22nd March, 2023

Learned counsel for the appellant. Mr. Asad Ali Khan,
Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments on 16.05.2023 before the D.B at Camp Court D.I.Khan. Parcha Peshi given to the parties.

SCANNED Resident

(Salah-ud-Din) Member (J) Camp Court D.I.Khan (Kalim Arshad Khan) Chairman Camp Court D.I.Khan

16th May, 2023

- 01. Appellant present in person. Mr. Muhammad Jan, District Attorney for the respondents present.
- 02. Appellant requested for adjournment due to engagement of his learned counsel before the Hon'ble Peshawar High Court, D.I.Khan Bench. Last opportunity is granted. To come for arguments on 18.07.2023 before the D.B at Camp Court, D.I.Khan. Parcha Peshi given to the parties.

SOACKET KATA Desilular

(Farceha Paul)
Member (E)
(Camp Court, D.I.Khan)

(Kalim Arshad Khan) Chairman (Camp Court, D.I.Khan)

Fazle Subhan, P.S

24.11.2023

Tour to camp court D.I Khan has been cancelled therefore, to come up for the same on 19.01.2023.

READER

19th Jan, 2023

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

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before honourable Peshawar High Court. Adjourned. To come up for arguments on 15.02.2023 before D.B at camp court D.I Khan.

(Mian Muhammad) Member (E) (Kalilm Arshad Khan) Chairman Camp Court, D.I Khan

15th Feb, 2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

ROAMNED KIBII KIRINOT

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments on 22.03.2023 before D.B at camp court D.I.Khan.

(Muhammad Akbar Khan) Member (E) (Kalim Arshad Khan) Chairman Camp Court, D.I.Khan



Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Respondents have failed to submit their written reply/comments even today. Vide order dated 29.06.2022, learned Additional Advocate General was directed to contact the respondents and ensure submission of reply/comments, failing which their right for submission of reply/comments shall be deemed as struck off and the case be heard on the basis of available record. The right of submission of written reply/comments of respondents thus stands struck off. To come up for arguments on 26.10.2022 before the D.B at Camp Court D.I.Khan.

(Salah-Ud-Din) Member (J) Camp Court D.I.Khan

26th Oct 2022 Appellant in person present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Lawyers are on strike today. To come up for arguments on 24.11.2022 before D.B at Camp Court, D.I Khan. P.P given to the parties.

SCANNED KPST Poshawar

> (Rozina Rehman) Member (J) Camp Court, D.I Khan

9

(Kalim Arshad Khan)
Chairman
Camp Court, D.I Khan



29.06.2022

Learned counsel for the appellant present. Mr. Muhammasd Adeel Butt, Additional Advocate General for the respondents present.

Written reply/comments on behalf of respondents not submitted. Last chance was given to the respondents for submission of reply/Parawise comments in case of failure costs of Rs 5000/- was to be paid as per order sheet dated 26.05.2022. In the circumstances, learned AAG is directed to contact the respondents and ensure submission of reply/Parawise comments failing which their right of defence shall be struck of and the case be heard on the basis of available record. To come up for reply/Parawise comments before the S.B on 25.07.2022 at Camp Court, D.I. Khan.

(Mian Muhammad) Member (E) Camp Court, D.I.Khan

25/07/2022

Due to Summer vacation come est 28/08/2022

Reader

Tour is Cancelled, therefore, case is adjourned to 26.05.2022 for the same as before.

Reader.

26.05.2022

Appellant in person present. Mr. Farhaj Sikandar, District Attorney for the respondents present.

Respondents have not yet submitted reply/comments.

Previous date was changed on Reader Note, therefore, notice be issued to the respondents through registered post and last chance given for submission of reply/comments. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant, failing which the case shall be fixed before D.B for arguments without reply/comments deeming the same as waived off by the respondents. Adjourned. To come up for submission of written reply/comments as well as arguments on 29.06.2022 before the S.B at Camp Court D.I.Khan.

