


14.02.2023

Mr. Kamran Khan, Advocate for the appellant present. Mr. Muhammad Yaseen, Superintendent and Mr. Muhammad Irfan, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Additional Advocate General stated at the bar that the record pertaining to service of the appellant would be available with respondent No. 1/Administration Department, therefore, an opportunity may be granted to him for production of the said record. Adjourned. To come up for production of service record of the appellant as well as arguments on 03.03.2023 before the D.B.

SCANNED
BEST
Peshawar


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

2nd Dec. 2022

Mr. Waleed Adnan, Advocate on behalf of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Muhammad Yaseen, SO for respondents present.

SCANNED
KPST
Peshawar

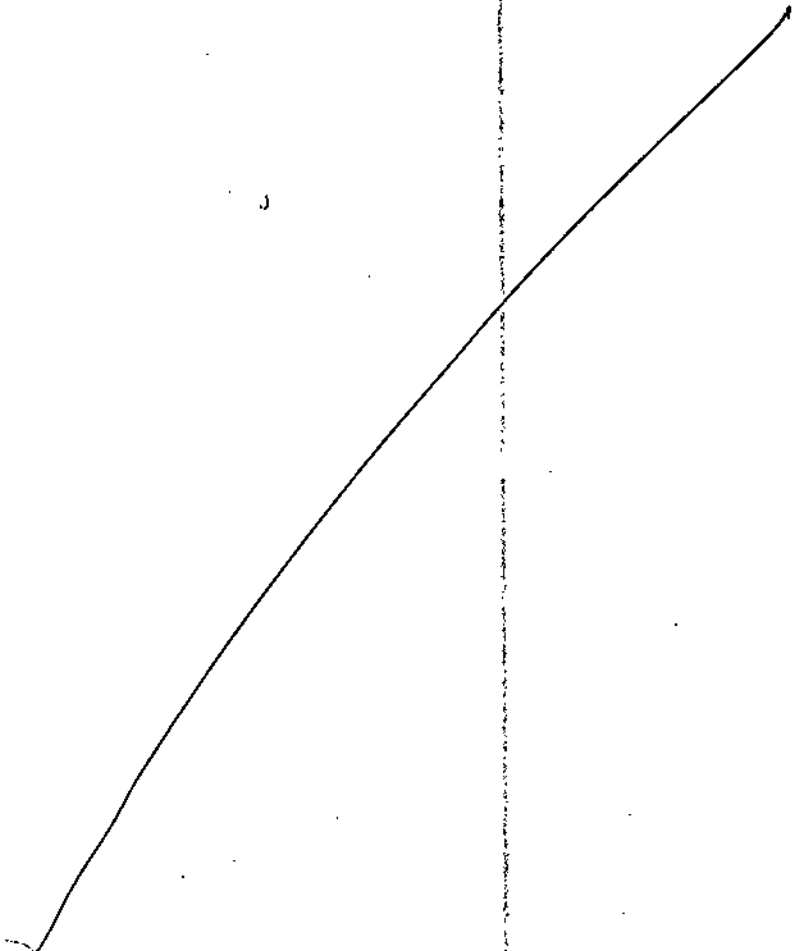
Junior to counsel for the appellant seeks adjournment on the ground that learned senior counsel is indisposed today. On the previous date an adjournment was sought by the learned counsel for the appellant and adjournment was granted as a last chance. Today learned counsel for the appellant is not present and again seeks adjournment. Adjournment granted but on cost of Rs. 5000/- with the direction to ensure presence of learned counsel for the appellant and argue the case on the next date positively. To come up for payment of Rs.5000/- as well as arguments on 14.02.2023 before the D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

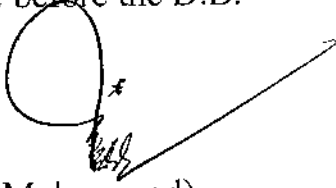



25.10.2022

Learned counsel for legal heirs of deceased appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

After hearing arguments at certain length, learned Deputy District Attorney stated that as complete record has not been submitted by the respondents, therefore, he is not in a position to properly argue the appeal. Learned District Attorney shall intimate the concerned respondents for production of complete service record of the appellant and to come up for arguments on 02.11.2022 before the D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

2nd Nov., 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on ~~02~~ 02.12.2022 before the D.B.


