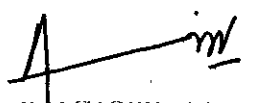


FORM OF ORDER SHEET

Court of _____

Appeal No. 1083/2023


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. Muhammad Irshad 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. Muhammad Irshad PTC GPS Abdul Jabbar 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 appellant for completion and resubmission within 15 days.

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

No. 1351 /ST

DL 8/5 /2023.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Syed Noman Ali Bukhari Adv.
High Court Peshawar.

- ① All objection clerks and resubmitted
- ② G and H the appeal are resubmitted



13/5/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 1083 /2023

Muhammad Irshad

V/S

EDU Deptt.

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-06
2.	Copy of 1 st appointment order	- A -	07-08
3.	Copy of regularization order	- B -	09-11
4.	Copy of pay slip	- C -	12-13
5.	Copy of writ petition	- D -	14-19
6.	Copy of judgment	- E -	20-21
7.	Copy of application	- F -	22-23
8.	Copy of rejection	-G-	24
9.	Copy of notification	-H-	25-26
10.	Copy of apex court judgments	I--	27-41
11.	Vakalat Nama	-----	42


APPELLANT

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 1083 /2023

Muhammad Irshad PTC,
MPS Abdul Jabar, 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

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FACTS

1. That the appellant was initially appointed as PST Teacher in the Project Community School Teachers in the year 2004, 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 30.05.2013. 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 2004 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

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- 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.

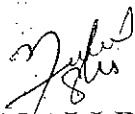
4

- 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-H.**
- 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. **Copy of the judgment is attached as Annexure-I**
- 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.

5

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Muhammad Irshad

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 PESIAWAR

APPEAL NO. _____/2023

Muhammad Irshad

V/S

EDU Deptt:

AFFIDAVIT

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


DEPONENT

OFFICE OF THE AGENCY EDUCATION OFFICER, MOHMAND AGENCY AT GHALLANAI

APPOINTMENT ORDER:-

Consequent upon of the approval of the Political Agent Mohmand Agency at Ghallanai, the following (Male/Female candidates are hereby appointed against PTC Posts in BPS. No. 07 plus usual allowances as admissible under the rules on contract basis for the project period in the schools noted against their names in the interest of public service with effect from the date of taking over charge.

S. #	Name with Fathers Name	School	Remarks
1	Bakht Zada S/O Shah Zada	C. S Behlola (Lower Mohmand)	Against newly Created Post (ADP No. 259)
2	Jan Nisat S/O Sher Zama	=do=	=do=
3	Lal Zada S/O Sautar Khan	C.S karkana (Lower Mohmand)	=do=
4	Taj Muhd S/O Sheikh Muhd	=do=	=do=
5	Zakia D/O Sher Qadir	FCS Chargulai Ambar (L. Mohmand)	=do=
6	Nagina D/O Muhd Shah	=do=	=do=
7	Hikmat Ullah S/O Abdur Rahim	C.S Sheikh Baba (Upper Muhd)	=do=
8	Sanobar S/O Sarkari Khan	=do=	=do=
9	Nizakat D/O Rashid Gul	FCS Wali Jan (Upper Mohmand)	=do=
10	Nagina Begum D/O Nazir Muhd	=do=	=do=
11	Nazma Anwar D/O Muhd Anwar	FCS Qala Gai	=do=
12	Robina Rahman D/O Atta ur Rahman	=do=	=do=
13	Mufida D/O Asmat Ullah	FCS Chinari (Upper Mohmand)	=do=
14	Nighat Yasmeen D/o Sher Qadir	=do=	=do=
15	Shahmim Gul D/O Saz Gul	FCS Jarobi (Baizai area)	=do=
16	Mareena D/O Shamroz Khan	=do=	=do=
17	Wajida D/O Fazli Elahi	FCS Shamsai (Baizai area)	=do=
18	Nadia D/O Gul Hayat	=do=	=do=
19	Khatoon D/O Rabnawaz	FCS Shamsa (H/Umar Khan) (Baizai area)	=do=
20	Asia D/O Nihar Khan	=do=	=do=
21	Minhaj D/O Awal Mir	FCS Kuda Khel (Baizai)	=do=
22	Ruqia D/O Muhd Fazil	=do=	=do=
23	Ghazala D/o Sher Afsar	FCS Ucha Jewara (Khwaizai area)	=do=
24	Shagufta D/O Karim Bakhsh	=do=	=do=
25	Falak Naz D/O Masal Khan	FCS kung Khwaizai	=do=
26	Furzana D/o yousaf Khan	=do=	=do=
27	Muhd Irshad S/O Abdur Rahman	C.S Sheikh Baizai	=do= out of 55 Community School
28	Iftikhar Alam S/O Alam Khan	=do=	=do=
29	Muhd Ishaq S/O Gul Said	C.S Shawal Kuda Khel Baizai	=do=
30	Iftikhar S/O Bahadar Khan	=do=	=do=
31	Hyat Muhd S/O Toor Muhd	C.S Olai Baizai	=do=
32	Dilawar S/O Hakim Khan	=do=	=do=
33	Adil Shah S/O Gul Shah	C.S Jarobi Fazal	=do=
34	Nasir Khan S/O Abdur Rahman	C.S Sana Khel Shundara	=do=
35	Muhd Aftab S/O Sanab Gul	C.S Anar Gai payan	=do=
36	Javid Ahmad S/O Shahzada	=do=	=do=
37	Shah Khalid S/O Zahir Shah	C.S Ingar jarobat	=do=
38	Qasim Shah S/O Alrf Gul	C.S Maim Khel (Islam Bad Shah)	=do=
39	Khurshid Begum D/O Anwar Khan	FCS Spinki Tangi	Newly Created Post ADP No. 259
40	Uzlfat D/O Muhd Zahir	=do=	=do=
41	Shahzida Qamar D/O Muhd Qamar	FCS Manzari Cheena	=do=
42	Samina D/O Sami Ullah Jan	=do=	=do=

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TERMS & CONDITIONS.

