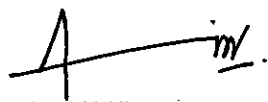


FORM OF ORDER SHEET

Court of _____

Appeal No. 1081/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/05/2023	<p>The appeal of Mr. Irfan Ullah resubmitted today by Syed Noman Ali Bukhari Advocate, It is fixed for preliminary hearing before Single Bench at Peshawar on _____</p> <p>By the order of Chairman</p> <p> For REGISTRAR</p>

The appeal of Mr. Irfan Ullah PTC GPS Toor Khel Ghallanai District Mohmand received today i.e. on 05.05.2023 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

Annexures- A, G & H of the appeal are illegible which may be replaced by legible/better one.

No. 1352 /S.T.

Dt. 8/5 /2023.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv.
High Court Peshawar.

- ① All objection clerical resubmitted and Resubmitted
- ② A, G and H. of Appeal are resubmitted



13/5/23

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1081 /2023

Irfanullah, PTC,
GPS, Toor Khel, Ghallanai, District Mohmand.

APPELLANT

VERSUS

1. The Secretary Education (E&SE) Deptt: KP Civil Secretariat, Peshawar.
2. The Secretary Finance Deptt: KP Civil Secretariat, Peshawar.
3. The District Education Officer, District Mohmand At Ghalanai.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST INACTION AND OMISSION OF THE
RESPONDENTS TO CONSIDER THE APPELLANT'S
CONTRACT PERIOD FOR THE BENEFITS OF PAY
PROTECTION AND PENSION W.E.F 2004 TILL
REGULARIZATION AND AGAINST REJECTION ORDER
DATED 06/04/2023 WHEREIN THE APPEAL OF THE
APPELLANT WAS REJECTED WITHOUT SHOWING
COGENT REASON.

PRAYER

ON THE ACCEPTANCE OF THIS APPEAL THE ORDER DATED 06/04/2023 MAY PLEASE BE SET-ASIDE AND RESPONDENT MAY PLEASE BE DIRECTED TO CONSIDER THE CONTRACT PERIOD W.E.FROM 2004 TILL REGULARIZATION OF THE APPELLANT FOR THE BENEFITS OF PAY PROTECTION AND PENSION TILL DATE AND ONWARD. ANY OTHER REMEDY WITH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED THE FAVOR OF THE APPELLANT.

RESPECTFULLY SHEWETH



FACTS

1. That, the appellant was initially appointed as PST Teacher in the Project Community School Teachers in the year 2003, Since the appointment the appellant is performing their duties upto the entire satisfaction of his superior Officers. **Copy of order is attached as Annexure-A.**
2. That in meantime the worthy Governor Khyber Pakhtunkhwa, in the capacity of the competent authority, notified on 11.05.2012 a policy/guidelines for accommodating the community school teacher against the available regular post. The appellant has been regularized in the year 2013 vide notification dated 30.08.2013. Since the regular appointment the appellant are continuously performing their duties upto the entire satisfaction of their superior's officers. But the salary of the appellant was started from initial pay stage and ignore all the previous service of the appellant. Despite that the initial appointment shown as 2003 in salary slip. **Copy of regularization order and salary slip are attached as Annexure-B & C.**
3. That since the appellant has more than 10 Years temporary services at their credit which was not counted towards their pay and pension protection which cost huge financial loss to the appellant.
4. That the appellant made several request but in vain therefore he filed writ petition No. 4090-P/2020 against the inaction/omission, of the respondents and not counting the previous Service of the appellant towards pay protection may be declared as illegal, unconstitutional, unlawful and violation of fundamental right. The said writ petition was finally heard on 01/10/2020 by the august Court and august Court disposed of the writ petition and treated the same as departmental appeal and transmitted to department for decision with certain directions. **Copy of the writ petition and judgment is attached as Annexure-D & E.**
5. That thereafter obtaining copy of the judgment appellant applied to the respondents for passing appropriate order in light of the judgment of august Court, but no response but after delay more than two years the departmental appeal of the appellant was rejected vide order dated 06/04/2023 without showing any reason. **(Copy of application and rejection order is attached as annexure-F & G).**
6. That the appellant constraint to file this service in August Tribunal on the following grounds amongst others.

GROUNDS

- A. That the order dated 06/04/2023 and depriving the appellant from the legal right of benefits of pay protection and pensionary benefits as against the law rules norms of justice.
- B. That the depriving the appellant from the benefits of pay protection is the violation of the superior Court judgments and Pension Rules.
- C. That since the appellant has more than 10 Years temporary services at their credit which was not counted towards their pay and pension protection which cost huge financial loss to the appellant.
- D. That the inaction of the respondents and not counting their previous service of more than 10 years toward pay and pension protection is against the principle of justice fair play equity and equality.
- E. That in summary to the worthy Governor it was admitted by the respondents department that the appellant has rendered more than 10 years' service on contract basis and also Senate Standing Committee recommended the regularization of the appellant therefore they should be regularized. On the basis of that summary the worthy Governor KPK has issued notification dated -11.05.2012. therefore the appellant are legally entitled to benefits of previous service towards pay and pension fixation.
- F. That as per pension rules 2.3 the temporary and officiating service followed by confirmation/regularizations will be counted towards pension and pay protection.
- G. That this august Court has already decided writ petition No. 1188-P/2014 and 361-P/2013 wherein the previous service has been ordered to be counted towards pay and pension protection.
- H. That even in and other writ petition No. 3221-P/2013 this august Court as directed the respondents to count the previous service towards pay and pension fixation by allowing the writ petition.
- I. That the august Court has also decided a similar writ petition bearing No. 5585-P/2018 on 04.09.2019. thus the appellant are also entitled for the same relief.
- J. That the appellant are not treated in accordance with law and rules keeping in view the above referred judgments the appellant also deserve same treatment under the principle of equity and equality and consistency.

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- K. That the pay protection was given to the some colleagues of the appellant but the same was denied to the appellant which was also discriminatory attitude of the department towards the appellant.
- L. That the inaction and not counting the previous service of the appellant toward pay and pension fixation protection, is against the principle of Article-2A, 9, 25 and 38 of the Constitution.
- M. That the appellant is entitled for pensionary benefits of the period which was rendered by the appellant on contract basis under the shelter of west Pakistan Pension rules 2:3 and under finance notification dated 06/02/2014. **Copy of notification is attached as annexure-II.**
- N. That the similarly nature service appeal decided by the Federal Service Tribunal in favor of appellant and the Supreme Court Judgment maintained the same. On the principal of consistency appellant also entitle to the same relief.
- O. That the appellant was treated according to the law and rules and was depriving from his legal right in arbitrary manner.
- P. That the appellant seeks permission to advance other ground proof at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT

THROUGH:


(SYED NOMAN ALI BUKHRI)
ADVOCATE HIGH COURT.