(Fareeha Paul)
Member (E)

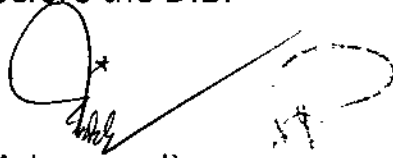

(Kalim Arshad Khan)
Chairman

22.06.2022

Mr. Noor Muhammad Khattak, Advocate representing the deceased appellant present and stated at the bar that he will submit Wakalatnama on behalf of the LRs of the deceased appellant on the next date. Mr. Sultan Shah, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested that the application filed by him for impleadment of LRs of the deceased appellant has not been yet decided. As the appellant has died, therefore, his LRs namely Mst. Rahat Bibi Wife, Annie Daughter, Sajjad Son, Jawad Son, Sumbal Daughter, Sajeel Son and Afshan Daughter, are impleaded as appellants in the instant appeal. Office is directed to make entry in this respect in the memo of appeal as well as relevant record accordingly.

Adjourned. To come up for submission of Wakalatnama on behalf of the LRs of the deceased appellant and arguments on 08.07.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

8-7-2022

Due to Holidays of Eid-ul-Azha
the case is adjourned to 25-10-2022


Reader

16.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.5.2022. for the same as before.



Reader.

16.05.2022

Junior to counsel for appellant present. Mr. Irfan Khan Assistant alongwith Mr. Kabir Ullah Khattak Additional Advocate General for the respondents present.

Junior to counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available due to some domestic engagements. Adjourned. To come up for arguments before the D.B on 22.06.2022.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

04.12.2020 Due to pandemic of Covid-19, the case is adjourned to
12.09.2021 for the same as before.

Reader

31.08.2021 Due to summer vacations, the case is adjourned to
28.12.2021 for the same as before.



READER

25.11.2021 Counsel for the appellant present.

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

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is
on leave, therefore, case is adjourned. To come up for arguments
on 16.03.2022 before D.B.



(Rozina Rehman)
Member (J)

04.12.2020

Due to pandemic of Covid-19, the case is adjourned to 24.02.2021 for the same as before.


Reader

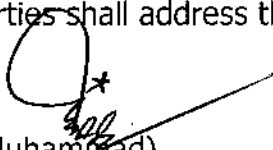
24.02.2021

Mr. Afrasiyab Khan Wazir, Advocate on behalf of counsel for the appellant and Addl. AG alongwith Mr. Mukarram Khan, SO (Lit-I) and Mr. Zar Muhammad, Assistant for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is engaged today before the Dar-ul-Qaza bench of Peshawar High Court at Swat.

Adjourned to 11.05.2021 for hearing before the D.B.

An application for submission of list of legal heirs for the appellant has been preferred wherein it is noted that on 11.07.2020 the appellant demised. His legal heirs are, therefore, necessary to be impleaded as Party in the appeal. On the next date the respondents shall submit a reply to the application while the parties shall address their arguments thereupon.


(Mian Muhammad)
Member(E)


Chairman

11.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 31.08.2021 for the same as before.


Reader

18.02.2020

Junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Adjournment requested. Adjourn. To come up for arguments on 26.03.2020 before D.B.

Member



Member

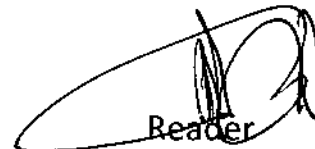
26.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 28.08.2020 before D.B.


Reader

28.08.2020

Due to summer vacation, the case is adjourned to 04.11.2020 for the same as before.


Reader

04.11.2020


Junior to counsel for the appellant and Usman Ghani District Attorney for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 04.12.2020 for hearing before the D.B.


(Mian Muhammad)
Member
Chairman

Service Appeal No. 873/2016

19.07.2019. Mr. Mir Zaman Safi, Advocate for appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 09.10.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

9.10.2019. DUE to tour of Honble Member to camp court Swat the case is adjourned to 19-12-2019.
R.undes

19.12.2019

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 18.02.2020 before D.B. Appellant be put on notice for the date fixed.


Member



Member

26.12.2018

Mr. Mir Zaman, Advocate junior to Mr. Noor Muhammad Khattak, Advocate for appellant present and requests for adjournment on account of engagement of Learned senior counsel before the Hon'ble High Court. Mr. Muhammad Jan, DDA for the respondents present.

Adjourned to 28.02.2019 for arguments before the D.B.

28.02.2019


~~Clerk to counsel for the applicant, Addl. AG~~
for the respondents present. 
Chairman

28.02.2019

~~Due to general strike on the call of Bar Association instant matter is adjourned to 17.05.2019~~
before Clerk to counsel for the applicant, Addl. AG for the respondents present.