- 1:- The appointments of the candidates are purely made on temporary basis and liable to termination at any time without assigning any reasons. In case of their wish to resign the posts they shall have to give one month prior notice or forfeit one month pay in lieu thereof.
- 2:- Health and age certificate should be produced from the Agency Surgeon Mohmand Agency at Ghallanai.
- 3:- They will not be handed over charge of the posts if they are below 18 Years and above 33 Years.
- 4:- If they failed to report of their arrival within 15 days their appointments will be considered as cancelled.
- 5:- They will not be paid their salaries until and unless their documents are verified from the concerned deptt./institutions.
- 6:- Charge report should be submitted in duplicate to all concerned.

(H. Gul Rahman)
Agency Education Officer,
Mohmand Agency at Ghallanai.

Emdst No. 12250-60/Apptt./C.S Dated 03/03/2004

Copy of the above is forwarded to the:-

- 1) Director of Education (FATA) N.W.F.P Peshawar,
- 2) Political Agent Mohmand Agency at Ghallanai.
- 3-5) Assistant Political Agents Upper, Lower and Baizai (Mohmand Agency)
- 6 Agency Accounts Officer, Mohmand Agency at Ghallanai.
- 7 Agency Surgeon Mohmand Agency at Ghallanai.
- 8 AAEC (Male/Female) Concerned.
- 9 Head Mistress GGHS Ghallanai.
- 10 Accountant/Pay Clerk Local Office.
- 11 Candidates Concerned.

[Handwritten Signature]
Agency Education Officer,
Mohmand Agency at Ghallanai

B (9)

OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND AGENCY AT GHALLANAI

REGULARIZATION OF COMMUNITY TEACHERS.

Consequent upon the notification No. SO(EV/SSD/CSCR 99-108, dated 11.5.2012 and on the basis of honourable High Court decision dated 06.8.2013, re-appointment order of 52 community teachers issued vide this office No.1636-42 dated 17.8.2012 and No.1643-49 dated 17/8.2012 is hereby implemented with effect from 01.9.2013 in the interest of public service, with partial modification at S.No.19 and 42 in order No.1636-42 and at S.No.3 in order No.16343-49, with the remarks that:-

1. The said appointment was made from Agency wise merit on the verbal directions of Director of Education (FATA) at that time, if Directorate of Education (FATA) declared this order against the present recruitment policy of the Govt. in response to this office letter No.1306 dated 20.8.2013, then regularization of community teacher will be made on tehsil wise merit basis.
2. If any post against which community teacher was regularized was not vacant, then the incumbent will vacate the post for the community teacher on his regularization.
3. Any Community school for which regular posts have not been sanctioned and teachers of this Community Schools got regular posts then this community school will be considered as closed, and class IVs of this school will be considered as terminated w.e.f 1.9.2013 and students of this schools will be advised by the teachers to get admission in near by regular school.
4. Documents, both Professional and academic will be verified by the committee constituted for the purpose. A single person will not carryout the verification process.

Note:- Cases regarding the scales of newly adjusted teachers will be decided individually on the basis of their qualification.

S.No	Name with Father's Name	Name of Community School	Station of posting as regular PST	Tehsil	Remarks
1	Fazle Subhan S/O Abdul Latif	CS Atam Killi	GPS Zoor Killi Aflatoon	Baizai	Against newly created post
2	Muhammad Irshad S/O Abdur Rahman	CS Manzari Cheena	MPS Abdul Jabbar	Halimzai	Against Vacant Post
3	Abdul Samad S/O Muhammad Rafiq	CS Gul Wali	GPS Lakhkar Killi Faiz Ali	Baizai	Against newly created post
4	Salim Saradar S/O Hakim Saïd	CS Shamir Khan Abad	GPS Babi Khet Kamali	Halimzai	Against Vacant Post
5	Sameer Ahamad S/O Ahmad Gul	CS Kuzl Kas	GPS Manzari Cheena	Khwezai	Against newly created post
6	Adil Shah S/O Gul Shah	CS Atam Killi	GPS Said Rahman Gurbaz	Halimzai	Against Vacant Post
7	Aslam Khan S/O Hazrat Muhammad	CS Muhammad Naik	GPS Bahi Dag	Khwezai	Against newly created post
8	Azizullah S/O Itbar Khan	CS Muhammad Yad	GPS Grang No.1	Halimzai	Against Vacant Post
9	Khanadan S/O Malik wazir Khan	CS Ijazat	GPS Karrer Habibzai	Halimzai	Against Vacant Post
10	Muhammad Sadiq S/O Muhammad Yar	CS Mateena Malik	GPS Zoor Killi Aflatoon	Baizai	Against newly created post
11	Ali Akbar S/O Hazrat Muhammad	CS Muhammad Najk	GPS Ashraf Abad	Khwezai	Against Vacant Post.
12	Muhammad Raz. Khan S/O Zarghun Shah	CS Toora Khwa	GPS Din Muhammad	Halimzai	Against Vacant Post
13	Muhammad Idrees S/O Taj Muhammad	CS Mateena Malik	GPS Chamarkand No.1	Safi	Against Vacant Post

