


09.11.2022

Since 9<sup>th</sup> November has been declared as public holiday, therefore.

case is adjourned to 22.12.2022 for the same as before.

  
Reader

22.12.2022

Counsel for the appellant present. Muhammad Riaz Khan Paindakhel  
learned Assistant Advocate General for respondents present.

**SCANNED**  
**KPST**  
**Peshawar**

Both the parties are directed to make sure production of copies of appointment and termination orders in respect of the appellant, his service book and other necessary record before date fixed. To come up for production of record and arguments on 09.02.2023 before D.B.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

09.02.2023

Clerk of counsel for the appellant present. Mr. Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

**SCANNED**  
**KPST**  
**Peshawar**

Mrs. Rozina Rehman, Learned Member (Judicial) is on leave today, therefore, case is adjourned to 16.05.2023 for arguments before D.B.

  
(Fareeha Paul)  
Member (E)

28.01.2022

Appellant present through counsel.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Due to rush of work, order could not be announced therefore, case is adjourned to 02.02.2022 for orders before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

02.02.2022

Learned counsel for the appellant present.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Bench is incomplete as learned Chairman is busy in Public Service Commission, therefore, case is adjourned. To come up for arguments on 24.05.2022 before D.B.

  
(Rozina Rehman)  
Member (J)

24<sup>th</sup> May, 2022

Junior to counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. AG for the respondents present.

Former seeks adjournment due to indisposition of learned counsel for the appellant. Last opportunity is given to the appellant to argue the case, failing which the case will be decided on the basis of available record without the arguments. To come up for arguments on 09.08.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

9-8-22

Due to the Public holiday the case is adjourned to 9-11-2022

  
Readm

22.10.2021.

Appellant present through counsel.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

This case was fixed for orders for today but the learned Chairman is on leave, therefore, case is adjourned to 22.11.2021 for orders before D.B.



(Rozina Rehman)  
Member (J)

22.11.2021

Junior to counsel for the appellant present.

Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned Chairman is on official tour. Case to come up for orders on 28.01.2022 before the same D.B.  
come up for orders on 14.03.2022 before the D.B.



(Rozina Rehman)  
Member (J)

(Abdul-Rohman Wad) Member (F)

19.01.2022

Junior to counsel for the appellant present and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned Member (Judicial) is on official tour to Abbottabad. Case to come up for orders on 28.01.2022 before the same D.B.



Chairman

12.07.2021

Appellant in person present.

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

Appellant requested for adjournment on the ground that his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 12.08.2021.



(ROZINA REHMAN)  
MEMBER (JUDICIAL)



CHAIRMAN

12.08.2021

Appellant present through counsel.

Asif Masood Ali Shah learned D.D.A for respondents present.

Arguments heard. To come up for order on 28.09.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

28-9-21

DB is on Tour case to come up for  
the same on dated. 22-10-21

Reader

28.12.2020

Due to summer vacation, case is adjourned to  
30.03.2021 for the same as before.




Reader

30.03.2021


Junior to counsel for appellant present.

Muhammad Rasheed learned Deputy District Attorney alongwith Muhammad Hanif Assistant Accounts Officer and Sher Nawab Superintendent for respondents present.

Former submitted rejoinder with a request for adjournment as senior counsel is not available today; granted. To come up for arguments on 12/07/2021 before D.B.



(Atiq ur Rehman Wazir)  
Member (E)




(Rozina Rehman)  
Member (J)

30.06.2020

Counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present. He sought time for submission of reply on behalf of respondents No.2, 3, 6, 8 & 10. Last chance is given. To come up for reply/comments on 20.08.2020 before S.B.

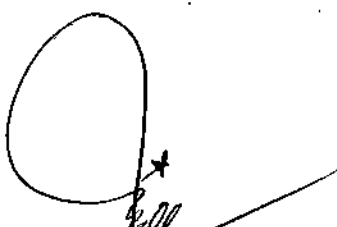
  
Member (J)

20.08.2020

Counsel for the appellant present. Addl: AG alongwith Mr. Zakiullah, Senior Auditor and Mr. Sohail Akhtar, Assistant for respondents present.

Written reply on behalf of respondents No. 3,6,8 and 10 submitted. Representative of the respondent No.2 seeks time to submit the same on the next date. Written reply on behalf of respondents No. 1,4,5,7 and 9 have already been submitted.

Adjourned to 28.09.2020 before S.B.

  
(Mian Muhammad)  
Member(E)

28.09.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

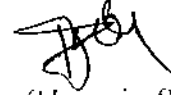
Respondent No. 2 has not furnished reply/comments despite various opportunities. The matter is assigned to D.B for arguments on 28.12.2020. The appellant may furnish rejoinder to the reply/comments submitted by other respondents, within one month, if so advised.

  
Chairman

27.02.2020

Junior counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Sajid Superintendent for respondent No.2 Zakiullah Senior Auditor for respondent No.3 Sher Nawab Superintendent for respondent No.5, Shakoor Sub Accountant for respondent No.6, Waheed Gul ADO for respondent No.7 & Muhammad Aftab, AAO for respondent No.8 present.

Reply on behalf of respondent No. 6 already submitted. Written reply/comments on behalf of respondent No.1, 4, 5, 7 & 9 submitted. Representatives of respondent No. 2, 3, 6 & 8 seeks time to furnish written reply/comments. None present on behalf of respondent No.10 nor submitted written reply/comments, therefore, fresh notice be issued to respondent No.10. Adjourned. To come up for written reply/comments on 07.04.2020 before S.B. \



(Hussain Shah)  
Member

07.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 30.06.2020 for the same. To come up for the same as before S.B.


  
**Reader**

04.11.2019

Counsel for the appellant present.

An application for extension of time to deposit security and process fee has been submitted. It is noted that the requisite deposit could not be made in time due to unavoidable circumstances.

The application is allowed and the period for making the deposit is extended for another period of three days. After the requisite deposit notices be issued to the respondents for submission of written reply/comments on 11.12.2019 before S.B.

  
Appellant Deposited  
Security & Process Fee

5/11/19

  
Chairman

11.12.2019

Junior to counsel for the appellant, Mr. Wahid Gul, ADEO for respondent No. 5, Mr. Qamar Ali Jan, AD for respondent No. 6 and Mr. Haji Rahman Khattak, AAO for respondent No. 8 alongwith Addl. AG for the respondents present.

Representative of respondent No. 6 has furnished parawise comments. Learned AAG requests for further time on behalf of other respondents. Adjourned to 22.01.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

22.01.2020

Appellant in person. Sher Nawab, Superintendent for respondent No. 5, Qamar Ali Jan, DAO for respondent No. 6, Waheed Gul, ADEO for respondent No. 7, Muhammad Aftab, AAO for respondent No. 8 and Umar Hayat Khattak, AAO for respondent No. 10 alongwith Addl. AG for the respondents present.

Learned AAG as well as representatives of respondents seek further time. Adjourned to 27.02.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman



207/2019

04.09.2019

Counsel for the appellant present.

Contends that the appellant was appointed as Junior Vernacular Teacher in the year 1966 and <sup>was</sup> performing his assigned duty upto the year 1978. He thereafter went abroad for earning livelihood while the respondents discharged the appellant in the year 1978. He referred to Section 19 of Khyber Pakhtunkhwa Civil Servants Act, 1973 and contended that the appellant was neither dismissed from service nor his service was terminated on the allegations of misconduct, therefore, he was entitled to receive due pension in accordance with the law. Despite, the pension emoluments were not allowed in favour of appellant. While arguing the question of delay in submission of instant appeal, it was stated that the delay was not willful owing to the fact that the appellant had preferred a Writ Petition before the Honourable Peshawar High Court and upon its disposal filed the instant appeal.

In view of arguments of learned counsel and available record, instant appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 04.11.2019 before S.B.



Chairman

11.06.2019

Counsel for the appellant present and requests for time to further document the brief of instant appeal. May do so on or before next date of hearing.

Adjourned to 11.07.2019 before S.B.

  
Chairman

11.07.2019

Appellant in person present.

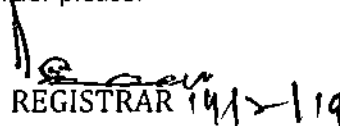
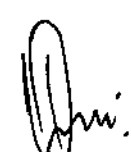


Appellant requests for adjournment due to indisposition of his learned counsel. Adjourned to 04.09.2019 for preliminary hearing before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 207/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/2/2019	<p>The appeal of Mr. Gul Zaman presented today by Mr. Qamar Zaman Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 14/2-19</p>
2-	21.03.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant in person present. Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 23.04.2019 before S.B.</p> <p style="text-align: right;"> Member</p>
	23.04.2019	<p>Appellant in person present. Due to general strike of the bar, the case is adjourned. Case to come up for preliminary hearing on 11.06.2019 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>

RECEIVED  
KAT  
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Service Appeal No. 207 /2019

**Gul Zaman..... (Appellant)**

**VERSUS**

**Government of KPK & others .....Respondents**

**I N D E X**

S. No.	Description of documents	Annex	Pages
1.	Service Appeal		1-7
2.	Affidavit		8a
3.	Copies of Service Certificate, Service Book and Academic qualifications	A	8-15
4.	Copies of Monthly Salary Slips (Baraward)	B	16-20
5.	Copies of Admission Forms of the students with Signs and Dates by the Appellant	C	21-23
6.	Copy of Discharge Certificate	D	24
7.	Copy of letter No. 4477-78/DAC/KT/Funds/G-5/97-98 dated 1996 with balance sheet	E	25-26
8.	Copies of Writ Petition No.658-B/2017, Order dated 23.10.2017 and Decision of Departmental Appeal	F, G & H	27-35
9.	Copy of W.P and order dated 22.02.2019	I & J	36-41
9.	Wakalat Nama		42-43

Appellant

Dated: 14.02.2019

Through



**QAMAR ZAMAN KHATTAK**

&

**ASHRAF ALI**

ADVOCATES HIGH COURT

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2019

Gul Zaman S/O Noor Shah Zan Resident of Village & P.O  
Khojaki Killa Tehsil Takhat-e-Nasrati, District Karak.