(Rozina Rehman)
Member (J)
Camp Court D.I.Khan

(Salah-ud-Din) Member (J) Camp Court D.I.Khan Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Notices be issued to the respondents with direction to furnish reply/comments within 10 days of the receipt of notice in office, positively. To come up for arguments on 27.01.2022 before the D.B at Camp Court, D.I.Khan.

(Rozina Rehman) Member (J)

Chairman
Camp Court, D.I.Khan

Form- A

FORM OF ORDER SHEET

Court of

Case No	 3819/ 2021	

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/03/2021	The appeal of Mr. Rafiullah received today by post through Sheikh Iftikhar-ul-Haq Advocate may be entered in the Institution Register and put
		up to the Worthy Chairman for proper order please. REGISTRAR
2-	04/06/2021	This case is entrusted to S. Bench Peshawar. Notices be issued to
		appellant/counsel for preliminary hearing on $26/07/2021$.
	2 % .07.2021	Nemo for the appellant. Fresh notices appeared to
		appellant and his counsel. Case to come up for
		preliminary hearing on 25.10.2021 before S.B at Camp
		Court, D.I.Khan.
		Chairman

25.10.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within stipulated time, the office shall submit the file with a report of nonecompliance. To come up for arguments on 14.12.2021 before D.B at Camp Court, D.I.Khan.

ppation naposited process Fer

(Rozina Rehman)

Member (J)

Camp Court, D.I.Khan

15,00,2021

Appellant product through organization religionary organization. Acad Record perseed.

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BEFORE THE KPK SERVICES TRIBUNAL PESHAWAR

n Service Appeal N6

/2021

SCANNED KPST Pechawar

Rafi Ullah (<u>Appellant</u>)

Versus

Govt Of KPK, etc (Respondents)

INDEX

S.No.	Description of document	Annexure	Pages	
1.	Service Appeal with affidavit		1-6	
2.	Copy of the appointment order	Α	<i>-</i> 7 -	
3.	Copies of the relevant pages of the service book, order No. 569-74/1/7 dated 31/07/2008, corrigendum dated 18/08/200 and NOC	B to B/3	8-21	6
4.	Copy of the departmental appeal along with post receipts	С	27-	2
5.	Wakalatnama	~ -	29	

Dated <u>/5</u>/03/2021

Your humble appellant,

Rafi Ullah

Through counsel:-

Sheikh Iftikhar ul Haq Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA ES TRIBUNAL PESHAWAR

Camile		
Service Appeal No.	•	/2021
		1/11/1

Rafi Ullah son of Raz Muhammad caste Marwat r/o village Tajori, Tehsil & District Tank.

.....(<u>APPELLANT</u>)

VERSUS

- Government of KPK, Through Secretary Agriculture Department Khyber Pakhtunkhwa Peshawar.
- 2. Director General Agriculture Department Khyber Pakhtunkhwa Peshawar.
- 3. Director Agriculture Department (Extension) Khyber Pakhtunkhwa Peshawar.
- 4. District Director Agriculture (Extension) District Tank.
- 5. Accountant General Khyber Pakhtunkhwa Peshawar through Accounts Officer Pay Fixation Officer, Peshawar.
- 6. District Accounts Officer (Finance Office), Tank.

.....(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974.

PRAYER

On acceptance of the instant appeal the services of the appellant since 12/01/2005 till 31/07/2008 may kindly be restored i.e. considered as regular employee along with all back benefits and action of the respondents regarding deduction/re-fixation of pay in shape of recovery (already pay fixed by the respondents/authority) (Footnote on service book) as illegal, void ab initio and against the service rules & polity and also against the verdicts of superior courts.

jn hil





Appellant humbly submits as under;

- That the appellant was appointed as Field Assistant BPS-06 1. vide office order No 134-37-A in the incumbency of Agriculture (Department of Water Management) 12/01/2005 after fulfilling all legal and the requirements. Copy of the appointment order is annexed as Annexure-A.
- That the appellant performed his duties to the entire 2. satisfaction of his high-ups and on 01/08/2008 the appellant was adjusted in the department of Agriculture (Extension) through proper channel after attaining the NOC by the competent authority vide order No. 569-74/1/7 dated 31/07/2008. It is also pertinent to mention that a corrigendum dated 18/08/2008 regarding the restoration/regularization of previous services were issued wherein the previous service of the appellant of Department of Water Management from 12/01/2005 till 31/07/2008 was considered/admitted along with emoluments. Copies of the relevant pages of the service book, order No. 569-74/1/7 dated 31/07/2008, corrigendum dated 18/08/200 and NOC are annexed as Annexure-B to B/2.