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14	Muhammad Ishaq S/O Gul Said	CS Shawal	GPS Chamarkand No.2	Halimzai	Against Vacant Post
15	Akbar Khan S/O Sher Jan	CS Kankar Killi	GPS Shewa Post	Halimzai	Against Vacant Post
16	Ilyas Khan S/O Muhammad Shakir	CS Gulzar Baidmanai	GPS Sangar Ambar	Ambar	Against Vacant Post
17	Lal Zada S/O Sautar Khan	CS Karkana	GPS Karkana	Ambar	Against newly created post
18	Miaz Muhammad S/O Noor Muhammad	CS Masti Kore Gulab	GPS Manzari Cheena	Baizai	Against newly created post
19	Hayat Muhammad S/O Toot Muhammad	CS Lakhkar Killi	GPS Lakhkar Killi Khel Atmar	Baizai	Against newly created post
20	Sultan Muhammad S/O Muhammad Shah	CS Kung	GPS Masti Kore Gulab	Khwezai	Against newly created post
21	Daftar Khan S/O Muhammad Akbar	CS Kung	GPS Abdul Kore	Khwezai	Against Vacant Post
22	Zahir S/O Bashir	CS Khanjar Killi	GPS Chamarkand	Halimzai	Against Vacant Post
23	Jamil Shah S/O Hakim Khan	CS Khang Baig Fazole Manan	GPS Masti Kore Gulab	Khwezai	Against newly created post
24	Hazrat Shah S/O Sahib Jamal	CS Ijazat	GPS Shamsher	Khwezai	Against Vacant Post
25	Sajjad S/O Khanzad Gul	CS Nazar Kore	GPS Gat Warsak	Khwezai	Against Vacant Post
26	Gul Nabi S/O Lal Said	CS Soor Dagi	GPS Zanawar Cheena Gul Said	Khwezai	Against newly created post vacant
27	Bakht Zada S/O Shahzada	CS Bahlola	GPS Yousaf Baba	Prang Ghar	Against newly created post
28	Bacha Hassan S/O Ibrahim Shah	CS Faiz Ali	GPS Khari Dara	Halimzai	Against Vacant Post
29	Sajid Ali S/O Tawas Khan	CS Faiz Ali	GPS Bacha Kandao	Halimzai	Against Vacant Post
30	Ifrikhar Khan S/O Bahadar Khan	CS Shawal	GPS Gul Rahman	Baizai	Against Vacant Post
31	Anwar Khan S/O Habib Khan	CS Gul Rahman	GPS Yaqoob Khanzadgan	Khwezai	Against Vacant Post
32	Murad Ali S/O Akhtar Jan	CS Samghakhi	GPS Ghanam Shah	Khwezai	Against Vacant Post
33	Arif Shah S/O Rehil Shah	CS Samghakhi	GPS Amrai Kore	Ekka Ghund	Against Vacant Post
34	Abdullah Shah S/O Hussain Shah	CS Masti Kore Nusaib Khan	GPS Pai Khan	Ekka Ghund	Against Vacant Post
35	Ajmal Khan S/O Pir Ghulam	CS Ghairdand	GPS Uchko Suran	Baizai	Against Vacant Post
36	Abdulullah S/O Ghulam Muhammad	CS Rahman Gul	GPS Suran	Khwezai	Against Vacant Post
37	Taj Muhammad S/O Sheikh Muhammad	CS Karkana	GPS Karkana	Prang Ghar	Against newly created post
38	Amin Khan S/O Rawesh Khan	CS Sikandar	GPS Sela Dawa Jan	Khwezai	Against Vacant Post
39	Murad Ali S/O Muhammad Ali	CS Shamir Khan Abad	GPS Taraki Tangi	Halimzai	Against Vacant Post

40	Gulzar S/O Khan Said	CS Soor Dagi	GPS Bahi Dag	Khwezai	Against newly created post
41	Janat Gul S/O Zulfan Khan	CS Ghair Dand	GPS Bakhmal Shah	Halimzai	Against Vacan Post
42	Anwar Shamim S/O Ahmad Gul	CS Kuzo Kas	GPS Lakhkar Killi Faiz Ali	Khwezai	Against Vacan Post
43	Faridullah S/O Zazif Khan	CS Kankar Killi	GPS Olai Ambar	Baizai	Against Vacan Post
44	Muhammad Shafiq S/O Karim Khan	CS Manzari Cheena Malang	GPS Shati Miana	Baizai	Against Vacan Post
45	Azmat Gul S/O Rahat Gul	CS Nazar Kore Aslam	GPS Shamsher Sra Khwa	Halimzai	Against Vacan Post
46	Niqab Khan S/O Khan Sharif	CS Kung Sabzali	GPS Had Kore Ambar	Khwezai	Against Vacan Post
47	Shahid Nasim S/O Muhammad Halim	CS Zoor Killi Aflaton	GPS Yaqoob Khanzadgan	Halimzai	Against Vacan Post
48	Amir Khan S/O Hamid Khan	CS Dag Qilla	GPS Gumbati Ambar	Halimzai	Against Vacan Post
49	Nasira D/O Akhtar Gul	FCS Ucha Joura Rawesh	GGPS Kung Farmanullah	Baizai	Against newly created post
50	Nighat Bano D/O Jehan Zeb	FCS Samghakhi	GGPS Baghi Shah	Safi	Against newly created post
51	Falooda D/I Gul Zada	FCS Kuzo Kas	GGPS Kuzo Kas	Baizai	Against newly created post
52	Aisha Bibi D/O Ahmad Jan	FCS Umar Khel Suliman	GGPS Baghi Shah	Safi	Against newly created post

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

Dated 30/8 /2013

Endst No. 14017-S9 /Project/ Appointment

Copy of the above is forwarded to the:-

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. AAEOs concerned.
6. Accountant local office.
7. Teachers concerned.