**(Appellant)**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer (M), Karak.
6. District Account Officer, Karak.
7. District Education Officer (M) Kohat.
8. District Account Officer, Kohat.
9. District Education Officer (M) Hangu.
10. District Account Officer, Hangu.

**(Respondents)**

**APPEAL UNDER SECTION 4 OF THE SERVICE**  
**TRIBUNAL ACT 1974**

Prayer in Appeal:-

On acceptance the instant appeal, this Hon'ble Tribunal may very graciously be pleased to:

- i. Declare the act and omissions of the Respondents for not granting / providing pensionary benefit as against the fundamental rights of the Appellant and also against law, rules and policy governing the subject.
- ii. Declare the acts of the Respondents is unlawful, without lawful authority.
- iii. That the Respondents to grant the Appellant has due and legal pensionary benefits forthwith.

Respectfully Sheweth:

1. That the Appellant was appointed as Junior Vernacular here in after referred as J.V Teacher on 4<sup>th</sup> April, 1966, by the respondent after completion of J.V training in the year 1965-66 and posted at Govt Primary School Mari Bala Kohat, District Kohat. (Copies of Service Certificate, Service Book and Academic qualifications are ANNEXTURE 'A').
2. That the Appellant was transferred to Govt Primary School (Boys) Mohabati killa, Tehsil Takhati-e-Nasrati, District Karak. (Copies of Monthly Salary Slips (Baraward) are ANNEXTURE 'B').

3. That after some time the Appellant join his duties as a J.V teacher on transfer at Govt Primary School (Boys) Tatar Khail, Tehsil Takhati-e-Nasrati, District Karak. **(Copies of Admission Forms of the students with Signs and Dates by the Appellant is ANNEXTURE 'C')**
4. That the Appellant was transferred to Govt Primary School (Boys) Tangi Mian Gaan Hangu, District Hangu and spent some 5 to 6 months in the said school, that the Appellant request for photocopy of record to the present Head teacher but his request was rejected with the words that once if they were called by the Honourable High Court then definitely they will provide that record, which shows the Appellant is a J.V teacher in the said School.
5. That the Appellant lastly join his duty on transfer at Govt Middle School (Boys) now High School Khojaki Killa, Tehsil Takhati-e-Nasrati, District Karak, that where the record were not handed over to the Appellant on request but the Appellant mentioned a private person namely Naseer ud Deen (R) Head Master of Middle School (Boys) Khojaki Killa of years 1977-78 for verification of service of the Appellant at said School.
6. That thereafter meanwhile after his departure the services of the Appellant were dispensed with and he was discharged of his duty by the respondents in the year 1978. **(Copy of Discharge Certificate is ANNEXTURE "D")**.

7. That G.P Fund of the Appellant was transferred by the District Account Office Kohat to District Account Office Karak, Vide letter No.4477-78/DAC/KT/Funds/G-5/97-98 dated 1996. At the time of appointment of the Appellant as J.V teacher, the account matter of Tehsil Karak was running by District Account Office Kohat. **(Copy of letter No. 4477-78/DAC/KT/Funds/G-5/97-98 dated 1996 with balance sheet is ANNEXTURE "E").**
8. That the Appellant raised the said issue through a writ petition, which was disposed and converted into departmental appeal and direct the department to decide that in the period of thirty days, ultimately the writ petition then departmental appeal of the Appellant was rejected after a long time of 9 months, in a very cursory and cruel manner, which is the violation of the fundamental and statutory rights of the Appellant **.(Copies of Writ Petition No.658-B/2017,Order dated 23.10.2017 and Decision of Departmental Appeal are ANNEXTURE "F,G & H").**
9. That Appellant again approached the Hon'ble Peshawar High Court Bannu Bench through W.P No. 1054-B/2018 for the relief, but the same was returned on the ground that the question involve pertains to terms and condition of the Appellant and therefore shall approach to proper forum. **(Copy of W.P and order dated 22.02.2019 are attached as annexure I & J)**
10. That the Appellant feeling aggrieved and has no other adequate and efficacious remedy for the redresses of his grievances files the instant appeal inter alia on the following grounds.



## GROUNDS OF THE APPEAL

- i.** That the Appellant rendered 12 years service w.e.f 1966 after completion of J.V training and discharged in the year 1978 and according to law, rules and policy the Appellant is entitled to be extended pensionary benefits.
- ii.** That the Appellant is entitled to be sanctioned pension emoluments/benefits by the respondents as the Appellant was appointed as J.V teacher after completion of proper training in the year 1965-66 which is evident from service certificate.
- iii.** That in accordance with statutory law, the Appellant has been regularized/upgraded from the date of their appointment. Moreover, Pension Rules 1963 are quite clear that the services rendered by Appellant as contract or on Adhoc basis are to be counted for pension benefits.
- iv.** That it is settled principles of law that statutory law will have precedence over rules/notifications/orders. It is an admitted fact that in accordance with the statutory law, the Appellant has been regularized from the date of their appointment and now no other rules/notifications/orders can overrule the statutory laws passed by the legislative assembly.
- v.** That the respondents have misconceived the statutory law and rules framed and promulgated time to time by competent authority.

- vi. That the denial of respondents to grant full pension benefits to the Appellant is against the well settled principles of law laid down by the superior courts in suchlike cases.
- vii. That the denial of the respondents is also against the principles of dispensing legal as well as natural justice and violation of article 25 and other fundamental rights of the Appellant enshrined in the constitution of Islamic Republic of Pakistan, 1973.
- viii. That the impugned act of the respondents is against the law, which is arbitrary, fanciful and without lawful authority.
- ix. That rest of the grounds are to be agitated at the time of arguments with the permission of this Hon'ble court.

**In view of the above facts and grounds it is therefore, humbly prayed That On acceptance the instant appeal, this Hon'ble Tribunal may very graciously be pleased to:**

- i. Declare the act and omissions of the Respondents for not granting / providing pensionary benefit as against the fundamental rights of the Appellant and**

also against law, rules and policy governing the subject.

ii. Declare the acts of the Respondents is unlawful, without lawful authority.

iii. That the Respondents to grant the Appellant has due and legal pensionary benefits forthwith.

Appellant

Dated: 14.02.2019

Through



**QAMAR ZAMAN KHATTAK**

&

**ASHRAF ALI**

**ADVOCATES HIGH COURT**



84

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2019

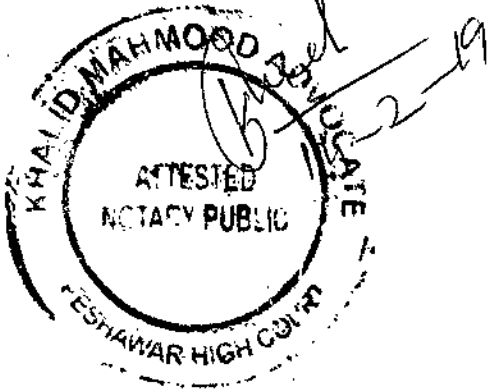
**Gul Zaman..... (Appellant)**

**VERSUS**

**Government of KPK & others .....Respondents**

**AFFIDAVIT**

I, Gul Zaman S/O Noor Shah Zan Resident of Village & P.O Khojaki Killa Tehsil Takhat-e-Nasrati, District Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



  
**DEPONENT** 14/02/2019

(Annex 'A')

8

SERVICE CERTIFICATE

Certified that Mr. GUL ZAMAN, F.A.

G.P.S. / GM/PT TACTAR KHAI (KOHAT) has been serving against  
JV / PT Post since 4-4-66.

His full particulars are as under :-

1. Date of 1st appointment as untrained teacher x
2. Year of JV / PT training 1965-66.
3. Date of appointment after completion of training 4-4-66.

Attested  
*[Signature]*  
 10/4/76  
*[Signature]*  
 Kohat

Sd/- x x x x x x  
 Distt: Inspector of Schools,  
 KOHAT.