~~Due to general strike on the call of Bar Association instant matter is adjourned to 17.05.2019 before the D.B.~~


Member


Chairman

17.05.2019

Counsel for the appellant and Addl. AG for the respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 19.07.2019 for arguments before the D.B.


Chairman


22.05.2018

Clerk of the counsel for appellant and Addl: AG alongwith Mr. Zakiullah, Senior Auditor for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 20.07.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member

20.07.2018

Due to engagement of the undersigned in judicial proceeding before S.B, further proceeding in the case in hand could not be conducted. To come on 13.09.2018 ^{before} D.B


Member (J)

13.09.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak Learned Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.11.2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

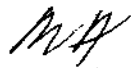
06.11.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 26.12.2018 before D.B.


Member


01.03.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sanaullah, Section Officer for the respondents also present. Written reply by respondents No. 1 & 5 already submitted. Respondent No. 4 relies on the written reply submitted by respondent No. 1. Written reply by respondents No. 2 & 3 not submitted despite extension of last opportunity at the cost of Rs. 1000/-. Requested for further adjournment. Last opportunity is further extended subject to payment of further cost of Rs. 1000/- which shall be borne by respondents No. 2 & 3 from their own pockets. Adjourned. To come up for written reply/comments and cost of Rs. 2000/- on behalf of respondents No. 2 & 3 on 14.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

14.03.2018

Clerk of the counsel for appellant present. Mr. Riaz PainsaKhel, Assistant AG alongwith Mr. Sanaullah, Section Officer & Mr. Zakiullah, Senior Auditor for the respondent present. Written reply already submitted on behalf of respondent No. 1 & 5. Respondent No. 4 relies on the written reply submitted by respondent No. 1. None present on behalf of respondent No. 2 despite last opportunity and cost, hence proceeded ex-parte. Cost of Rs. 2000/- also paid and receipt thereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing on 22.05.2018.


(Muhammad Amin Khan Kundi)
Member

10.01.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Zakiullah, Senior Auditor for the respondents also present. Written reply on behalf of respondent No. 5 submitted today while respondent No. 1 has already submitted written reply. Representative of respondents No. 4 relies on the written reply submitted by respondents No. 1 on behalf of respondent No. 4. None present on behalf of respondents No. 2 & 3 therefore, notice be issued to respondents No. 2 & 3 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 2 & 3 on 30.01.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member


30.01.2018

Counsel for the appellant and Asst: AG alongwith Mr. Zakiullah, Senior Auditor for respondents present. Written reply on behalf of respondents no. 2 and 3 not submitted. Last opportunity further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. Notices be issued to respondent no. 2 and 3. To come up for written reply/comments of respondents no. 2 and 3 on 01.03.2018 before S.B.


(Ahmad Hassan)
Member(E)

25.09.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG alongwith Mr. Zakiullah, Senior Auditor for respondent No. 5 also present. Representative of respondents No. 2 & 3 is not in attendance, therefore, notice be issued to respondents No. 2 & 3 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 2, 3 & 5 on 24.11.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

24.11.2017

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present. None present on behalf of respondents No. 2, 3 & 5 nor written reply submitted, therefore, notice be issued to respondents No. 2, 3 & 5 with the direction to direct the representative to attend the court and submit written reply on the next date by way of last opportunity. Adjourned. To come up for written reply/comments on behalf of respondents No. 2, 3 & 5 on 20.12.2017 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


20.12.2017

Learned counsel for the appellant present. Mr. Riaz Pinda Kheil, learned Assistant Advocate General for the respondents present. Mr. Sana Ullah SO on behalf of the respondent No.3 present. Reply of respondent No.1 available on file. Perusal of order sheet dated 03.07.2017 shows that the respondent No.4 has relied upon reply of respondent No.1. Fresh notice be issued to remaining respondents for submission of reply before S.B. To come up for written reply/comments on 08.01.2018 before S.B.


(Muhammad Hamid Mughal)
MEMBER

18.05.2017

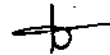
Counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Request accepted. Last opportunity granted. To come up for written reply/comments on 03.07.2017 before S.B.



(Ahmad Hassan)
Member

03.07.2017

Counsel for the appellant and Addl. AG alongwith Mr. Zakiullah, Senior Auditor, Mr. Sultan Shah, Assistant and Mr. Abid Khan, Assistant for respondents present. Written reply on behalf of respondent No. 1 submitted while respondent No.4 rely on reply of respondent No.1. To come up for written reply/comments of the remaining respondents on 22.08.2017 before S.B.