3

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Irfanullah

V/S

EDU Deptt:

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.


DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

6

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Irfanullah

V/S

EDU Deptt:

AFFIDAVIT

I, Irfanullah, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

Irfanullah
DEPONENT

OFFICE OF THE EDUCATION OFFICER MOHMAND AGENCY AT
GHALANAI

OFFICE ORDER

Consequent upon the recommendation of the selection committee and nomination of Political Agency Mohmand Agency vide his office No. 1085-89 dated 20.12.2003 the following candidates are hereby appointed against PTC Posts in the community schools under president special development package in Khwazai/Baizai inaccessible area in BPS-7 plus usual allowances are admissible under the rules on contract basis for the period of the school against their names with immediate effect.

S#	Name of candidate with father name	School where appointed
1.	Muhammad Shah S/o Musa Khan	C.S Bad Manai Ghafoor
2.	Munir Khan S/o Ali Rehman	C.S Sham Shah Yousaf Khan
3.	Noor Ullah S/o Mukaram Khan	Do
4.	Dawood Shah S/o Sadru Din	C.S Shah Mir Kore Khan
5.	Qadar Khan S/o Shah Jahan	Do
6.	Sayyar Khan S/o Amir Zada Khan	C.S Badmanai, Gulzar
7.	Ajmal Khan S/o Pir Ghulam	C.S Ghair Dhand Akram
8.	Fazal-I-Subhan S/o Abdul Latif	C.S Manzari Cheena Faqir
9.	Mohammad Israr S/o Mir Zada Khan	C.S Badmanai, Gulzar
10.	Abdul Samad S/o Mohammad Rafiq	C.S Lakhkar Killi Wali
11.	Bashir Ahmad S/o Said Akram	C.S Landi Shah Zarin
12.	Bashir Ahmad S/o Said Akram	C.S Lakhkar Killi Gul Kali
13.	Shad Ali Khan S/o Hasham Khan	C.S Badmanai Gul Zar
14.	Saeed Ullah S/o Haji Dawa Jan	C.S Mama Zai Sekandar
15.	Nazir Gul S/o Nawab Khan	Do
16.	Zaota Khan S/o Khan Syed	C.S Manzari Cheena Shinwari
17.	Tajawal Khan S/o Fazal Muhammad	C.S Jarobai Fazal
18.	Ahmad Khan S/o Niaz Din	C.S Mastai Kore Gulab
19.	Hazrat Shah S/o Sahib Jamal	C.S Kujg Mehrab Gul
20.	Ali Akbar S/o Hazrat Mohammad	C.S Ocha Jawara Naik Mohd
21.	Sajjad S/o Khanzad Gul	C.S Kung Mehrab Gul
22.	Sultan Muhammad S/o Haji Mohammad Shah	C.S Khan Baig Kore Ijazai
23.	Haleem Khan S/o Zarif Khan	Do
24.	Samar Ahmad S/o Ahmad Gul	C.S Kuzu Kass Ghulam Bashir
25.	Daftar Khan S/o Mohammad Akbar	C.S Kuzu Kass Ghulam Bashir Khan Baig Kore Fazlai Manan
26.	Khaista Zar S/o Ihsan Ullah	C.S Kuzu Kass Ghulam Bashir Khan Baig Kore Fazlai Manan

Consequent upon the recommendation of the selection committee and nomination of
 Bal Agency, Mohmand Agency vide its office No. 1055-S/0 Dtd. 1.20/02/2003, the following
 names are hereby appointed against P.T.C Posts in the community schools under president
 special development package in Khwazai / Baizai inaccessible areas on L.P.S. 7 plus Usual
 allowances as admissible under the rules on contract base for the period in the
 schools mentioned against their names with immediate effect.

No.	Name of candidate with Father name.	School where appointed
1	M. Amirul Islam S/O Mura Khan	C.S Bad Manai Ghafoor
2	M. Amir Khan S/O Ali Rehman	C.S Shau Shah Yousof Khan
3	Noor Ullah Khan S/O Mukarram Khan	Do
4	Dawood Shah S/O Sadrud Din	C.S Shah Wali Kore Khan Abad
5	Qadar Khan S/O Shah Jehan	Do
6	Sayyar Khan S/O Amir Zada Khan	C.S Badmanai Gulzar
7	M. Jamal Khan S/O Pir Ghulam	C.S Ghair Dhand Akram
8	Fazal-I. Sughan S/O Abdul Latif	C.S Manzari Cheena Faqir
9	Mohammad Irtar S/O Mir Zada Khan	C.S Badmanai Ghafoor
10	Aldul Samad S/O Mohammad Rafiq	C.S Lakhkar Killi Gul Wali
11	Abdul Malik S/O Feroz Khan	C.S Landi Shah Zarin
12	Bashir Ahmad S/O Said Akram	C.S Lakhkar Killi Gul Wali
13	Shad Ali Khan S/O Hasham Khan	C.S Bad Manai Gul Zair
14	Sardullah S/O Haji Dawa Jan	C.S Manaj Zai Sekandar
15	Nazir Gul S/O Nawab Khan	Do
16	Zaita Khan S/O Khan Saad	C.S Manzari Cheena Shirwari
17	Tajawal Khan S/O Fazal Mohammad	C.S Jarobai Fazal
18	Ahmad Khan S/O Niaz Din	C.S Masti Kore Gulab
19	Hajrat Shah S/O Sahib Jamal	C.S Kung Mehrab Gul
20	All Akbar S/O Hazrat Mohammad	C.S Ucha Jewara Baik Mohd
21	Sirjad S/O Khanzad Gul	C.S Kung Mehrab Gul
22	Sultan Mohammad S/O Haji Mohammad Shih	C.S Khan Baig Kore Ijazat
23	Makram Khan S/O Zarif Khan	Do
24	Samar Ahmad S/O Ahmad Gul	C.S Kury Kass Ghulam Bashir
25	Dafar Khan S/O Mohammad Akbar	C.S Khan Baig Kore Fazlai Manan
26	Khaista Zar S/O Ihsanullah	C.S Khan Baig Kore Fazlai Mannan