ATS  
②

1. Name: M. ANWAR

2. Nationality and Religion: Muslim/Islam

3. Residence: Miner Road, Kohat

4. Father's name and residence: Nawab Khan, Kohat

5. Date of birth by Christian era as nearly as can be ascertained: 1935

6. Exact height by measurement: 5' 6"

7. Personal mark for identification: (Scar on forehead)

8. Left hand/right hand thumb and finger impressions of (Non-gazetted) officer:

Left hand thumb impression: (Impression)

Left hand index finger impression: (Impression)

Left hand middle finger impression: (Impression)

Left hand ring finger impression: (Impression)

Left hand little finger impression: (Impression)

9. Signature of Government servant: (Signature)

10. Signature and designation of the Head of the Office or other Attesting Officer: (Signature)  
Sub-Divisional Officer  
Kohat

Note: The entries in this page should be renewed or re-allocated at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس خطے کے عہدیداروں کے لیے ہر پانچ سالوں میں اپنی معلومات کو اپ ڈیٹ کرنا ضروری ہے اور ہر 5-10 سالوں کے لیے اپنے ہاتھ کے نشانات کے لیے ہر ایک سال کے بعد تصدیق کی ضرورت ہے۔

ATS  
Q

ATS  
Q

Name of Post وزیر تجارت	Whether substan- tive or attaching and whether permanent or temporary. عارضی، مستقل یا قائم مقام	If off-rolling state (i) substantive appointment or (ii) whether ser- vice ceased for pension under rules 32a of C.S.R. (Pb.) volume 1 اگر عارضی ہے تو کیا وہ رول کے مطابق پینشن کا مستحق ہے؟	Pay in substantive post ملازمت	Appoint- ment probation period زائماں عرصہ قائم مقام	Outgoing appoint- ments under the term "day" بیسویں نومبر ۱۹۶۷	Date of appoin- tment تاریخ تقرری	Signature of Governor سید برکاتی خان	
			Rs.	Ps.	Rs.	Ps.		
Tea-Taker, off/roll			Rs. 104/-		Rs. 104/-		4-4-1966	
...								
...			Rs. 108/-		Rs. 108/-		12-18-1966	
...								
...			Rs. 121/-		Rs. 121/-		14-12-1968	
...			Rs. 123/-		Rs. 123/-		1-12-1968	
...			Rs. 139/-		Rs. 139/-		1-12-1970	

9	10	11	12	13		14	15
Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 9	Date of termination of principal post	Reason of termination (such as promotion transfer dismissal etc.)	Signature of the Head of the office or other Attesting Officer	Nature and duration of leave taken	Allocation of periods of leave or average pay up to four months for earned leave not exceeding 120 days to which leave salary is payable to another Government		Reference to any recorded punishment or reward or praised of the Government servant
					Govt. to which referred	Period	
Sub-Divisional Officer			Sub-Divisional Officer				
Sub-Divisional Officer			Sub-Divisional Officer				
Sub-Divisional Officer			Sub-Divisional Officer				

ATS Q

ATS Q

APPOINTED against F.V. Post at Government School Bulah Kolah District Inspector's Office Kolah

Security check conducted from 4-4-1966 to 30-11-1966 from the official records



1 Name of Post	2 Whether substan- tive or officiating and whether permanent or temporary	3 Officiating state (1) substantive appointment or (2) whether ser- vice count for pension under rules 3.20 of C.S.R. (Pb.) volum 11	4 Pay in substantive post	5 Additional pay for officiating		6 Other em- oluments falling under the form pay مہوارے مخوارہ دیگر الادیس	7 Date of ap- point- ment تاریخ تقرری	8 Signature of Government serv co دستخط سرکاری ملازم
				Rs.	Pc.			
درج ملازمت	عارضی، مستقل عام نظام	اگر عارضی ہے تو کیا وہ رول کے مطابق پیش کا مستحق ہے؟						
						136/-	12/11/72	
						150/-	12/11/72	
						156/-	12/11/72	
						162/-	12/11/72	
						168/-	12/11/72	
						174/-	12/11/72	





9 Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment تاریخ اقال یا ملازمت	11 Reason of termination (such as promotion transfer dismissal etc) دلیل اقال یا ملازمت برز یا برملی	12 Signature of the Head of the office or other attesting Officer دستخط افسر کار	13 Nature and duration of leave taken رہت کی نوعیت و معیار	14 LEAVE Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Govt. to which debited چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تہین Period گورنمنٹ سے رقم ادا ہوگی	15 Signature of the Head of the office or other Attesting officer دستخط افسر کار	16 Reference to an recorded punishment or censure or reward or praise of the Government servant نہایت یا جزا یا غیر مناسب کارکردگی کا ریکارڈ
Sub. Officer	15/02/77	Promoted to Sub. Officer	[Signature]	[Signature]	Service rendered with Govt. from 1-12-1977 to 30-11-1978 From the office of [Signature]	[Signature]	[Signature]
Sub. Officer	15/02/77	Promoted to Sub. Officer	[Signature]	[Signature]	Service rendered with Govt. from 1-12-77 to 30-11-78 From the office of [Signature]	[Signature]	[Signature]
Sub. Officer	15/02/78	Promoted to Sub. Officer	[Signature]	[Signature]	Service rendered with Govt. from 1-12-73 to 30-11-74 From the office of [Signature]	[Signature]	[Signature]
Sub. Officer	15/02/78	Promoted to Sub. Officer	[Signature]	[Signature]	Service rendered with Govt. from 1-12-1974 to 30-11-1978 From the office of [Signature]	[Signature]	[Signature]

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9	10	11	12	13		14	15	
Signature and Designation of the Head of the office or other Attesting officer in attestation of columns 1 to 8 دستخط السرماز	Date of termination or appointment تاریخ تذوق ملازمت	Reason of termination (such as promotion transfer dismissal etc) دعوات انتقال ملازمت ختم یا برطرفی	Signature of the Head of the office or other attesting Officer دستخط السرماز	Nature and duration of leave taken رضعت کی نوعیت و میعاد	LEAVE Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another چار ماہ تک کی رضعت کے لئے اوسط معجزہ کا تعین Govt. to which debited گورنمنٹ سے رقم ادا ہوگی		Signature of the head of the office or other Attesting officer دستخط السرماز	Reference to a recorded punishment or censure or reward or praised of the Government servant سزا یا سزا غیر مناسب کارکردگی کا ریکارڈ
					Service verified with effect from 1-12-1976 to 15-7-69-78 from the office. Amended			
					S.D.P.S. Officer			

ATS

ATS

(14)

(13)

Serial No. 2088

# EDUCATION DIRECTORATE



## N.W.F.P. Peshawar SPECIAL CERTIFICATE OF TEACHING KOCIC./C.T./S.V./G.O.KK PERMANENT CERTIFICATE

ATS  
Q  
AIS  
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Certified that Mr./Mrs./Miss Gul Zameer  
Son of Mr. Noor Shah Zair  
Deputy  
born on the 18th October, M.H. & Forty Six (18/10/1946)  
and a teacher of Govt. P.T. School, Tatar Khel  
resident of Khojaki Killa Tehsil Karak, District Kohat,

is awarded special certificate of Teaching

IN KOCIC./C.T./S.V./G.O.KK

ON 1st April, 1974.

Asst. Director Education  
(Extension)  
Edu. Directorate, N.W.F.P.  
Peshawar

Deputy Director Education,  
Extension  
For Director of Education,  
N.W.F.P., Peshawar.

PESHAWAR

The 27th May, 1974

15

14

Print No. 1075



ATS  
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مفتی تعلیمات خیر صوبہ سندھ

# مدارس کی پالیسی و سمنڈ

ATS  
Q

## وزیر اعلیٰ

(18.10.1946)

یہ سمنڈ بات کی ہے کہ گل زمانہ  
ذات مسلم سکون خوشی کلمہ  
درنیکر پائری سکول ایسی مل سکول کے حقہ ڈل میں سوائے انگریزی کے تمام مضامین پڑھانے  
کی لیاقت رکھتا ہے۔

تمام کوھاٹ

21.6.70  
دستخط  
نائب وزیر تعلیم  
دستخط ایچ بی اے

16-10-1970



ایک پیر صفا کی کیفیت درں کا مرقہ از بیت

بیتا ممانہ  
کفایت  
دوسرا ممانہ  
26/1/73

کفایت  
بیتا ممانہ  
کفایت  
دوسرا ممانہ  
26/1/73

کفایت  
بیتا ممانہ  
کفایت  
دوسرا ممانہ  
26/1/73



(Annex B)

16

*(Handwritten notes in Arabic script, likely describing the items or transactions in the table)*

111.00	1.00	1.00	-	-	-	112.00	"	112.00	1
150.00	10.00	1.00	9.00	4947	160.00	31 <sup>8</sup> / <sub>67</sub>	160.00	160.00	2
261.00									

1.00	-	-	-	-	1.00	"	-	3
5.00	-	-	-	-	5.00	"	-	4

*(Handwritten calculations)*  
 261.00  
 267.00

No: 30  
 10.8.97



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11	11	109	124	267.00
16	27	14	23/33	267.00

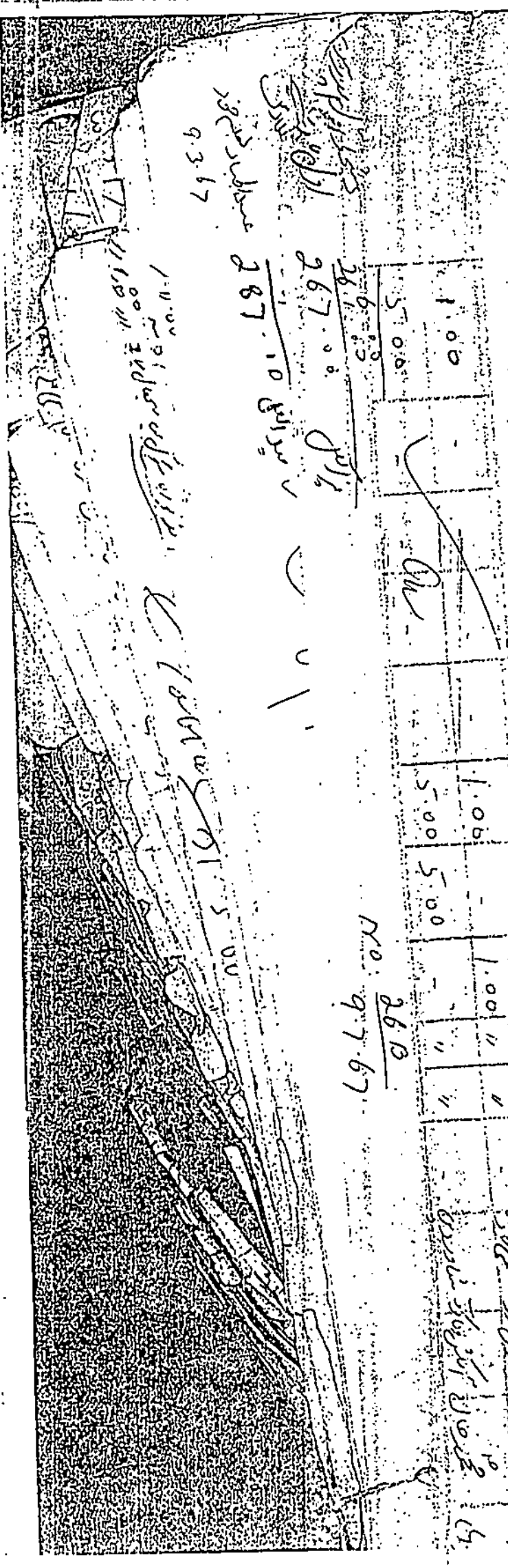
(18)

