03-12-1980	15-09-2007	By Promotion		
23.	Syed Laiq Ghawas, Matric.	21-04-1966 Mardan	19-3-1984	15-09-2007	By Promotion		
24.	Mr. Ibni Amin, B.A.	01-03-1964 Swabi	27-01-1985	15-09-2007	By Promotion		
25.	Muhammad Yamin, M.A (Islamiat)	08-08-1964 D.I.Khan.	10-10-1988	15-09-2007	By Promotion		
26.	Muhammad Zahid Khan, D.Cora.	13-03-1962 Peshawar.	12-08-1986	15-09-2007	By Promotion		
27.	Mr. Rashid Ullah, B.A.	12-03-1960 Thana	26-10-1980	19-09-2007	By Promotion		
28.	Mr. Jehanzeb Khan Matric	01-11-1959 Mardan.	11-08-1985	25-11-2009	By Promotion		
29.	Muhammad Jamil B.A.	08-11-1964 D.I. Khan	18-07-1987	25-11-2009	By Promotion		
30.	Muhammad Israr F.A.	07-01-1966 Dir.	04-07-1987	25-11-2009	By Promotion		




Handwritten signature and initials.

	Ikram Ullah Matric.	11-03-1966 Peshawar.	16-02-1987	25-11-2009	By Promotion	Place of Duty	Remarks
	Miss. Rizwana Aman, M.A (Islamiat) C.T	05-05-1985 Lakki	15-03-2010	15-03-2010	By Initial		
33	Mr. Kamran Khan Afridi M.A. (I.R.)/M.Phil.	28-3-1979 FR Kohat	10-10-2010	10-10-2010	By Initial		
34	Muhammad Irfan Shah M.A (Political Science-II)	05-05-1985 SWA	26-10-2010	26-10-2010	By Initial		
35	Mr. Amin Ullah M.Sc (Physics)	16-11-1986 Mardan	14-10-2010	14-10-2010	By Initial		
36	Mr. Anwar Sadat M.A. (English/B.Ed.	01-02-1984 Karak	18-10-2010	18-10-2010	By Initial		
37	Mr. Shehzad Ali Shah B.Com-II	16-4-1987 Mansehra	01-11-2010	01-11-2010	By Initial	الذم سادات 2346-9091576	
38	Mr. Abdul Majid, B.Com (Stenographer)	03-06-1964 Peshawar	12-10-1988	23.12.2011	Initial		
39	Mr. Farid Ullah, BA (Stenographer)	20-04-1968 Peshawar	20-11-1989	23.12.2011	Initial		
40	Mr. Siraj Khan, BA (Stenographer)	02-04-1971 Peshawar.	01-11-1992	23.12.2011	Initial		
41	Mr. Zulfiqar Ali Shah, MA (Political Science) MA (Islamiyat) (Stenographer)	02-08-1980 Peshawar	24-08-2007	23.12.2011	Initial		
42	Nasrullah Khan, B.A.	19-04-1969 Mardan	17-10-1988	01-02-2013	By promotion		
43	Muhammad Tariq, Matric.	2-1-1965 Peshawar	15-10-1988	01-02-2013	By promotion		
44	Mr. Fazal Ghaffar i) M.Sc (P/Studies)	16-08-1988 Swat	28-12-2013	28-12-2013	By initial		
45	Mr. Asif Kamran i) B.A.	3-08-1985 S.W.A.	01-01-2014	01-01-2014	By initial		Attended
46	Mr. Asad Munir i) B.Sc(Hons)	25-09-1989 Peshawar	29-01-2014	29-01-2014	By initial		

59

					Place of Duty	Remarks
	Nauman Faisal BBA (Hons)	8-04-1988 Peshawar	31-01-2014	31-01-2014	By initial	
	Mr. Ahmad Ali, B.Sc (Hons) Economics	03-04-1989 Swabi	04-09-2014	04-09-2014	By initial	
49.	Mr. Fahim Ullah, Bs (Hons) Computer Science	23-01-1986 Peshawar	04-09-2014	04-09-2014	By initial	
50.	Mr. Abdul Wahid, Msc. Geography.	07-01-1990 Chitral	04-09-2014	04-09-2014	By initial	
51.	Mr. Tayyab, BLIS	06-10-1985 Mansehra	04-09-2014	04-09-2014	By initial	

DEPUTY DIRECTOR
(Admin/HR)

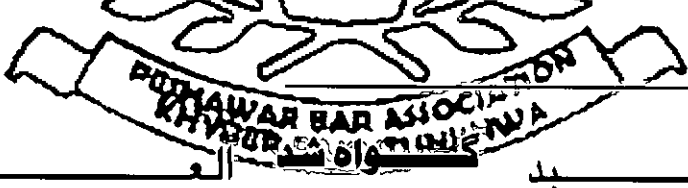
قیمت 50 روپے	93674	  
ایڈویکٹ: محمد انور خان	بار کونسل/ ایسوسی ایشن نمبر: >879-10-8	
رابطہ نمبر: 374 376 333 03	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	

بعدالت جناب:

 <p>مخانب: زاہد انور</p> <p>سیکرٹری ایڈووکیٹس</p>	دعویٰ: _____ علت نمبر: _____ مورخہ: _____ جرم: _____ تھانہ: _____
باعت تحریر آنگہ	

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

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرہے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر 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 کرہے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہر ماہ مالے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور ان کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب اتوائے 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:

مقام کے لیے منظور ہے۔

Accepted

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

(M. Anwer Khan)
Adv. H / Court Per

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 5993 /2021


Mr. Zahid Ullah AssistantAppellant

V E R S U S

Secretary to Government of KPK & Others
.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Memo of Appeal		1-6
2.	Affidavit		7
3.	Addresses of Parties		8
4.	Copy of Appointment Order Junior Clerk	A	9-10
5.	Copy of Promotion order PBS- 16	B	11-12
6.	Copy of combined seniority list 2015-2016	C	13-29
7.	Copy of Seniority list 2019	D	30-31
8.	Copy of Seniority list 2021	E	32-35
9.	Copy Rule 2.1	F	36
10.	Copy of Peshawar High Court Decisions	G	37-39A
11.	Copy of Supreme Court Decisions	H	40-47
12.	Copy of Representation	I	48-52
13.	Wakalat Nama		53

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

Date: 18 / 5 /2021

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Mr. Zahid Ullah Assistant Technical Education & Vocational Training Authority (KPTEVTA) Khyber Pakhtunkhwa Peshawar.**Appellant**

V E R S U S

1. Secretary to Government of KPK Industries Department Khyber Pakhtun Khawa Civil Secretariat, Peshawar
2. The Managing Director Govt: Technical & Vocational training Authority KPK, University town Peshawar.
3. Deputy Director (Estt) Govt: Technical & Vocational training Authority KPK, University town Peshawar.
4. Mr. Ainul Haq Assistant GCT ABTD.
5. Mr. Ahmad Ali Assistant GCT Kohat.

.....**Respondents**

Appeal under section 4 of the Khyber Pakhtun Khawa Service Tribunal Act, 1974, against office order Dated 16/02/2021 issued by Khyber Pakhtun Khawa Technical Education & Vocational Training Authority (KP-TEVTA) where by the name of Appellant is wrongly listed in the seniority lists at serial No 19 instead of at serial No 4 in the seniority list of 16-02-2021. Not to include the name of appellant in the seniority list at Serial No 4 is

2

illegal, unlawful and in effective upon the Appellant. The seniority list dated 16-02-2021 has been issued by Respondent No 3 in excess of lawful authority and jurisdiction is based on malafide, Discrimination against fundamental rights and not in accordance with merit.

Prayer in Appeal

On Acceptance of this appeal, the impugned order dated 16-02-2021 of Respondent No 3 is to be corrected and to include the name of the appellant in the seniority list at Serial No 4 instead of Serial No 19. The Respondents be restrained not to Promote any one unless the name of appellant has been placed at serial No 4 and back benefit as per seniority, such other relief as this Honorable Tribunal may deem fit, in the Circumstances of the case may also be granted.

Respectfully Sheweth:

Brief facts giving raise of the instant appeal are as under:

1. That the appellant, being the permanent Government employee of Govt: Technical & Vocational Centre (Women) Hayatabad having been appointed as Junior Clerk on dated 12/03/1983 in BPS-5. **(Copy of Appointment order and Promotion order are attached as Annexure "A & B")**.

2. That the appellant as well as the other Assistants were having the same seniority list, the same list still exists and the name of the appellant is wrongly placed at serial No 12 instead of at Serial No 6. **(Copy of seniority list is attached as Annexure "C").**

3. That the Khyber Pakhtunkhwa Technical Education & Vocational Training Authority issued provisional seniority lists vide letter No TEVTA// SL-16/ASSTT/ 3088(1-3) Dated 29/04/2019 and the name of the appellant has been wrongly at serial No 12 instead of Serial No 6 which affect the promotion of the appellant. **(Copy of Seniority list 2019 is attached as Annexure "D")**

4. That the five year contract service of the Appellant has already been counted by the Government vide rule 2.1 Para 4 sub-Para 1 & 2 and the Peshawar High court Peshawar have also decided the same nature case in writ petition 5195-P/2017 and writ Petition, 648-P/2017. More over Supreme Court of Pakistan also counted five years contract to ward regular service PLD 2016 SC 534. **(Copy Rule 2.1, Peshawar High Court Decisions and Supreme**

4

Court Decisions are attached as Annexure F, G and H respectively).

5. That the appellant being aggrieved submitted representation to Respondents for redressal of his grievances regarding his seniority/ promotion as per Provincial seniority list which is still exist and need correction. **(Copy of representation is attached as Annexure "I").**

6. That being aggrieved and dis-satisfied with impugned order dated 16/02/2021 of Respondent No 3 the appellant having no other alternative remedy, seeks indulgence of this Honorable Tribunal, inter alia on the following grounds:

G R O U N D S:

A. That the impugned provincial seniority list dated 16-02-2021 is illegal, unlawful, arbitrary, perverse and as such with out lawful authority, hence not maintainable in the eyes of law.

B. That the impugned provincial seniority lists circulated vide No DGCE&MS/Admin/1-1(XV)/225(1-40) dated 18-2-2016 can not be termed as authentic, legal and valid.

C. That the impugned seniority list dated 16-02-2021 deprived the appellant of his legal right of availing.

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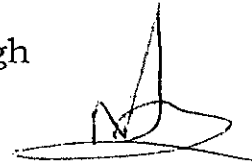
- D. That the impugned provincial seniority list of 2013 is against the sprit of policy instruction and rule of the Government of Khyber Pakhtunkhwa Notified vide No SO III(IND)TE/4-13/2013/982 dated 28-1-2013 on the subject as evident from provisional seniority list of joint cadres 2014 in which the appellant is placed serial No 18 **(Copy of seniority list of joint cadres dated 3/3/2014 is attached as Annexure "I")**.
- E. That the provisional seniority list dated 18-2-2016 in which the name of the appellant is not include is based on malafide and is there fore illegal, unjust, perverse and against the natural justice.

It is, therefore, most humbly prayed that on acceptance of this service appeal, the provisional seniority list dated 18-2-2016 of Respondent No 3 may kindly be set aside and appellant name be included.



Appellant

Through



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

Date: 18/05/2021

7

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Mr. Zahid Ullah Assistant **Appellant**

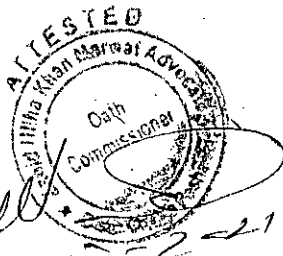
V E R S U S

Secretary to Government of KPK & Others

..... Respondents

AFFIDAVIT

I, Mr. Zahid Ullah Assistant Technical Education & Vocational Training Authority (KPTEVTA) Khyber Pakhtunkhwa Peshawar., do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


18-5-2021


DEPONENT

8.

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Mr. Zahid Ullah Assistant **Appellant**

V E R S U S

Secretary to Government of KPK & Others
..... Respondents

ADDRESSES OF PARTIES

APPELLANT

Mr. Zahid Ullah Assistant Technical Education &
Vocational Training Authority (KPTEVTA) Khyber
Pakhtunkhwa Peshawar

RESPONDENTS

1. Secretary to Government of KPK Industries
Department Khyber Pakhtun Khawa Civil
Secretariat, Peshawar
2. The Managing Director Govt: Technical &
Vocational training Authority KPK, University town
Peshawar.


Appellant

Through


Muhammad Anwar Khan

(Pashton Ghari)

Date: 18/04/2021

Advocate High Court,
Peshawar

MINISTRY OF TECHNICAL EDUCATION

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[Handwritten initials]

1387
113
12.3.83

MINISTRY OF TECHNICAL EDUCATION

[Handwritten signature]

...with the order of the ...
...should be ...
...If he/she ...

- 1- He/She employed in the above-mentioned post is hereby transferred to the following post on conditions that:-
- 2- He/She will be ...
- 3- He/She will be ...
- 4- He/She will be ...
- 5- He/She will be ...
- 6- He/She will be ...
- 7- He/She will be ...
- 8- He/She will be ...
- 9- He/She will be ...
- 10- He/She will be ...

...in the ...

...Government College ...

...Ministry of Technical Education

DIRECTORATE OF TECHNICAL EDUCATION

OFFICE COPY

Answer = 9-10

9-10

Better COPY P4A

DIRECTORATE OF TECHNICAL EDUCATION,
N.W.F.P., PESHAWAR.

Dated Peshawar the _____ th, 19____

OFFICER ORDER:

No. DTE/Admn/

Mr. Sahid Ullah S/O

of Villages P.O. Badaber Tehsil

_____ District Peshawar is hereby appointed
as _____ against the vacant post of Junior Clerk.
at Government College of Commerce, Kohat

_____ in the National Pay Scale No 5 (Rs. 290-10-350/12-470-14-
_____ plus other allowances as admissible under the rules subject

to the following terms and conditions that:-

- 1- His/Her employment on the above mentioned post is purely temporary in stop gap arrangement for the period of six months with effect from the date of taking over the charge or till the selection of candidate through Departmental Selection Committee whichever is earlier and his/her services will be terminated at any time without assigning any reasons.
- 2- He/She will have to join duty at his/her own expenses.
- 3- He/She will have to produce a Medical Certificate of fitness from the Medical Superintendent of District concerned, within a week of of the assumption of charge.
- 4- He/She will be governed by such rules and orders relating to Leave, Travelling Allowance, Medical Attendance & pay etc, as may be issued by the Govt. from time to time for the category of Govt. Servants to which he/she will belong.
- 5- His/Her character and antecedents are verified good by the Police authorities.
- 6- In case he/she wishes to resign at any time, one month's notice will be necessary or in lieu thereof, one month's pay shall be forfeited.
- 7- He/She will have to perform any duty assigned to him/her in connection with the affairs of the Department.

If he/she wishes to accept the post on these conditions he/she should report for duty to the Principal, Government College of Commerce, Kohat within fifteen days of the issue of this order, failing which the offer of appointment will be treated as cancelled.

DIRECTOR OF TECHNICAL EDUCATION,
N.W.F.P., PESHAWAR.

Dated, 12-3-83

Endst: No. DTE/Admn/

1-1(VI)/1386

Copy forwarded for information & necessary action to:-

1. The Principal, Govt. College of Commerce, Kohat with reference to his recommendation dated N/A.
2. The District Accounts Officer, Kohat.
3. Mr. Sahidullah S/O Mr. Akhshad Khan Village P.O. Badaber, Tehsil District Peshawar.

DIRECTOR OF TECHNICAL EDUCATION,
N.W.F.P., PESHAWAR.

Kifayat/*

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office of the
principal,
govt college of commerce
Kohat,
Dated 20-3-1983

No ESM-19(II)/312

To
The Director,
Technical Education, N.W.F.P.
Peshawar,

Subject:- Arrival Report.

P/4 Adonis
Tur
2/4

In compliance with your office order No. EPE/Admn/1-1
(vi)/1386 dt. 12.3.83 Mr. Zahid Ullah Jr. Clerk has reported for
duty at this College on 14.3.1983 (F.N).

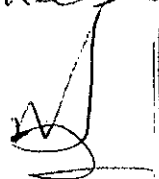
Principal,
Govt. College of Commerce,
Kohat.
14.3.83

No. _____ Date: _____/1983.

A copy is forwarded for information to the District,
Accounts Officer Kohat.

Principal,
Govt. College of Commerce,
Kohat.

495
21363

Attested


Jr. Clerk in ...
the post being vacant ...