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S#	Name of candidate with father name	School where appointed
27	Jamal S/o Hakeem khan	C.S Nazar Kore Aslam
28	Aslam Khan S/o Hazrat Muhammad	C.S Ucha Jawara Naik Mohd
29	Mohammad Quraish S/o Mohammad Akbar	C.S Nazar Kore Aslam
30	Mohammad Khan S/o Ghulam Sakhi	C.S Soor Dagi Yaqub Khan
31	Raz Muhammad S/o Shah Rasool	C.S Kaka Kore Hunar Jan
32	Gul Nabi S/o Lal Said	C.S Soor Dagi Yaqab
33	Ghalzar S/o Khan Said	C.S Sam Kuzu Kass Ghulam Bashir
34	Ghalzar S/o Lal Said	C.S Soor Dagi Yaqub
35	Fida Muhammad S/o Arsala Khan	Do
36	Raz Muhammad S/o Shah Rasol	
37		C.S Kung Sabzali
38	Saddi Khan S/o Maweez Khan	Do
39	Khyali Jan S/o Joor Jan	C.S Spinki Tangi Nadar
40	Amir Khan S/o Hamid Khan	Do
41	Shah Nazir S/o Arsala Khan	C.S Spinki Tangi Sikandar
42	Sultan Murad S/o Gula Dad	Do
43	Tahir Ali S/o Gul Khan	C.S Bad Manai Bakht Jamal
44	Mawad Gul S/o Hayat Gul	C.S Toora Khwa Sherin
45	Mohd Raz S/o Zarghun Shah	Do
46	Siyar S/o Dost Muhammad	C.S Gulma Haji Almas
47	Azmat Gul S/o Rahat Gul	Do
48	Liaqat Ali S/o Mumtaz Khan	C.S Atam Killi Ghulam Sarwar
49	Khunzair Khan S/o Noor Jamal	C.S Atam Killi Mohdi Gul
50	Jamal Shah S/o Habib Khan	C.S Bad Manai Bakht Jamal
51	Khanadan S/O Wazir Khan	C.S Killi Ghulam Sarwar
52	Azaz Ullah S/o Itbar Khan	C.S Sham Shah Biland
53	Issa Dad Khan S/o Dula Dad	C.S Atam Killi Mohdi Gul
54	Akbar Khan S/o Sher Jan	C.S Landi Shah Zarin Khan
55	Ijaz Ali S/o Wazir Khan	C.S Badmanai Yad Mohd
56	Hussain Shah S/o Syed Mastan Shah	C.S Manzari Cheena Faqir
57	Janat Gul S/o Zulfan	C.S Ghair Dhand Akram
58	Mazullah S/o Najeem Khan	C.S Baidmani Yad Mohd
59	Said Ahmad S/o Muhammad Afzal	C.S Manzari Cheena Shinwari
60	Mohammad Khan S/o Mohammad Wali	C.S Toor Khel Ahmad Noor
61	Irfan Ullah S/o Alqash Khan	Do
62	Pazeer Khan S/o Mohammad Hanif	C.S Khanzar Killi Malik Abid
63	Ali Gohar S/o Ajmal Khan	C.S Yara Khel Haji Madar
64	Zahir S/o Bashir Khan	C.S Khanjar Killi Malik Abad
65	Sakhi Jan S/o Izzat Gul	C.S Jarobi Fazal
66	Zahid Ullah S/o Najeem Khan	C.S Shami Shah Biland
67	Ghulam Said S/o Noor Said	C.S Jarobi Abdullah
68	Badshah Shah Hassan S/o Ibrahim Shah	Do
69	Shah Jahan S/o Shamroz Khan	C.S Shamrad Khel Noor Zada
70	Liaqat Ali S/o Ikram Khan	Do
71	Asif Khan S/o Jamal Khan	C.S Mian Khel Malik Islam Bacha

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	Name of Candidate with Fathers Name	School where appointed
27	Jamil Shah S/O Hakeem Khan	C.S Nazar Kore Aslam
28	Aslam Khan S/O Hazrat Mohammad	C.S Ucha Jewara Naik Mohd
29	Mohammad Quraish S/O Mohammad Akbar	C.S Nazar Kore Aslam
30	Mohammad Khan S/O Ghulam Sakhi	C.S Soor Dagi Yaqub Khan
31	Raz Mohammad S/O Shah Rasool	C.S Kaka Kore Hunar Jan
32	Gul Nabi S/O Lal Said	C.S Soor Dagi Yaqub
33	Anwar Shamim S/O Ahmad Gul	C.S Kuzu Kass Ghulam Bashir
34	Ghal Zar S/O Khan Said	C.S Sami Ghakhai Siraj Khan
35	Fida Mohammad S/O Arsala Khan	Do
36	Raz Mohammad S/O Shah Rasool	C.S Kaka Kore Hunar Jan
37	Raz Mohammad S/O Shah Rasool	C.S Kung Sabzali
38	Saddi Khan S/O Maweez Khan	Do
39	Khyali Jan S/O Joor Jan	C.S Spinki Tangi Nadar
40	Amir Khan S/O Hamid Khan	Do
41	Shah Nazir S/O Arsala Khan	C.S Spinki Tangi Sikandar
42	Sultan Murad S/O Gula Dad	Do
43	Tahir Ali S/O Gula Khan	C.S Bad Manai Bakht Jamal
44	Mawad Gul S/O Hayat Gul	C.S Toora Khwa Sherin
45	Mohd Raz S/O Zarghun Shah	Do
46	Siyar S/O Dost Mohammad	C.S Gulma Haji Almas
47	Azmat Gul S/O Rahat Gul	Do
48	Liaqat Ali S/O Mumtaz Khan	C.S Atam Killi Ghulam Sarwar
49	Khuzair Khan S/O Noor Jamal	C.S Atam Killi Mohdi Gul
50	Jamal Shah S/O Habib Khan	C.S Bad Manai Bakht Jamal
51	Khanadan S/O Wazir Khan	C.S Atam Kili Ghulam Sarwar
52	Azaz Ullah S/O Itbar Khan	C.S Sham Shah Biland
53	Issa Dad Khan S/O Dula Dad	C.S Atam Kili Mohdi Gul
54	Akbar Khan S/O Sher Jan	C.S Landi Shah Zarin Khan
55	Ijaz Ali S/O Wazir Khan	C.S Badmanai Yad Mohd
56	Hussain Shah S/O Syed Mastan Shah	C.S Manzari Cheena Faqir
57	Janat Gul S/O Zulfan	C.S Ghair Dhand Akram
58	Mazullah S/O Najeem Khan	C.S Baidmani Yad Mohd
59	Said Ahmad S/O Mohammad Afzal	C.S Manzari Cheena Shinwari
60	Mohammad Khan S/O Mohammad Wali	C.S Toor Khel Ahmad Ncor
61	Irfan Ullah S/O Alqash Khan	Do
62	Pazeer Khan S/O Mohammad Hanif	C.S Khanjar Killi Malik Abid
63	Ali Gohar S/O Ajmir Khan	C.S Yara Khel Haji Madar
64	Zahir S/O Bashir Khan	C.S Khanjar Killi Malik Abid
65	Sakhi Jan S/O Izzat Gul	C.S Jarobi Fazal
66	Zahid Ullah S/O Najeem Khan	C.S Sham Shah Biland
67	Ghulam Said S/O Noor Siad	C.S Jarobi Abdullah
68	Bad Shah Hassan S/O Ibrahim Shah	Do
69	Shah Jehan S/O Shamroz Khan	C.S Shamrad Khel Noor Zada
70	Liqat Ali S/O Ikram Khan	Do
71	Asif Khan S/O Jamal Khan	C.S Maim Khel Malik Islam Bacha