Agency Education Officer
Mohmand Agency at Ghallanai

MUHAMMAD

P See 2001 - Month of February 2009
NG0006 - Agency Education Office
NTN: HTH. Of Education
GPF: #
Old WDEP

00354944
Name: MUHAMMAD IRSHAD Buckle:
059 P. T. TEACHER
NIC No: 214023805901
LFE Interest Free

NG0006 --02

001-Regular Contract
005 AND ALLOWANCES:
0001-Basic Pay 4,510.00
1000-House Rent Allowance 1,146.00
1300-Medical Allowance 500.00
1521-Fixed P.A / D.A 750.00
1522-Unattractive Area Allow 200.00
1099-Social Relief All (2005) 333.00
1521-Home Relief (2005) 333.00
1000-Travel Allowance 500.00
1012-Deputies Allowance-REGRO5 404.00
Gross Pay and Allowances 8,678.00
DEDUCTIONS:

Subst. 7.00
4.00
35.00
87.00

113.00
8,563.00

Net Deductions

LFE Group
for the duration of...

0000 LFE Group
for the duration of...

C

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

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Personnel Information of Mr MOHAMMAD IRSHAD d/w/s of ABDUR RAHMAN.

Personnel Number: 00354944 CNIC: 2140238055901 NTN:
 Date of Birth: 20.05.1985 Entry into Govt. Service: 03.03.2004 Length of Service: 19 Years 00 Months 030 Days

Employment Category: Active Temporary
 Designation: PRIMARY SCHOOL TEACHER 81219362-DISTRICT GOVERNMENT KHYBE
 DDO Code: MG6088

Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: 4 EDUMND6017 GPF Interest applied GPF Balance: 77,016.00 (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	1,000.00	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 AI 15% 22(PS17)	3,150.00

Deductions - General

Wage type		Amount	Wage type		Amount
3013	GPF Subscription	-2,400.00	3501	Benevolent Fund	-1,200.00
3990	Emp.Edu. Fund KPK	-135.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	180,000.00	-5,000.00	175,000.00

Deductions - Income Tax Payable: 0.00 Recovered till MAR-2023: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 50,454.00 Deductions: (Rs.): -9,335.00 Net Pay: (Rs.): 41,119.00

Payee Name: MOHAMMAD IRSHAD
 Account Number: 202983291
 Bank Details: UNITED BANK LIMITED, 211143 SHABQADAR SHABQADAR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: MOHMAND AGENCY Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address: City: Email: irshadm872@gmail.com

*System generated document in accordance with APPM 4.6.12.9(357481/27.03.2023/v3.0)
 * All amounts are in Pak Rupees
 * Errors & omissions excepted (SERVICES/31.03.2023/13:17:24)*

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 4340P /2020

1. Mustafa Khan, PTC,
Government Primary School Anno 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 Shamsah Guno Ghallanai,

FILED TODAY
Deputy Registrar
25 SEP 2020

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District Mohmand

13. 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.

RESPONDENTS

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25 SEP 2020

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.

(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 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.

-FILED TODAY
Deputy Registrar B)
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

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- 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

(Signature)
PETITIONER

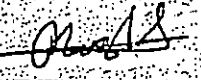
Mustafa Khan etc.

THROUGH:

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

VERIFICATION:

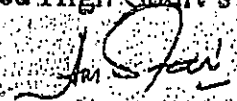
It is verified that no other Writ Petition earlier has been filed between the present parties, except the present one.


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

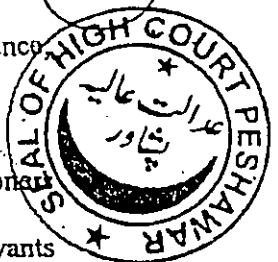
ATTESTED

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

Rooh ul Amin
JUDGE

[Signature]
JUDGE

DB of Hon'ble Mr. Justice Rooh ul Amin Khan; and
Hon'ble Mr. Justice Iqram Ullah Khan.

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan Order 1984

13 OCT 2020

[Signature]
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan Order 1984
13 OCT 2020

VERIFIED TO BE TRUE COPY

The District Education Officer,
District, Mohmand.

F
22

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 30/2 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.

(18) 23

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.

Muhammed Tashad So. Abdul Rehman


Applicant

21102-3805590-1

Date: 21/11/2022

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

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

Better Copy

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 appellants (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 appellants 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 counting 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.

69 21

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Phone No. 691-222587

Dated Peshawar the April 6th 2023

ORDER

No. SOE/II-IV/E&SED/COC/69/P/2023/MPA/4340-P/2020/Mustafa Khan & others.

1. WHEREAS Mustafa Khan and 19 others (petitioners) were appointed as P.S. in the Project Community School (PCS) project of the Government of Peshawar, Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar.

2. AND WHEREAS, the Community School project was terminated on 31-12-2010.

3. AND WHEREAS, the petitioners were re-appointed consequent upon the order of the Appellate Authority dated 06-12-2010.

4. AND WHEREAS, the notification No. SOE/SSD/SECTR/09-10, dated 09-10-2010, directed the petitioners to resume their services of the appellant.

5. AND WHEREAS, the petitioners filed a writ petition No. 4340-P/2020 before the Peshawar High Court seeking their previous services towards pay and benefits.