11 Annex B 11-12

**DIRECTORATE OF TECHNICAL EDUCATION,
AND MANPOWER TRAINING, N.W.F.P,
PESHAWAR.**

OFFICE ORDER:-

Consequent upon the recommendation of the Departmental Promotion Committee, the following Senior Clerks are hereby promoted to the post of Assistant / Computer Operator-Cum-Assistant BPS-14 in officiating capacity with immediate effect:-

S/No.	Name of promotee.	S/No.	Name of promotee.
1	Mr. Samin Jan	2	Mr. Alam Khan
3	Mr. Zehayat ur Rehman	4	Mr. Wajid Ali
5	Syed Laiq Ghawas	6	Mr. Maqsood Khan
7	Mr. Ihsanullah	8	Mr. Ibni Amin
9	Mr. Muhammad Yamin	10	Mr. Saqib Ullah
11	Mr. Muhammad Israr	12	Mr. Muhammad Zahid Khan
13	Mr. Zahid Ullah		

Their promotion is also subject to the following terms and conditions:-

- 1- They will be on probation for a period of one year.
- 2- Seniority position of the promotee shall stand intact as they were in the seniority list of lower cadre of Senior Clerk.

On their promotion, they are posted in the stations against the vacant posts as noted against each in the interest of public service.

Sr. No	Name of incumbent.	Placement.
1	Mr. Samin Jan, Senior Clerk, TTTC, Hayatabad Peshawar.	Assistant / Head Clerk, Government College of Commerce, Charsadda.
2	Mr. Alam Khan, Senior Clerk, GCMS, Karak.	Assistant / Head Clerk, Government College of Management Sciences, Karak.
3	Mr. Zehayat ur Rehman, Senior Clerk, DTE&MT, NWFP.	Assistant / Head Clerk, Government College of Management Sciences, Nowshera at Jaloza.
4	Mr. Wajid Ali, Senior Clerk, GTVC (W) Mardan.	Assistant / Head Clerk, Govt. Technical & Vocational Centre (Boys) Mardan.
5	Syed Laiq Ghawas, Senior Clerk, GTVC (B) Mardan.	Computer Operator-Cum-Assistant, Govt. College of Management Sciences, Mardan.
6	Mr. Maqsood Khan, Senior Clerk, DTE&MT, NWFP.	Assistant / Head Clerk, Government College of Technology, Nowshera

P.T.O

A.H. S. S.




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

Dated Peshawar, the 20-05-2014

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NOTIFICATION

NO.FD/SO(FR)10-22/2014 The competent authority has been pleased to record sanction to the upgradation of pay scales of the following posts, wherever exist, in all the Departments/ Offices (except Civil Secretariat) of the Government of Khyber Pakhtunkhwa with immediate effect

S.No	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Superintendent	BS-16	BS-17
2	Assistant	BS-14	BS-16
3	Senior Clerk	BS-09	BS-12
4	Junior Clerk	BS-07	BS-11

The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale

All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Encl No. & Date etc:

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

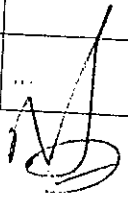
1. PS to Additional Chief Secretary, FATA
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar
4. Accountant General, Khyber Pakhtunkhwa, Peshawar
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa,
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa
8. All Heads of Attached Departments of Khyber Pakhtunkhwa
9. Registrar Peshawar High Court, Peshawar
10. All Deputy Commissioners, District & Sessions Judges, Magistrates, Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa Public Service Commission, Peshawar
12. Registrar, Service Tribunal Khyber Pakhtunkhwa
13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa
14. Secretary to Govt of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi, Islamabad
15. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Arbowal, Dera Ismail Khan, Chitral and Gilgit
16. The Senior District Accounts Officer, Swabi, Charsadda, Haripur, Mansehra and Dir Lower
17. The District Accounts Officer, Peshawar,
18. The District Accounts Officer, Agency, Khyber Pakhtunkhwa FATA
19. PS to Secretary, Finance, Khyber Pakhtunkhwa
20. PS to Chief Secretary, Khyber Pakhtunkhwa
21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar
22. Finance Secretary
23. PAS to Additional Secretaries, Deputy Secretaries in Finance Department
24. All Section Officers/Budget Officers in Finance Department
25. Abbas Khan President of Khyber Pakhtunkhwa Civil Secretariat Superintendent, Assistant Secretary Association with reference to his application No PR/KPS/SACA/2-1/2013 dated 3-01-2013

Altos Top
[Signature]

Annex C - 13-29

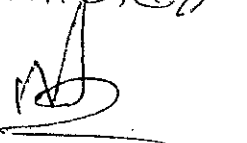
**FINAL SENIORITY LIST OF HEAD CLERK / ASSISTANT/ JR. SCALE STENOGRAPHER & STORE SUPERVISOR
GTVC'S, GT'S, GPI'S, GCT'S & GTTC IN TECHNICAL EDUCATION & VOCATIONAL TRAINING AUTHORITY AS A STOOD ON 31-12-2015.**

S.No.	Name of Incumbents with academic qualification.	Date of Birth with Domicile	Date of 1st entry into Govt. Service	Regular appointment / Promotion to the present post.		Place of Duty	Remarks
				Date	Method of Recruitment.		
1.	Mr. Mohammad Ayoub Shah BA	11-10-1956 Abbottabad	27-09-1978	18-01-1984	Initial		
2.	Mr. Abdul Majid, B.Com	03-06-1964 Peshawar	12-10-1988	12-10-1988	Initial		
3.	Mr. Farid Ullah, BA	20-04-1968 Peshawar	20-11-1989	20-11-1989	Initial		
4.	Mr. Siraj Khan, BA	02-04-1971 Peshawar.	01-11-1992	20-10-2001	Initial		
5.	Mr. Farman Ali. F.A	01-11-1957 Swabi.	01-06-1982	01-01-2005	By Promotion		
6.	Mr. Tariq Ali, F.A	04-06-1957 Peshawar	01-01-1986	01-01-2005	By promotion		
7.	Mr. Tariq Sher, Matric	12-12-1960 Peshawar	01-01-1986	01-01-2005	By promotion		
8.	Mr. Hazrat Rehman, D.Com	08-04-1964 Bannu.	17-01-1982	22-5-2007	By Promotion		
9.	Mr. Abdur Rashid, Matric.	16-02-1964 D.I.Khan.	22-12-1980	22-5-2007	By Promotion		
10.	Mr. Laghal Khan, Matric.	15-01-1962 Chitral.	14-01-1982	22-5-2007	By Promotion		
11.	Mr. Ruhul Amin, B.A.	10-10-1964 Swabi.	12-04-1982	22-5-2007	By Promotion		
12.	Muhammad Ishaq, B.A./D.Com	15-03-1964 Lakki.	01-03-1983	22-5-2007	By Promotion		


Attested


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						Place of Duty	Remark
13.	Mr. Zahid Ullah, FA	05-04-1965 Peshawar	14-03-1983	22-05-2007	By Promotion		
14.	Muhammad Zahid, Matric	20-12-1958 Peshawar.	11-12-1983	22-5-2007	By Promotion		
15.	Mr. Aenul Haq, Matric	10-05-1964 Peshawar.	24-01-1984	22-5-2007	By Promotion		
16.	Mr. Ghulam Shabir, D.Com.	03-08-1957 D.I.Khan.	16-03-1985	22-5-2007	By Promotion		
17.	Mr. Shoukat Hussain, B.A	12-03-1962 Peshawar	17-01-1986	22-5-2007	By Promotion		
18.	Mr. Tahir Farooq, D.Com	09-01-1963 D.I.Khan.	23-11-1985	22-5-2007	By Promotion		
19.	Mr. Ahmad Ali, B.A.	06-06-1968 Bannu	26-02-1987	22-5-2007	By Promotion		
20.	Mr. Zar Khan, Matric	12-02-1964 karak	01-03-1987	22-5-2007	By Promotion		
21.	Mr. Junaid ur Rehman FA	07-01-1965 Peshawar	28-04-1984	22-5-2007	By Promotion		
22.	Mr. Mir Salam Khan Matric	11-04-1961 Bannu	30-04-1984	22-5-2007	By Promotion		
23.	Mr. Shoukat Ali Matric	03-03-1961. Charsadda	19-03-1986	22-5-2007	By Promotion		
24.	Mr. Faqir Hussain Matric	29-01-1959 Peshawar	13-10-1985	22-5-2007	By Promotion		
25.	Mr. Suleman Shah, M.A	03-05-1965 Bannu	28-11-1986	22-5-2007	By Promotion		

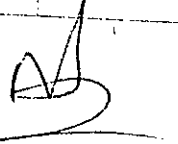
Attested


25.	Mr. Amanullah, Matric	10-03-1963 DIK	02-07-1981	28-5-2007	By Promotion		
26.	Mr. Zulfiqar Ali Shah, MA (Political Science) MA (Islamiyat)	02-08-1980 Peshawar	24-08-2007	24-08-2007	Initial		
27.	Mr. Samin Jan, Matric.	18-08-1956 Peshawar.	23-07-1983	15-09-2007	By Promotion		
28.	Mr. Zehayat ur Rehman Matric.	28-09-1961 Peshawar.	15-10-1985	15-09-2007	By Promotion		
29.	Mr. Wajid Ali, Matric.	03-02-1958 Mardan.	03-12-1980	15-09-2007	By Promotion		
30.	Syed Laiq Ghawas, Matric.	21-04-1966 Mardan.	19-3-1984	15-09-2007	By Promotion		
31.	Mr. Ibni Amin, B.A	01-03-1964 Swabi.	27-01-1985	15-09-2007	By Promotion		
32.	Muhammad Yamin, M.A (Islamiat)	08-08-1964 D.I.Khan.	10-10-1988	15-09-2007	By Promotion		
33.	Muhammad Zahid Khan, D.Com.	13-03-1962 Peshawar.	12-08-1986	15-09-2007	By Promotion		
34.	Mr. Rashid Ullah, B.A	12-03-1960 Thana	26-10-1980	19-09-2007	By Promotion		
35.	Mr. Jehanzeb Khan Matric	01-11-1959 Mardan.	11-08-1985	25-11-2009	By Promotion		
36.	Muhammad Jamil B.A.	08-11-1964 D.I. Khan	18-07-1987	25-11-2009	By Promotion		

Attested


37.	Muhammad Israr F.A.	07-01-1966 Dir.	04-07-1987	25-11-2009	By Promotion		
38.	Mr. Ikram Ullah Matric.	11-03-1966 Peshawar.	16-02-1987	25-11-2009	By Promotion		
39.	Mr. Khair Ullah, BA	09-03-1957 Bannu	12-07-1982	26-11-2009	By Promotion		
40.	Miss. Rizwana Aman, M.A (Islamiat) C.T	05-05-1985 Lakki	15-03-2010	15-03-2010	By Initial		
41.	Muhammad Irfan Shah M.A (Political Science-II)	5-5-1985 SWA	26-10-2010	26-10-2010	By Initial		
42.	Mr. Amin Ullah M.Sc (Physics)	16-11-1986 Mardan	14-10-2010	14-10-2010	By Initial		
43.	Mr. Anwar Sadat M.A. (English/B.Ed.	1-2-1984 Karak	18-10-2010	18-10-2010	By Initial		
44.	Mr. Kamran Khan Afridi M.A. (I.R.)/M.Phil.	28-3-1979 FR Kohat	01-11-2010	01-11-2010	By Initial		
45.	Mr. Shehzad Ali Shah B.Com-II	16-4-1987 Mansehra	01-11-2010	01-11-2010	By Initial		
46.	Mr. Zulkifal Shah, Matric.	3-3-1964 Mardan	12-12-1983	01-02-2013	By promotion		
47.	Nasrullah Khan, B.A.	19-04-1969 Mardan	17-10-1988	01-02-2013	By promotion		
48.	Muhammad Tariq, Matric.	2-1-1965 Peshawar	15-10-1988	01-02-2013	By promotion		
49.	Mr. Asif Kamran i) B.A.	3-08-1985 S.W.A.	01-01-2014	01-01-2014	By initial		

Attested



50.	Mr. Asad Munir i) B.Sc(Hons)	25-09-1989 Peshawar	29-01-2014	29-01-2014	By initial		
51.	Mr. Nauman Faisal i) BBA (Hons)	8-04-1988 Peshawar	31-01-2014	31-01-2014	By initial		
52.	Mr. Fazal Ghaffar i) M.Sc(P/Studies)	16-08-1988 Swat	01-02-2014	01-02-2014	By initial		
53.	Mr. Ahmad Ali, B.Sc (Hons), Economics	03-04-1989 Swabi	04-09-2014	04-09-2014	By initial		
54.	Mr. Khan Zeb, M.A Political Science	02-03-1986 Mohmand Agency	04-09-2014	04-09-2014	By initial		
55.	Mr. Fahim Ullah, BS (Hons) Computer Science	23-01-1986 Peshawar	04-09-2014	04-09-2014	By initial		
56.	Mr. Abdul Wahid, Msc. Geography.	07-01-1990 Chitral	04-09-2014	04-09-2014	By initial		
57.	Mr. Tayyab, BLIS	06-10-1985 Mansehra	04-09-2014	04-09-2014	By initial		

DEPUTY DIRECTOR
(Admn/HR)

AH-10/10/14



PROVISIONAL SENIORITY LIST OF HEAD CLERK / ASSISTANT/ JR: SCALE STENOGRAPHER & STORE SUPERVISOR
 (MCO'S, GTI'S, GPI'S, GCT'S & GTTC IN TECHNICAL EDUCATION & VOCATIONAL TRAINING AUTHORITY AS A STOOD ON 31-12-2016)

Sl. No.	Name of Incumbents with academic qualification.	Date of Birth with Domicile	Date of Ist entry into Govt. Service	Regular appointment / Promotion to the present post.		Place of Duty	Remarks
				Date	Method of Recruitment.		
1. X	Mr. Farman Ali, F.A	01-11-1957 Swabi.	01-06-1982	01-01-2005	By Promotion		
2. X	Mr. Tariq Sher, Matric	12-12-1960 Peshawar	01-01-1986	01-01-2005	By promotion		
3. X	Mr. Hazrat Rehman, D.Com	08-04-1964 Bannu.	17-01-1982	22-5-2007	By Promotion		
4. X	Mr. Abdur Rashid, Matric.	16-02-1964 D.I.Khan.	22-12-1980	22-5-2007	By Promotion		
5.	Mr. Laghal Khan, Matric.	15-01-1962 Chitral.	14-01-1982	22-5-2007	By Promotion		
6. X	Mr. Ruhul Amin, B.A.	10-10-1964 Swabi.	12-04-1982	22-5-2007	By Promotion		
7.	Muhammad Ishaq, B.A./D.Com	15-03-1964 Lakki.	01-03-1983	22-5-2007	By Promotion		
8.	Mr. Zahid Ullah, FA	05-04-1965 Peshawar	14-03-1983	22-05-2007	By Promotion		
9. X	Muhammad Zahid, Matric	20-12-1958 Peshawar.	11-12-1983	22-5-2007	By Promotion		
10.	Mr. Aenuil Haq, Matric	10-05-1964 Peshawar.	24-01-1984	22-5-2007	By Promotion		
11.	Mr. Shoukat Hussain, B.A	12-03-1962 Peshawar	17-01-1986	22-5-2007	By Promotion		
12.	Mr. Tahir Farooq, B.Com	09-01-1963 D.I.Khan.	23-11-1985	22-5-2007	By Promotion		
13	Mr. Ahmad Ali, B.A.	06-06-1968 Bannu	26-02-1987	22-5-2007	By Promotion		

Accepted

[Signature]

						Place of Duty	Remarks
	Khan,	12-02-1964	01-03-1987	22-5-2007	By Promotion		
	Matric	karak					
	Mr. Junaid ur Rehman	07-01-1965	28-04-1984	22-5-2007	By Promotion		
	B.A	Peshawar					
	Mr. Mir Salam Khan	11-04-1961	30-04-1984	22-5-2007	By Promotion		
	Matric	Bannu					
17.	Mr. Shoukat Ali	03-03-1961	19-03-1986	22-5-2007	By Promotion		
	Matric	Charsadda					
18.	Mr. Faqir Hussain	29-01-1959	13-10-1985	22-5-2007	By Promotion		
	Matric	Peshawar					
19.	Mr. Suleman Shah,	03-05-1965	28-11-1986	22-5-2007	By Promotion		
	M.A	Bannu					
20.	Mr. Amanullah,	10-03-1963	02-07-1981	28-5-2007	By Promotion		
	Matric	DIK					
21.	Mr. Zehayat ur Rehman	28-09-1961	15-10-1985	15-09-2007	By Promotion		
	Matric.	Peshawar.					
22.	Mr. Wajid Ali,	03-02-1958	03-12-1980	15-09-2007	By Promotion		
	Matric.	Mardan.					
23.	Syed Laiq Ghawas,	21-04-1966	19-3-1984	15-09-2007	By Promotion		
	Matric.	Mardan.					
24.	Mr. Ibni Amin,	01-03-1964	27-01-1985	15-09-2007	By Promotion		
	B.A	Swabi.					
25.	Muhammad Yamin,	08-08-1964	10-10-1988	15-09-2007	By Promotion		
	M.A (Islamiat)	D.I.Khan.					
26.	Muhammad Zahid Khan,	13-03-1962	12-08-1986	15-09-2007	By Promotion		
	D.Com.	Peshawar.					
27. X	Mr. Rashid Ullah,	12-03-1960	26-10-1980	19-09-2007	By Promotion		
	B.A	Thana					
28. X	Mr. Jehanzeb Khan	01-11-1959	11-08-1985	25-11-2009	By Promotion		
	Matric	Mardan.					
29.	Muhammad Jamil	08-11-1964	18-07-1987	25-11-2009	By Promotion		
	B.A.	D.I. Khan					
30.	Muhammad Israr	07-01-1966	04-07-1987	25-11-2009	By Promotion		
	F.A.	Dir.					