(Ahmad Hassan)
Member

22/8/2017

Clerk of counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. Clerk of counsel for the appellant requested for adjournment as his counsel is not available due to strike of the bar. To come up for written reply of respondents No. 2,3 and 5 on 25/9/2017 before SB.



(GUL ZEB KHAN)
MEMBER

14.02.2017

Clerk to counsel for the appellant and Mr. Sultan Shah Assistant alongwith Addl. AG for the respondents No.1 present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 21.03.2017.



(AHMAD HASSAN)
MEMBER

21.03.2017

Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant submitted application for substitution of respondents No. 1. Application is allowed. Entry be made in the memo of appeal. Notice be issued to the substituted respondents No. 1. To come up for written reply/comments on 19.04.2017 before S.B.


Chairman

Clerk to counsel for the appellant and Mr. Sultan Shah. Assistant alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Request received. To come up for written reply/comments on 18.05.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

873/16

14.11.2016

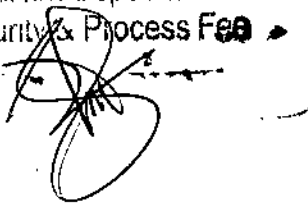
Learned counsel for the appellant argued that the appellant was initially appointed as Ferro Khalasi vide appointment order dated 02.09.1987, later on adjusted as Chowkidar vide order dated 25.07.2005 and then as Naib Qasid on 13.09.2005. That the appellant became drug addict in the year 2009 and applied for invalid pension under rule 3.3 of Pension Rules, 1963 but till date no orders whatsoever were passed constraining the appellant to prefer departmental appeal on 11.05.2016 which was not responded and hence the instant service appeal on 17.08.2016.

That the appellant is entitled to invalid pension as he has put in almost 28 years service.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 11.01.2017 before S.B.


Chairman

Appellant Deposited
Security & Process Fee



11.01.2017

Counsel for the appellant, M/S Sultan Shah, Assistant & Zakiullah, Senior Auditor alongwith Additional AG for the respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 14.02.2017 before S.B.


Chairman

03.10.2016

Since 3rd October, 2016 has been declared as public holiday on account of 1st Muharram therefore, case is adjourned for the same on 26.10.2016 before S.B.


Reader

26.10.2016

Clerk to counsel for the appellant present. Preliminary arguments could not be heard due to general strike of the bar. To come up for preliminary hearing on 14.11.2016 before S.B.





Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 873/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/08/2016	<p>The appeal of Mr. Darwish Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	31-08-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05-09-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	05.09.2016	<p>Agent to counsel for the appellant present. Due to strike of the Bar learned counsel for the appellant is not in attendance today before the court, therefore, case is adjourned for preliminary hearing to 03.10.2016 before S.B.</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Darwaish Khan Naib Qasid FATA Secretariat Peshawar received today i.e. on 17.08.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Page Nos. 20 and 29 of the appeal are illegible which may be replaced by legible/better one.
- 3- Copies of orders mentioned in para-1 of the memo of appeal are not attached with the appeal which may be placed on it.

No. 1348 /S.T.

DL 17-8 /2016.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

That objection No. 1, & 2 have been removed, while as objection No. 3 has not been removed due to non availability of the said orders, therefore, the appeal in hand may kindly be put up before the bench.


29/8/2016.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 873 /2016

DARWISH KHAN

VS

GOVT: OF KPK

INDEX

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2.	Condonation application	4.
3.	Service book	A, B & C	5- 19.
4.	Letters	D & E	20- 21.
5.	Letters	F, G & H	22- 24.
6.	Order	I	25- 28.
7.	Order	J	29- 31.
8.	Departmental appeal	K	32- 33.
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APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2016

Mr. Darwish Khan, Naib Qasid (BPS-04)
O/O the Secretary Finance Department FATA,
FATA Secretariat, Warsak Road Khyber Pakhtunkhwa, Peshawar.

..... **APPELLANT**

VERSUS

- 1- The Govt of Khyber Pakhtunkhwa, through Secretary Establishment Department, Khyber Pakhtunkhwa Peshawar.
- 2- The Additional Chief Secretary FATA, FATA Secretariat, warsak road, Peshawar.
- 3- The Secretary Finance FATA, FATA Secretariat, warsak road, Peshawar.
- 4- The Secretary Public Health Engineering Department, Khyber Pakhtunkhwa Peshawar.
- 5- The Accountant General, Khyber Pakhtunkhwa Peshawar.