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Name of Candidate with Fathers Name	School where Appointed
73 Saadur Shah S/O Mir Zaman Khan	C.S Maimi Khel Malik Islam Bacha
74 Syed Taj S/O Mahboob Khan	C.S Yara Khel Haji Madar
75 Mohammad Naseer S/O Ghani Khan	C.S Mula Khel Toori Tengi Ayub
76 Asal Khan S/O Saidan Khan	Do
77 Fayaz Khan S/O Badam Khan	C.S Shakar Khel Khatam Jan
78 Ajmal Khan S/O Harifullah	Do
79 Darwaish Khan S/O Gul Said	C.S Ughazado Khel Farooq
80 Mustafa Khan S/O Wasil Khan	Do
81 Arif Shah S/O Rahil Shah	C.S Abdul Khel Hingar M. Amin
82 Shah Bad Shah S/O Hazrat Bad Shah	Do
83 Mohammad Hazoor S/O Hazrat Bad Shah	C.S Sana Khel Yaqub
84 Suhbat Shah S/O Amir Khisro	Do
85 Ihsan Ullah S/O Gul Alam	C.S Abdul Khel Saad Ullah
86 Kiramat Shah S/O Musharaf Shah	Do
87 Dawood Shah S/O Sulman Shah	C.S Matina Malik
88 Fazlai Dayan S/O Sadrud Din	C.S kankar Killi M. Farid Ullah
89 Murzafar Khan S/O Zaman Khan	C.S Dag Killi Syed Qahar
90 Fazlai Subhan S/O Mirza Hakcem Sadrud Din	C.S Masti Kore Masahib Khan
91 Yousaf Khan S/O Syed Rahman	C.S Zoor Killi
	C.S Lakhka Killi Faiz Ali

TERMS/CONDITIONS:-

- 1:- The appointments of the Teachers are made on temporary basis and liable to termination without any notice/assigning any reasons.
- 2:- They should produce their Health and Age certificates from the Agency Surgeon Mohmand Agency at Ghallanai.
- 3:- Charge report should be submitted to this office in duplicate within in a specific period.
- 4:- If the candidates/Teachers failed to report of their arrival to the concerned schools within fifteen days(15) their orders will be automatically considered as cancelled.
- 5:- Academic qualification is must to be verified.

(HAJI GUL RAHMAN)
 Agency Education Officer
 Mohmand Agency at Ghallanai.

Endst No. 4993-5089 Dated. 06/02/2003.

- Copy of the above is forwarded to the:-
- 1 Director of Education, FATA, NWFP, Peshawar.
 - 2 Political Agent Mohmand Agency at Ghallanai w/r his office memo No. as cited.
 - 3 Agency Surgeon Mohmand Agency at Ghallanai.
 - 4 Asstt: Political Agent (Upper Mohmand) at Ghallanai.
 - 5 Agency Accounts Officer, Mohmand Agency at Ghallanai.
 - 6 Acct/Pay Clerk in local office.
 - 7-97 Candidates concerned.

(Signature)
 Agency Education Officer,
 Mohmand Agency at Ghallanai.
 6/3/2003

Hakim Khan (D.E.O)
 Mohmand Agency at Ghallanai

B 10

OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND AGENCY AT GHAFI ANAI

REGULARIZATION OF COMMUNITY TEACHERS.

Consequent upon the notification No.SO(E)/SSD/CNCR 99-108, dated 11.5.2012, Adjustment order of 14 community teachers of functional Community Schools is hereby ordered against regular PST posts as SPS-07 in the schools mentioned against their names in the interest of public service, w.e.f. 1.9.2013 on the basis of Court decision dated 6.8.2013.

Note:- The candidates/teachers who have not acquired the required qualification for PST post i.e. FA and PTC are directed to acquire the requisite qualification within 24 months after the issuing date of this order, otherwise adjustment of such like candidates will be considered as cancelled and they will be terminated.

S. No	Name with Father's Name	Name of Community School	Station of Posting as Regular PST	Tehsil	Remarks
1	Jan Nisar S/O Sarzamin Khan	BCS Bahlola	GPS Kamangara	Ambar	Vacant Post
2	Shad Ali S/O Hasham Khan	BCS Baidmanai Yad Muhammad	GPS Toor Kore	Baizai	Vacant post
3	Abdul Malik S/O Feroz Khan	BCS Zabri Jour	GPS Zabri Jour	Baizai	Newly created post
4	Zaula Khan S/O Khan Said	BCS Zabri Jour	GPS Zabri Jour	Baizai	Newly created post
5	Issa Dad S/O Guladad	BCS BCS Koda Khel Kahir Bandi	GPS Spinki Tangi	Halimzai	Newly created post
6	Naseer Khan S/O Abdur Rahman	BCS Koda Khel Kahirbandi	GPS Shamshah Guno	Halimzai	Newly created post
7	Irfanullah S/O Aiqash Khan	BCS Khanjar Killi	GPS Toor Khel	Halimzai	Newly created post
8	M.Nasir Khan S/O Ghani Khan	BCS Spinki Tangi Nadar	GPS Shamsha Guno	Halimzai	Newly created post
9	Sartaj S/O Mahboob Khan	BCS Khan Baig Fazle Manan	GPS Qamardin	Halim zai	Vacant post
10	Amir Khan S/O Said Muhammad	BCS Koda Khel Haji Gulab	GPS Akram Baig	Halimzai	Vacant post
11	Chulam Said S/O Noor Said	BCS Zoor Killi Aflatoon	GPS Spinki Tangi	Halimzai	Newly created post
12	Raz Muhammad S/O Shah Rasool	BCS Bakhshi Kore Hunar	GPS Sana Khel	Khwezai	Newly created post
13	Ikramullah S/O Muhammad Sharif	BCS Kung Sabzali Jalaf Kore	GPS Atam Killi	Khwezai	Newly created post
14	Saz Muhammad S/O Shah Rasool	BCS Bakhshi Kore Hunar	GPS Sana Khel	Khwezai	Newly created post