6. AND WHEREAS, the Peshawar High Court vide its judgment dated 01-03-2022, dismissed the writ petition and transmitted the same to the respondent. The respondent has filed a writ petition No. 2802-P/2020 in the Peshawar High Court seeking the writ of certiorari to quash the Rules, 1963 and the guidelines laid down in the judgment of the Peshawar High Court in *Anis Zeb et al Vs Account Officer*.

7. AND WHEREAS, the respondent has filed a writ petition before the Peshawar High Court seeking the writ of certiorari to quash the Departmental Appellate Consideration Committee meeting dated 01-03-2022.

8. AND WHEREAS, the respondent, in compliance with the judgment dated 01-03-2022, 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 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 benefit and pay protection for the period served in Community Schools Project, hence, the claim of the petitioners stands rejected in the interest of public service.

SECRETARY
E&SE DEPARTMENT

Ends: of even No. & date:

- 1. Copy of the order 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.

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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 Division'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 Govt. of Khyber Pakhtunkhwa
4. The Principal Secretary to Chief Minister, Govt. of 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. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject:

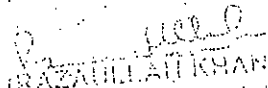
PROTECTION OF PAY OF CONTRACT EMPLOYEES ON
REGULARIZATION / APPOINTMENT ON REGULAR BASIS.

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No 710/SR-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 as amended from time to time.
- ii) That the contract employee has applied through proper channel and has been properly referred 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,


(RAZAULLAH 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

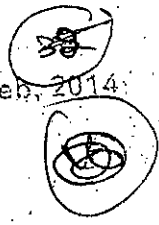
Copy for information is forwarded to the:-

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)

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

Dated 6th Feb, 2014



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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, FMIU, 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 Afsar)
Section Officer (SR-1)

27
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IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI

AFR

Civil Appeal No.1546 of 2019

AND

Civil Petitions Nos.2503 to 2519 & 2660 of 2019

Against judgments dated 15.02.2018 & 23.04.2019 of Federal Service Tribunal, Islamabad, passed in Appeals No.3622(R)CS of 2017 and 3192(R)CS of 2012, etc.

Secretary, M/o Finance, Islamabad, etc

Appellants (in CA#1546/19)

DG, FDE, Government of Pakistan,
etc

Petitioners (in CP#2503-2519 & 2660/19)

Versus

Tayyaba Halim Subhani	C.A 1546/2019
Irfan Mehmood & Another	C.P 2503/2019
Tahir Ullah & another	C.P 2504/2019
Javed Iqbal & Another	C.P 2505/2019
Syed Sajjad Ali Shah & Another	C.P 2506/2019
Hafiz Atta Ur Rehman & Another	C.P 2507/2019
Mrs. Khalida Nasim & Another	C.P 2508/2019
Rubina Kausar & Another	C.P 2509/2019
Adeela Tabasum & Another	C.P 2510/2019
Mrs. Sobia Imam & Another	C.P 2511/2019
Mrs. Najma & Another	C.P 2512/2019
Mrs. Attia Kaleem Anwar & Another	C.P 2513/2019
Mrs. Farah Saeed & Another	C.P 2514/2019
Mrs. Lubna Chaudhry & Another	C.P 2515/2019
Mrs. Tahira Akbar & Another	C.P 2516/2019
Mrs. Salama Khatoon & Another	C.P 2517/2019
Saeed ur Rehman & Another	C.P 2518/2019
Syed Tajammal Hussain Bokhari Shah & Others	C.P 2519/2019
Tayyaba Halim Subhani & another	C.P 2660/2019

...Respondents

For the Appellant
/Petitioners:

Mr. Sajid Ilyas Bhatti, Addl.AGP
M. Rehan, AD Legal
M. Ahmed, AD Legal

For the Respondent(s): Respondent-in-Person in CA
1546/2019

Hafiz S.A. Rehman, ^{by ASC} for
Respondent No. 1 and
Mr. M. Sharif Janjua, AOR in all
CPs

Date of Hearing: 27.01.2021

JUDGMENT

IJAZ UL AHSAN, J.- Through this single judgment, we intend to decide Civil Appeal No. 1546 of 2019 (hereinafter referred to as "CA") and Civil Petitions No. 2503 to 2519 and 2660 of 2019 (hereinafter referred to as "CP") as they involve common questions of law.

2. Through the instant Appeals/Petitions, the Appellants/Petitioners have challenged the Judgment of the Federal Service Tribunal, Islamabad (hereinafter referred to as "Tribunal") dated 15.02.2018 passed in Service Appeal No. 3622(R)CS/2017 and judgment dated 23.04.2019 passed in Service Appeals No 3192(R)CS to 3196(R)CS of 2012, 3230(R)CS to 3238(R)CS of 2012, 90(R)CS/2013, 91(R)CS/2013, 679(R)CS/2016, and 3622(R)CS/2017 (hereinafter referred to as "Impugned Judgments"). The Tribunal through the Impugned Judgments accepted the Service Appeals filed by the Respondents and ordered the Appellants/Petitioners to provide pay protection to the Respondents by counting the service they had rendered on daily wage basis for pensionary benefits and pay.

3. The necessary facts giving rise to this *lis* are that the Respondents were appointed as teachers/lecturers

against their respective posts. The Respondent in the CA retired upon reaching the age of superannuation w.e.f. 02.06.2017. Before her retirement, she had made a departmental representation through which she had requested her department to count the period for which she had worked on daily wage basis towards the calculation of her pensionary benefits. The Respondents in the CPs were recommended to be regularized by the Federal Public Service Commission w.e.f. 17.08.2010. They made representations to the effect that their previous service rendered on daily wage basis be counted towards their pay and pension benefits but to no avail. Aggrieved of the treatment meted out to the Respondents by the Appellants/Petitioners, they approached the Service Tribunal, which allowed their Service Appeals through the impugned judgments. The Appellants/Petitioners challenged the impugned judgments before this Court.