.....**RESPONDENTS.**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING GRANTING INVALID PENSION TO THE APPELLANT INSPITE OF HAVING 28 YEARS SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to allow/grant invalid pension to the appellant in light of Rule, 3.3 of the civil services pension Rule, 1963 by referring the appellant to Standing Medical Board. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

1. That the appellant was appointed in the office of Chief Engineer, Public Health Engineering Department NWFP as class IV (Ferro Khalasi) BPS-01 vide order dated 02-09-1987. That after devolution of public Health Engineering Department the appellant Services became surplus and where after the appellant was adjusted in the office of Chief

Engineer FATA, Works and Service Department vide order dated 11-07-2002. Copies of service book page No.5, 19 and 21 are attached as annexure **A, B & C.**

2. That after serving for about three years in the office of the Chief Engineer FATA, Works and Service Department the appellant was transferred as Chowkidar to Provincial Health Services Academy, Health Department NWFP Peshawar for further adjustment in PGPI Lady Reading Hospital Peshawar vide order dated 25-07-2005. That the appellant was adjusted/transferred to School of Nursing HMC Hayat Abad, Peshawar vide PHSA Peshawar order dated 13-08-2005. Copies of letters are attached as annexure **D & E.**
3. That the appellant reported for duty to School of Nursing HMC Hayat Abad, but there was no vacant post of Chowkidar at School of Nursing HMC Peshawar, where after the appellant was transferred to Higher Education Department NWFP vide order dated 13-09-2005. That it is pertinent to mention that last pay certificate was also issued to appellant in light of the above mentioned transfer order. Copies of the letters and LPC are attached as annexure..... **F, G & H.**
4. That the appellant after serving for two years at Higher Education Department was transferred to Local Government Department NWFP, Peshawar vide order dated 19-09-2007. That the appellant was again transferred to Agriculture Department vide order dated 24-11-2007 just after two months. Copy of order dated 19-09-2007 is attached as annexure **I.**
5. That vide order dated 08-07-2009 the appellant was transferred to Finance Department FATA, Secretariat Peshawar from Agriculture Department Peshawar. That in response the appellant submitted his arrival report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the order is attached as annexure **J.**
6. That due to frequently transfers from one places to another the health of the appellant deteriorating day by day. That the appellant visited concerned Doctor and after proper medical check up the appellant was advised complete bed rest. That in response the appellant submitted medical leave applications but no reply has been received so far. That where after the appellant requested the concerned authority for invalid pension but no heed was paid to the said request of appellant.

7. That appellant having no other remedy submitted Departmental appeal but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached annexure **K.**

GROUND:

- A- That not allowing/granting invalid pension to the appellant by the respondents is against the law, facts and norms of natural justice.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents violated the Rule 3.3 of pension Rules of 1963 by not allowing/granting invalid pension to the appellant inspite of rendering twenty eight years service in the respondent Department.
- D- That the respondents acted in arbitrary and malafide manner while not allowing/granting invalid pension to the appellant.
- E- That the inaction of the respondents by not allowing the invalid pension to appellant is certainly amounts to the violation of Supreme Court judgment reported in 2007 PLD (S) page 34.
- F- That the respondents discriminated the appellant on the subject noted above and as such violated the principle of natural justice.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 10.08.2016

APPELLANT

DARWISH KHAN

THROUGH:

**NOOR MOHAMMAD KHATTAK
& SYED IMDAD HUSSAIN
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2016

Darwish Khan

VS

Govt: of KPK

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT

DARWISH KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

2481-6

Date 26/5/08

TITLE OF ACCOUNT	
Derwesh	
PARTICULARS	AMOUNT
Cash - Darwesh	
Cheques No.	
TOTAL R	

RUPEES



Received by

LOTS TO CIVIL SECRETARIAT
GI MODEL TOWNSHIP SCHEME.
(capital letters).

A-5

DERWESH

TAN KHAN

N/ David

BPS - 02

A Deptt: Civic Sectt.

N/ David

BPS - 02

Culture Deptt - Civic Sectt.

- do -

Beshawar

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01-01-1967

01-01-1967

ment Service. 02-09-1987

otion on present post.

0919211272

village Landi Abrab Ad

Zehabto Machine Ghari

Beshawar

- do

ments have been attached:-

1. Appointment Order/Promotion Order.
2. Computerized NIC.
3. Relevant pages of Service Books (in case Of Class-IV employees).
4. Affidavit on Stamp paper
5. Original Bank Deposit Slip for Rs. 500/- (Non-Refundable).