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15	Shah Nazar Arsala Khan	S/O	BCS Spinki Tangi Sikandar	GPS Kharai Dara No.2	Khwezai	Vacant post
16	Saddi Khan Maweez Khan	S/O	BCS Koda Khel Dag Qalla	GPS Bahadar Kilii	Khwezai	Vacant post
17	Khiali Jan Noor Jan	S/O	BCS Spinki Tangi Nadar	GPS Toor Khel	Khwezai	Newly created post
18	Mustafa Khan Wasil Khan	S/O	BCS Toora Khwa Sherin	GPS Amno Khel	Pandiali	Vacant post
19	Ahmad Khan Niazuddin	S/O	BCS Koda Khel Haji Gulab	GPS Serai	Prang Ghar	Vacant post

TERMS AND CONDITIONS

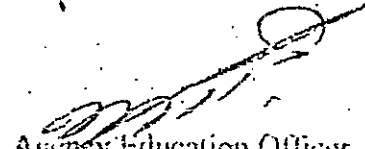
1. All terms & conditions will remain the same, meant for new appointment, other than the age nature.

(SAID MUHAMMAD)
Agency Education Officer
Mohmand Agency at Ghallanai.

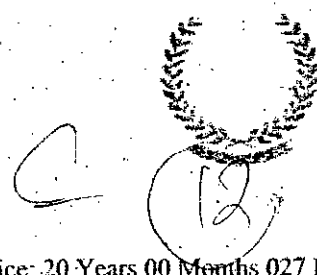
Endst No. 11053-80 Project/ Appointment
Copy of the above is forwarded to the:-

Date 30/8/2013

1. PA to Secretary to Governor KPK, Peshawar.
2. Director of Education FATA, K.P.K. Peshawar.
3. Political Agent Mohmand Agency.
4. Agency Accounts Officer Mohmand Agency at Ghallanai.
5. AAFOs concerned.
6. Accountant local office.
7. Teachers concerned.


Agency Education Officer
Mohmand Agency at Ghallanai.
Faisa Sht

Dist. Govt. KP-Provincial
District Accounts Office GHALANAI
Monthly Salary Statement (March-2023)



Personal Information of Mr IRFAN ULLAH d/w/s of ALQASH

Personnel Number: 00354948 CNIC: 2140281491317 NTN:
 Date of Birth: 01.01.1982 Entry into Govt. Service: 06.03.2003 Length of Service: 20 Years 00 Months 027 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER 80926290-DISTRICT GOVERNMENT KHYBE
 DDO Code: MG6013-Govt Primary Schools Mohmand
 Payroll Section: 001 GPF Section: 001 Cash Center: 63
 GPF A/C No: GPF Interest applied **GPF Balance:** 200,852.00 (provisional)
 Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 12 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	32,640.00	1001	House Rent Allowance 45%	2,940.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1528	Unattractive Area Allow	1,500.00	2148	15% Adhoc Relief All-2013	329.00
2199	Adhoc Relief Allow @10%	225.00	2316	Teaching Allowance 2021	2,664.00
2341	Dispr. Red All 15% 2022KP	3,150.00	2347	Adhoc Rel Al 15% 22(PS17)	3,150.00

Deductions - General

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-2,220.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-12.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	153,000.00	4,250.00	85,000.00

Deductions - Income Tax

Payable: 107.43 Recovered till MAR-2023: 48.00 Exempted: 26.04 Recoverable: 33.39

Gross Pay (Rs.): 50,954.00 Deductions: (Rs.): -8,417.00 Net Pay: (Rs.): 42,537.00

Payee Name: IRFAN ULLAH
 Account Number: 2103325
 Bank Details: UNITED BANK LIMITED, 211384 GHALANAI GHALANAI

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: MOHMAND AGENCY Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address: City: Email: alqashkhan@gmail.com

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 4340P /2020

1. Mustafa Khan, PTC,
Government Primary School Amno Khel Ghallani District Mohmand.
2. Ghazala, PTC,
Government Primary School Bahi Dag, Ghallanai, District Mohmand.

~~3. [REDACTED]~~

3. Sabiha, PST,
Government Girls Primary School Soor Braj Ghallanai, District Mohmand

4. Farzana Yousaf, PTC,
Government Girls Primary School Kung Farmanullah Ghallanai,
District Mohmand.

5. Nigat Bano, PST,
Government Girls Primary School Baghi Shah Ghallanai,
District Mohmand

6. Shaista, PST,
Government Girls Primary School Joura Rawesh Ghallanai,
District Mohmand

7. Janat Gul Khan, PST,
Government Primary School Ghair Dand Ghallanai,
District Mohmand

8. Sartaj, PTC,
Government Primary School Qamardin, Ghallanai,
District Mohmand

9. Adil Shah, PTC,
Government Primary School Said Rahman Gurbaz, Ghallanai,
District Mohmand

10. Muhammad Irshad, PTC,
MPS Abdul Jabbar, Ghallanai, District Mohmand.

11. Nasir Khan, PTC,
Government Primary School Shamshah Guno Ghallanai,

FILED TODAY
Deputy Registrar
25 SEP 2020

District Mohmand

- (12) Sajid Ali, PTC
Government Primary School Bacha Kandao Ghallanai,
District Mohmand
- (13) M. Naseer, PST,
Government Primary School Toor Khel, Ghallanai,
District Mohmand
- (14) Irfan Ullah, PTC,
Government Primary School Toor Khel Ghallanai,
District Mohmand.
- (15) Amir Khan, PTC,
Government Primary School Gumbati Ambar Ghallani,
District Mohmand.
- (16) Shahid Nasim, PTC,
Government Primary School Yaqoob Khanzadagan Ghallanai,
District Mohmand
- (17) Ameen Khan, PTC,
Government Primary School Selai Dawad Jan Ghallanai,
District Mohmand.
- (18) Gul Nabi, PTC,
Government Primary School Zanawar Cheena Gul Said GHallanai,
District Mohmand.
- (19) Zahir, PTC,
Government Primary School Zanawar Cheena Gul Said GHallanai,
District Mohmand.
- (20) Issa Dad, PTC,
Government Primary School Spinki Tangi Ghallanai,
District Mohmand.