4. Leave to Appeal was granted by this Court in the CA vide order dated 17.09.2019 which is reproduced below for ease of reference:

"Learned Additional Attorney General relies upon a judgment passed by a 5 member bench of this Court in the case of Chairman, Pakistan Railway, Government of Pakistan, Islamabad and others v. Shah Jehan Shah (PLD 2016 SC 534) to contend that the very issue dealt with by the Tribunal in the impugned judgment has been dealt with by this Court in the reported judgment where the payment of pensionary benefits are admissible to contract employees only after their qualifying regularized service and thus unless such qualifying regular service is rendered, the pensionary benefits could not be granted to the employees.

2. Leave to appeal is granted to consider inter alia the above submissions made by the learned Additional Attorney General."

5. The learned Additional Attorney General contends that the service rendered on daily wage basis cannot be counted as qualifying service for pension under the relevant rules. As per Article 352 of the CSR, the Respondents cannot claim pay protection or that their daily-wage-service be counted towards pension because the said rule specifically bars the Respondents from making such claim insofar as the Respondents do not fulfil the three conditions mentioned therein i.e. that the service must be under the government, must be substantive and permanent, and, that the service must be paid for by the government. Further, allowing the Respondent's daily wage period to be counted towards pay protection and pensionary benefits would open floodgates of never-ending litigation. Lastly, the Respondents were not working continuously, and, even otherwise, this being a policy matter cannot be interfered with by Courts.

6. The Learned Senior ASC appearing on behalf of the Respondents contends that the act of the Appellants/Petitioners of not giving pay protection to the Respondents and not allowing their service rendered on daily wage to be counted towards their pensionary benefits is discriminatory and exploitative. He adds that an identical order was passed by the Ministry of Education dated 25.01.2006 whereby benefits were allowed to lecturers, therefore, not granting the same to the Respondents who are teachers, represents a policy of discrimination and pick and choose. Further, the Respondents have been performing their duties to the satisfaction of the Government and, by not

allowing them pay protection and by not counting their service rendered on daily wage basis for pensionary benefits is unjust and unfair.

7. We have heard the learned AAG and the learned Senior ASC appearing on behalf of the parties. The issues which fall for consideration of this Court are:-

- i. Could the service rendered by the Respondents on daily wages basis be counted towards their pension?
- ii. Were the Respondents employed as a stop-gap arrangement?
- iii. Could the Respondents be employed on daily wage basis considering the nature of their work?

**COULD THE SERVICE RENDERED BY THE RESPONDENTS
ON DAILY WAGES BASIS BE COUNTED TOWARDS THEIR
PENSION?**

8. The learned counsel for the Respondents has relied upon CSR 361 and has argued that, in view of the said Rule, the Respondents were entitled to pension and pay protection. For ease of reference, CSR 361 is reproduced 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 for by Government".*

9. We have examined the Education Code 2006 issued by the Federal Directorate of Education. The learned Tribunal has held that the Respondents were being paid out of funds that were approved by the Government. In this

respect, Paragraph 30 of the said Code is relevant which provides that the following: -

"Heads of educational institutions shall be empowered to incur expenditure out of Students' Fund as per the upper limit of expenditure prescribed through a notification by the Department Head on the following items:

(v) Payment to daily wage employees (teaching & non-teaching)"

Paragraph 17 of the said Code provides that the Federal Directorate of Education would manage the Federal Government Educational Institution (Schools & Colleges), Islamabad Model Institutions, and Hostels. The learned AAG has not disputed the fact that the Respondents were working in institutions that were admittedly being managed by the Federal Directorate of Education. The Federal Directorate of Education has itself issued a Code which such schools are required to follow to regulate their affairs. The services of the Respondents were utilized by the Appellants/Government to their satisfaction until the time the Respondents asked for pay protection and pension. As such, the learned Tribunal has correctly held that the Government cannot disassociate itself from the entire process and hold that the Respondents were not working under its supervision. It is the Federal Directorate of Education that has issued the said Code, and Paragraph 30 *supra* provides that the Federal Directorate of Education has empowered heads of institutions to manage pays and salaries of daily wage staff. It has not been argued before us that the said heads of institutions could not be delegated this task. The Government is fully empowered to

delegate some of its tasks for administrative convenience and efficient working as has been done in this case.

10. We have gone through the letter dated 26.08.04 issued by the FDE (Model Colleges Wing). The said letter provides an elaborate mechanism viz selection of teachers on daily wage basis. They are to appear in a test of 50 marks followed by an interview. Following this, their result is approved by a Committee and sent to the Director Colleges, Federal Directorate of Education who in turn seeks confirmation from the Director-General, Federal Directorate of Education. The said letter establishes that the Respondents were not arbitrarily appointed as a stop-gap arrangement. Their services were utilized by the Appellants/Petitioners for years on end till they reached the age of superannuation, their services were substantive and permanent which were paid for on behalf of and with the consent or approval of the Government.