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[Signature]

	Mr. Ikram Ullah Matric.	11-03-1966 Peshawar.	16-02-1987	25-11-2009	By Promotion	Place of Duty
	Miss. Rizwana Aman, M.A (Islamiat) C.T	05-05-1985 Lakki	15-03-2010	15-03-2010	By Initial	
33.	Mr. Kamran Khan Afridi M.A. (I.R.)/M.Phil.	28-3-1979 FR Kohat	10-10-2010	10-10-2010	By Initial	
34.	Muhammad Irfan Shah M.A (Political Science-II)	05-05-1985 SWA	26-10-2010	26-10-2010	By Initial	
35.	Mr. Amin Ullah M.Sc (Physics)	16-11-1986 Mardan	14-10-2010	14-10-2010	By Initial	
36.	Mr. Anwar Sadat M.A. (English/B.Ed.	01-02-1984 Karak	18-10-2010	18-10-2010	By Initial	
37.	Mr. Shehzad Ali Shah B.Com-II	16-4-1987 Mansehra	01-11-2010	01-11-2010	By Initial	الوزير سادات 0346-9091576
38.	Mr. Abdul Majid, B.Com (Stenographer)	03-06-1964 Peshawar	12-10-1988	23.12.2011	Initial	
39.	Mr. Farid Ullah, BA (Stenographer)	20-04-1968 Peshawar	20-11-1989	23.12.2011	Initial	
40.	Mr. Siraj Khan, BA (Stenographer)	02-04-1971 Peshawar.	01-11-1992	23.12.2011	Initial	
41.	Mr. Zulfiqar Ali Shah, MA (Political Science) MA (Islamiyat) (Stenographer)	02-08-1980 Peshawar	24-08-2007	23.12.2011	Initial	
42.	Nasrullah Khan, B.A.	19-04-1969 Mardan	17-10-1988	01-02-2013	By promotion	
43.	Muhammad Tariq, Matric.	2-1-1965 Peshawar	15-10-1988	01-02-2013	By promotion	
44.	Mr. Fazal Ghaffar i) M.Sc (P/Studies)	16-08-1988 Swat	28-12-2013	28-12-2013	By initial	
45.	Mr. Asif Kamran i) B.A.	3-08-1985 S.W.A.	01-01-2014	01-01-2014	By initial	
46.	Mr. Asad Munir i) B.Sc(Hons)	25-09-1989 Peshawar	29-01-2014	29-01-2014	By initial	

Attended

(Signature)

	Nauman Faisal BBA (Hons).	8-04-1988 Peshawar	31-01-2014	31-01-2014	By initial	Place of Duty	Remarks
	Mr. Ahmad Ali, B.Sc (Hons)-Economics	03-04-1989 Swabi	04-09-2014	04-09-2014	By initial		
49.	Mr. Fahim Ullah, BS (Hons) Computer Science	23-01-1986 Peshawar	04-09-2014	04-09-2014	By initial		
50.	Mr. Abdul Wahid, Msc. Geography.	07-01-1990 Chitral	04-09-2014	04-09-2014	By initial		
51.	Mr. Tayyab, BLIS	06-10-1985 Mansehra	04-09-2014	04-09-2014	By initial		

[Signature]
DEPUTY DIRECTOR
(Admn/HR)

To

The Director Technical Education,
NWFP, Peshawar.

SUBJECT:- PROVISIONAL SENIORITY LIST OF JR. CLERKS

R/Sir,

I have the honour to refer to your letter No.DTE/P&D/20-1(Q)/1088(1-56) dated 15.4.1997, & to request you that I was appointed as Jr. Clerk on 14.3.1983. As per your seniority list issued vide No.DTE/admn/1-1(IK)/164(1-56) dated 14.7.1994, my date of entry into Govt. service has been shown as 14.3.1983 in Col. No.6 which is correct but my name has been kept at S.No.18. Whereas it is pointed out that the officials at S.No.2,3,4,5,7,8,9,10,11,12,13,14, 15,16, & 17 have entered into Govt. service after my humble-self & I am senior from all of them and the seniority was given to me w.e.f. 21.9.1988 and during 1982 the seniority was given to the Jr. Clerks vide your Endst No.DTE/Admn/1-1(V)2353(1-38) dated 29.11.1982 from the date of their ~~fact~~ appointment.

Sir, I am a poor man and I am facing great financial hardship due to not given the benefit for six years seniority i.e. from the due date of appointment. Thus I have the hope that your good-self will kind enough to consider my case on compassionate ground & I may be given my seniority in the light of the above facts and obliged.

Thanking in anticipation.

Yours obediently

(Zahidullah)
Sr. Clerk Govt. College of
Commerce, Peshawar.

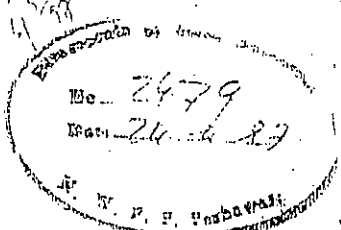
Endst No.GCE/Pesh/530 DATED 22 / 4 / 1997.

Forwarded in original to the Director Technical Education NWFP, Peshawar and strongly recommended for sympathetic consideration and favourable action please.

PRINCIPAL
Govt. College of Commerce,
Peshawar.

*pl. document
to Estt Section
25-4-97
Zahidullah*

*22-4-97
Seniority list*



PROV. JUDICIAL SERVICE LIST OF JUDICIAL CLERKS IN PESHAWAR JUDICIARY DEPARTMENT
AS EMPLOYED UP TO 31.12.1988

Sl. No.	Name	Qualification	Date of Birth & District	Date of entry into Govt. Service	Date of regularization as J.Clerk	Date of attaining 60 years of age	Remarks
32	0	04	25	06	07	08	09
1	Sahibzada Tabasrum سید صاحبزادہ تابسر	Matric	1.12.57 Peshawar	1.12.81	5.1.1986	30.11.2017	
2	Muhammad Sharif محمد شریف	D.Ccm ✓	29.9.55 Peshawar	18.4.81	4.1.1985	28.9.2025	
3	Muhammad Jamil محمد جمیل	Matric ✓	18.8.55 Peshawar	23.7.83	5.1.1985	17.8.2016	
4	Ahmad Ali Khan احمد علی خان	Matric ✓	04.1.64 Karak.	24.2.87	24.2.1987	31.3.2024	
5	Sohbat Khan سہبات خان	Matric ✓	28.9.61 Peshawar	15.10.85	1.7.1985	27.9.2021	
6	Zarnosh Khan زارنوش خان	Matric ✓	3.2.85 Mardan	3.12.80	1.9.1988	2.2.2018	
7	Abdul Dayan عبدل دیان	Matric ✓	3.3.64 Mardan	12.12.83	1.9.1983	2.3.2024	
8	S.Muhammad Ghawas س.محمد گھواس	Matric ✓	26.4.66 Mardan	19.3.84	1.7.1988	25.4.2026	
9	Fida Muhammad فیدا محمد	D.Ccm ✓	12.4.68 Peshawar	10.2.85	1.7.1988	11.4.2028	
10	Niaz Muhammad نیاز محمد	F.A. ✓	16.9.61 Peshawar	17.8.87	1.7.1988	15.9.2021	
11	Madat Khan مدات خان	B.A. ✓	1.3.54 Swabi	27.1.85	1.1.1988	1.3.2024	
12	Safdar Khan سافدار خان	B.Sc ✓	25.5.65 Peshawar	15.10.88	15.10.1988	24.5.2025	
13	Shakir-ud-Din شاکر-الدین	B.A ✓	8.8.64 D.I.Khan	10.10.88	10.10.1988	7.8.2024	

DNo. 246

2.18/7/89

AHester

1999 1991

23

FIFTH SENIORITY LIST OF JUNIOR CLERKS IN THE REGIONAL EDUCATION DEPARTMENT
AS ON 31-12-1983

S.No.	Name of incumbent	Father's Name	Qualification	Date of Birth with domicile	Date of entry into Govt. service	Date of regularization as Junior Clerk	Date of attainment of 50 years of age
1	2	3	4	5	6	7	8
1-	Mrs. Shaheen Tabassum	Azhar Hussain	Matric	1-12-1957 Peshawar.	1.12.81	5.1.1986	30-12-2007
2-	Mr. Mohammad Shahzad	Mohammad Sharif	D.Com	29-9-1965 Peshawar.	18.4.85	4-1-1986	28-9-2025
3-	Mr. Samin Jan	Mohammad Jamil	Matric	28-8-1956 Peshawar.	23.7.83	5-1-1986	27-8-2016
4-	Mr. Ahsan Khan	Ahsad Ali Khan	Matric	4-1-1964 Korai.	24.2.87	24-2-1987	4-202.
5-	Zehayat-ur-Rahman	Sohbat Khan	Matric	28-9-1961 Peshawar.	15-10-1985	1-7-1988	27-9-202.
6-	Mr. Wajid Ali	Zarqosh Khan	Matric	2-2-1968 Korai.	3.12.80	1-7-1988	2-9-20.
7-	Mr. Zulrifal Shah	Abdul Dayan	Matric	2-3-1964 Korai.	12.12.83	1-7-1988	2-3-202.
8-	S. Laiq Ghawes	S. M. Ghawes	Matric	20-4-1966 Korai.	19.3.84	1-7-1988	25-4-202.
9-	Mr. Mogsood Khan	Fida Mohammad	D.Com	26-4-1968 Peshawar.	10-2-85	1-7-1988	10-4-2028
10-	Mr. Ehsanullah	Miaz Mohammad	B.A.	16-9-1961 Peshawar.	17-2-87	1-7-1988	21-2-202.
11-	Mr. Akmal Amin	Mudat Khan	B.A.	12-12-61 Korai.	27.2.85	1-7-1988	28-2-202.
12-	Mr. Aminullah	Saidat Khan	B.Sc.	22-1-1965 Peshawar.	15.10.86	15-10-1988	21-5-2025

Better COPY Pcs (23)

2	3	4	5	6	7	8	9
Mr. Muhammad Yamin	Shahin-ur-Din	B.A.	<u>8-3-1966</u> D.I. Khan	10-10-1988	10-10-1988	7-3-2024	
Mr. Saqibullah	Ali Saif	D.Com.	<u>25-2-1965</u> Mardan.	18-10-1988	18-10-1988	24-2-2025	
Mr. Muhammad Israr	Misal Mohammad	B.A. D.Com.	<u>10-7-1969</u> Mardan.	16-10-1988	16-10-1988	9-4-2023	
Mr. Saifullah Khan	Mohammad Ghulam	B.A.	<u>16-4-1961</u> Sannu.	10-10-1987	22-9-1988	15-4-2021	
Mr. Muhammad Zahid Khan	M. Sadiq Khan	D. Com.	<u>13-3-1962</u> Peshawar.	12-8-1986	1-10-1988	12-3-2022	
Mr. Zahidullah	Munirshid Khan	F.A.	<u>5-4-1965</u> Peshawar.	14-3-1983	21-9-1988	07-4-2025	
Mr. Rashidullah	Ajar Khan	B.A.	<u>12-3-1960</u> Mtd. Agency.	26-10-1980	1-1988	11-3-2020	
Mr. Jehan Zeb Khan	M. Anwar Khan	Matric	<u>1-11-1959</u> Mardan.	11-8-1985	21-9-1988	31-10-2019	
Mr. Muhammad Ibrahim	Dilbar Khan	Matric	<u>20-11-1962</u> Peshawar.	26-7-1987	12-10-1988	19-11-2022	
Mr. Abul Rashid	Abdur Rehman	Matric	<u>11-3-1963</u> Haripur	16-8-1983	17-10-1988	10-3-2023	
Mr. Muhammad Jawid	Imam Bakhsh	B.A.	<u>8.11.1964</u> D.I. Khan.	18.7.1987	15-10-1988	7-11-2024	
Mr. Muhammad Israr	Mohammad Sahib- ul Haq.	F.A.	<u>7-1-1966</u> Dir.	4-7-1987	12-10-1988	6-1-2026	
Mr. Saifullah	Banat Khan	Matric	<u>11-3-1966</u> Peshawar	16-2-1987	12-10-1988	10-3-2026	
Mr. Shahid Ali Khan	Mohammad Akram	Matric	<u>12-4-1968</u> Peshawar.	21-9-1988	21-9-1988	11-4-2028	
Mr. Muhammad Khan	Mohibullah	F.A.	<u>19-4-1969</u> Mardan.	17-10-1988	17-10-1988	18-4-2023	

14.	Saqibullah	Ali Said	D.Com	25.2.65 Mardan	18.10.88	18.10.1988	24.2.2025
15.	Muhammad Israr	Misal Muhammad	D.Com	10.4.69 Mardan	16.10.88	16.10.1988	9.1.2029
16.	Saifullah Khan	Muhammad Ghulam	B.A.	16-4-61 Hannu	10.10.87	22.9.1988	15.4.2021
17.	Muhammad Zahid Khan	M. Sadiq Khan	Matric	13.3.62 Peshawar	12-8-86	1.10.1988	12.2.2022
18.	Zahidullah	Khurshid Khan	F.A.	5.4.63 Peshawar	14.3.83	21.9.1988	4.4.2025
19.	Rashidullah	Ajar Khan	F.A.	12.3.68 Swat	26.10.80	21.9.1988	11.3.2020
20.	Jehanzeb Khan	M. Anwar Khan	Matric	1.11.59 Mardan	11.8.85	21.9.1988	31.10.2019
21.	Muhammad Ibrahim	Dilbar Khan	Matric	20.11.62 Peshawar	26.7.87	12.10.1988	19.11.2022
22.	Abdul Rashid	Abdur Rehman	Matric	11.3.63 Haripur	16.8.83	17.10.1988	10.3.2023
23.	Muhammad Jamil	Imam Bakhsh	B.A.	8.11.64 D.I. Khan	18.7.87	15.10.1988	7.11.2024
24.	Muhammad Israr	Mohd. Sahibul Haq	Matric	1.1.66 M.R.	4.7.87	12.10.1988	8.1.2026
25.	Ikramullah	Banaat Khan	Matric	11.3.68 Peshawar	15.2.87	12.10.1988	10.3.2026
26.	S. Shaksal Ahmad	Muhammad Akram	Matric	12.4.68 Peshawar	21.9.88	21.9.1988	11.4.2028
27.	Nasrullah	Mohd. Abdullah	Matric F.A.	19-4-69 Mardan	17.10.88	17.10.1988	18.4.2029
28.	Muhammad Tariq	- Jumna Khan	Matric	1-7-65 Peshawar	15.10.88	13.10.1988	1.1.2025

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Contd: on. P/3.