FILED TODAY
Deputy Registrar
25 SEP 2020

Mud S
PETITIONERS

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
2. The Secretary Education Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Additional Chief Secretary (FATA);
5. The Director Education (FATA), FATA Secretariat, Warsak FATA Secretariat, Warsak Road, Peshawar Road, Peshawar.
6. The District Education Officer District Mohmand at Ghallanai.

FILED TODAY
Deputy Registrar
25 SEP 2020

RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN
AS AMENDED UPTO DATE.

RESPECTFULLY SHEWETH:

1. That the petitioners were initially appointed as PST Teacher in the Project Community School Teachers in the year 2000, 2001, 2003, 2004, 2006, & 2007. Since the appointment the petitioners are performing their duties upto the entire satisfaction of their superior Officers. Copy of orders are attached as Annexure-A.
2. That due to some complaint by the local people of the area in some of the agencies the communities' schools were closed in the year 2010 but reopened by the Fata Secretariat soon. Copies of orders of closer and reopening of the school are attached as Annexure-B.
3. That in meantime the worthy Governor Khyber Pakhtunkhwa, in the capacity of the competent authority, notified on 11.05.2012 a policy/guidelines for accommodating the community school teacher against the available regular post. It is also worth to mention here that after the opening Communities schools the petitioners were readjusted / reappointed against their original post.

(16) (17)

in the year 2011. Copies of notification and readjustment order are attached as Annexure-C & D.

4. That the petitioners have been regularized in the year 2013 and onwards vide vide notification dated 30.08.2013 to the petitioners have been regularized w.e.from 01.09.2013. Since the regular appointment the petitioners are continuously performing their duties upto the entire satisfaction of their superiors officers. Copy of regularization order are attached as Annexure-E.
5. That since the petitioners have more than 10 Years temporary services at their credit which was not counted towards their pay and pension protection which cost huge financial loss to the petitioners.
6. That having no other remedy the petitioners are constrained to file the instant main writ petition on the following grounds amongst the others.

GROUND:

- A) That the inaction of the respondents and not counting their previous service of more than 10 years toward pay and pension protection is against the principle of justice fair play equity and equality.

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Deputy Registrar
25 SEP 2020

- B) That in summary to the worthy Governor it was admitted by the respondents department that the petitioners have rendered more than 10 years service on contract basis and also Senate Standing Committee recommended the regularization of the petitioners therefore they should be regularized. On the basis of that summary the worthy Governor KPK has issued notification dated 11.05.2012 (Annexure-C), therefore the petitioners are legally entitled to he benefits of previous service towards pay and pension fixation. Copy of Summary is attached as Annexure-F
- C) That as per pension rules the temporary and officiating followed by confirmation/regularizations will be counted towards pension and pay protection. Copy of the relevant rules is attached as Annexure-G.
- D) That this august Court has already decided writ petition No. 1188-P/2014 and 361-P/2013 wherein the previous service has been ordered to be counted towards pay and pension protection. Copy of Judgment is attached as Annexure-H & I

- (17)
- E) That even in and other writ petition No. 3221-P/2013 this august Court as directed the respondents to count the previous service towards pay and pension fixation by allowing the writ petition. Copy of Judgment is attached as Annexure-J.
- F) That the august Court has also decided a similar writ petition bearing No. 5585-P/2018 on 04.09.2019. thus the petitioners are also entitled for the same relief. Copy of the Judgment is attached as Annexure-K.
- G) That the petitioners are not treated in accordance with law and rules keeping in view the above referred judgments the petitioners also deserve same treatment under the principle of equity and equality and consistency.
- H) That the inaction and not counting the previous service of the petitioners toward pay and pension fixation protection, is against the principle of Article-2A, 9, 25 and 38 of the Constitution.
- I) That the petitioner seeks permission to advance other grounds and proofs at the time hearing.

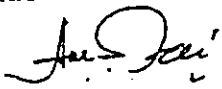
It is, therefore, most humbly prayed that on acceptance of this writ petition the inaction on the part of respondent and not counting the previous service of the petitioner towards pay protection and pensionary benefit may be declared as illegal unconstitutional arbitrary and exploitation of the past good service of the petitioners. The respondent may further please be directed to allow full pay protection and pensionary benefit of the past service to the petitioners to meet the ends of justice, principles of equity and by treating them at par with the petitioner of the above referred writ petition. Any other remedy which this august court deems appropriate may also be awarded in favour of petitioners.

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Deputy Registrar
25 SEP 2020


PETITIONER

Mustafa Khan etc.

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN.

VERIFICATION:

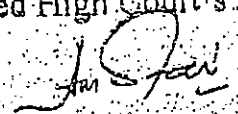
It is verified that no other Writ Petition earlier has been filed between the present parties, except the present one.


DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. Any other case law as per need.

NOTE: Prior Notice along with the copies of the Writ Petition has already been given to the respondents as per amended High Court's Rules dated: 23.02.2016


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN.

-FILED TODAY
Deputy Registrar
25 SEP 2020

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**IN THE PESHAWAR HIGH COURT,
PESHAWAR,
[Judicial Department].**

Writ Petition No.2802-P/2020

Murad Ali, PTC,
GPS Taraki Tangi Ghallanai,
District Mohmand and others.



Petitioner (s)

VERSUS

The Government of Khyber Pakhtunkhwa,
through Chief Secretary and others.

Respondent (s)

For Petitioner (s) :-
For Respondents :-
Date of hearing:

Mr. Muhammad Asif Yousafzai, Advocate.
Mr. Rab Nawaz Khan, AAG.
01.10.2020.

JUDGMENT

ROOH-UL-AMIN KHAN, ... J:-Through this common judgment, we propose to decide the instant writ petition and connected Writ Petition No.2803-P/2020, titled, "Muhammad Ishaq etc vs Government of Khyber Pakhtunkhwa through Chief Secretary and others" as identical question of law and fact is involved therein.