That the appellant aggrieved from the fresh fixation of pay by return of the emoluments and not considering the service 12/01/2005 till 31/07/2008 served in (Water Management Department) in shape of recovery from the monthly salary of the appellant, hence, preferred a



departmental appeal on 26/11/2020, to the appellate authority (Respondent#3) which was not accepted within stipulated period, hence, the instant appeal on the following grounds. Copy of the departmental appeal along with post receipts are annexed as **Annexure-C**.

GROUNDS

- **a.** That the appellant served the department with full heart and after attaining the NOC through proper channel was adjusted in the incumbency of respondents/authority, hence, the appellant is entitled for the previous services as per principle of law and service policy.
- **b.** That the impugned actions of the respondents by not considering the previous services of the appellant and the showing of recovery from the monthly salary of the appellant which was already fixed is against law, facts and circumstances of the case.
- c. That as per service laws and verdicts of superior courts and as per articles of the Constitution of the Islamic Republic of Pakistan, 1973, the service of the appellant and the appellant be treated equally and not be discriminated.
- **d.** That this honourable Tribunal has got vast and ample powers to entertain the instant appeal.
- e. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

judika)



It is therefore humbly prayed that On acceptance of the instant appeal the services of the appellant since 12/01/2005 till 31/07/2008 may kindly be restored i.e. considered as regular employee along with all back benefits and action of the respondents regarding refixation of pay in shape of recovery (already pay fixed by the respondents/authority) as illegal, void ab initio and against the service rules & polity and also against the verdicts of superior courts.

Dated <u>/5</u>/03/2021

Your humble appellant,

Rafi Ullah

Through counsel:-

Sheikh Iftikhar ul Haq Advocate High Court

District Bar Dera Ismail Khan



BEFORE THE KPK SERVICES TRIBUNAL PESHAWAR

In Service Appeal No.______/202

Rafi Ullah (**Appellant**)

Versus

Govt of KPK, etc (Respondents)

AFFIDAVIT

I, Rafiullah, appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal, nor anything contained therein is based on exaggeration or distortion of facts.

Dated 15 /03/2021

Identifical by

Deponent

VERIFICATION

Verified on oath at DIKhan, this \(\sums \) day of \(\textit{March} \) 2021, that all contents of the above appeal are true and correct.

Dated /5_/03/2021

Appellant

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Ιn	Service	Anneal	Nio	
		whhear	IVO	/2024
			No	/

Rafi Ullah (Appellant)

Versus Govt Of KPK, etc

(Respondents)

ADDRESSES OF PARTIES

Rafi Ullah son of Raz Muhammad caste Marwat r/o village Tajori, Tehsil & District Tank.

.....(<u>APPELLANT</u>)

- Government of KPK, Through Secretary Agriculture 1. Department Khyber Pakhtunkhwa Peshawar.
- 2. Director General Agriculture Department Khyber 5 Pakhtunkhwa Peshawar.
- Director Agriculture Department (Extension) Khyber 3. Pakhtunkhwa Peshawar.
- District Director Agriculture (Extension) District Tank. 4.

Accomitant General Khyber Palhtunkwa Perhawar through Accounts Dated ___/03/2021 Your humble appellant,

Affrer (France y Tank

Through counsel:

She(kh Iftikhar ul Hag Advocate High Count

District Bar Dera Ismail Khan



OFFICE OF THE DISTRICT COORDINATION OFFICER TANK

No.	/Acetr:	Dated	Tank	The _	121_11	2005,
Total	Rafi Ullah s/o Raz Mo District Tank	ihapimad	······.		and the second s	
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pleased to a Assistant Di	Reference your applicate ppoint you against the vertector On Farm Water March 1985 and 1985 are to the control of the control	cant post of	Field Assistant	BPS-(06) in the O	ffice of t

2-That your appointment is purely temporary on contract basis for period of one year and your services are liable to be terminated at any time written any notice or reason being assigned.