1	2	3	4	5	6	7	8	9
29.	Fazal Wahab	Abdul Hakim	Matric	<u>1.8.62</u> Swat	17.10.88	17.10.1988	31.7.2022	
30.	Muhamma Usman.	Shamsul Usman	Matric/ C.Com	<u>25.10.67</u> Bannu	21.9.88	21.9.1988	24.10.2027	
31.	Hafiz-ur-Rehman	Din Muhammad	Matric	<u>15.2.66</u> A/Abad.	18.10.88	18.10.1988	14.2.2026	
32.	Taj Muhammad	Malang Khan	D.Com B.A.	<u>21.3.64</u> Peshawar.	19.10.88	19.10.1988	20.3.2024	need to check
33.	Amir Muntaz	Hamzullah Khan	D.Com	<u>18.7.67</u> Bannu.	21.9.88	21.9.1988	17.7.2027	
34.	Bahadar Khan	Mohibullah	Matric	<u>1.5.58</u> Bannu.	14.3.78	21.9.1988	30.4.2018	
35.	Muhammad Yqbal	Hamidullah Jan	B.A.	<u>15.4.68</u> Bannu.	17.10.88	17.10.1988	14.4.2028	
36.	Gul Dad Khan	Naeem Shah	C.Com	<u>7.2.71</u> Peshawar	2.12.89	2.12.1989	6.2.2031	
37.	Muhammad Yasin	Muhammad Akbar.	D.Com	<u>10.2.67</u> D.I.Khan.	6.12.89	6.12.1989	9.2.2027	
38.	Fazle Subhan.	Fazli Mabood.	B.A.	<u>1.12.65</u> Mardan.	2.12.89	2.12.89	30.11.2025	
39.	Fazli Ghani.	M.C.Jillani	Matric	<u>1.3.69</u> Swabi.	2.12.89	2.12.1989	28.2.2029	
40.	Muntaz Khan	Muhammad Akram.	D.Com	<u>21.9.69</u> Bannu.	7.12.89	7.12.1989	20.9.2029	
41.	Muhammad Ayub	Muhammad Yaseen.	D.Com	<u>1.4.64</u> D.I.Khan.	2.12.89	2.12.1989	31.3.2024	
42.	Muhammad Naem	Allah Nawaz.	D.Com	<u>1.12.65</u> D.I.Khan.	6.12.89	6.12.1989	30.11.2025	
43.	Sibghatullah	Mahabat Khan.	Matric	<u>15.10.69</u> Peshawar.	30.12.89	30.12.1989	14.10.2029	

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1	2	3	4	5	6	7	8
59- Abdul Hamid Shah	Shamsul Islam	D.Com	25-5-69 Bannu.	9-9-1990	9-9-1990	24.5.2029.	
60- Aleem Jan.	Sakhi Jan.	Matric	01-1-65 Mardan.	10-9-1990	10-9-1990	31-12-2025.	
61- Firdus Khan.	Khan Dost.	D.Com	25-8-72 Peshawar	10-9-1990	10-9-1990	24-8-2032.	
62- Ikramullah.	Niamatullah.	F.A.	04-9-67 D.I. Khan.	15-9-1990	15-9-1990	03-9-2027.	
63- Sajjad Ali Khan.	Sher Ali Khan.	Matric.	20-2-70 Karak.	31-1-1991	31-1-1991	19-2-2030	
64- Attaullah Farooqi	Ghulam Qadir	Matric	15-3-53 D.I. Khan.	31-12-81	06-3-1991	14-3-2013.	
65- Sardar Muhammad	Bakht Sardar.	Matric	5.5.57 Swat.	01-9-1986	16-3-1991	05-5-2017.	
66- Muhammad Suleman	Gul Zaman.	Matric	01.2.52 A/Abad.	2.9.1980	17.3.1991	31.1.2012.	
67- Muhammad Zahid.	Abdul Jabar.	B.A. LLB.	01.1.58 Swabi.	3.10.1983	1.7.1992	31.12.2018.	
68- Miss Shaheen Tilla	Tila Muhamad.	Matric	1.9.60 Peshawar.	23.5.1984	1.7.1992	31.8.2020.	
69- Miss: Bahreen Bibi	Muhammad Noor.	Matric	07.2.62 Peshawar.	19.5.1987	1.7.1992	06.2.2012.	
70- Qismatullah.	Shah Jehan.	Matric	13.2.70 Tank.	16.9.1990	1.7.1992	12.2.2030.	

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45.	Muhammad Nisar	M.Roidar Khan.	Matric	2.3.69 Bannu.	2.12.89	2.12.1989	1.3.2029
46.	Altat-ur-Rehman.	Khalil-ur-Rehman	Matric	1.5.67 Mansehra.	1.2.1990	01.2.1990	30.4.2024
47.	Muhammad Islam	Muhammad Usman.	Matric	9.2.61 Swabi.	9.12.89	9.12.1989	08.2.2021
48.	M.Izhar Babar	M.Nisar Babar.	Matric	16.11.59 Peshawar.	11.12.89	11.12.1989	16.11.2019
49.	Muhammad Aslam	Daud Khan.	Matric	2.11.63 A/Abad.	7.8.86	2.12.1989	1.11.2023
50.	Saleh Jan	Abdul Manan	Matric	15.12.67 Peshawar.	5.12.89	5.12.1989	14.12.2027
51.	Noor-ul-Bashar	Ghulam Abbas	Matric	9.5.68 Peshawar.	12.12.89	12.12.1989	8.5.2028.
52.	Fazli Rahim	Amir Khan.	D.Com	16.3.68 Dir.	2.12.89	2.12.1989	15.3.2028
53.	Niamatullah	M.John Sheh.	D.Com	10.1.67 Bannu.	11.1.1990	11.1.1990	09.1.2027
54.	Ismail	Jan Muhammad.	Matric	16.9.71 Peshawar.	31.3.1990	31.3.1990	15.9.2031
55.	Noor-ul-Islam.	Muhammad Nasim	Matric	31.1.70 Bannu.	1.4.90	01.4.1990	30.1.2030
56.	Javed Iqbal	Rab Nawaz.	Matric	1.3.71 Swabi	8.9.90	8.9.1990	28.2.2031
57.	Raziq Nawaz	Sher Gul.	D.Com	13.9.71 Bannu.	8.9.90	8.9.1990	12.9.2031
58.	Azan Jan	Faqir Muhammad	Matric	28.3.69 Peshawar.	09.9.90	09.9.1990	27.3.2029
	Muhammad Jamil	Majidullah	D.Com	18.3.71 Malakand.	9.9.90	9.9.1990	17.3.2031

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phar Iqbal	Mir Hawas Khan.	Matric	1.12.78	31.3.1993	31.3.1993	7.2.2029
75- Wajid Ali.	Iqbal Khalil.	B.A.	11-12-73	1.2.1993	1.2.1993.	30.9.2028
76- Shamsheer Ali.	Sher Ghani Khan.	Matric	20.1.70	1.2.1993	1.2.1993	10.12.2033
77- Gohar Ali.	Nadir Khan.	Matric	11.2.73	3.2.1993	3.2.1993.	19.1.2030
78- Umar Khan.	Said Rahim.	B.A.	1.3.65	7.2.1993	7.2.1993	10.2.2035
79- Muhammad Yousof.	Ali Khan.	Matric.	4.2.74	7.2.1993	7.2.1993	28.2.2025
80- Muhammad Mustafa.	Muhammad Karam	D.Com.	28.4.70	7.2.1993	7.2.1993	3.2.2034
81- Aurangzeb.	Habib Ullah.	B.A.	09.1.64	7.2.1993	7.2.1993	27.4.2030
82- Zahid Ahmed Khan.	Fazal Din.	D.Com..	1.9.70	7.2.1993	7.2.1993	08.1.2024
83- Muhammad Akbar.	Manzoor Ahmad.	Matric.	15.7.70	9.2.1993	9.2.1993.	31.8.2030
84- Zakir Hussain.	Muhammad Akbar	Matric.	3.2.70	14.3.1993	14.3.1993.	14.7.2030
85. Muhammad Shafi.	Khadim Hussain.	D.Com.	15.8.71	15.3.1993.	15.3.1993.	2.2.2030.
	Muhammad Rashid.	B.Com.	05.3.72	15.3.1993.	15.3.1993.	14.8.2031.
		B.A.	28-7-65	17.3.1993.	17.3.1993.	04.3.2032.
			Bamu.			27.7.2025.

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86-	Inayat Rehman	B.A.	5-10-1970	Charwadra	12-4-1993	6
87-	Fazal Rehman	B.A.	01-1-1963	Khari	12-10-1993	7
88-	Muhammed Rahim	Matric	10-11-1963	Khari	23-10-1993	8
89-	Muhammed Latif	D.Com	2-1-1969	Chitral	23-10-1993	
90-	Zulfiqar Ali	D.Com	05-4-1972	Appotabad	23-10-1993	
1-					4-10-2030	
2-					31-12-2023	
3-					9-11-2023	
4-					01-1-2029	
5-					04-4-2032	

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The heads of all Colleges/Institutes in H.M.P. They are requested to circulate the Provisional S/List from amongst the concerned staff of your Institution and get it noted from them. In case there is any objection on the said list, the aggrieved person should route an appeal within 30 days of the issue of this list. No appeal/representation will be accepted after the target period.

The Institutions headed by Ministry of Women Development Islamabad have been provisionally S/List in accordance with the instructions contained in Govt: OF P.T.E.S. in the S/List in accordance with the instructions contained in Govt: OF P.T.E.S. Department Notification No. SO (III) / 20-10/89 dt. 08-3-1994.

Officials concerned.

2
Sd/-
M. I. Khan
Director

6.2.2083
P. Ashraf

Page No.

TENTATIVE SENIORITY LIST OF ASSISTANT (BPS-16) IN THE KHYBER PAKHTUNKHWA TECHNICAL EDUCATION AND VOCATIONAL TRAINING AUTHORITY, AS STOOD ON 25-04-2019.

Sr.No	Name of incumbent with academic qualification	Date of birth with domicile	Date of 1st entry into Govt. service	Regular appointment / promotion to the present post.			Present Posting	Remarks
				Date	BPS	Method of recruitment		
1	Mr. Tariq Sfir, Matric	12-12-1960 Peshawar	01-01-1982	01-01-2005	16	By promotion	GTI BARA	
2	Mr. Hazrat Rehman, D.Com. B A	08-04-1964 Bannu.	17-01-1982	22-5-2007	16	By Promotion	GCT Peshawar	
3	Mr. Abdur Rashid, Matric.	16-02-1964 D.Khailan.	23-12-1980	22-5-2007		By Promotion	GPI HARPUR	
4	Mr. Kunad Amin, B.A.	10-10-1964 Swabi.	12-04-1982	22-5-2007	16	By Promotion	GCT SWABI	
5	Muhammad Ishaq, B.A./D.Com.	15-03-1964 Lakki.	01-03-1983	22-5-2007	16	By Promotion	KP-TEVTA	
6	Mr. Ainul Haq, Matric	10-05-1964 Peshawar.	24-01-1984	22-5-2007	16	By Promotion	GCT ABTD	
7	Mr. Lughal Khan, Matric.	15-01-1962 Chitral.	14-01-1982	22-5-2007	16	By Promotion	GTVC Chitral	
8	Mr. Shoukat Hussain, B.A	12-03-1962 Peshawar	17-10-1982	22-5-2007	16	By Promotion	GCT NOWSHERA	
9	Mr. Ahmad Ali, B.A	06-06-1968 Bannu	26-02-1987	22-5-2007	16	By Promotion	GCT KOHAT	
10	Mr. Zar Khan, Matric	12-02-1964 karak	01-03-1987	22-5-2007	16	By Promotion	GPI KARAK	
11	Mr. Junaid ur Rehman FA	07-01-1965 Peshawar	28-04-1984	22-5-2007	16	By Promotion	KP-TEVTA	
12	Mr. Zahid Ullah, FA OMS Training STI 2 week	05-04-1965 Peshawar	14-03-1983	22-05-2007	16	By Promotion	GTVC-W Hayatabad	

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11-04-1961 Bannu	30-04-1984	22-5-2007	16	By Promotion	GTVC (B) BANNU
03-03-1961 Charsadda	19-03-1986	22-5-2007	16	By Promotion	GCT TANGI
03-05-1965 Bannu	28-11-1986	22-5-2007	16	By Promotion	GCT BANNU
10-03-1963 DIK	02-07-1981	28-5-2007	16	By Promotion	GTVC-DI KHAN
28-09-1961 Peshawar.	15-10-1985	15-09-2007	16	By Promotion	KP-TEVTA H/O
21-04-1966 Mardan.	19-3-1984	15-09-2007	16	By Promotion	EE MARDAN
01-03-1964 Swabi.	27-01-1985	15-09-2007	16	By Promotion	GTVC JEHANGIRA
08-08-1964 D.I.Khan.	10-10-1985	15-09-2007	16	By Promotion	GPI W DIKHAN
13-03-1962 Peshawar.	12-08-1986	15-09-2007	16	By Promotion	KP-TEVTA H/O
12-03-1960 Thana	26-10-1980	19-09-2007	16	By Promotion	GPI MALAKAND
01-11-1959 Mardan.	11-08-1985	25-11-2009	16	By Promotion	GPI MARDAN
11-03-1966 Peshawar.	16-02-1987	25-11-2009	16	By Promotion	GATC Peshawar
08-11-1964 D.I. Khan	18-07-1987	25-11-2009	16	By Promotion	GCT D I KHAN
07-01-1965 Dir.	04-07-1987	25-11-2009	16	By Promotion	EE Thana
05-05-1985 Lakki	15-03-2010	15-03-2010	16	By Initial	GPI LAKKI
05-05-1985 SWA	26-10-2010	26-10-2010	16	By Initial	GTVC B. HANGU
16-11-1986 Mardan	14-10-2010	14-10-2010	16	By Initial	GPI TAKHTBAI MARDAN

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13.	Mr. Mir Salam Khan Matric	11-04-1961 Bannu	30-04-1984	22-5-2007	16	By Promotion	GTVC (B) BANNU
14.	Mr. Shoukat Ali Matric	03-03-1961 Charsadda	19-03-1986	22-5-2007	16	By Promotion	GCT TANGI
15.	Mr. Suleman Shah, M.A	03-05-1965 Bannu	28-11-1986	22-5-2007	16	By Promotion	GCT BANNU
16.	Mr. Amanullah, Matric	10-03-1963 DIK	02-07-1981	28-5-2007	16	By Promotion	GTVC D I KHAN
17.	Mr. Zehayat ur Rehman Matric.	28-09-1961 Peshawar.	15-10-1985	15-09-2007	16	By Promotion	KP-TEVTA H/O
18.	Syed Laiq Ghawas, Matric.	21-04-1966 Mardan.	19-3-1984	15-09-2007	16	By Promotion	EE MARDAN
19.	Mr. Ibni Amin, B.A	01-03-1964 Swabi.	27-01-1985	15-09-2007	16	By Promotion	GTVC JEHANGIRA
20.	Muhammad Yamin, M.A (Islamiat)	08-08-1964 D.I.Khan.	10-10-1988	15-09-2007	16	By Promotion	GPI W DIKHAN
21.	Muhammad Zahid Khan, D.Com.	13-03-1962 Peshawar.	12-08-1986	15-09-2007	16	By Promotion	KP-TEVTA H/O
22.	Mr. Rashid Ullah, B.A	12-03-1960 Thana	26-10-1980	19-09-2007	16	By Promotion	GPI MALAKAND
23.	Mr. Jehanzeb Khan Matric	01-11-1959 Mardan.	11-08-1985	25-11-2009	16	By Promotion	GPI MARDAN
24.	Mr. Ikram Ullah Matric.	11-03-1966 Peshawar.	16-02-1987	25-11-2009	16	By Promotion	GATC Peshawar
25.	Muhammad Jamil B.A.	08-11-1964 D.I. Khan	18-07-1987	25-11-2009	16	By Promotion	GCT D I KHAN
26.	Muhammad Israr F.A.	07-01-1966 Dir.	04-07-1987	25-11-2009	16	By Promotion	EE Thana
27.	Miss. Rizwana Aman, M.A (Islamiat) C.T	05-05-1985 Lakki	15-03-2010	15-03-2010	16	By Initial	GPI LAKKI
28.	Muhammad Irfan Shah M.A (Political Science-II)	05-05-1985 SWA	26-10-2010	26-10-2010	16	By Initial	GTVC B HANGU
29.	Mr. Amin Ullah M.Sc (Physics)	16-11-1986 Mardan	14-10-2010	14-10-2010	16	By Initial.	GPI TAKHTBAI MARDAN



Annex
E-32-35

KHYBER PAKHTUNKHWA
Technical Education & Vocational Training Authority (KP-TEVTA)
5-771, Old Bara Road, University Town Peshawar
Web: www.kptevta.gov.pk



TENTATIVE SENIORITY LIST OF ASSISTANT (BPS-16) IN THE KHYBER PAKHTUNKHWA TECHNICAL EDUCATION AND VOCATIONAL TRAINING AUTHORITY, AS STOOD ON 16-02-2021.