2. As per averments in the writ petitions, the petitioners were initially appointed as PSTs in the Project Community School Teachers in the year 2000 to 2007. The said schools were closed in the year 2010. In the meanwhile, the Governor Khyber Pakhtunkhwa vide notification dated 11.05.2012, accommodated the petitioners by re-adjusting/appointing them against the substantive posts. The services of the petitioners were regularized w.e.f. 01.09.2013. Grievance of the petitioners is that the respondents have refused to count temporary service

ATTESTED

EXAMINER
Peshawar High Court

Peshawar High Court

towards their regular service for the purpose of pension, hence these writ petitions.



3. At the very outset learned counsel for the petitioners fairly and frankly conceded that petitioners are civil servants and jurisdiction of this Court in the matter is barred under Article 212 of the Constitution, however, requested that it would be in the interest of justice if the petitions of the petitioners are treated as departmental appeals and sent to the respondents for decision in light of the guidelines laid down by a Larger Bench of this court in its judgment dated 22.06.2017, rendered in Writ Petition No.3394-P/2016, titled, "Amir Zeb etc vs the District Account Officer Nowshera and others".

4. In view of the above, we instead of dismissing the writ petition treat them as departmental appeals on behalf of the petitioners and transmit the same to the respondents for consideration and decision strictly in accordance with the Civil Servants Pension Rules 1963 as well as the guidelines laid down by the Larger Bench of this court in its judgment dated 22.06.2017, rendered in Writ Petition No.3394-P/2016, titled, "Amir Zeb etc vs the District Account Officer Nowshera and others".

Announced:
01.10.2020

13 OCT 2020

Judicial Officer
JUDGE

Judicial Officer
JUDGE

DD of Hon'ble Mr. Justice Roshid Amin Khan; and
Hon'ble Mr. Justice Iqbal Ullah Khan.

Seal of the High Court of Peshawar
Authorized Under Article 212 of the Constitution of Pakistan

13 OCT 2020

[Signature]
CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 212 of the Constitution of Pakistan
13 OCT 2020

The District Education Officer,
District, Mohmand.

Through proper channel

SUBJECT: REMINDER/APPLICATION FOR DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WHICH WAS TRANSMIT BY THE PESHAWAR HIGH COURT PESHAWAR VIDE ORDER DATED 04/09/2019.

Respected Sir,

Most humbly it is submitted that I am civil servant and presently working as PST.

That the same benefit was not awarded to the appellant and the pay of the appellant was fixed as fresh pay without considering the previous pay and service of the appellant which is against the law and rules.

The appellant filed writ petition no 4340 p/2020 for his claim. The said Writ Petition was heard on 20/11/2020 and the Hon'ble Court was kind enough to convert the Writ Petition as departmental appeal and transmit it to your good self for treating the Writ Petition as departmental appeal and to decide the same in accordance with law. Copy attached.

The deptt. so many times makes promise to decide the departmental appeal of the appellant but no fruitful result achieved now after passing two years the departmental appeal of the appellant is still pending. Which is also violation of Peshawar High Court Peshawar Judgment.

That according to government policy, the appellant had right to benefit of the pay protection will be admissible to the employees under WEST Pakistan 1963 pension rules and judgment of Larger bench of Peshawar High Court Peshawar.

It is therefore, most humbly requested, on acceptance of this application/reminder, the departmental appeal of the appellant shall be decided and the pay of appellant may kindly be protected and the service rendered on contract basis may be accounted toward the length of service and pensionary benefits in order to the save the appellant from financial loss.

Inforullah S/o Alqash Khan
Inforullah
Applicant

21602-8149131-7

Date: 01/12/2022

CC to: The Secretary to Govt: (E&SE) Deptt: KP Peshawar.

CC to: The Director (E&SE) Merged Area, KP, Peshawar.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block A Opposite MPA:s Hostel, Civil Secretariat Peshawar
Phono No. 091-9223587

ORDER

No. SO (Lit-IV) E&SED/COC#69-P/2023/WP 4340-/P/2020/Mustafa Khan & others

WHEREAS Mustafa Khan and 19 others appellant (Petitioners) were initially appointed as PST Teacher in the Project Community School Teachers for a project period at various community schools at District Mohmand in the year 2000 to 2007.

2. **AND WHEREAS**, the Community School Teachers project was closed down on 31.12.2010.
3. **AND WHEREAS**, the Community School Teachers was re-appointed consequent upon the direction of competent authority vide order No. 6048-61 dated 09.12.2011.
4. **AND WHEREAS**, in pursuance of the notification No. SO (E)/SSD/SCTR/99-10. dated 11-05-2012 duly approved by the then Government Khyber Pakhtunkhwa the services of the appellant were regularized w.e.f 01/0/2013.
5. **AND WHEREAS**, Mustafa Khan and 19 others filed Writ Petition No. 4330-P/2020 before the Hon' able Peshawar High Court with the prayer of couting their previous services towards pay protection and back benefits.
6. **AND WHEREAS**, the Hon' able Peshawar High Court Peshawar vide its Judgment dated 12-12-2020 treated the Writ Petition as Departmental Appeal and transmitted the same to the respondent Department for consideration and decision in light of the Judgment in Writ Petition No. 2802-P/2020 as well as decision strictly in accordance with Civil Servant Pension Rules, 1963 and the guidelines laid down by the larger bench in Writ Petition No. 3394-P/2016 title Amir Zeb etc Vs Account officers, Nowshera & other.
7. **AND WHEREAS**, the respondent Department in the light of Judgment of Peshawar High Court in Writ Petition No 4340-P/2020 conducted a Departmental Consideration Committee meeting on 21/03/2023.
8. **AND WHEREAS**, the respondent Department in the light of Judgment of Peshawar High Court conducted a Departmental appellate committee meeting and provided opportunity of hearing to the Petitioners.
9. **NOW THEREFORE**, in pursuance of order Dated 10-12-2020 the Hon' able Peshawar High Court Peshawar, with relevant law, rules, policy and recommendations of the Appellate Committee meeting, discussed hereinabove, the undersigned, in the capacity of Appellate Authority is of the considered view that the Petitioners namely Mustafa Khan and 19 others are not entitled to back benefits and pay protection for the period served in Community School Project, hence, the claim of the Petitioners hereby stands rejected in the interest of public service.

SECRETARY
E&SE DEPARTMENT

Endst of even No. & date

Copy of the above is forwarded to the:-

1. Additional Registrar (Judicial), Peshawar High Court, Peshawar.
2. Additional Advocate General Peshawar High Court, Peshawar.
3. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Mohmand.
5. Section Officer (Lit:III), Elementary & Secondary Education Department.
6. Teachers concerned.