(7)

150.00	100.00	9.00	49.47	160.00	112.00	31.67	1.2	160.00	112.00
111.00	1.00	1.00	1.00	5.00	5.00	1.00	"	1.00	"
261.00						26B			

No. 97.67

266.00  
 267.00  
 287.10



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1969

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No. 154 D  
11/5/69

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165.00

165.00

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1969

442.00

128.00

108.00

108.00

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442.00

128.00

108.00

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(36)

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*Johnnie B. ...*

447/75

6.00
377.00
383.00
64.75
447.75

*Johnnie B. ...*

*(Signature)*

3/2/69-9/c

110
-142.7
3.3.69

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27
56

(Annex C)

(25)

دانشگاه

موسسه عالی

نام

عدد نفرات (۱۹۵۳-۱۹۵۴)

موسسه عالی

دانشگاه اول مدرس

دولت دار

موسسه عالی (۱۹۵۲-۱۹۵۳)

موسسه عالی

دانشگاه اول مدرس

موسسه عالی

دانشگاه اول مدرس

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تعمیر کی جاتی ہے کہ سندھ میں ذیل اضلاع کا ہر حصہ کے رجسٹروں اور ان میں شامل کیوں کے مطابق رجسٹرنگ کی جائے جو اس نے ان رجسٹروں سے حاصل کیے ہیں۔

ضلع آمل میں سب گورنمنٹ پرائمری سکولوں کی فہرست  
ضلع آمل

تعمیر کی جاتی ہے کہ سندھ میں ذیل اضلاع کا ہر حصہ کے رجسٹروں اور ان میں شامل کیوں کے مطابق رجسٹرنگ کی جائے جو اس نے ان رجسٹروں سے حاصل کیے ہیں۔
تاریخ
رقبہ
قیمت
کس سال تک
کون سا حصہ
نوٹس
امتحان
گورنمنٹ
تعمیر
میں
میں

دوسرے حصے کے مندرجہ ذیل گورنمنٹ پرائمری سکولوں میں

(1) نام طالب علم تنظیم  
(2) وحی ولدیت  
(3) تعلیم

(4) تاریخ پیدائش  
(5) گورنمنٹ پرائمری سکولوں کی فہرست  
1. 4. 1965

(6) سکول  
(7) جماعت میں پڑھنا لگنا  
(8) اصل ادنیٰ

(9) تاریخ اجراء  
6/7/71

گورنمنٹ پرائمری سکولوں کی فہرست  
15/7/71

16/7/71

دستور آمل میں گورنمنٹ پرائمری سکولوں کی فہرست

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تعمیراتی کتب خانہ کے قریب اول ابتدائی اس حوالہ کے درجہ اول اور ان سہ ماہیوں کے مطابق ہے جو اس نے ان اسکول سے حاصل کیے ہیں۔ چھاپی اس کے نامی ارسال سے متعلق ہے۔

(99)

No. 146  
21.9.70

چھاپی اسکول

جناب آؤل مدرسہ صاحب گورنمنٹ پرائمری سکول ڈھیرک بانڈہ

جناب عالی

درختہ 18 کے مندرجہ ذیل کورسز پر کتب ارسال کریں۔

ATS  
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1. نام طالب علم - حمید اختر

اسکول

2. درجہ - ابتدائی  
3. تاریخ پیدائش - یکم فروری سن 1965ء

ATS  
Q

4. قوم یا ذات - افغان

5. سکونت - مری پانڈل

اسکول

6. جماعت جس میں پڑھتا تھا۔ اول ادنیٰ

7. تاریخ اجراء - 9/70

تاریخ

محل زبان آؤل مدرسہ گورنمنٹ پرائمری سکول ڈھیرک بانڈہ

اسکول

تعمیراتی کتب خانہ

تعمیراتی کتب خانہ

No 63

تعمیراتی کتب خانہ

تعمیراتی کتب خانہ



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OFFICE OF THE

(Annex-D)

NO. \_\_\_\_\_ DATE \_\_\_\_\_  
TO

25

THE

15

TO: THE AG/DAO/AGENCY AO SUB OFFICE.

Mst/miaa/Mrs. Gul Zaman S. O.D. Orw/o. NAQEE Shah Zain  
1979 has retired, discharged, /resigned from service/died  
on 1/8/79. You are requested to please arrange payment of the  
balance amount in his G.P. Fund Account no. Tr. Fm-120064/CA  
computer personnel no./NI. Card no. 14203-6742534-9 at  
treasury/pro-audit counter at your office.

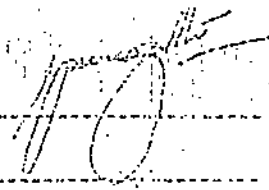
ATS  
Q  
ATS  
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The following information/documents are also enclosed.

1. A certificate from the applicant/D.D.O stating whether any advance from the fund was granted to the subscriber during the previous 12 months and if so Cufars full particulars of the advance.
2. The following information may please be-supplied only LFD 15/  
paid in 7/78  
in the case of payment treasury.  
1. Amount in month of the last fund deduction.  
2. Name of treasury that which payment of the provident fund money desire.
3. The following information may be supplied only in the case of death of subscriber.  
1. An attested copy of death certificate or Gazette Notification.  
2. If no nomination was furnished by the subscriber, a list of his family members (as defined in Rule) who are entitled to participate in the fund money under rule \_\_\_\_\_ of the G.P. Fund rules to gather with their application in original for the re-fund is enclosed. In the case of minor, the application is from the legal guardians.

S/Asst  
27/11/79

SIGNATURE \_\_\_\_\_



DESIGNATION \_\_\_\_\_

NOTE:- This form may be submitted by an officer himself on in case of official grade 1 to 15 by the drawing & Disbursing Office.

MR Atlas  
25/11/79

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(Annex "E")

OFFICE OF THE DISTRICT ACCOUNTS OFFICE BHAT.

NO. 6477-78 / DAG/NT/ Pnds/G-5/97-98/

Dated: 22/8/98

To CREDIT TRANSFER MEMO

Distt. A/Cs Officer  
Karak.

Subject: TRANSFER GP FUND IN RESPECT OF Mr. Gul Zam  
A/C No. 1/Edu/2006/4/10

ATS Q

Memo :- Reference your memo No. \_\_\_\_\_ dt: \_\_\_\_\_  
from account No. 1V/Edu/2006/4/10 to account No. 1V/Edu/2006/4/10

A sum of Rs. 2545/- Rupees Two Thousand  
Five Hundred 94/100 only is transferred  
standing at the credit of the subscriber upto 7/78 is transferred  
to your office in the account for 5/98. The amount is  
transferred finally. Interest has been allowed upto 6/78.

Yearwise details are noted below.  
Please acknowledge receipt of this letter.

ATS Q

Addl. District Accounts Officer  
Karak.

Year: O/Bal: Deposit Interest Drawal: Balance Remarks

Balance on 30-6-78 = Rs. 2530/-  
Credits @ Rs. 15/- for 7/78 only = Rs. 15/-  
Total Rs. 2545/-

(Rupees Two Thousand Five Hundred 94/100  
Forty Five only)

Copy forwarded to

Mr. Gul Zam Zam Zam  
Distt. A/Cs Officer, Karak.

4011

AFS  
Q

AFS  
Q

1974-75

(A.T.M.-80)  
(See Para. 252, Audit Manual). (Old No. G.P.F.-281)

Office of the  
Name of Account  
Rate of Interest 10% per cent.

Account No. 1	Name of subscriber 2	Opening balance Rs. 3	* Deposits during the year Rs. 4	Interest for the year Rs. 5	Withdrawals during the year Rs. 6	Balance Rs. 7
W. Edwin 20064/03	Gudiyarner	1089/-	180/-	121/-		1383/-

\*Includes recoveries made during the months of July to June.

- Notes 1.—The subscriber is requested to state whether he desires to make any alteration in any nomination made under the rules of the Fund.
- 2.—In cases where the subscriber has made no nomination, in favour of a member of his family owing to his having no family at the time, but acquired a family thereafter, the fact should be reported to the Accounts Officer forthwith.
- 3.—The subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Accounts Officer, within

To be filled in according to the rules of the Fund concerned.

A.B.—In the case of a subscriber to the Sterling Branch, the figures in the Sterling account should be shown below the rupee figures information as to the rate of exchange being furnished at the end of the note marked above.

CPFRK H/4098/69/DCS&F-7/11/69-10,00,000

Signature  
Designation  
Date  
Accounts Officer  
Accounts

(Annex A F)

27

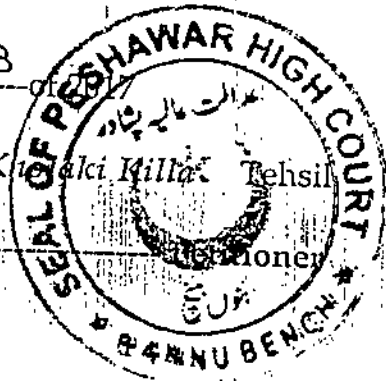
27

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BEFORE THE HONOURABLE PESHAWAR HIGH COURT  
BANNU BENCH, BANNU.