That you are declared medically fit for government service.

3-That you will be governed by such approved order as may be issued by the Govt; of NWFP from time to time in the category of Goyt; Servants for which you belong,

If you wish to resign at any time you will resign in written with 30 days notice or pay in lieu thereof and will continue to service the Govt: till the acceptance of your resignation by the competent authority.

That you can be posted any where in the district Tank.

That you will not be entitled to any facility for medical examination at joining the 6. first appointment.

The offer is subject to the availability of vacant posts.

The appointees will get salaries against the sanctioned posts in the budget.

The candidates are required to produce age and health certificate from MS THQ Hospital Tank.

The candidate will enter into an agreement with the Govt and will be governed by terms and conditions here in after mentioned in such agreement

11. They will not claim their seni-rity in their respective cadre.

The District officer, Water No agement will gain surety bond as well as agreement band executed by the candidates into the obey the contract policy and will have no right to challenge the policy in any court of law.

13. If the above offer of appointment on contract basis is acceptable to you on the above terms and conditions, you are advised to report to Office of the Assistant Director On Water Farm Management Tank for duty within 15 days, the order will be cancelled if you failed to report for duty within above mentioned period.

DISTRICT COORDINATION

Endost: No. 134 - 3 ______________/Accit;

EDO(Agriculture) Tank.

terms and conditions ;-

Assistant Director On Farm Water Management lank.

District Accounts Officer Tank.

Accountant, DCO Office Tank.

DISTRICT COORDINATION OFFICER.

Attested to be type copy

the Signature in lines 9 and 10 should be dated.

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(24) Ann. B/1

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, AGRICULTURE TANK OFFICE ORDER.

Consequent upon the recommendation of constituted selection/appointment Committee District Tank appointment of the following incumbents are hereby ordered against the newly created posts of Field Assistant in BPS-06 (3430-175-8680) plus usual allowances in the office mentioned against their names with effect from 1st August-2008.

SNo.	Name Father's Name	Post	Office
' .		assigned.	
1 .	Mr. Muhammad Darnsaz Khan	Field AssIstant	EDO, Agri:Tank:
	S/O Abdur Razzaq Village Kot		ν.
	Azam, Tehsil & District Tank		4
2 ,.	Mr.Rafiullah S/O, Raz	Fleld Assistant ,	EDO, Agrl: Tank:
V	Muhammad Village Tajori Tehsli		
	& District Tank.	, ,	*
3	Mr.Shahid Mahmood \$10 Abdul	Fleld Assistant	EDO,Agri:Tank:
	Qayyum Mohallah Sheikhain		1. Ja
	Wala Distly Tank		4,

The terms and condition of the service is as under:

- 1 The appointments are purely on temporary basis and are liable to be terminated at any time without any reason.
- 2 If they wish to resign at any time, they will resign in writing by giving a prior notice of one month and will continue to serve the Government till the resignation is accepted by the competent authority.
- o The appointment will be subject to the Medical fitness Certificate from DHQ Hospital Tank,
- If they accept the above mentioned terms and conditions they should be report for duty in the offices mentioned against their names, within one week from the date of receipt of this offer, falling which this offer will be considered as cancelled.

Executive District Officer
Agriculture District Tank.

No. 569 - 79/1/7

Dated

Tank The

3/107/2008.

Copy for information to:-

The District Coordination Officer, Tank.

2. The District Accounts Officer, Tank.

3. The District Officer, Agriculture, District Tank.

4.6. Officials concerned for compliance.

MExecu

Executive District Officer
Agriculture District Tank.