Sr. No	Name of incumbent with academic qualification	Date of birth with domicile	Date of entry into Govt. service on Regular Basis	Regular appointment / promotion to the present post.			Present Posting	Remarks
				Senior Clerk	Assistant	Method of recruitment.		
1.	Mr. Hazrat Rehman, D.Com. B A	08-04-1964 Bannu.	04-01-1986	17-10-1989	22-5-2007	By Promotion	GCT Peshawar	
2.	Mr. Ruhul Amin, B.A.	10-10-1964 Swabi.	05-01-1986	17-10-1989	22-5-2007	By Promotion	GCT Swabi	
3.	Muhammad Ishaq, B.A./D.Com	15-03-1964 Lakki.	05-01-1986	17-10-1989	22-5-2007	By Promotion	KP-TEVTA H/O	
4.	Mr. Laghal Khan, Matric.	15-01-1962 Chitral.	05-01-1986	07-03-1993	22-5-2007	By Promotion	GIVC (B) Chitral	
5.	Mr. Shaukat Hussain, B.A	12-03-1962 Peshawar	07-02-1987	07-03-1993	22-5-2007	By Promotion	GPI (W) Hayatabad	
6.	Mr. Ainul Haq, Matric	10-05-1964 Peshawar.	07-02-1987	21-02-1990	22-5-2007	By Promotion	GCT ABTD	
7.	Mr. Ahmad Ali, B.A.	06-06-1968 Bannu	07-02-1987	07-03-1993	22-5-2007	By Promotion	GCT KOHAT	
8.	Mr. Zar Khan, Matric	12-02-1964 Karak	07-02-1987	07-03-1993	22-5-2007	By Promotion	GPI KARAK	
9.	Mr. Junaid ur Rehman FA	07-01-1965 Peshawar	28-04-1984	10-05-1993	22-5-2007	By Promotion	KP-TEVTA H/O	
10.	Mr. Mir Salam Khan Matric	11-04-1961 Bannu	03-01-1986	10-05-1993	22-5-2007	By Promotion	GCT-BANNU	
11.	Mr. Shoukat Ali Matric	03-03-1961 Charsadda	19-03-1986	10-05-1993	22-5-2007	By Promotion	GCT TANGI	
12.	Mr. Suleman Shah, M.A	03-05-1965 Bannu	07-02-1987	22-09-1993	22-5-2007	By Promotion	GCT BANNU	
13.	Mr. Aman Ullah, Matric	10-03-1963 DIK	01-01-1986	14-07-1990	28-5-2007	By Promotion	GIVC DI KHAN	

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	Mr. Zehayat ur Rehman, Matric.	28-09-1961 Peshawar.	07-02-1987	28-11-1994	15-09-2007	By Promotion	KP-TEVTA H/O	33
15.	Syed Laiq Ghawas, Matric.	21-04-1966 Mardan.	07-02-1987	28-11-1994	15-09-2007	By Promotion	EE MARDAN	
16.	Mr. Abni Amin, B.A	01-03-1964 Swabi.	11-10-1987	28-11-1994	15-09-2007	By Promotion	- GTVC (B) Jehangira	Detailed GCT Swabi
17.	Muhammad Yamin, M.A (Islamiat)	08-08-1964 D.I.Khan.	21-09-1988	24-10-1995	15-09-2007	By Promotion	Emp/Exchange D.I.Khan	Adjust against of Com: Optr
18.	Muhammad Zahid Khan, D.Com.	13-03-1962 Peshawar.	21-09-1988	24-10-1995	15-09-2007	By Promotion	KP-TEVTA H/O	
19.	Mr. Zahid Ullah, FA OM Training STI 2 week	05-04-1965 Peshawar	21-09-1988	24-10-1995	15-09-2007	By Promotion	GTVC (W) Hayatabad	
20.	Muhammad Jamil B.A.	08-11-1964 D.I. Khan	21-09-1988	10-07-1996	25-11-2009	By Promotion	GCT D I KHAN	
21.	Muhammad Israr F.A.	07-01-1966 Dir.	21-09-1988	10-07-1996	25-11-2009	By Promotion	GPI W Timergara	
22.	Miss. Rizwana Aman, M.A (Islamiat) C.T	05-05-1985 Lakki	15-03-2010		15-03-2010	By Initial	GPI W D I K	
23.	Muhammad Irfan Shah M.A (Political Science-II)	05-05-1985 SWA	13-10-2010		13-10-2010	By Initial	GTVC B HANGU	
24.	Mr. Amin Ullah M.Sc. (Physics)	16-11-1986 Mardan	13-10-2010		13-10-2010	By Initial	GPI TAKHTBAI MARDAN	
25.	Mr. Anwar Sadat M.A. (English/B.Ed.	01-02-1984 Karak	13-10-2010		13-10-2010	By Initial	GTVC (B) Gul Bahar	
26.	Mr. Kamran Khan Afridi M.A. (I.R.)/M.Phil.	28-3-1979 FR Kohat	13-10-2010		13-10-2010	By Initial	KP-TEVTA H/O	
27.	Mr. Shehzad Ali Shah B.Com-II	16-4-1987 Mansehra	13-10-2010		13-10-2010	By Initial	GTVC B MANSEHRA	
28.	Mr. Asad Munir Khan i) B. Sc (Hons)Eco, MA Poli Sci ii) 01 Month Office Management Training STI iii) 2 week Training GITC	25-09-1989 Peshawar	28-01-2013		28-01-2013	By initial	GTVC (B) Tank	Deputation
29.	Mr. Fazal Ghaffar i) M.Sc. (P/Studies)	16-08-1988 Swat	28-01-2013		28-01-2013	By initial	GCT Swat	
30.	Mr. Nauman Faisal BBA (Hons).	8-04-1988 Mohmand	28-01-2013		28-01-2013	By initial	KP-TEVTA H/O	
31.	Nasrullah Khan, B.A.	19-04-1969 Mardan	21-09-1988	13-03-1997	01-02-2013	By promotion	Emp/ Exchange Swabi	Adjust against of Manager
32.	Muhammad Tariq, Matric.	2-1-1965 Peshawar	21-09-1988	13-03-1997	01-02-2013	By promotion	FATA TE	

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	Mr. Ahmad Ali, B. Sc (Hons)/, Eco, MPhil Eco DIT	03-04-1989 Swabi	04-09-2014		04-09-2014	By initial	GPI Sardar Garhi	
34.	Mr. Fahim Ullah, BS (Hons) Computer Science	23-01-1986 Peshawar	04-09-2014		04-09-2014	By initial	FATA TE	
35.	Mr. Abdul Wahid, i. MSc. Geography ii. B.Ed. ii) 01 Month Office Management Training STI	07-01-1990 Chitral	04-09-2014		04-09-2014	By initial	Emp/ Exchange Nowshera	Adjust against of Manager
36.	Saif Ullah Khan, FA	16.04.1961 Karak	10.10.1987	11.11.1995	24-08-2020	By promotion	GPI Satta Kurram	
37.	Hafeez ur-Rehman, D.Com	15.2.1966 Lakki	18.10.1988	09.05.2000	24-08-2020	By promotion	GPI Mansehra	
38.	Taj Muhammad BA	21.3.1964 Mohmand	19.10.1988	09.05.2000	24-08-2020	By promotion	GPI Ekka Ghund Mohmand	
39.	Amir Mumtaz D.Com	18.7.1967 Bannu	21.9.1988	09.05.2000	24-08-2020	By promotion	GTVC (B) Bannu	
40.	Mazhar Ahmad Matric	04.05.1964 Peshawar	01.01.1986	23.10.2002	24-08-2020	By promotion	GPI (W) Timergara	
41.	S. Iqtidar Hussain Shah BA	02.04.1964 DIK	26.4.1986	31.07.2003	24-08-2020	By promotion	GTVC (B) Haripur	
42.	Muhammad Iqbal BA	15.4.1968 Bannu	17.10.1988	29.10.2003	24-08-2020	By promotion	Emp/ Exchange Bannu	Adjust against of Manager
43.	Gul Dad D.Com	07.02.1971 Peshawar	02.12.1989	29.10.2003	24-08-2020	By promotion	CCT Peshawar	Adjust against of Supdt
44.	Gul Badshah MA	01.9.1966 Peshawar	29.5.1988	20.01.2004	24-08-2020	By promotion	KP-TEVTA Head Office	
45.	Muhammad Yaseen MA (Islamiyat) DIT	10.2.1967 DIK	06.12.1989	01.01.2005	24-08-2020	By promotion	GTVC (B) Ghazni Khel	
46.	Janif Ullah FA	14.8.1973 Peshawar	28.7.1996	01.01.2005	24-08-2020	By promotion	FATA Directorate	
47.	Fazal Ghani Matric	01.03.1969 Swabi	02.12.1989	01.06.2005	24-08-2020	By promotion	GATAC Peshawar	
48.	Muhammad Ayub Ansari D-Com	01.4.1964 DIK	02.12.1989	01-06-2005	24-08-2020	By promotion	GTVC (B) Hangu	
49.	Noor Ul Bashir FA STI 01-month Management C & M 01 week course	09.05.1968 Nowshera	12.12.1989	28.05.2007	24-08-2020	By promotion	GPI Mardan	
50.	Gul Basher Khan FA STI 01 month Management 01 Year Diploma in Computer	12.2.1965 Nowshera	14.5.1988	28.5.2007	24-08-2020	By promotion	GTVC(B) Hatyan	
51.	Sher Zemin FA	14.4.1969	25.5.1988	28.5.2007				

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53.	Noor Ul Islam Matric Raziq Nawaz D.Com	31.01.1970 Bannu	01.04.1990	28.5.2007	24-08-2020	By promotion	SDC Baifagram	
54.	Aleem Jan Matric	13.09.1971 Bannu	08.09.1990	28.5.2007	24-08-2020	By promotion	GTVC (B) Palodheri Mardan	
55.	Ikram Ullah FA	01.01.1965 Mohmand	10.9.1990	28.5.2007	24-08-2020	By promotion	GCT Nowshera	
56.	Sajjad Ali Matric	04.9.1967 DIK	15.9.1990	28.5.2007	24-08-2020	By promotion	GCT Timergara	
57.	Muhammad Ali Jan Matric	20-02-1970 Karak	31.01.1991	5.11.2008	24-08-2020	By promotion	GTVC (B) Karak	
58.	Javid FA	05.02.1967 Swat	19.10.1988	5.11.2008	24-08-2020	By promotion	Emp/Exchange Mingora Swat	Adjust against the Manager
59.	Sher Nawaz Khan Matric	01.06.1964 Lakki	16.8.1989	5.11.2008	24-08-2020	By promotion	GPI Batkhela	
				5.11.2008	24-08-2020	By promotion	GPI Lakki	

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DEPUTY DIRECTOR (ESTT).

JUNAID/...

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SERVICE QUALIFYING FOR PENSION

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. Rule.2.1

SERVICE RENDERED AFTER RETIREMENT ON SUPERANNUATION PENSION.

Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity. Note below Rule - 2.1

3. **Beginning of Service:** Subject to any special rules, the service of Civil servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.
Rule 2.2.

4. **Temporary and officiating service:** Temporary and officiating service shall count for pension as indicated below:

- i) Civil servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and
- ii) temporary and officiating service followed by confirmation shall also count for pension or gratuity. Rule 2.3.

CLARIFICATION OF PHRASE - QUALIFYING SERVICE

Temporary and officiating service followed by confirmation or temporary/officiating service exceeding five years qualifies for pension.

Some confusion seems to exist in some quarters as to how condonation of interruptions between two spells of temporary/officiating service may be regulated under Rule 2.12(1) of the West Pakistan Civil Services Pension Rules. According to Rule 2.3 ibid temporary and officiating service followed by confirmation or temporary/officiating service exceeding five years counts for pension/gratuity. The provisions of Rules 2.12(1) take effect only in those cases where the Government servant had prior to the interruption rendered periods of qualifying service and it is considered fit to permit him to count certain past qualifying service towards pension/gratuity. The condonation of interruptions in service with a view to allowing past Non-qualifying temporary/officiating service to qualify for pension/gratuity under Rule 2.3 is not permissible. In other words condonation of interruptions for pension/gratuity in temporary/officiating service is permissible only where the broken period of temporary/officiating service is qualifying i.e. it exceeds five years or is followed by confirmation. Where neither condition is fulfilled, condonation of interruptions is not permissible. To make it more clear the following illustrations are given:-

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Annexure F

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SERVICE QUALIFYING FOR PENSION

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. Rule 2.1.

SERVICE RENDERED AFTER RETIREMENT ON SUPERANNUATION PENSION.

Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity. Note below Rule - 2.1

3. **Begining of Service:** Subject to any special rules, the service of Civil servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.
Rule 2.2.

4. **Temporary and officiating service:** Temporary and officiating service shall count for pension as indicated below:-

- i) Civil servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and
- ii) temporary and officiating service followed by confirmation shall also count for pension or gratuity. Rule 2.3.

CLARIFICATION OF PHRASE - QUALIFYING SERVICE

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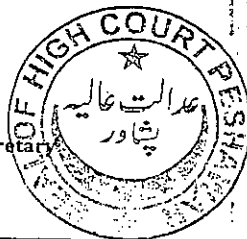
JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

WP No. 5195-P/2017.

Gohar Zaman and others

Vs

Government of Khyber Pakhtunkhwa through Secretary
Education and others.



Date of hearing 11.09.2018

Petitioner (by) Muhammed Arif Jam Advo case

Respondent (by) Rob Nawaz Khan ADG

JUDGMENT

MUSARRATHILALI 1- Petitioners, Gohar-Zaman and others, through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, have prayed that respondents may be directed to count the temporary services of the petitioners with effect from their initial recruitment to 01.07.2008 towards their regular service for the purpose of grant of pension and they may be allowed pension and other terminal benefits.

2. In essence, it is the petitioners' case that they were appointed as Chowkidars/Sweepers (Class-IV)

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Peshawar High Court

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in different Schools of the respondents' department on fixed pay. It is averred in the petition that vide Circular letter dated 29.01.2008 of the Government of Khyber Pakhtunkhwa, Finance Department, whereby services of all the employees on fixed pay were regularized w.e.f. 01.07.2008, however, they were allowed fixation of pay from the date of their initial appointment but without arrears. It is also averred in the petition that the petitioners were retired after attaining the age of superannuation, however, when their pension papers were prepared and sent to the District Comptroller of Accounts for processing the case of pension, their services were counted w.e.f. 01.07.2008 i.e. the date of their regularization of service. Petitioners approached the respondents for releasing pensionary benefits but in vain; hence, the instant writ petition.

3. Respondents were directed to file their comments, which they have filed, wherein, issuance of the desired writ has been opposed.

Arguments heard and record perused.

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4. Admittedly, relief on similar point has already been granted by Larger Bench of this Court in Writ Petition No. 2246-P/2017 decided on 22.06.2017, thus the petitioners also deserve the same treatment in the light of ibid judgment.

5. In the circumstances, the action of the respondents appears to be inconsistent in the light of the aforesaid judgment and on account of Article 25 of the Constitution which guarantees equal rights and equal protection of law for every citizen.

6. Accordingly, for the reasons stated hereinabove, the instant writ petition is allowed as prayed for.

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 Examiner
 Peshawar High Court, Peshawar
 Andhra Pradesh High Court Article 87 of
 the Constitution Order 1984
 19 SEP 2018

[Signature]
 CHIEF JUSTICE

[Signature]
 JUDGE

Announced
 11.09.2018

(DB) Hon'ble Mr. Justice Waqar Ahmad Seth, Chief Justice
 Hon'ble Justice Musarrat Hllal
 Noor Shah, PS

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

WP No. 648-F/2017

Khurram Sultan and others
Vs

University of Engineering & Technology, Khyber
Pakhtunkhwa, Peshawar and others



Date of hearing 12.02.2019

Petitioner (by) *Syed Haziq Ali and Tariq Anwar Advocates*

Respondent (by) *Barrister Irfan Yar Ali Khan*

JUDGMENT

MUSARRAT JILALI, J. Petitioners, Khurram Sultan and others, through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, have prayed that the respondents may be directed to count the temporary service of the petitioners w.e.f. the date of their appointment as temporary/fixed pay basis towards their regular service for the purpose of adding it to the pensionable service. They have further

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Peshawar High Court

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prayed that the respondents may be directed to enter necessary entries in their service record to this effect.

2. In essence, it is the petitioners' case that they were initially appointed on temporary basis at fixed salaries in the year, 2004 and onwards. The services of petitioners were extended from time to time, however, their services remained continuous. It is averred in the petition that the services of petitioners were regularized, and after regularization they submitted numerqus applications to the respondents for allowing them back benefits and to count their previous service on temporary basis, however, no action was taken. Feeling aggrieved therefrom, petitioners, having no other alternate, adequate and efficacious remedy, have approached this Court for redressal of their grievances.

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3. Respondents were directed to file their comments which they have filed wherein issuance of the desired writ has been opposed.

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Peshawar High Court

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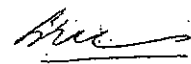
Arguments heard and appended record gone through.

4. At the very outset of the proceedings, learned counsel for the petitioners referred to judgments of august Supreme Court of Pakistan titled "*Board of Intermediate and Secondary Education, Faisalabad through Chairman and others Vs. Tanveer Sajid and others (2018 SCMR 1405)*", "*Board of Intermediate and Secondary Education, DG Khan and another Vs. Muhammad Altaf and others (2018 SCMR 325)*" and this Court's Larger Bench judgment delivered in *Writ Petition No.3394-P/2016*, titled, "*Amir Zeb Widow of Mst. Asiya Shafi Vs. The District Accounts Officer, Nowshera and 05 others*" decided on 22.06.2017, and submitted that on similar point relief has already been granted by the Apex Court as well as this Court to the 'similarly placed' persons, thus the petitioners also deserve alike treatment.

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5. In the light of above judgments, wherein the similarly placed persons have already been granted the same relief, thus, the instant writ petition is also allowed as prayed for.

JUDGE

Announced
12.02.2019

JUDGE

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Date of Presentation of Application: 04/3/19
No of Pages: 07
Copy fee: 80/-
Date of Preparation of Copy: 04/3/19
Date of Issuance of Copy: 04/3/19
Filed by: [Signature]

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(DB) Hon'ble Justice Musarrat Hilal
Hon'ble Mr. Justice Ishfaq Ibrahim

Noor Shah, PS

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Complete Case Judgment

<http://www.plsbeta.com/LawOnline/law/content21.asp?Cased...>

P L D 2016 Supreme Court 534

Present: Anwar Zaheer Jamali, C.J.; Mian Saqib Nisar, Amir Hani Muslim, Iqbal Hameedur Rahman and Khilji Arif Hussain, JJ

Civil Appeal No.1072/2005

CHAIRMAN, PAKISTAN RAILWAY, GOVERNMENT OF PAKISTAN, ISLAMABAD and others---Appellants

Versus

SHAH JEHAN SHAH---Respondent

(On appeal against the judgment dated 29-12-2003 passed by the Federal Service Tribunal, Islamabad in Appeal No. 6(P)/CS/2003)

Civil Appeal No.686/2012

Mst. ROBINA SHAHEEN---Appellant

Versus

DIRECTOR EDUCATION (E&SC) KHYBER PAKHTUNKHWA and others---Respondent

(On appeal against the judgment dated 9-4-2012 passed by the KPK Service Tribunal, Peshawar, in Appeal No.1539/2009).