Writ Petition No. 658-B

Gul Zaman son of Noor Shah Zan R/O Khatki Killa, Tehsil  
Takht-e-Nasrati District Karak.



VERSUS

1. Provincial Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. Director, Elementary & Secondary Education Department Khyber Pakhtunkhwa near Govt. Higher Secondary School Shaheed Hussain Sharif Peshawar
3. District Education Officer (M), Karak
4. District Accounts Officer, Karak.

AS Q

-----Respondents

Note: *The addresses given above are sufficient for proper service.*

AS Q

=====  
WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973  
=====

Prayer In Writ Petition

On acceptance of the instant constitutional petition, this honorable court may very graciously be pleased to issue a writ of mandamus by directing respondents to sanction pension

Today  
AUG 2017  
District Registrar

**ATTESTED**

**EXAMINER**  
Peshawar High Court  
Bannu Bench

23

148

157

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benefits / emoluments in favor of the petitioner as the petitioner rendered 12 years' service as JV Teacher w.e.f. 1966 to 1978.

Respectfully Sheweth

The instant writ petition arises out of the following facts.

FACTS.

1. That the petitioner was appointed as Junior Vernacular here in after referred as J.V Teacher on 4<sup>th</sup> April, 1966, by the respondent after completion of J.V training in the year 1965-66 and posted at Govt: Primary School Mari Bala Kohat, District Kohat.

*(Copy of service certificate is annexed as Annexure "A").*

2. That after the completion of 12 years of service as a JV Teacher, the petitioner boarded abroad to give better education and food to his children, and remain abroad for sufficient long time.

*(Copies of passports are annexed as Annexure-B)*

3. That thereafter meanwhile after his departure the services of the petitioner were dispensed with and he was discharged of his duty by the respondents in the year 1978.

*(Copy of discharge certificate is annexed as Annexure "C").*

**ATTESTED**

**EXAMINER**  
Peshawar High Court  
Bassein Bench

Filed Today  
21 AUG 2017  
Additional Registrar

H.S. G.

F. G.

(29)

(157)

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(158)

2. That G.P. Fund of the petitioner was transferred by the District Accounts Office Kohat to District Accounts Office Karak, vide letter No. 4477-78/DAC/KT/Funds/G-5/97-98 dated 1996. At the time of appointment of the petitioner as J.V. Teacher, the account matter of Tehsil Karak was running by District Accounts Office Kohat. (Copy of letter No. 4477-78/DAC/KT/Funds/G-5/97-98 dated 1996 with balance sheet is annexed as Annexure "D").

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4. That the petitioner approached to the respondent No. 3 to provide his service book and other retirement/ discharge documents of the petitioner, but the respondent No. 3 is reluctant to provide the same. In this regard the petitioner presented proper application but in vain. (Copy of application is annexed as Annexure "E").

5. That the petitioner approached to the respondents with the request to sanction his pension emoluments and the petitioner presented applications to respondent No. 3, but without any result (Copy of application is annexed as Annexure "F").

6. That the petitioner is aggrieved by non-sanction of pension emolument by respondents, hence the instant constitutional petition before this honorable court on the following grounds inter alia.

Grounds

a. That the petitioner is entitled to be sanctioned pension emoluments / benefits by the respondents as the

**ATTESTED**

**EXAMINER**  
Peshawar High Court  
Bazaar Bazar

Filed Today  
21/09/2017  
for  
Additional Registrar

(31) (49) 5 (160)  
benefits / emoluments in favour of the petitioner as the petitioner rendered 12 years' service as JV Teacher w.e.f. 1966 to 1978.

(30) (48) 4 (159)  
petitioner was appointed as J.V Teacher after completion of proper training in the year 1965-66 which is evident from service certificate.

- b. That the petitioner rendered 12 years' service w.e.f. 1966 after completion of J.V training and discharged in the year 1978 and according to law, rules and policy the petitioner is entitled to be extended pensionary benefits.
- c. That similar pension matter has been decided by this Honourable Court in W.P No. 27-B/2015, titled as *Saifoor Khan V.S Govt. of Khyber Pakhtunkhwa etc.* (Copy of judgment in writ petition No. 27-B of 2015 is annexed as Annexure "G").
- d. That not providing the pensionary benefits to the petitioner by the respondents is the violation of fundamental rights of the petitioner.
- e. That it is by now a well settled principle established through various judgments and dictums of apex courts that a person who rendered services for such a long period would be entitled for pensionary benefits.

PRAYER IN WRIT PETITION

So it is, therefore, most humbly and respectfully prayed that On acceptance of the instant constitutional petition, this honourable court may very graciously be pleased to issue a writ of mandamus by directing respondents to sanction pension

ATTESTED



(Annex "G")

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PESHAWAR HIGH COURT, BANNU BENCH  
FORM OF ORDER SHEET

Date of order or proceeding (1)	Order or other proceedings with signatures of Judge (s). (2)
23.10.2017	<p><u>WP No.658 -B of 2017</u></p> <p><u>Present:</u></p> <p>Sawal Nazir Advocate for petitioner. *****</p> <p><b>ABDUL SHAKOOR, J.</b>-Learned counsel for the petitioner at the very outset stated that this petition be treated as representation and sent to the respondent No.3, with the direction to dispose of within a period of thirty days.</p> <p>In view of above, this petition is converted into departmental appeal, the office is directed to send the same to the competent authority, who shall decide the same within a period of thirty days in accordance with law. This petition is disposed of accordingly.</p> <p><u>Announced.</u> 23.10.2017 <u>*Azam/P.S*</u></p> <p style="text-align: center;">   <b>JUDGE</b> </p> <p style="text-align: center;">   <b>JUDGE</b> </p> <p style="text-align: center;"><del>CERTIFIED TO BE TRUE COPY</del></p> <p style="text-align: center;"><i>Shaukat</i> 4/8</p> <p style="text-align: center;"><b>Examiner</b> Peshawar High Court Bannu Bench Authorized Under Article 87 of the Qanun-e-Shahadat Order 1984</p>

AS  
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Office  
24/10



(Annex "H")

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE),  
KARAK.

DECISION OF DEPARTMENTAL APPEAL

1. Whereas writ petition No. 658-B of 2017 titled "Gul Zaman VS Provincial Govt: of KP & Others was filed by one Gul Zaman S/O Noor Shah Zan R/O Khojaki Killa Tehsil Takht-e-Nusrati District Karak in the honourable Peshawar High Court Bannu Bench.
2. Whereas the above cited writ petition was converted into departmental appeal vide order dated 23-10-2017 by the honorable Peshawar High Court Bannu Bench with the directions to the respondent No. 3 (District Education Officer (M), Karak) to dispose of.
3. Whereas attested photocopy of the above mentioned judgment dated 23-10-2017 was delivered to the Office of DEO(M), Karak and in compliance of order dated 23-10-2017 passed in W. P No. 658-B of 2017 by the honourable Peshawar High Court Bannu Bench, the undersigned sent a letter vide No. 1424 dated 13-03-2018 to the petitioner Gul Zaman with the directions to provide a copy of termination order, date of termination, date of last pay drawn and any application / appeal lodged to the competent authority for reinstatement and copy of the same was forwarded to the Director (E & SE) Peshawar with the request to direct the DEO (M) Kohat to send the required documents immediately in respect of Gul Zaman Ex JV Teacher being a court matter, copy of above mentioned letter dated 13-03-2018 to DEO(M) Kohat with the request to provide service book / LPC, termination order alongwith personal file of the said Gul Zaman Ex JV Teacher so as to proceed further into the matter, a copy of the same was also forwarded to SDEO(M) Karak with the directions to provide the termination order, LPC and service book etc in respect of Gul Zaman Ex-JV if available in your office and a copy of letter dated 13-03-2018 was also forwarded to Registrar Peshawar High Court Bannu Bench with the remarks that Karak District has been established in the year 1982 and District Education Office, Karak was established on 01-07-1984. The case being proceeded as per rule subject to the availability of necessary document

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G

3. Whereas the petitioner Gul Zaman has provided photocopy of Account Roll and Photocopy of service book through SDEO (M), Karak vide letter No. 600 dated 13-06-2018 and in Para No.2 of the departmental appeal ( writ petition) that the his GP Fund was transferred by DAO Kohat to DAO Karak vide letter No. 4477-78/DAC/KT/Funds/G-5/97-98 dated 1996.
4. Whereas the District Education Officer (M) Kohat vide his letter No. 2915 dated 03-04-2018 forwarded to the undersigned with the remarks that as per statement of SDEO(M) Kohat record of Mr. Gul Zaman Ex- JV is not available in this office as SDEO (M) Kohat was established in 1979.
5. Whereas to authenticate the matter further, the undersigned has forwarded a letter vide No. 3441 dated 04-07-2018 to SDEO(M) Karak was directed once again to search out the original service record of Gul Zaman Ex-JV and in response of the above mentioned letter, the SDEO (M) Karak vide his letter No. 634 dated 04-07-2018, the District Education Officer (M) Karak was informed by the SDEO(M) Karak that original service record in respect of Gul Zaman Ex. JV Teacher has not been found in the office of SDEO (M) Karak.
6. Whereas after perusal of contents of departmental appeal, it reveals that Mr. Gul Zaman was appointed in the year 1966 at GPS Mari Bala Kohat and served up to 1978 for a period of 12 years as a JV teacher but had gone abroad to give better education and food to his children and remained abroad for sufficient long time and as per para No. 3 he was discharged in the year 1978.

Here question arises that the said discharge certificate neither has been provided to the undersigned by the said Gul Zaman nor through SDEO (M) Karak which will show who issued the discharge certificate.