Hested Lobi

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Corrigendum



Ann B/2

The Office Order No. 569-74 /1/17 dated 31-07-2008, wherein Mr. Rafiullah placed at S.No 2 has been shown as appointee on the post of Field Assistant is regretted, and here by modified as "The word appointment is altered and may be read as adjustment" with clarification that the official concerned remained under the control of undersigned serving in the subordinate office of Assistant Director Water Management, Tank with effect from 12-01-2005 to 31-07-2008.

Sd/-(Dr.Haq Nawaz)
EXECUTIVE DISTRICT OFFICER
AGRICULTURE, TANK.

No. <u>613</u> / 1/7 EDO (Agri) dated

<u>/**</u>/_08___/2009.

Copy to:-

- 1. The District Accounts Officer Tank.
- 2. The Assistant Director Water Management Tank.
- 3. The Account clerk of this office for necessary action accordingly.
- 4. The Official concerned.

EXECUTIVE DISTRICT OFFICER

AGRICULTURE, TANK

Attested to bi roue eapy Roy, what NO OBJECTION CERTIFICATE.

It is certified that Mr.Rafiullah S/o Raz Muhammad is serving as a Field
Assistant in the office of the undersigned. This office has no objection if he applies for the post of Field Assistant to Agriculture (Extension) Department.

Assistant Director, Water Management, (N.P) Project, Tank.

Attested to bi Attested to bi Row was allowed. ر می جناب ڈائر میستر جنرل محکمہ زراعت (شعبہ تو کیے) خیبر پر تنو ننواہ پیٹاور بخرمت جناب ڈائر میستر جنرل محکمہ زراعت

محکمانداییل برائے یا قاعدہ (Regular) تصور (Consider) فرط نے جانے ہروی سائل از 31/07/2008 تام مراعات

جناب عالی! ایبلانٹ حسب ذیل نرض رسال ہے۔

ا۔ بید کہ من اپیلانٹ مورخہ 12/01/2005 کو بروئے آئس آرڈر تمبر A-37-134 محکمہ زراعت (شعبہ واٹر مجمنٹ) ٹاکک میں بطور فیلڈ اسٹنٹ BPS-06 بحرتی ہواتھ الور اپنے فرائف منصی احسن طریقے ہے۔ سرانجام دیتارہا۔

روئے Proper Channel فروند 2008/2008 اور مجاز افران سے با قاعدہ NOC ملنے کے بعد ایڈ جسٹ ہوا۔ بطور شوت نقل NOC، کیونر بر 17-74-569 مورند 2008/2008 لفت بیل۔ علاوہ ازیں ندیر واضح کرتا چلول کے NOC، کیونر بر 18/08/2008 نیر (Agri) میروئے 18/08/2009 نیرو کے 18/08/2009 نیروئے 18/08/2009 کی گئا در من اپیلانٹ کی سابقہ مردس (شعبہ واثر نجمنٹ) بھی تشلیم کی گئا۔

سے کہ من اپیلانٹ کو اب سروس دورانیہ مورخہ 12/01/2005 سے لیکر 31/07/2008 تک قصور (Consider) نہیں فرمائی جارہی اور پہلے ہے ہی Pay Fixation جوہوئی ہے اس میں Recovery فلاہر کررہے ہیں۔جوکہ متعلقہ المهکاران کا یہ سراسر غیر قانونی ،خلاف ضابطہ ،خلاف سروس رولز ویا لیسی اور عدالت عالیہ وعدالت علی کے نظائر کے خلاف ہونے کی وجہ ہے قابل منسونی ہے۔

للندااستدعا ہے کہ اپیل ہزاحسب صراحت عنوان وتشری اپیل ہزامنظور فرمائی جائے۔

مودفته 26/11/2020 مودفته 26/11/2020

ر فيع الله ولدرازمجر قوم مروت سكنه گاؤل تبحوژي تخصيل و ملت ٹانک

عال تعينات بطور فيلذا سشنث ككمه زراعت (شعبة وسيع) ثانك موبائل نبر 127 8402-0303 حال تعينات بطور فيلذا سشنث ككمه زراعت (شعبة وسيع)

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