11. We find that although the employment of the Respondents was not permanent within the meaning of CSR 361, the establishment under which they were working was permanent and the fact that they rendered services for years shows that they were not employed on temporary basis as a stop-gap arrangement for short periods of time. Further, that the Federal Public Service Commission by recommending the Respondents for retention into service has confirmed their ability and qualification to hold these posts. It is an admitted fact that the Respondents have been working continuously for more than 5 years. We have gone through the memorandum

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dated 25.01.2006 whereby it was stated by the Federal Directorate of Education that service rendered on an Ad Hoc basis could be counted towards pay and pensionary benefits. If the Appellants/Petitioners have allowed the services of Ad Hoc teachers/lecturers to be counted for pay protection and pension, it is hard to understand why the same was cannot be done in the case of the Respondents. The principle of similarly placed persons dictates that the Respondents also deserve to be treated in the same manner as others who were granted the benefits of pay protection and pension from the date of their initial appointment on daily wages basis. The Respondents have been discriminated against which is in violation of their fundamental rights guaranteed to them by the Constitution of the Islamic Republic of Pakistan, 1973.

12. The learned Senior ASC for the Respondents has placed reliance on the case titled *Ikram Bari and 524 others vs National Bank of Pakistan (2005 SCMR 100)* in support of the submission that the service rendered on daily wages basis can be counted for pension and pay. The relevant portion of the judgment *ibid* is reproduced as under for ease of reference: -

"An Islamic Welfare State is under an obligation to establish a society which is free from exploitation wherein social and economic justice is guaranteed to its citizens. The temporary Godown staff and the daily wages employees were continued in service of the Bank on payment of meagre emoluments fixed by the Bank. In most of the cases of these employees, there were artificial breaks in their service so as to circumvent the provisions of the Labour Laws and the Rules of the Bank and to deny them the salaries and other service benefits of regular employees. In some cases, the Bank did not issue formal letters of appointment or termination to the employees so as to preclude them to have access to

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justice. There was no equilibrium of bargaining strength between the employer and the employees. The manner in which they had been dealt with by the Bank was a fraud on the Statute. A policy of pick and choose was adopted by the Bank in the matter of absorption/regularization of the employees. By Article 2-A of the Constitution, which has been made its substantive part, it is unequivocally enjoined that in the State of Pakistan principle of equality, social and economic justice as enunciated by Islam shall be fully observed which shall be guaranteed as fundamental right. The principle of policy contained in Article 38 of the Constitution also provide, inter alia, that the State shall secure the well being of the people by raising their standards of living and by ensuring equitable adjustment of rights between employers and employees and provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood and reduce disparity in income and earnings of individuals. Similarly, Article 3 of the Constitution makes it obligatory upon the State to ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability, to each according to his work. It is difficult to countenance the approach of the Bank that the temporary Godown staff and the daily wages employees should be continued to be governed on disgraceful terms and conditions of service for an indefinite period. In view of section 24-A of the General Clauses Act 1897, the National Bank was required to act reasonably, fairly and justly. An employee being jobless and in fear of being shown the door had no option but to accept and continue with the appointment on whatever conditions it was offered by the Bank".

In addition to the aforementioned excerpt, a direction was passed in the judgment of Ikram Bari *ibid* to the effect that the previous service rendered by the Petitioners in the said case shall be counted towards retirement/pensionary benefits. It was held as follows:-

"The Civil Petitions...filed by employees seeking financial back-benefits and waiver of conditions of regularization/reinstatement are disposed of with the direction to the National Bank to regularize/absorb them in service with effect from 15-9-2003, subject to the conditions as laid down in para. 10 of the impugned judgment. The National Bank is directed to issue them appointment letters within one month. Moreover, the previous service rendered by them with the Bank shall be counted towards retirement/pensionary benefits". (Underlining is ours)

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In view of the above position, the argument of the learned AAG that the service period of the Respondents rendered on daily wages could not be counted towards their pension is misconceived. The said period could and should be counted towards pension especially when the Respondents had been working continuously for different periods for the last many years.

WERE THE RESPONDENTS EMPLOYED ON A STOP-GAP ARRANGEMENT?

13. The learned DAG has argued that the contracts of the Respondents were not renewed/extended, but they were offered new contracts from time to time after their previous contracts had expired. The record reveals that such breaks were artificial. The said breaks cannot render the employment of the Respondents to be purely temporary. The Respondents have been performing their duties in their respective schools since long and such artificial breaks in their employment do not negate the fact that the Respondents had been continuously serving the Appellants/Petitioners for a long time. Reliance in this regard is placed on the case titled **Board of Intermediate and Secondary Education, Multan vs Muhammad Sajid (2019 SCMR 233 Supreme Court)** wherein it was held as follows:-

"It is an admitted position that the respondents before us have been working with the petitioner-Board since long, however, in their clumsy attempt to break the continuity of their service, the petitioner has been employing them for 89 days only, and has been re-hiring them for the next 89 days, and thus continued to avail their service for a long period by creating artificial breaks in their service period. The fact that they have, in fact, continuously served the petitioner for a long period of time, albeit the breaks created by the petitioner, as noted above, clearly show that they have been performing the job of a

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permanent nature and have not been serving on casual posts."

It is not the case of the Appellants before us that the Respondents were temporarily working against temporary posts and that such posts no longer exist. The fact that FPSC was approached to test the qualifications and antecedents of Respondents and make its recommendations by itself shows that these posts were permanent in nature.

13. As noted above, the said Principals of the respective Schools where the Respondents were performing services were acting in the aide of the Appellants/Petitioners under an elaborate mechanism/*modus operandi* provided by the Appellants/Petitioners. The powers of the said principals were being exercised on the instructions and under supervision of the Appellants/Petitioners and with their express consent and approval.