Further as per Section 9 of Khyber Pakhtunkhwa Esta Code Edition -2012 Sub Section-C which states that after 5 years of continuous absence from service of a civil servant shall automatically stand terminated under FR 18 and Rules 12 of NWFP Civil Servant Revised Leave Rules 1981 in the light of Rule 12 ibid a willful absence of more than five years shall not be converted into leave without pay

A/S  
QA/S  
Q

Here the case of the appellant Gul Zaman is 40 years old and after laps of 40 years long period the appellant approached to get pension emolument by filing writ petition which has been converted into departmental appeal by the honourable Peshawar High Court Bannu Bench. The delay period shows fake and bogus on the part of appellant Gul Zaman.

7. Whereas the said appellant Gul Zaman was initially appointed at GPS Mari Bala Kohat but DEO (M) Kohat has not provided any record as the office of SDEO (M) Kohat was established on 1979. The petitioner has not arrayed DEO (M) Kohat in penal of respondents so that DEO(M) Kohat was able to file proper reply however the DEO(M) Kohat has stated that no record of said Gul Zaman has been found in the office of DEO(M) Karak vide his letter No. 2915 dated 03-04-2018 being old case.
8. Whereas the service book provided by the appellant Gul Zaman is neither original nor signed by the office of SDEO(M), Karak hence the same is not authentic and reliable. In such available circumstances the District Education Officer (M) Karak is not in a position to award him pension emolument in favour of the appellant Gul Zaman.

Keeping in view the above aforesaid facts & circumstances the department appeal is hereby rejected.

District Education Officer (Male)  
Karak

Endst: No. 3567-71

Dated 19/7/2018

Copy to the

1. Director (E&SE) Khyber Pakhtunhwa Peshawar.
2. Additional Registrar Peshawar High Court Bannu Bench for information.
3. SDEO (M) Karak.
4. DEO (M) Kohat.
5. Gul Zaman Ex-JV R/O Village & P.O Khojaki Killa Tehsil Takht-e-Nasrati District Karak.

TA  
District Education Officer (Male)  
Karak

19/07/018

ATS  
Q

ATS  
Q

36

(36)

(Annex "I")

BEFORE THE PESHAWAR HIGH COURT BANNU BENCH, BANNU

W.P No. 1054-B of 2018

Gul Zaman S/O Noor Shah Zan Resident of Village & P.O Khojaki Killa Tehsil Takhat-e-Nasrati, District Karak.

(Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer (M), Karak.
6. District Account Officer, Karak.
7. Principle Govt High School (Boys) Khojaki Killa, Tehsil Takhati-e-Nasrati, District Karak.
8. Head Teacher Govt Primary School (Boys) Khojaki Killa, Tehsil Takhati-e-Nasrati, District Karak.
9. District Education Officer (M) Kohat.
10. District Account Officer, Kohat.
11. Head Teacher, Govt Primary School (Boys) Mari Bala, Kohat, District Kohat.
12. District Education Officer (M) Hangu.
13. District Account Officer, Hangu.
14. Head Teacher, Govt Primary School (Boys) Tangi Mian Gaan, Hangu, District Hangu.
15. Naseer ud Deen (R) Head Master (1975-78), Govt Middle School (Boys) now High School, Khojaki Killa, Presently R/O Village & P.O Manzinee Banda, Shikhaan, Tehsil Takhati-e-Nasrati, District Karak.

Filed Today  
27 NOV 2018  
Additional Registrar

ATTESTED (Respondents)  
EXAMINER  
Peshawar High Court  
Bannu Bench

37

38

2

Note: The addresses given above are sufficient for proper service.

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973 AS AMENDED UPTO DATE FOR ISSUANCE OF WRIT TO THE RESPONDENTS TO GRANT PENSION TO THE PETITIONER BEING JV NOW PST TEACHER, GOVT SERVENT, WHEREAS THE BENFITS OF PENSION HAVE BEEN DECLINED BY THE RESPONDENTS. AS GRANT OF PENSION IS CONSTITUTIONALLY GRANTED RIGHTS OF THE PETITIONER.

Respectfully Sheweth:

1. That the Petitioner was appointed as Junior Vernacular here in after referred as J.V Teacher on 4<sup>th</sup> April, 1966, by the respondent after completion of J.V training in the year 1965-66 and posted at Govt Primary School Mari Bala Kohat, District Kohat. (Copies of Service Certificate, Service Book and Academic qualifications are ANNEXTURE 'A').
2. That the petitioner was transferred to Govt Primary School (Boys) Mohabati killa, Tehsil Takhati-e-Nasrati, District Karak. (Copies of Monthly Salary Slips (Baraward) are ANNEXTURE 'B').
3. That after some time the petitioner join his duties as a J.V teacher on transfer at Govt Primary School (Boys) Tatar Khail, Tehsil Takhati-e-Nasrati, District Karak. (Copies of Admission Forms of the students with Signs and Dates by the Petitioner is ANNEXTURE 'C')
4. That the petitioner was transferred to Govt Primary School (Boys) Tangi Mian Gaan Hangu, District Hangu and spent some 5 to 6 months in the said school, that the petitioner request for photocopy of record to the present Head teacher but his request was rejected with the words that once if they were called by the Honourable High Court then definitely they will provide that record, which shows the petitioner is a J.V teacher in the said School.
5. That the petitioner lastly join his duty on transfer at Govt Middle School (Boys) now High School Khojaki Killa, Tehsil Takhati-e-Nasrati, District Karak, that where the record were not handed over to the petitioner on request but the petitioner requested in

AS  
@

Filed today  
[Signature]  
District Registrar

ATTESTED  
EXAMINER  
Peshwar High Court  
Bannu Bench

respondent column a private respondent No.15 namely Naseer ud Deen (R) Head Master of Middle School (Boys) Khojaki Killa of years 1977-78 for verification of service of the petitioner at said School.

- 6. That thereafter meanwhile after his departure the services of the petitioner were dispensed with and he was discharged of his duty by the respondents in the year 1978. **(Copy of Discharge Certificate is ANNEXTURE "D")**.
- 7. That G.P Fund of the petitioner was transferred by the District Account Office Kohat to District Account Office Karak, Vide letter No.4477-78/DAC/KT/Funds/G-5/97-98 dated 1996. At the time of appointment of the petitioner as J.V teacher, the account matter of Tehsil Karak was running by District Account Office Kohat. **(Copy of letter No. 4477-78/DAC/KT/Funds/G-5/97-98 dated 1996 with balance sheet is ANNEXTURE "E")**.
- 8. That the petitioner raised the said issue through a writ petition, which was disposed and converted into departmental appeal and direct the department to decide that in the period of thirty days, ultimately the writ petition then departmental appeal of the petitioner was rejected after a long time of 9 months, in a very cursory and cruel manner, which is the violation of the fundamental and statutory rights of the petitioner. **(Copies of Writ Petition No.658-B/2017, Order dated 23.10.2017 and Decision of Departmental Appeal are ANNEXTURE "F, G & H")**.
- 9. That the petitioner feeling aggrieved and has no other adequate and efficacious remedy for the redresses of their grievances except this writ petition.
- 10. That the petitioner submits the instant writ petition on the following grounds inter-alia:-

As  
C

**GROUND OF THE WRIT PETITION**

- i. That the petitioner rendered 12 years service w.e.f 1966 after completion of J.V training and discharged in the year 1978 and according to law, rules and policy the petitioner is entitled to be extended pensionary benefits.
- ii. That the petitioner is entitled to be sanctioned pension emoluments/benefits by the respondents as the petitioner was appointed as J.V teacher after completion of proper

Filed Today  
Additional Registrar

ATTESTED  
EXAMINER  
Peshawar High Court  
Lahore Bench

training in the year 1965-66 which is evident from service certificate.

- iii. That in accordance with statutory law, the petitioner has been regularized/upgraded from the date of their appointment. Moreover, Pension Rules 1963 are quite clear that the services rendered by petitioner as contract or on Adhoc basis are to be counted for pension benefits.
- iv. That it is settled principles of law that statutory law will have precedence over rules/notifications/orders. It is an admitted fact that in accordance with the statutory law, the petitioner has been regularized from the date of their appointment and now no other rules/notifications/orders can overrule the statutory laws passed by the legislative assembly.
- v. That the respondents have misconceived the statutory law and rules framed and promulgated time to time by competent authority.
- vi. That the denial of respondents to grant full pension benefits to the petitioner is against the well settled principles of law laid down by the superior courts in suchlike cases.
- vii. That the denial of the respondents is also against the principles of dispensing legal as well as natural justice and violation of article 25 and other fundamental rights of the petitioner enshrined in the constitution of Islamic Republic of Pakistan, 1973.
- viii. That the impugned act of the respondents is against the law, which is arbitrary, fanciful and without lawful authority.

That rest of the grounds are to be agitated at the time of arguments with the permission of this Hon'ble court.

Met Today  
27 NOV 1978  
Additional Registrar

*It is therefore prayed that on acceptance of instant WRITT PETITION this Honourable court may very graciously be pleased to issue a writ of mandamus by directing respondents to sanction pension benefits/emoluments in favour of the petitioner as the petitioner rendered 12 years service as J.V Teacher w.e.f 1966 to 1978 and may please be strictly directed to dispose of this pension case of the petitioner within a shortest possible time.*

**ATTESTED**

EXAMINER  
Peshawar High Court  
Bannu Bench

Any other remedy/relief which this Hon'ble court deems appropriate in the circumstances of the case may also be granted to the petitioner for the ends of justice.

Petitioner


Dated: 23-11-2018

Through 

QAMAR ZAMAN KHATTAK  
ADVOCATE HIGH COURT

**CERTIFICATE:**

Certified that no such like writ petition has earlier been filed on the subject matter before this Hon'ble Court.