Civil Appeals Nos. 1072 of 2005 and 686 of 2012, decided on 14th April, 2016.

(a) Interpretation of statutes ---

---When a word had not been defined in the statute, its ordinary dictionary meaning was to be looked at.

(b) Words and phrases ---

---"Count"---Definition.

Chambers 21st Dictionary and Oxford Advanced Learner's Dictionary of Current English 7th Edn. ref.

(c) Civil Service Regulations (CSR)---

---Art. 371-A---Pensionary benefits---Government servants rendering temporary service in a temporary establishment for more than five years---Entitlement to grant of pensionary benefits within the meaning of Art.371-A of the Civil Service Regulations (CSR)---Scope---Article 371-A of the Civil Service Regulations (CSR) would not ipso facto or simpliciter allow government servants rendering temporary service in a temporary establishment for more than five years to be entitled to grant of pension, rather such period would only be counted towards such government servants' pension if otherwise entitled to pension. Mir Ahmad Khan v. Secretary to Government and others (1997 SCMR 1477) declared to be per incuriam]

Service rendered for more than five years as contemplated by Article 371-A of the Civil Service Regulations (CSR) would only be added, included, or taken into account for the purposes of pensionary benefits, and not make such government servant qualify for pension per se. Article 371-A of Civil Service

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Complete Case Judgment

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Regulations (CSR) by itself did not provide for the entitlement for the purposes of pension, rather, it was restricted to the counting of the period of a minimum of five years which had been rendered by the temporary employee that once he was appointed on a permanent basis, such period (of five years) shall be taken into account for the object of calculating his entitlement to pension with respect to the requisite minimum period under the law.

Mir Ahmad Khan v. Secretary to Government and others 1997 SCMR 1477 declared to be per incuriam

Article 371-A cannot be used as a tool to bypass the conditions for qualifying service of pensionary benefits, and such government servant had to fulfill the minimum number of years for grant of pension. This was due to the use of the word "count" as opposed to "qualify" or "eligible" in Article 371-A of the Civil Service Regulations (CSR).

It was absurd, ludicrous and inconceivable that a government servant, who was in regular employment, would become entitled to pension after serving the minimum years of qualifying service as prescribed by the law, whereas while interpreting Article 371-A of the Civil Service Regulations (CSR), a government servant who had served as a temporary employee could be given preference over a regular employee, and after a minimum service of only five years would automatically become entitled to pension. Holding so would be against the object and spirit of the concept of pension.

PLD 2013 SC 829 ref.

(d) Civil Service Regulations (CSR)---

---Art. 371-A---Pensionary benefits---Government servants rendering temporary service in a temporary establishment---"Temporary establishment"---Meaning---Temporary establishment could be said to mean an organisation or institution which was not permanent, rather effective for a certain period only.

Hafiz S.A. Rehman, Senior Advocate Supreme Court for Appellants (in C.A. No.1072 of 2005).

Riaz Sherpao, Advocate Supreme Court and Mir Adam Khan, Advocate-on-Record for Appellant (in C.A.No.686 of 2012).

Abdur Rehman Siddiqui, Advocate Supreme Court for Respondent (in C.A. No.1072 of 2005).

Ijaz Anwar, Advocate Supreme Court and M.S. Khattak, Advocate-on-Record for Respondent No.5 (in C.A.No.686 of 2012).

Waqar Ahmed Khan, Addl. A.G. (on behalf of Khyber Pakhtunkhwa).

Dates of hearing: 14th and 15th March, 2016.

JUDGMENT

MIAN SAQIB NISAR, J:- These appeals, by leave of the Court, involve a similar question of law, hence are being disposed of together. The key question involved herein is whether persons who have rendered more than five years' service in a temporary establishment are entitled to the grant of pensionary benefits within the meaning of Article 371-A of the Civil Service Regulations (CSR), and a re-visitation of the judgment of this Court reported as Mir Ahmad Khan v. Secretary to Government and others (1997 SCMR 1477).

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Civil Appeal No.1072/2005:

2. This appeal entails the facts in that the respondent was appointed as an Assistant Executive Engineer

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(BPS-17) in Pakistan Locomotive Factory Risalpur, Pakistan Railways on 11.7.1989 on an ad hoc basis whereafter his employment was converted into a contract employment for two years with effect from 1.7.2000. Subsequently, due to the respondent's failure to qualify for regularization before the Federal Public Service Commission, his services were terminated on 4.9.2002. He filed a departmental appeal on 8.10.2002 for the grant of pensionary benefits which (departmental appeal) was dismissed vide order dated 9.1.2003. Subsequently, the respondent approached the learned Federal Service Tribunal (Tribunal) challenging not the termination of his services or the conversion of services from ad hoc to contractual, rather only non-payment of pensionary benefits. The learned Tribunal while relying upon the case of Mir Ahmad Khan (supra) accepted the respondent's service appeal on 29.12.2003 through the impugned judgment holding as follows:-

"7. In view of the clear provision available in Civil Service Regulations as CSR 371-A(i) and in the light of the judgment of Honourable Supreme Court, reproduced below, there is no ambiguity that the Appellants who have put in more than 10 years of uninterrupted service were entitled to pension as per rules

9. In view of the rulings of Honourable Supreme Court, we accept the appeals, set aside the impugned orders and direct the respondents to give pension to the Appellants as admissible to them under CSR 371-A (i). They are also entitled to receive their other legal dues like General Provident (GP) Fund etc. However, Respondents would be at liberty to deduct any valid/legal dues outstanding against them from amount payable to them."

Aggrieved of the above order, the appellants approached this Court, and leave was granted on 15.9.2005 in the following terms:-

" Since interpretation of a number of provisions of Civil Service Regulations as to entitlement to pension of the government servants, which will have impact on a large number of cases, is involved leave is granted to consider whether temporary service rendered by the three respondents qualified for pension?"

Subsequently, this Court on 21.2.2012 was of the view that a larger bench should hear the matter for the following reason(s):-

".....The learned counsel for the appellant states that admittedly respondent is not a Civil Servant and he cannot claim pensionary benefits thus the judgment in the case of Mir Ahmed Khan (ibid) needs to be revisited in that if such wide interpretation is given to Regulations 371-A all contractual and temporary employees working in the Government Department would become entitled to pensionary benefits on termination of their employment, without being regularly employed. Since Mir Ahmed Khan's case was decided by three members' Bench, the matter be placed for consideration of the Hon'ble Chief Justice for placing the case before a larger Bench."

3. The basic argument of the learned counsel for the appellants was that Article 371-A was an enabling, as opposed to charging provision, and that the use of the word "count" in Article 371-A of the CSR, as opposed to "eligible" or "qualify", does not mean that government servants who have rendered more than five years' continuous temporary service in a temporary establishment are entitled to the grant of pension, rather that such period of service would only be counted/added for the purposes of calculating pension, which the government servant has to nevertheless qualify for by fulfilling the three conditions of qualification for pension as provided in Article 361 of the CSR. In support of his arguments, he made reference to various Articles of the CSR and Fundamental Rules (FR). Learned counsel attempted to buttress his submissions by drawing an analogy with the judgment reported as Federation of Pakistan and others v. Kair Khan (1993 SCMR 609), in which it was held that the period of ad hoc service followed by regular service in the same scale shall be counted towards length of service prescribed for promotion or move-over in the next higher scale, thus in the same manner, the period of temporary service of more than five years would be counted towards pension if it was followed by regular service.

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4. On the other hand learned counsel for the respondent argued that the word "count" can be used interchangeably with "qualify" or "eligible", and in fact "count" is more often than not the precise word used for the purposes of pensionary benefits. Further, the appellants' interpretation of Article 371-A of the CSR that the period of temporary service of more than five years would be counted towards pension if it was followed by regular service would only be true if the said article specifically provided "temporary followed by permanent service", but this is not the case. Further, the words "except as otherwise provided" in Article 368 of the CSR gives sanction to the grant of pensionary benefits to temporary employees. In support of his arguments, learned counsel placed reliance upon two office memorandums issued by the Ministry of Finance at Serial Nos.5 and 6 of Chapter V of Section VI of the Compendium of Pension Rules and Orders.

5. Heard. Before resolving the proposition at hand, we find it expedient to reproduce the relevant articles of the CSR which read as under:-

"361. Except as otherwise provided in these Regulations, the service of an officer does not qualify for pension unless it conforms to the following three conditions:-

First.- The service must be under Government.

Second.- The employment must be substantive and permanent. Third.- The service must be paid by Government.

These three conditions are fully explained in the following Articles.

368. Except otherwise provided in these Regulations services does not qualify unless the officer holds a substantive office on a permanent establishment.

369. An establishment, the duties of which are not continuous, but are limited to certain fixed periods in each year, is not a temporary establishment. Service in such an establishment, including the period during which the establishment is not employed, qualifies; but the concession of counting as service the period during which the establishment is not employed does not apply to an officer who was not on actual duty when the establishment was discharged, after completion of its work, or to an officer who was not on actual duty on the first day on which the establishment was again re-employed.

370. An officer transferred from a temporary to a permanent appointment can count his service in the temporary office, it, though at first created experimentally or temporarily, it eventually becomes permanent.

371. An officer without a substantive appointment officiating in an office which is vacant, or the permanent incumbent of which does not draw any part of the pay or count service, may, if he is confirmed without interruption in this service, count his officiating service.

371-A. Notwithstanding anything contained in Articles 355(b), 361, 368, 370 and 371 of these Regulations, temporary and officiating service, in the case of Government servants who retired on or after the 1st January, 1949, or who joined service thereafter, shall count for pension according to the following rule:-

(i) Government servants borne on temporary establishments who have rendered more than 5 years continuous temporary service shall count such service for the purpose of pension or gratuity excluding broken periods of temporary service, if any, rendered previously, and


(ii) Continuous temporary and officiating service of less than five years immediately followed by

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confirmation shall also count for gratuity or pension, as the case may be." (Emphasis supplied)

We begin with the basics. The CSR pertains to salary, leave, pension and travelling allowance of those serving in the civil departments. Despite the nomenclature used, i.e. Civil Service Regulations, the application of the CSR is not restricted to "civil servants" as defined in the Civil Servants Act, 1973 (Act), but also applies to "government servants". Interestingly, "government servants" has neither been specifically defined in the Act nor in the CSR. However, we are not treading those waters, rather leaving it for an appropriate case, as the applicability of the CSR to the respondent is not disputed in the instant matter. Although we would like to observe that whether or not a particular Article of the CSR applies only to a civil servant or extends to the broader pool of government servants would ultimately depend on the particular wording of the article under consideration. The CSR classifies pension into four basic types:- compensation pension, invalid pension, superannuation pension and retiring pension. In order to be able to claim pensionary benefits, one must fulfill the three conditions of qualifying service for pension stipulated in Article 361 of the CSR:- (i) the service must be under the Government; (ii) the employment must be substantive and permanent; and (iii) the service must be paid by the Government. An interpretation of the provisions pertaining to the second condition is relevant to the matter at hand. Article 368 of the CSR provides that the officer must hold a substantive office on a permanent establishment. Articles 370 and 371 of the CSR in essence allow for temporary and officiating services respectively, to be counted towards an officer's service if such service (temporary or officiating) becomes permanent.

6. Article 371-A(i) allows for governments servants who have rendered temporary service for more than five years at a temporary establishment to count such service for the purposes of their pension (or gratuity), but the temporary service must be continuous, and excludes broken periods of temporary service rendered previously. By way of example, Article 371-A(i) would attract to a government servant who rendered continuous temporary service at a temporary establishment for six years and was subsequently confirmed at the end of his temporary service, those six years would be counted towards his service for the purposes of pensionary benefits. The said article would also encompass the situation where a government servant rendered continuous temporary service at a temporary establishment for six years but was not confirmed at the end of his temporary service, rather two years after his temporary service ended he was taken back and confirmed, then again those six years would be counted towards his service for the purposes of pensionary benefits, excluding the broken period of two years (the interregnum). On the other hand, Article 371-A(ii) provides that government servants who have rendered temporary and officiating service for less than five years immediately followed by confirmation shall also count for gratuity or pension (as the case may be), which (service) must also be continuous. By way of illustration, where a government servant rendered continuous temporary or officiating service for three years and was subsequently immediately confirmed, those three years would be counted towards his service for the purposes of pension. However, due to the inclusion of the word "immediately" and the omission of the words "excluding broken periods of temporary service" in clause (ii) of the Article 371-A, in a situation where a government servant rendered continuous temporary or officiating service for three years but was not confirmed at the end of his temporary service, rather two years after his temporary service ended he was taken back and subsequently confirmed, then those three years would not be counted towards his pensionary benefits. However, it is important to note that Article 371-A presupposes that such a government servant, whether falling under clause (i) or (ii), is otherwise entitled to pension (or gratuity, as the case may be). In other words, Article 371-A cannot be used as a tool to bypass the conditions for qualifying service of pensionary benefits, and such government servant has to fulfill the minimum number of years for grant of pension. This is due to the use of the word "count" as opposed to "qualify" or "eligible", as rightly argued by the learned counsel for the appellant. As per the settled rules of interpretation, when a word has not been defined in the statute, the ordinary dictionary meaning is to be looked at. Chambers 21st Dictionary defines "count" as "to find the total amount of (items), by adding up item by item; to include". Oxford Advanced Learner's Dictionary of Current English (7th Ed.) defines "count" as "to calculate the total number, of people, things, etc. in a particular group; to include sb/sth when you calculate a total; to consider sb/sth in a particular way; to be considered in a particular way". Thus in light of the above, service rendered for more than five years as contemplated by Article 371-A would only be added, included, or taken into account for the purposes of pensionary benefits, and not

Alt. 1/5/11


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make such government servant qualify for pension per se. This interpretation is bolstered by logic, reason and common sense. If we were to accept the reasoning of the learned Service Tribunal in the impugned judgment and the arguments of the learned counsel for the respondents, it would create a bizarre and anomalous situation, where a government servant who has rendered temporary service in a temporary establishment for, let us say, seven years, would be entitled to pensionary benefits, and on the other hand, a government servant rendering services as a regular employee for fifteen years would not (yet) have completed the requisite number of years to qualify for grant of pension. It is absurd, ludicrous and inconceivable that a government servant, who is in regular employment, would become entitled to pension after serving the minimum years of qualifying service as prescribed by the law, whereas while interpreting Article 371-A, a government servant who has served as a temporary employee could be given preference over a regular employee, and after a minimum service of only five years would automatically become entitled to pension. Holding so would be against the object and spirit of the concept of pension which has been discussed by this Court in Regarding pensionary benefits of the Judges of Superior Courts from the date of their respective retirements, irrespective of their length of service as Judges (PLD 2013 SC 829) as follows:-

"...pension is not the bounty from the State/employer to the servant/ employee, but it is fashioned on the premise and the resolution that the employee serves his employer in the days of his ability and capacity and during the former's debility, the latter compensates him for the services so rendered. Therefore, the right to pension has to be earned and for the accomplishment thereof, the condition of length of service is most relevant and purposive." (Emphasis supplied)

Thus, we are not inclined to interpret Article 371-A in such a way so as to render the provisions stipulating minimum years for grant of pensionary benefits superfluous and redundant. As far as the provisions of Article 371-A are concerned, which is a non-obstante clause to Articles 355(b), 361, 368, 370 and 371 stipulated therein, suffice it to say that such article by itself does not provide for the entitlement for the purposes of pension, rather, at the cost of repetition, it is restricted to the counting of the period of a minimum of five years which has been rendered by the temporary employee that once he is appointed on a permanent basis, such period shall be taken into account for the object of calculating his entitlement to pension with respect to the requisite minimum period under the law. Therefore we are not persuaded to hold the words "Notwithstanding anything contained in Articles 355(b), 361, 368, 370 and 371 of these Regulations..." in Article 371-A to allow those who do not fulfill the requisite conditions for qualifying for pension to bypass such conditions, so as to render the articles of the CSR providing for such conditions unnecessary and surplus. Therefore, we are of the candid view, that Article 371-A of the CSR would not ipso facto or simpliciter allow government servants rendering temporary service in a temporary establishment for more than five years to be entitled to grant of pension, rather such period would only be counted towards such government servants' pension if otherwise entitled to pension.