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 901-9222587

Dated Peshawar the April 06th, 2023

69
23

ORDER

No. SO/HR/REASSED/COC#69-P/2023/WP/4340-P/2020/Mustafa Khan & others

WHEREAS, Mustafa Khan and 19 other appellants (petitioners) were initially appointed as P.S.I. teachers in the Project Community School Teachers for a project period at various community schools of District Mardan in the year 2009 to 2007.

AND WHEREAS, the Community School Teachers project was closed down on 31-12-2010

AND WHEREAS, the Community School Teachers were re-appointed consequent upon the decision of competent authority vide order No. 5943-61, dated 09-12-2011

AND WHEREAS, in pursuance of the notification No. SO/HR/SS9/SCTR/99-10, dated 11-03-2012 and approved by the Hon. Chief Minister, Khyber Pakhtunkhwa the services of the appellants were terminated on 1st of 2013.

AND WHEREAS, Mustafa Khan and others filed Writ Petition No. 4340-P/2020 before the Hon. Chief Justice, Peshawar High Court, with the prayer of granting their previous services towards pay and other benefits.

AND WHEREAS, the Honorable Peshawar High Court Peshawar vide its judgment dated 10-12-2020 has allowed the appellants' departmental appeal and transmitted the same to the respondent department for consideration and decision in light of the judgment in writ petition No. 2807-P/2020 as well as decision rendered by the Hon. Chief Justice, Peshawar High Court in writ petition No. 1354-P/2014 titled Amir Zeb etc Vs Account Officer, Nowshera & others.

AND WHEREAS, the respondent department in the light of judgment of Peshawar High Court in Writ Petition No. 4340-P/2020 constituted a Departmental Appellate Consideration Committee meeting on 21-03-2023.

AND WHEREAS, the respondent department in the light of judgment dated 10-12-2020 conducted a Departmental Appellate Committee meeting and provided opportunity of hearing to the petitioners.

NOW, THEREFORE, in pursuance of order dated 10-12-2020 the Honorable Peshawar High Court Peshawar, consulting with relevant law, rules, policy and recommendations of the Appellate Committee meeting, discussed hereinabove, the undersigned, in the capacity of Appellate Authority, is of the considered view that the petitioners namely Mustafa Khan and 19 others are not entitled to back benefits and pay protection for the period served in Community Schools Project, hence, the claim of the petitioners hereby stands rejected in the interest of public service.

SECRETARY
E&SE DEPARTMENT

Ends: of even No. & date:

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

NO. FD (SOSR-1) 12-7/2014

Dated Peshawar the 6th February, 2014

1. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa.
2. Senior Member Board of Revenue Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa.
4. The Principal Secretary Chief Khyber Pakhtunkhwa.
5. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioner's in Khyber Pakhtunkhwa.
9. All Political Agents/District & Session Judges in Khyber Pakhtunkhwa.
10. The Registrar Peshawar High Court Peshawar.
11. The Chairman Public Service Commission Khyber Pakhtunkhwa.
12. The Chairman Service Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa.

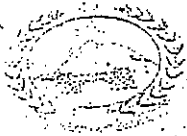
Subject:- PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION/APPOINTMENT ON REGULAR BASIS.

Dear Sir:-

In pursuance to the finance Davison's Office Memorandum No. R.1/2012 dated 31st May 2013, the competent authority is pleased to allow the pay protection to non gazetted contract employees on their regularization/appointment on regular basis with immediate effect subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions circulated by this Provincial Government are amended from time to time.
- ii) That the contract employ has applied through proper channel and has been properly by the appointed authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization/regular appointment has been made with the approval of competent authority.
- iv) That there is no break/interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension/gratuity.
- vi) That in case of regular appointment in lower pay shall not be protected./

Your Faithfully
RAZAULLAH KHAN
Addl Secretary (Regulation)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SOSR-1) 12-7/2014
Dated Peshawar the 6th February, 2014

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Government, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
12. The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 13.

Subject:

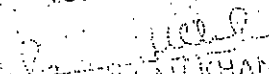
PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION / APPOINTMENT ON REGULAR BASIS:

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No. 701R-1/2012 dated 31st May, 2013, the competent authority is pleased to accord the pay protection to non-Gazetted contract employees on their regularization / appointment on regular basis with immediate effect subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions, circulated by this Provincial Government as amended from time to time.
- ii) That the contract employee has applied through proper channel and has been properly followed by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization / regular appointment has been made with the approval of competent authority.
- iv) That there is no break / interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension / gratuity.
- vi) That in case of regular appointment in lower grade, pay shall not be protected.

Yours faithfully,


(RAZAUHLLAH KHAN)
Addl. Secretary (Regulation)

P.T.O

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Endst o FD, (SOSR-1)

12-7/2014:

Dated 6h Feb, 2014

Copy for information and necessary action to the:-

1. The Director, Treasures & Accounts, Khyber Pakhtunkhwa.
2. All the District comptroller of Accountrs in Khyber Pakhtunkhwa.
3. The Director Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, PMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers, in Khyber Pakhtunkhwa/ FATA.

(MASOOD KHAN)
Deputy Secretary (Reg-II)

Endst No. & date. Even

Copy for information is forwarded to the:-

1. All the Section Officers/Budged Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Financed, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary/P.As to Special Secretary/Additional Secretaries/Deputy Secretariat in Finance Deptt:-

(Wazir Muhammad Afgar)
Section Officer (SR-1)

25
Dated 6th Feb, 2014

Endst. No. FD (SOSR-1) 12-7/2014

Copy for information & necessary action to the:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FIMU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.

(MASOOD KHAN)
Deputy Secretary (Reg-II)

Endst. No. & Date Even

Copy for information is forwarded to:-

1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt.

(Wazir Muhammad Afgar)
Section Officer (SR-1)

VAKALAT NAMA

NO. _____/2023

IN THE COURT OF

ICP

Service Tribunal, Peshawar

S. Faruqullah

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Edo Deah

(Respondent)
(Defendant)

I/We, S. Faruqullah

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court of Pakistan & Syed Noman Ali Bukhari, Advocate High Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

Dated _____/2023

S. Faruqullah
(CLIENT)

ACCEPTED

(**M. ASIF YOUSAFZAI**)
ADVOCATE SUPREME COURT,
OF PAKISTAN.

S. Noman Ali Bukhari &
(**S. NOMAN ALI BUKHARI**)
ADVOCATE HIGH COURT,

OFFICE:

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