  
ADVOCATE

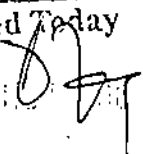
**LAW BOOKS:**

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Any Law Book as per need.

  
ADVOCATE

**ATTESTED**

  
EXAMINER  
Peshawar High Court  
Banna Bench

Filed Today  
  
[Signature]



41

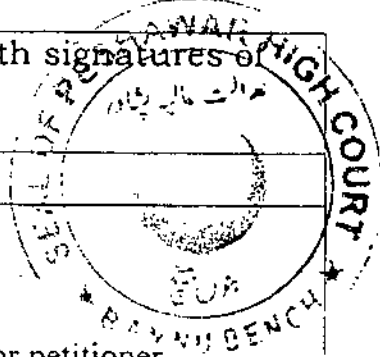
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(Annex "J")

**PESHAWAR HIGH COURT, BANNU BENCH**

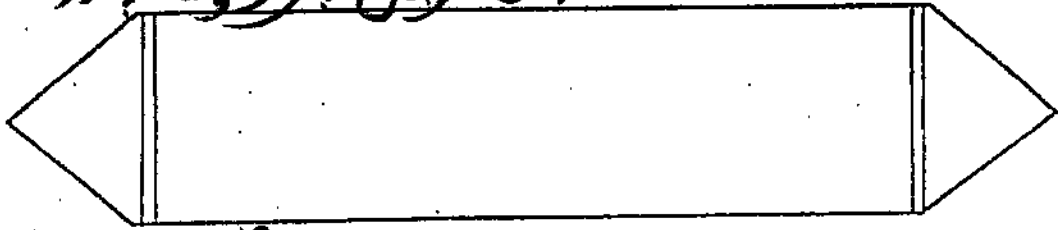
**FORM OF ORDER SHEET**

Date of order or proceedings	Order or other proceedings with signatures of Judge (s).
(1)	(2)
22.01.2019	<p><b><u>W.P No.1054 -B of 2018</u></b></p> <p><b><u>Present:-</u></b> Sawal Nazir advocate for petitioner. *****</p> <p><b><u>MUHAMMAD NASIR MAHFOOZ, J.-</u></b> Since the present petitioner has performed his duty as Junior Vernacular Teacher, from 1966 to 1978 and had requested for the grant of pensionary emoluments earlier before in writ petition No.65-B of 2017, which was sent to the respondents on 23.10.2017 treating it as departmental appeal, which has now been decided, vide order dated 19.07.2018. Petitioner being civil servant may approach service tribunal for redressal of his grievance, instant writ petition is returned accordingly with direction to retain copy of original documents.</p> <p><b><u>Announced.</u></b> 22.01.2019 <b>Sd/Justice Muhammad Nasir Mahfooz, J</b> <b>Sd/Justice Shakeel Ahmad, J</b></p> <p><b>CERTIFIED TO BE TRUE COPY</b> <i>[Signature]</i> 27/10/2019 Examiner</p> <p>Peshawar High Court Bannu Bench Authorised under Article 87 of the Constitution of Pakistan 1973</p>



*[Handwritten signature]*  
\*M. Azam/S\*

بعد االت جناب سرزس ٹریبونل خیر محسنونواہ استوار



2019ء پنجاب ایبلٹ

موزخ 2019-02-14

گل زمان

بنام گورنمنٹ این جی پی

مقدمہ

دعویٰ

حکم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام استوار کیلئے متر زمان خٹک ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی اور منسوخ

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجات التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سند ہے۔

Attended & Accepted

20

ماہ

المرقوم

واہ الب

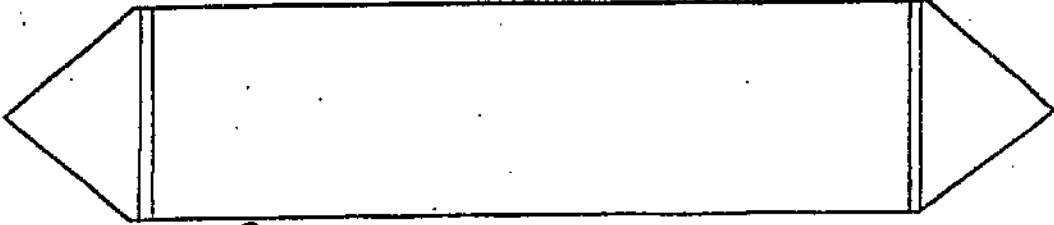
گل زمان (ایبلٹ)

بمقام

کے لئے منظور ہے۔

Signature

بعدالت



2019ء منجانب ایبیلڈنٹ

بنام گورنمنٹ آف ضلع پشاور  
مجلس

موزخہ 2017-02-14

مقدمہ  
دعویٰ  
جیم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی دکل کاروائی متعلقہ  
آن مقام پشاور کیلئے اشرف علی خٹک

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلقہ دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زراپس پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ  
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا ادکالت نامہ لکھد یا کہ سند ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

کے لئے منظور ہے۔  
Attested & Accepted  
Ashraf Ali Khattak  
B. C # 10-4605  
cell # 0332-9931676

بمقام محل زمانہ (ایبیلڈنٹ)

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR**

**COC NO.300-B/2018 in WP No. 337-B/2018**

Mr Gul Zuman

-----Petitioner

**VERSUS**

Government Of Khyber Pakhtunkhwa and others Peshawar

-----Respondents

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District Accounts Officer

**BEFORE THE KYBER PAKHTUNKHWA SERVICE TRIBUNIL PESHAWAR**

**Appeal No.207 of 2019**

Mr Gul Zuman s/o Noor sha Zan r/o village and Post of Khujaki kala Tahsil Pakhti  
Nasrati District Karak .....Petitioner.

VERSUS

Govt of Khyber Pakhtunkhwa THROUGH SECRETARY Elementary & Secondary  
Education Civil Secretariat Peshawar and Others.....Respondent.

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO-6.**

Respectfully Sheweth .

**Breif facts:**

1: Not related.

2: Not related.

3. Not related.

3: Not related.

4: Not related.

5: Not related.

6: Not related.

7:GPF transferred from DAO kohat form 10 has already been submitted for transfer  
male karak.

8:Not related .

9: Not related.

10. i. Not related.

provided by SD/CO

ii. Not related.

iii. Not related.

iv. Not related.

v. Not related.

vi. Not related.

Vii. Not related.

IX. Not related.

**Prayer:-**

It is therefore most humbly prayed that the petition in hand may be dismissed.

  
District Accounts Officer  
Karak

(Respondent No. 5)

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.**

Service appeal No. 207 of 2019


**Gul Zaman (Appellant)**

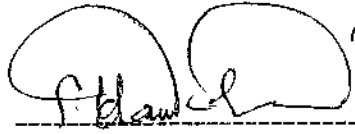
**VERSUS**

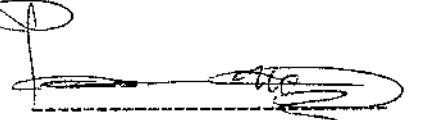
**Govt: of KP & Others (Respondents).**


**INDEX**

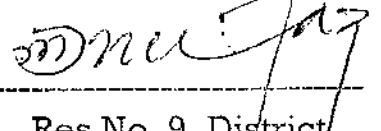
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Res No. 1. Secretary  
E&SED KP Peshawar.

  
Res: No. 2. Director E  
& SED KP, Peshawar

  
Rsp No. 5. District  
Education Officer  
(M), Karak

  
Res No. 7. District Education  
Officer (M), Kohat Kohat

  
Res No. 9. District  
Education Officer (M), Hangu

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.**

Service appeal No. 207 of 2019

**Gul Zaman (Appellant)**

**VERSUS**

**Govt. of KP & Others (Respondents).**

**Joint Parawise Written Comments Respondent No. 1, 4, 5, 7 & 9**

Respectfully Sheweth

Written comments on behalf of Respondent No. 1, 4, 5, 7 & 9  
**Preliminary Objections.**

1. That appellant has got no cause of action to file the instant service appeal.
2. That the above titled service appeal is wrong, incorrect and against the law & facts.
3. That the appellant is estopped to file the instant service appeal by his own conduct.
4. That the instant service appeal is not maintainable & entertainable in its present form.
5. That the appellant is not entitled of pension emolument as the appellant has left the service consumptively five years as the appellant was not behind the bar in any criminal case.
6. That the appellant has not come to this honourable court with clean hands and concealed the facts.
7. That the instant service appeal is liable to be dismissed due to mis-joinder & non-joinder of the party.
8. That the instant service appeal is liable to be dismissed in limine.

**Factual Objections**

1. Para No. 1 of the service appeal pertains to record, however, the appellant is required to produce original service book.



2. Para No. 2 of the instant service appeal pertains to record, however, the appellant is required to produce attested photocopy of monthly salary from the concerned school. The appellant was also required to array the head teacher of concerned school as respondent.
3. Para No. 3 of the instant service appeal pertains to record, however, the appellant is required to produce attested photocopy of Admission Form from the concerned school. The appellant was also required to array the head teacher of concerned school as respondent as mentioned in Para No. 3.
4. Para No. 4 of the instant appeal is incorrect. The appellant has not approached to the respondent No. 10 for supply of record, however, the appellant was also required to approach GPS Tangi Mian Gan Hangu to obtain photocopy of his transfer order.
5. Para No. 5 of the instant appeal pertain to record of High School Khojaki Killa District, Karak but the appellant has not impleaded the Headmaster of GHS Khojaki Killa to produce that record belongs to appellant.
6. Para No. 6 of the instant appeal does not show that which respondent had discharged the appellant from the duty. Further stated when the appellant himself admitted that he was discharge from 'service meaning thereby that he remained absent long time.
7. Para No. 7 of the instant appeal pertains the District Accounts Office Karak & Kohat, therefore, they will submit proper reply.
8. Para No. 8 is correct, however, the District Education Officer (Male), Karak has rejected his departmental appeal with solid reasons mentioned therein dated 19/07/2018. The departmental appeal of the appellant was sent by the honourable Peshawar High Court Bannu Bench in W.P No. 658-B of 2017 vide order sheet dated 23-10-2017. Further stated that as the appellant has left the service 1978 and after laps of 39 years the appellant is claiming pension benefits which is illegal and unlawful in the eye of law and he is not entitled any pension emoluments under the law.
9. Para No. 9 needs no comments.
10. Para No. 10 is incorrect.