7. It is not disputed that the respondent rendered continuous temporary service and that his length of service was continuous and for more than five years. However, the question that needs to be answered is whether he was working in a "temporary establishment" or not. "Temporary establishment" has not been defined in the CSR, the Fundamental and Supplementary Rules issued by the Government of Pakistan, the ESTA Code or the Compendium of Pension Rules and Orders. In this context Article 369 of the CSR mentions temporary establishment but only explains what it is not and thus is not very helpful. Therefore as mentioned earlier in the opinion, as per the settled rules of interpretation, the dictionary meaning of the words has to be resorted to. The Concise Oxford Dictionary (6th Ed.) has defined "temporary" as "lasting, meant to last, only for a time", and "establishment" as an "organized body of men maintained for a purpose". Chambers 21st Century Dictionary defines "temporary" as "lasting, acting or used, etc for a limited period of time only", and "establishment" as "a public or government institution". Oxford Advanced Learner's Dictionary of Current English (7th Ed.) defines "temporary" as "lasting or intended to last or be used only for a short time; not permanent" and "establishment" as "an organisation, a large institution...". In light of the above dictionary meanings, "temporary establishment" can be said to mean an organisation or institution which is not permanent, rather effective for a certain period only. Admittedly the respondent was serving in Pakistan Locomotive Factory Risalpur, Pakistan Railways, which does not

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Complete Case Judgment

<http://www.plsbeta.com/LawOnline/law/content21.asp?Cased...>

in any way fall within the meaning and purview of "temporary establishment". Thus the respondent could not rely upon Article 371-A of the CSR. Besides, if hypothetically speaking Pakistan Locomotive Factory Risalpur was a temporary establishment, even then the respondent would not be able to take the benefit of Article 371-A (supra) as he otherwise does not qualify for pensionary benefits having not been subsequently taken into permanent employment, which is sine qua non for the grant thereof.

8. Adverting to the law laid down in the case of Mir Ahmad Khan (supra) wherein it was held:-

"Admittedly the appellant put in more than ten years' temporary service before his services were terminated he was, therefore, entitled to pensionary benefits under Regulation 371-A(i) of Civil Service Regulations."

In light of the discussion in paragraph No.6, the judgment delivered in Mir Ahmad Khan's case (supra) is declared to be per incuriam.

9. In view of the foregoing, we find that the respondent was not entitled to the grant of pensionary benefits in terms of Article 371-A of the CSR, and the learned Service Tribunal had erroneously allowed him pension by wrongly relying upon the case of Mir Ahmad Khan (supra) which is declared to be per incuriam.

10. The above are the detailed reasons for our short order of even date whereby the appellants' appeal was accepted and the impugned judgment was set aside, which reads as follows:-

"We have heard the arguments of learned ASCs for the parties. For the reasons to be recorded later, this appeal is allowed, the impugned judgment of the Federal Service Tribunal dated 29.12.2003 is set aside and the service appeal preferred by the respondent is dismissed."

Civil Appeal No.686/2012:

11. The brief facts of the instant appeal are that the appellant was a Professional Teaching Certification (PTC) Teacher in the Commissionerate for Afghan Refugees, Peshawar (Commissionerate), from 28.2.1987 to 17.1.2005, i.e. approximately 18 years. During her employment at the Commissionerate, she applied for two months leave on 20.1.2004, after which she was appointed as a PTC Teacher in the Schools and Literacy Department, Government of Khyber Pakhtunkhwa (department) and she assumed charge of her post on 25.11.2004 and tendered her resignation with the Commissionerate on 10.1.2005. Thereafter she filed a departmental appeal to respondent No.1 claiming that her 18 years' service with the Commissionerate be counted for the purposes of her pension, which (departmental appeal) was accepted vide order dated 24.6.2008. However, the said order stated that her 10 years' service be counted towards calculation of her pension, as opposed to 18 years, which the appellant was dissatisfied with thus she filed a corrigendum application for correction of the said mistake. However, in response, the department on 20.7.2009 informed the appellant that her prior service with the Commissionerate could not be counted towards her pension. Aggrieved, the appellant filed an appeal before the learned Khyber Pakhtunkhwa Service Tribunal which was dismissed vide the impugned judgment dated 9.4.2012 whereafter she approached this Court. Leave was granted on 5.7.2013 in the following terms:-

".....Prima facie, it is difficult to understand that admittedly when the petitioner had served for a period of about 18 years in the Commissionerate and thereafter joined the Education Department and initially the Education Department had also accepted her claim allowing computing of her previous service for the purpose of pension then what prevailed with the department subsequently in disallowing continuity. In view of the judgment cited by the learned counsel in the case of Zafar Shah (2003 SCMR 686) in such like circumstances, continuity for the purpose of extending the benefit of pension is permissible.

3. Inter alia, to examine this aspect of the case, leave to appeal is granted in this case...."

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K.H. Es/...

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Subsequently on 19.9.2013, it was decided that this case was to be heard along with Civil Appeal No.1072/2005 before the larger bench as they both involved similar questions of law.

12. Learned counsel for the appellant primarily submitted that the time spent at the Commissionerate is to be counted towards her pension in terms of Article 371-A of the CSR.

13. On the other hand, learned counsel for the respondents stated that due to the special facts and circumstances prevalent at that time, the decision rendered in the case of Mir Ahmad Khan (supra) is good law, however in the instant matter, the appellant is not entitled to inclusion of the period she spent as an employee of the Commissionerate for the purposes of pensionary benefits for the reason that she was in fact a project employee of a non-governmental organisation called Basic Education for Afghan Refugees (BEFARe), and not an employee of the Federal Government, and that she had resigned from the Commissionerate on 10.1.2005 after which she joined the department.

14. Learned Additional Advocate General, KPK adopted the arguments of Mr. Hafiz S. A. Rehman, learned counsel for the appellants in Civil Appeal No.1072/2005.

15. Heard. The appellant's main grievance is that the eighteen years she spent at the Commissionerate be counted towards her service at the department for the purposes of the grant of pensionary benefits as per Article 371-A of the CSR, suffice it to say that the Commissionerate for Afghan Refugees does not in any way fall within the meaning of "temporary establishment" as defined in Civil Appeal No.1072/2005 above to mean an organisation or institution which is not permanent, rather effective for a certain period only as described. Even otherwise, the appellant's service with the department was temporary and on a contract basis, and there is nothing on the record which suggests that she was subsequently confirmed or made permanent within the department. Therefore keeping in view the interpretation of Article 371-A of the CSR explained above with regard to Civil Appeal No.1072/2005 in that the said article would not ipso facto allow government servants rendering temporary service in a temporary establishment for more than five years to be entitled to grant of pension, rather such period would only be counted towards such government servants' pension if otherwise entitled to pension, we are of the opinion that the appellant is not entitled to pensionary benefits as claimed by her.

16. In light of the above, we find no infirmity in the impugned judgment warranting interference by this Court, therefore this appeal is dismissed as being devoid of merit.

MWA/C-6/S

Appeal dismissed.

AH-6/S





Annex i 48-52

**GOVERNMENT TECHNICAL & VOCATIONAL CENTRE
(WOMEN) 16-A, INDUSTRIAL ESTATE, HAYATABAD.**



Phone: 091-588 566, e-mail: gtvcw_hayatabad@kptepta.gov.pk

NO GTVCW/H.ABAD/ 2267 (U)

Dated: 26/02/2021.

To

The Managing Director,
KP-TEVTA Head Office.

Subject: **APPEAL REGARDING SENIORITY LIST OF ASSISTANT/COMPUTER
OPERATOR EPS-16 STOOD ON 16-02-2021.**

Reference your office letter No. KP-TEVTA/SL-16/ASSTT/1321(1-3) dated 16/02/2021 on the subject noted above. Enclosed please find herewith an application regarding correction of seniority list of Mr. Zahid Ullah, Assistant of this centre for favourable consideration please.

o/c

PRINCIPAL
GTVC (W) HAYATABAD

Endst. No. GTVCW/Hayatabad/2268(1-2)

Dated: 26/02/2021

Copy forwarded for information and necessary action to:-

1. The Deputy Director Academics, KP-TEVTA.
2. The Deputy Director Litigation, KP-TEVTA.

o/c

PRINCIPAL
GTVC (W) HAYATABAD

Zahid
1-3-2021

Attestation

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The Managing Director,
KP-TEVTA, Peshawar.

SUBJECT: APPEAL REGARDING SENIORITY LIST OF ASSISTANT/COMPUTER OPERATOR BPS-16 STOOD ON 16-02-2021

Respected Sir,

I have the honor to refer to your letter No.KP-TEVTA/SL-16/ASSTT/1321(1-3) dated 16-02-2021 I submit the following few lines for your kind consideration please.

1. The seniority was granted from 1977 to 1982 to all ministerial staff of the department who were appointed on ad-hoc basis from their initial/First appointment.
2. During 1990, 28 ministerial staff were also granted seniority from the date of their initial/first appointment in the seniority list and similarly on the same manner in 1991, about 76 ministerial staff were also granted seniority from the date of their initial/first appointment in the seniority list. While my status was not considered and I was senior in 1990 and 1991 seniority list.
3. That it is pertinent to mention here that these regulations were not according to the rules and laws. And merit has been violated regarding establishing the seniority list during these two attempts. Because as per rules the regularization and seniority was to be established first since 1983 and here committee have considered from 1984 to 1988.
4. Another anomaly is that about 17 project employees working on ad-hoc basis were regularized during 1986 and 1987 from different dates. And then the same 17 employees were regularized and granted the seniority from 1984 instead of 1986.
5. While it is astonishing that there was double standard of regulations in the same department. It is clearly reflected that the seniority has been established on the basis of liking and disliking and no standard has been observed in the matter. Moreover it is interesting to mention here that regularization has been granted in different dates with different criteria for the employees of the same department.
6. As per KPK Civil Servants Rules 1989, Provided further that if no specific order is issued on the expiry of the extended period of probation, the period of probation shall be deemed to have been successfully completed.
7. The regularization was made on his own level and not followed the rules and regulations. As an example few of them are listed below as a ready reference:

S. No	Name	Date of First Appointment	Date of Regularization	Difference
10 as per seniority of 1990	Aerul Haq	18-02-1984	28-02-1987	03 Years
20 as per seniority of 1990	Zelayat Ur Reiman	15-10-1985	07-02-1988	More than 03 Years
(11) as per S/List of 2019	Junaid Ur Rehman	02-01-1986	28-04-1984	Nil

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(12) as per S/List of 2019	Mir Salam	02-01-1986	28-04-1984	Nil
(14) as per S/List of 2019	Suleman Shah	28-11-1986	28-04-1984	Nil
(23) as per S/List of 2019	S. Laiq Ghawas	19-03-1984	07-02-1988	More than 03 Years
(23) as per S/List of 2019	Abri Amin	27-01-1985	07-02-1988	03.Years
(19) as per S/List of 2019	Muhammad Yamin	10-10-1988	10-10-1988	Nil
14 as per seniority of 1990	Ahmad Ali	26-02-1987	26-02-1987	Nil
15 as per seniority of 1990	Zar Khan	01-03-1987	01-03-1987	Nil
16 as per seniority of 1990	Alam Khan	24-02-1987	24-02-1987	Nil

8. While the seniority status of the applicant was at serial No. 12 in the seniority list of 2015 after M. Ishaq and in 2016 his seniority has been shown on serial No. 08 after M. Ishaq and again in 2019 I have been placed at serial No. 12 after Mr. Junaid Ur Rehman in the seniority list of Assistant BPS-16. This indicates no justification and clear cut loophole in maintaining the actual seniority list of the applicant.

So based on the above mentioned facts and figures, you are requested that my name may please be kept at serial No. 06 in the seniority list 2021 after Mr. Muhammad Ishaq, Assistant at KP-TEVTA Head Office. Because his date of appointment is 01-03-1983 and my date of appointment is 14-03-1983. I shall pray for your long life and prosperity.

Thanks

Yours Sincerely
Mr. Zaid Ullah
Assistant GTVC(W) Hayatabad

Attested

To,

Deputy Director (Estt),
KP-TEVTA, Peshawar.

51

Subject:- TENTATIVE SENIORITY LIST OF ASSTT;BPS-16 FOR 2019

R/Sir,

I have the honor to refer to your letter No.TEVTA/SL-16/ASSTT/3088(1-3) Dated 29/4/2019 on the subject cited above and to request you that my name has been kept in Provisional Seniority list of Assistant BPS-16 at s.No.12. According to the Provisional and final seniority 2015¹⁶ of Assistant BPS-16, Jr. Scale Stenographer and Store supervisor etc my name has been kept in correct place after Mohammad Ishaq because his date of appointment is 1.3.1983 and date of promotion to Assistant B-16 is 22.05.2007 and my date of appointment is 14.3.1983 and date of promotion to Assistant B-16 is 22.05.2007. Therefore it is requested that Mr. M.Ishaq and my batch is same. The seniority were granted to all employees from the date of 1st appointment. Wrong seniority list were issued in the past.

In this connection you are requested to kindly consider my case and my name may please be retained at S.No 6 as mentioned in the seniority list 2015 and also grant me promotion from BPS-16 to BPS-17 because I had completed the required length of service for promotion to BPS-17.

I shall pray for your long life and prosperity.

Thanks

Yours sincerely 1/19

Zahid Ullah (Assistant)
GTVC(W) Hayatabad

Dated: 27/05/2019

EndstNo. GTVCW/H.Abad/ 16550(1-2)

Forwarded to the Deputy Director (Estt) KP-TEVTA with the request to kindly consider his case sympathetically please.

PRINCIPAL
GTVC(W)
Hayatabad Peshawar.

Received
28/5/19

AHoyTad



To

The Managing Director
KP-TEVTA Peshawar.

52

Subject:- REVISED TENTATIVE SENIORITY LIST OF ASSISTANT BPS-16 STOOD ON
30.6.2019

I have the honor to refer to your letter No.KP-TEVTA/Estt/S.L/B-16/4506 dated 5/07/2019 on the subject noted above. I submit the following few lines for your perusal & consideration please.

I was appointed as Jr.Clerk on 14.3.1983 after fulfilling all the codal formalities against the vacant post duly sanctioned by the Finance Department at GCC Kohat.(order attached) The department were issued Seniority List of Jr.Clerks in 1990 & my name was kept at S.No.35. According to the Seniority list 1990 the seniority were granted to the Jr.Clerks from the date of their 1st appointment at Sr. No. 14, 15 & 16 and from Sr. No. 28 to 31, Sr. No. 44 to 46, Sr. No. 48 to 53 and Sr. No. 56 to 77.(Copy attached for perusal) I submitted an appeal to the Department vide No.GCC/Pesh/PF/503 dated 02/06/1991 that I am senior from all of them from S.Nos. 34 to 77 because their date of appointment is after my humble sen. (Copy of S/List 1990 is attached for r/r) and the Department has asked me to submit documentary proof so therefore I submitted the documentary proof to the department which was the S/List Of 1989 and 1990 of Jr.Clerks. But no response was received from the department(copy attached). The seniority list of Jr.Clerk was issued on 22/03/1994 vide No. DTE/Admn/1-1(IX)/164(1-56) dated 14/07/1994 and I submitted again my request vide No. GCC/Pesh/PF38 dated 21/01/1996 that I am senior from all Junior Clerks at Sr. No. 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17(Copy attached) and during 1997 the Seniority list of Jr.Clerks was issued & I again requested to the department vide No. GCC/Pesh/530 dated 22/04/1997.(Copy attached).

Regularization, Seniority, Appointment and Promotion all of these is on merit in the service matters. First right of regularization is of the officials appointed in 1983 and so on. Appointment & promotion date of the Muhammad Ishaq Assistant (BPS-16) Head office and my date of appointment & Promotion is the same. You are therefore requested to kindly kept my name at S.No. 6 after Muhammad Ishaq & consider my case from the date of first appointment i.e. 14/03/1983 and also grant me promotion from BPS 16 to BPS 17 because I had completed the required length of service for promotion to BPS-17, sufficient post of BPS 17 are lying vacant in the department. I shall pray for your long life and prosperity.

Thanks.

Zahid Ullah

Assistant GTVC (W) Hayatabad




Endst No. GTVCWH.Abad/1905 (1-2) dated: 06/07/2019

Copy Forwarded for favorable consideration to the.

1. Managing Director KP-TEVTA Peshawar
2. Director HR KP-TEVTA Peshawar

Principal
G
Hay.

Attended
M

وقت 50	81029			
ایڈوکیٹ: محمد اسحاق ایڈووکیٹ ایڈووکیٹ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: BC 18-1581				
رابطہ نمبر: 033262374 033262374				

بعدالت جناب: حیدر خٹون خان مہروس گریجویٹ کالج کراچی

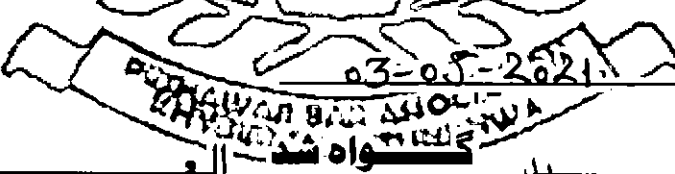
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باعت تحریر آنکہ

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

آن مقام پر محمد اسحاق ایڈووکیٹ نے محمد اسحاق ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرہے نہ و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ 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 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے نگران اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست 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: 03-05-2021

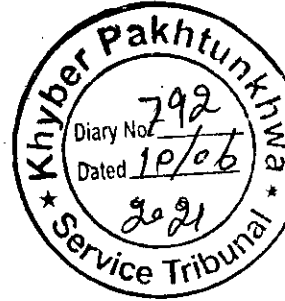


باعت تحریر آنکہ

مقام کے لیے منظور ہے۔

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 5793 /2021



Mr. Zahid Ullah AssistantAppellant

V E R S U S

Secretary to Government of KPK & Others

.....Respondents

Application for Interim Relief

1. That the impugned provincial seniority dated 16-2-2021 is without jurisdiction Void, illegal and Of malafide intention in case the seniority list of 2021 is not suspended and appellant name is not corrected in the seniority list. The appellant will suffer irreparable loss.
2. That the applicant / Appellant has arguable case, the balance of convenience lies in his favour.