14. The learned DAG has stated that there were breaks in the services rendered by the Respondents, however, he has been unable to show from the record where and when there were such breaks in the daily wage services rendered by the Respondents. The only argument advanced by him in this regard is that the Respondents were working on a stop-gap arrangement. We are unable to agree with the learned DAG in this regard. By no stretch of imagination can it be conceived that when the Respondents were working against their respective posts for long periods (in some cases for more than 10 years), the same can by any definition of the word be

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termed as a stop-gap arrangement. A stop-gap arrangement is one where a temporary arrangement is made for a limited time for a few months at the most until something better or more suitable can be found. Such an arrangement is typically made until someone can be hired permanently through the process provided in the law, rules or regulations. The Respondents were admittedly employed for long periods of time running into years and cannot be termed as stop-gap. The definition of "stopgap" provided in Collins Dictionary and as understood by Courts in our country clearly means:-

"A stopgap is something that serves a purpose for a short time, but is replaced as soon as possible"

15. The meaning of a stopgap arrangement was interpreted by this Court in the case titled as Chairman Evacuee Trust Property Board and others vs Khawaja Shahid Nazir (2006 PLC(CS) 1261 Supreme Court) in the following terms:-

"The Tribunal had failed to interpret the notification dated 29-6-2000 in its true perspective by ignoring the clear stipulation contained therein that respondent was appointed as Secretary BPS-19 and such appointment was till further orders. From such stipulation it can be inferred without any doubt that it was not a regular appointment in accordance with section 11(1) of the Act and was by way of stopgap arrangement. This Court in the case of Abdul Majid Sheikh v. Mushafee Ahmed and another PLD. 1965 SC 208 while examining the effect of the phrase "a person holds an appointment till further orders" pronounced that it only means that he holds it till orders are passed terminating his services."(Underlining is ours)

The learned DAG has been unable to show us any document on the record which suggests that the Respondents were employed for a specific period of time subject to the arrival of permanent employees. The only term in this regard

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as found from the appointment orders of the Respondents is that there would be no commitment in this regard from either the Respondents or the Appellants/Petitioners. The mere insertion of this vague term in the contracts of the Respondents does not mean that they were employed as a stop-gap arrangement. The Appellants/Petitioners never terminated services of the Respondents. The Respondents retired from their services after they were regularized, that too in most, after more than 10 years of service. Adding artificial breaks to the employment of the Respondents does not convert the employment of the Respondents into a stop-gap arrangement. They were not employed for a short period till the arrival of someone permanent, but, were employed against their respective posts for almost the whole of their professional lives. As such, the argument of the learned DAG in this regard does not hold much water and the employment of the Respondents was to be treated as permanent in nature as correctly held by the Tribunal.

COULD THE RESPONDENTS BE EMPLOYED ON DAILY WAGES BASIS CONSIDERING THE NATURE OF THEIR WORK?

16. Teachers strengthen the foundation of any state as well as play a pivotal role in nation building by imparting education which is necessary to uplift a society consisting of educated and aware citizens who believe in values and strengthen democracy and democratic values. Employing teachers on daily wages basis is not only detrimental to the education sector of Pakistan but is also a discouraging factor

for future teachers who in turn are demotivated and discouraged a profession which is pivotal in the lives of our future generations. It is pertinent to mention that primary education is a fundamental right guaranteed under Article 25-A of the Constitution of the Islamic Republic of Pakistan, 1973. The Universal Declaration of Human Rights also recognizes education as one of the most important rights of children. Article 3 of the Constitution provides that all forms of exploitation shall be eliminated. One of the reasons for which this becomes relevant to the present controversy is that notwithstanding the importance of the services they render to society, which have consequences for generations, the Respondents were made to work under uncertain conditions on the pattern of unskilled and uneducated or semi-educated labour hired on a daily wage basis for seasonal projects expected to last for a limited period. We are appalled at this irresponsible, casual and utterly unprofessional approach of the policy makers towards a matter as important and as serious as education of our future generations. We have no hesitation whatsoever in strongly deprecating the same. These actions of the Appellants/Petitioners are not only contrary to Constitutional dictates but also contrary to the Principles of Policy enshrined in the Constitution which state that there has to be an equal adjustment of rights between employers and employees.

17. The Impugned Judgment of the learned Tribunal is well reasoned, proceeds on the correct factual and legal premises and has correctly applied the relevant law, rules and

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regulations to the facts and circumstances of the cases before us. No legal, jurisdictional defect, error or flaw in the Impugned Judgment has been pointed out to us that may furnish a valid basis or lawful justification to interfere in the same. The Learned AAG has not been able to persuade us to take a view different from the Tribunal in the facts and circumstances of the instant Appeal/Petitions. We accordingly affirm and uphold the Impugned Judgment of the Learned High Court

18. For the reasons noted above, we find no merit in the Appeal and the same is accordingly dismissed. As for the Petitions, no question of law of public importance in terms of Article 212(3) of the Constitution has been raised. Accordingly, we find no merit in these Petitions and the same are dismissed. Leave to appeal is refused.

~~Chief Justice~~

Judge

Judge

ISLAMABAD, THE

27th of January, 2021

Haris LC/

NOT APPROVED FOR REPORTING

VAKALAT NAMA

NO. _____/2023

IN THE COURT OF

K.P. Sofoice Raibow, Peshawar

Muhammad Irshad

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Edu Deptt

(Respondent)
(Defendant)

I/We, Muhammad Irshad

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

[Signature]
(CLIENT)

ACCEPTED

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

[Signature] &
(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell No. 0302-5548451
0333-9103240
0306-5109438

ATTESTED