**Objection on Grounds.**

- i. Reply of Ground "i" is that as per available record annexed with the instant appeal show that the appellant has left services without any permission from department and after laps of 39 years his claim for pension emoluments is against the law ~~and~~ rules & policy, therefore, the appellant is not entitled to be extended any pension emolument.
- ii. Ground "ii" is incorrect and wrong hence denied. Furthermore that as per available record of the appeal, the appellant is not entitled the concession of pension benefits.
- ii. Ground "iii" is legal one hence agitated the same during course of argument.
- iv. Ground "is" is legal one hence agitated the same during course of argument.
- v. Ground "v" is legal one hence agitated the same during course of argument.
- vi. Ground "vi" to the extent of grant of full pension benefits as claimed by the appellant is incorrect, however, the principle of law will be pressed during course of argument.
- vii. Ground "vii" of the appeal will be pressed during course of argument.
- viii. Ground "viii" of the appeal is incorrect and wrong hence denied.
- ix. Ground "ix" needs no comments.

**Prayer**

So it is, therefore, most humbly and respectfully prayed that keeping in view the above mentioned written comments this Hon'able Khyber Pakhtunkhwa Service Tribunal may very kindly be pleased to dismiss the service appeal.

Dated:- ----/-----/20

Res No. 1. Secretary  
E&SED KP Peshawar.

Res: No. 2. Director E  
& SED KP, Peshawar

Rsp No. 5. District  
Education Officer  
(M), Karak

Res No. 7. District Education  
Officer (M), Kohat Kohat

Res No. 9. District  
Education Officer (M), Hangu

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.**

Service appeal No. 207 of 2019

**Gul Zaman (Appellant)**

**VERSUS**

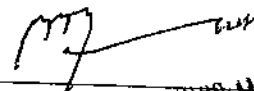
**Govt: of KP & Others (Respondents).**

**AFFIDAVIT**

I, Shan Nawaz Khan  
Superintendent BPS-17 in DEO (M), Kohat do hereby solemnly affirm and declare on oath that all the contents of accompanying joint parawise comments are true and correct to the best of my knowledge and belief, nothing is lie and nothing has been concealed from this Hon'able Service Tribunal

Dated 27/02/2020

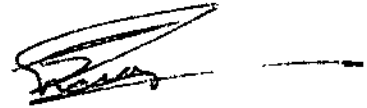
Deponent

  
Shan Nawaz Khan  
Superintendent (BPS-17)  
District Education Officer  
Kohat, Kohat

**OFFICE OF THE DISTRICT EDUCATION OFFICER MALE KARAK**

**AUTHORITY LETTER**

Mr. Sher Nawab Superintendent BPS. 17 of this office is hereby authorized to attend the court of Service Tribunal Peshawar on Behalf of the undersigned in connection with Execution petition/appeal No.207/2019 in respect of Mr. Gul Zaman Vs Director & Others (Respondents).



**DISTRICT EDUCATION OFFICER  
MALE KARAK**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 207/2019

Mr. Gul Zaman..... Appellant:

Vs

Govt of Khyber Pakhtunkhwa, through Secretary Education Peshawar,  
and others ..... Respondents.

Reply on behalf of respondent No. (3,6,8,10)

Preliminary Objections:-

1. That the appellant has no cause of action.
2. That the appellant has no locus standi.
3. That the appeal is time barred.
4. That the appellant has joinder and mis-joinder of the necessary parties.

Respectfully Sheweth:-

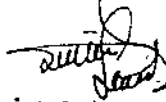
Para 1 to 10:-

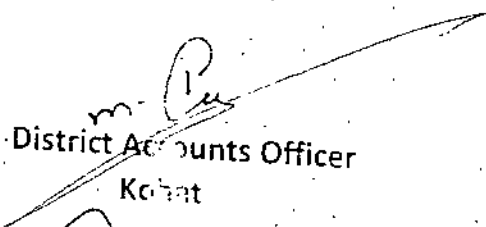
It is submitted that being an administrative matter it relates to respondent No.1,4,5 & 9, and they are in a better position to redress the grievances of the appellant. Besides, the appellant has raised no grievances against Accountant General Khyber Pakhtunkhwa office and other respondents District Accounts Offices.

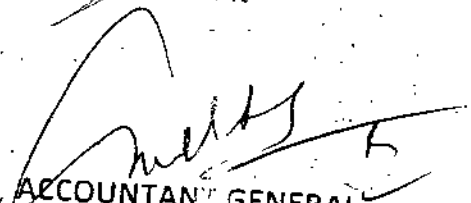
It is pertinent to mention that pension case of the appellant when submitted by the administrative department of the appellant will be dealt in accordance to the pension rules.

Keeping in view the above mentioned facts, it is humbly prayed that the appellant may be directed to approach respondent No.1,4,5 & 9 for the satisfaction of his grievances and the appeal in hand may be dismissed with cost.

  
District Accounts Officer  
Karak

  
05/8/2020  
District Accounts Officer  
Hangu

  
District Accounts Officer  
Kohat

  
ACCOUNTANT GENERAL  
KHYBER PAKHTUNKHWA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No.207 of 2019

Gul Zaman.....Appellant

**V E R S U S**

Govt. of Khyber Pakhtunkhwa & others.....Respondents

**REJOINDER ON BEHALF OF THE**  
**APPELLANT IN RESPONSE TO THE**  
**PARAWISE COMMENTS BY THE**  
**RESPONDENTS**

**Respectfully Sheweth:**

***Rejoinder to the Preliminary Objections:***

The preliminary objections raised by the answering respondents are false, frivolous, vexatious in nature and spirit, having no legal and factual support.

The answering respondents have failed to apprise the tribunal as to why appellant have to no cause of action? Why the appeal is wrong, incorrect and against the law and facts?; why the appellant is estopped to file the appeal? Why the appeal is not maintainable and

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entertainable?; why appellant is not entitled for pension emolument?; what fact has been concealed by the appellant from this Hon'ble Tribunal?; why the appellant is to be struck down on the ground of misjoinder and non-joinder of the necessary party and why the appeal is liable to be dismissed in limine.

In absence of any legal or factual support the objections raised has no legal value; cannot be relied upon and therefore not sustainable in the eye of law.

Appellant is clarified all these aspects in his memo of appeal, however the appellant has the cause of action as his pension benefits has been denied without any legal reasons and justifications.

The appeal of the appellant is correct, as per law, there is nothing to estopped the appellant from filing the appeal and the appeal is maintainable in all respect, appellant has come to the court with clean hands, all the parties has been properly arrayed and the appeal is liable to be allowed on the strength of facts and law.

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**REJOINDER TO THE FACTUAL OBJECTIONS:**

1. That reply to Para No.1 of the answering respondents is incorrect, the original service book is available for tribunal inspection the certified copies are already available on main file.
2. That reply to Para No.2 of the answering respondents is incorrect, certified copies of the monthly salary of the appellant is available on main file, however original record may be produce at the time of hearing. The head teachers of the concerned schools have already been brought on record.
3. That reply to Para No.3 of the answering respondents is also incorrect, that detailed rejoinder has already been submitted in this respect.
4. That reply to Para No.4 of the answering respondents is also incorrect, hence denied. The appellant has approach the competent authority for provision of concerned record. The answering respondent are the custodian of the

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record therefore it is /was their duty to place the record on tribal file.

5. Para No.5 is also incorrect, hence denied, the answering respondent being custodian of the record, therefore it is/was their duty to place the record on file.

6. Reply to Para No.6 of the answering respondents is incorrect, hence denied, appellant neither being dismissed or removed from service, nor discharge, but was placed without posting anywhere.

7. That no reply being submitted by the answering respondent to Para No.7 of the appeal, therefore under the provision of article 112 Qanoon-e-Shahadat the para shall have been admitted.

8. incorrect, hence denied, appellant has rendered 12 years service, therefore under the law he is entitled for pension and pension benefits no limitation runs in cases of pension and pension benefits, there are plethora of judgments on this single point, that where these judgments will be presented at the time of arguments.

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9 & 10 That Para No.9 and 10 have been admitted by the answering respondents as per law.

**REJOINDER ON GROUNDS:**

The reply to ground of appeal is incorrect, vexatious, frivolous and more so are the repetition of facts which has already being rejoindered. The legal grounds taken by the appellant in his memo of appeal have been almost admitted by the respondents. Appellant would like to seek the permission of this Hon'ble Tribunal to share grounds in rebuttal at the time of final hearing.

In view of the above explained position, this Hon'ble Tribunal may please to allow the instant appeal as prayed for.

Through

Appellant



**Qamar Zaman Khattak**  
Advocate High Court

Dated: 12.08.2020

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No.207 of 2019

Gul Zaman.....Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa & others.....Respondents

**AFFIDAVIT**

I, Gul Zaman Son of Noor Shah Zan resident of Vilalge & P.o Khojaki Killa Tehsil Takhat-e-Nasrati District Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



**DEPONENT**