It is, therefore, respectfully prayed that on acceptance of this application the seniority list 2021, circulated by respondents No 3 may kindly be suspend till final disposal of the appeal.

*put up to worthy chairman
with relevant appeal.*

[Signature] 10/6/21
Applicant/ Appellant

Through

[Signature]

**Muhammad Anwar Khan
(Pashton Ghari)**

Advocate High Court, Peshawar

Date: 10/06/2021

*Place on file for consideration on the day
fixed.*

[Signature]
15/6/2021

30/07/21

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Mr. Zahid Ullah Assistant **Appellant**

V E R S U S

Secretary to Government of KPK & Others

..... Respondents

AFFIDAVIT

I, Mr. Zahid Ullah Assistant Technical Education & Vocational Training Authority (KPTEVTA) Khyber Pakhtunkhwa Peshawar., do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



[Signature]
10/6/21
DEPONENT

BEFORE THE SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Mr. Zahid Ullah Assistant **Appellant**



V E R S U S

Secretary to Government of KPK & Others

..... Respondents

Put up to the court with relevant appeal.

Application for Early Hearing of Service Appeal No 5793/2021.

18/6/21
Respectfully Sheweth:-

Readw.
The Appellant/ Applicant submit as under:

1. That the above captioned Service is pending for adjudication before this Honorable Tribunal. And date 30/07/2021 has been fixed for hearing.
2. That the Applicant is wrongly placed at serial No 19 instead of at Serial No 6 in the Seniority list.
3. That the Respondents are going to promote their near and dear in a few day.

*NPA
24/6/2021*

It is therefore, most humbly prayed that on acceptance of this application the instant Service Appeal may please be fixed for an early hearing.

Dated: - 17-6-2021

Appellant/Applicant

Through:-

Muhammad Anwar Khan
(PASHTON GHARI)
Advocate, High Court

AFFIDAVIT

I, I, Mr. Zahid Ullah Assistant Technical Education & Vocational Training Authority (KPTEVTA) Khyber Pakhtunkhwa Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

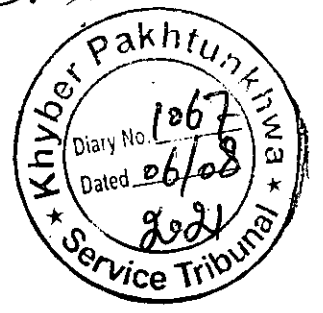


SB

S/10

Put up to the worthy chair with relevant appeal.

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Reader

Early Hearing

Handwritten signature and notes below 'Early Hearing'.

Handwritten Urdu text on the right side.

Handwritten Urdu text in the middle section.

Handwritten Urdu text with dates: 21/05/21, 10/05/21, 03/05/21.

Early hearing

6/21/21

If amended appeal has been submitted, fix for a short date.

Handwritten signature and date 6/8/21.

Handwritten signature and date 11/8/2021.

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Zahid Ullah Assistant Appellant
Versus
Secretary Government of KPK Industries Department
Peshawar & others


30/1/2021

APPLICATION FOR ALLOWING / PERMITTING
AMENDED APPEAL IN ABOVE MENTION CASE.

Respectfully Sheweth:-

1. That the applicant has submitted an appeal in which date is fixed for today.
2. That now the applicant was request for submitting and amended appeal due to the reason for counting the contract period service as a regular service.
3. That there is no legal bar if applicant is allowed for submit an amended appeal.

It is therefore, most humbly prayed that on acceptance of this application amended appeal may please kindly be allowed.

Applicant


Zahid Ullah

Through


Muhammad Anwar Khan
Advocate Peshawar

The ~~CHAIRMAN~~
Honourable, Service Tribunal,
Peshawar



Put up to the Honorable chair-man
with appeal.
Subject: **EARLY HEARING**

Respected Sir,

Most humbly requested I submitted/lodged amended Service appeal No.5793/2021 dated 20.5.2021 for the grant of Seniority from the date of initial appointment, by counting previous contract service rendered by me with all back benefits from ~~34~~.1983 to 20.9.1988 , promotion to BPS-17 and stay application etc. 14-3-

The Honorable Supreme Court of Pakistan as well as lower Courts & Govt. of KPK Finance Deptt. has granted all the aforesaid relief/rights & benefits etc, to all Civil Servants from the initial appointment vide Courts decisions No. 2014 SCMR-1289 rel, (1981) 2.SCR 753 (Canada 1977, (1989 MLD4701, 1997 SCMR 1514, (1983 PLC (SC) 104, (Air 1990 SC 1:607 writ petition No. 3394 dated 22-6-2017 and No. 627-A/2018 dated: 18-12-2018 which is placed on my file at page No. 26, 29, 30,40,47 and 48.

I also requested to the Honorable Service Tribunal for granting of stay but my request has not been considered due to which the department promoted 10 No. of Assistants to BPS-17.(order attached) . You are therefore requested to kindly consider my case and my name may please be placed at serial No.4 instead of S.No.17 in the final seniority list 2021, after Mr. Muhammad Ishaq Assistant BPS-16 KP-TEVTA head office recently promoted to BPS-17 because his date of initial appointment is 01/03/1983 and my date of appointment is 14/03/1983. My date of next hearing has been fixed on 13.01.2022 .I request for early hearing.

Thanks in anticipation

Sincerely

Zahid Ullah

Tech/Edu. KP-Tevtu

Put up to the Honorable chair-man
with appeal.
23/11/21

Respected Sir

NFA
09/11/2021

Government of Khyber Pakhtunkhwa
Industries, Commerce & Technical Education
Department

NOTIFICATION

No. SO-III(UND)-17/DPC/2021/4932-80. On the recommendations of the Departmental Promotion Committee meeting held on 23/09/2021, the Competent Authority is pleased to promote the following Junior Scale Stenographers / Assistants / Computer Operator to the post of Superintendents BPS-17 (Civil Servants) in the Khyber Pakhtunkhwa Technical Education & Vocational Training Authority (KP-TEVTA) on regular basis, with immediate effect.

S. No	Name of the Officials
1	Mr. Abdul Mujeeb
2	Mr. Faridullah
3	Mr. Siraj Khan
4	Mr. Hazrat Rehman
5	Mr. Rafiq Amin
6	Muhammad Ishaq
7	Mr. Lughal Khan
8	Mr. Shaukat Hussain
9	Mr. Aimal Haq
10	Mr. Hizba Rehman

The above officers shall remain on probation for a period of (01) one year extendable to another year in terms of Section-6(2) of Khyber Pakhtunkhwa, Civil Servants Act, 1973 read with Rule-15(F) of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules-1989.

Their posting / transfer order will be issued later on after submission of proposal by Managing Director KP-TEVTA.


Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education Department.

Encls: No. SO-III(UND)-17/DPC/2021/

Dated Pesh, the 01st November, 2021

Copy is to be forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary Khyber Pakhtunkhwa.
3. PS to Secretary IC & TE, Khyber Pakhtunkhwa.
4. The Managing Director, KP-TEVTA.
5. The Section Officer (VI), Establishment Department, Khyber Pakhtunkhwa.
6. The Section Officer (SR-I), Finance Department Khyber Pakhtunkhwa.
7. The District Account Officers, Swabi, Abbottabad, Chitral & Mardan.
8. The Principals, GCT Peshawar, GTTC Hayatabad, GPT (W) Hayatabad, GCT Swabi, GCT Abbottabad, GTVC Chitral & Manager Employment Exchange Mardan.
9. The Officers concerned.


CAKHTAR ALI SHAH
Section Officer-III

MEMORANDUM FOR THE RECORD

At the 50th-51st Joint Meeting of the Joint Committee on Education, held on 23-24 following Joint Session, September 2, 1954, the following Joint Committee on Education for the District of Columbia (J.C.E.) was organized based on the

Sl. No.	Name and Office
1	Mr. Richard B. Johnson
2	Mr. Frank B. Rowland
3	Mr. Samuel Johnson
4	Mr. Thomas M. Blanton
5	Mr. Frank B. Rowland
6	Mr. Samuel Johnson
7	Mr. Samuel Johnson
8	Mr. Samuel Johnson
9	Mr. Samuel Johnson
10	Mr. Samuel Johnson

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 5793/2021.

Mr. Zahid Ullah, Assistant..... Appellant.

VERSUS

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

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 5793/2021.

Mr. Zahid Ullah, Assistant..... Appellant.

V e r s u s

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

Reply on behalf of the Respondents:

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- A- That the Appeal is badly time barred.
- B- That the Appellant has no cause of action.
- C- That the Appellant has got no locus standi.
- D- That the Appellant has not come to this honorable Tribunal with clean hands.
- E- That the Appellant has been estopped by his own conduct to file the present appeal.
- F- That the appeal is liable to be dismissed for the non-joinder of necessary parties.

On Facts:

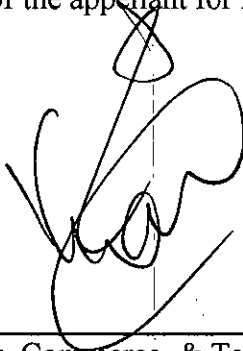
1. It is incorrect. The appellant in the first instance was temporarily appointed as Junior Clerk on stop gap arrangement basis for a period of 06 months as evident from his appointment order. He somehow remained in service on adhoc basis till 20-09-1988. His services were accordingly regularized on 21.9.1988 by the recommendation of the Departmental Selection Committee. He appeared before the said committee without any objection. Thus the appellant is legally estopped by his conduct.
2. It is incorrect. Name of the appellant has been rightly placed in the said seniority list at serial No.17. As a matter of fact, the other incumbents as pointed out of the appellant are senior from the appellant as per the seniority list. Previously the appellant along with his colleagues was promoted as Senior Clerk and then Assistant and he never objected as such on his so called lower seniority position. Further it is pertinent to mention that as per Section-8(4) of the Khyber Pakhtunkhwa Civil Servants Act, 1973(KP. Act No. XVIII of 1973), the seniority in a post, service or cadre of a Government official/officer in relation to other civil servants belonging to the same service or cadre is determined/reckoned from the date of their regular appointment on a post.
3. It is incorrect in view of aforementioned explained comprehensive reply.
4. It is a misconceived para., in fact the judgments quoted have no relevance with the instant case. Also it is a settled law that every case is to be decided on its own merits and not the merits of other cases. The whole contention raised by the appellant is thus flawed.

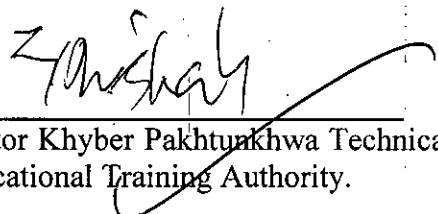
5. Para 5 is incorrect. The said representations have no endorsement, nor any diary number or any courier/ Postal receipt. And thus having not moved any valid representation the Honorable Tribunal cannot be approached under the law.
6. No comments.

GROUNDS:

- A. It is incorrect as there is no omission committed by the respondent. The final seniority list dated 7.6.2021 is legal and lawful. The contentions raised are alien to the Civil Service laws of Pakistan. The ground is denied. In totality.
- B. It is not correct. The final seniority list is authentic, legal and valid. It is further submitted that the wishes of individuals do not render a legal document to be illegal or invalid. The ground is denied. In totality.
- C. It is incorrect as laid down. Also the same has been properly explained in the preceding paras. The ground is denied. In totality.
- D. It is incorrect and irrelevant plea of the appellant. As explained in the aforementioned reply. The ground is denied. In totality.

In view of the above, it is prayed that the appeal of the appellant for having no force of law and facts, may be dismissed forthwith.


Respondent 1) _____
Secretary Industries, Commerce & Technical
Education Government of Khyber Pakhtunkhwa.


Respondent 2) _____
Managing Director Khyber Pakhtunkhwa Technical
Education & Vocational Training Authority.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKTUNKHWA

APPEAL NO. 5793/21.

Zahidullah, Assistant, Govt: Vocational Technical Centre for Women,
Hayatabad..... **APPELLANT.**

V E R S U S

1. Government of Khyber Pakhtunkhwa through Secretary, Industries, Commerce and
Technical Education , Khyber Pakhtunkhwa Peshawar.

..... **RESPONDENTS**

AFFIDAVIT

It is solemnly affirm and confirm that the contents of the reply
submitted herewith are true and correct to the best of my knowledge and
belief and that nothing has been concealed in this regard from this
honorable tribunal.


DEPONENT

17301-6327091-5

0334-9199058

**CONSTITUTIONAL PROVISIONS REGARDING
TERMS AND CONDITIONS OF SERVICE OF
CIVIL SERVANTS.**

**Appointments to service of Pakistan
and conditions of service.**

Article 240 of the Constitution of Islamic Republic of Pakistan, 1973. Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined;-

- (a) in the case of the services of the Federation, posts in connection with the affairs of the Federation and All-Pakistan Services, by or under Act of Majlis-e-Shoora (Parliament); and
- (b) In the case of the services of a Province and posts in connection with the affairs of a Province, by or under Act of the Provincial Assembly.

Explanation:- In this Article, "All-Pakistan Service" means a service common to the Federation and the Provinces, which was in existence immediately before the commencing day or which may be created by Act of Majlis-e-Shoora (Parliament).

Existing rules etc. to continue.

Article 241. Until the appropriate Legislature makes a law under Article 240, all rules and orders in force immediately before the commencing day shall, so far as consistent with the provisions of the Constitution, continue in force and may be amended from time to time by the Federal Government or as the case may be, the Provincial Government.

before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise-

- (a) if he was appointed to such service or post by initial recruitment, be discharged; or
- (b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:

Provided that in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. Confirmation :- (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post ²[] on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing there-from.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. Seniority:- (1) For proper administration of a service, cadre or ³[post], the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or ⁴[post] to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or ⁵[post] as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or ⁶[cadre] whether serving the same department or office or not, as may be prescribed.

² The words "or grade" omitted by NWFP Ordinance No. IV of 1985.

³ The word "grade" substituted by NWFP Ordinance No. IV of 1985.

⁴ The word "grade" substituted by NWFP Ordinance No. IV of 1985.

⁵ The word "grade" substituted by NWFP Ordinance No. IV of 1985.

⁶ The word "grade" substituted by NWFP Ordinance No. IV of 1985.

(3) Seniority on initial appointment to a service, ⁷[cadre] or post shall be determined as may be prescribed.

⁸(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se-seniority as in the lower post.

⁹(5) The seniority lists prepared under sub-section(1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

9. Promotion:-(1) A civil servant possessing such minimum qualifications as may be prescribed, shall be eligible for promotion to a ¹⁰[higher] post for the time being reserved under the rule for departmental promotion in ¹¹[] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotion shall be made as may be prescribed-

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of non-selection post, on the basis of seniority-cum-fitness.

10. Posting and Transfer:- Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government:

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

11. Termination of service:- (1) The service of a civil servant may be terminated without notice-

- (i) During the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one [service], cadre or post to another [service], cadre or post, his service shall not be so terminated so long as he

⁷ The word "grade" substituted by NWFP Ordinance No. IV of 1985.
⁸ Sub section (4) of Sec-8 substituted by NWFP Ordinance No. IV of 1985.
⁹ Sub section (5) of Sec-8 added by NWFP Act No. I of 1989
¹⁰ The word "higher" inserted by NWFP Ordinance No. IV of 1985.
^{11.} The words "the higher grade of" omitted by NWFP Ordinance No. IV of 1985.

محبت ہے۔ ایمالت ہے۔ جبر اسباب سرورس کر سہو ڈال 14/10

ہنا عالی:

خود بانہ گزارش ہے کہ سائل کا سرورس Appeal نمبر 5793/2021
مقرر سرورس ٹریبونل میں ذریعہ سماعت ہے سائل کا
درخواست بتاریخ 29-6-2022 لیر (Admite) ہوا ہے
ہنا عالی: لیت معذرت کے ساتھ کی جاتی ہے
کہ سائل بیمار تھا اور سیکورٹی فیس مقررہ تاریخ
پر جمع نہیں کر دیا۔ لیزا آپ اسلیبان کی خدمت
میں لیت عاجزی کے ساتھ درخواست کی جاتی ہے
کہ سائل کو سیکورٹی فیس جمع کرنے کے لئے اجازت
دی جائے۔ آپ اسلیبان کا دعائیہ ہونے

درخواست کنندہ ڈائرا لہ
Assistant Technical Edu.
Appeal No. 5793/2021

with in 3 days