Dated 26/5/08

Signature. *[Signature]*

The above given information is correct as per my knowledge and verified from the official record.

President Civil Secretariat
Employees Association concerned.

Section Officer (Gen/Admn)/DCO.
Agriculture, Livestock &
Coop: Deptt: Peshawar

FOR OFFICIAL PURPOSE ONLY.

ATTESTED

16 (6)

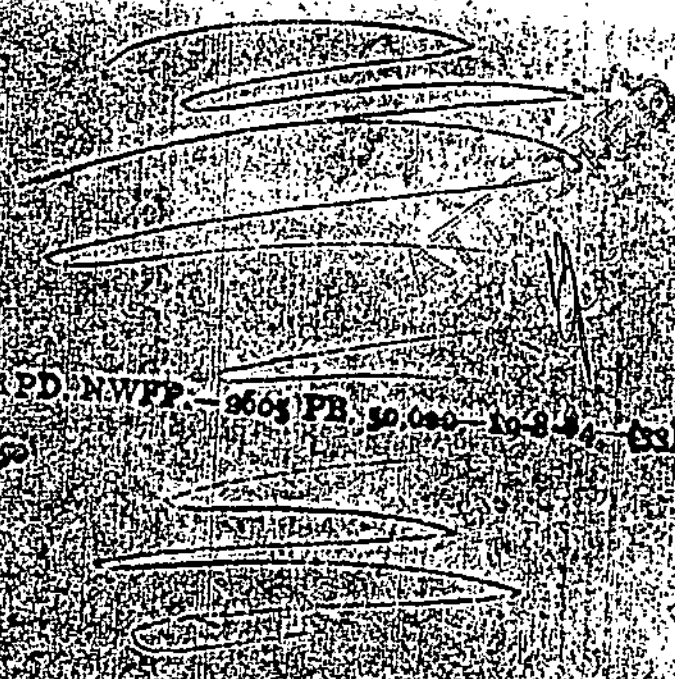
PR 8

PR 8

SERVICE BOOK

مجموعه کتب

کتابخانه



U.S. PD. N.W.F.P. - 9605 PB 50,000 - 10-8-54 - 50

Handwritten notes in Persian script, including the number 43 and other illegible characters.

PAY FIXATION PROFORMA ON POINT TO POINT BASIS I.E.

7

At the stage in the relevant BPS which is as may stages above the Minimum as the stages occupied by him above the Minimum of Existing BPS.

=====

1. Name of Government Servant.
2. Designation.
3. Department.
4. Existing BPS No. *I*
5. Revised BPS No.
6. Pay on 30.6.1987.
7. Stages occupied above the Minimum in Extng: the Basic Pay Scale.
8. Total amount by calculated stages in Revised BPS.
9. Pay fixed in Revised BPS on 1.7.1987 with next increment on 1.12.1987.

Dearvesh Khan
Execd Khalasi
P.H.D.
000-13-800

Administrative Officer,
Public Health Engg: Department
NWFP, Peshawar.

A

ATTESTED

[Signature]

67
60
2027

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other employment falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
-------------------	------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------	-------------------------------------------	----------------------------------------------------------------	-----------------------------	--------------------------------------------

ernio Khalasi BPS-1
00-13-860

✓
1,600/PM 2 9/87 FN 9/11/87

— 11 —

613/

1 12/88

allied

ATTESTED

[Signature]

7/29/80

Name Mr. Derwesh

Race Afshan

Residence Village and P.O. Landi Jarha 70
Tehsil & Distt: Peshawar.

Father's name and residence Mr. Multan Khan

Date of birth by Christian era as nearly as can be ascertained 02/9/1967 (2nd September, Nineteen hundred and sixty seven)

Exact height by measurement 5' - 5" (five feet & five inches)

Personal marks for identification A mole on the chin

Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger. Ring Finger

Middle Finger Fore. Finger

Thumb

Signature of Government servant

Signature and designation of the Head of office, or other Attesting Officer

ACCEPTED

23/12/87 [Signature]

O/O [Signature],
Public Health Dept, Deputy
NWFP, Peshawar.

23/12/87

9

9	10	11	12	13	14	15	
				Leave			
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	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 period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period: Government to which debitable		
<p>Appointed as Ferro Khelasi vide C.E. PHE. Dept: NWFP Peshawar office order No. 130815/235 dated 2/9/87 and reported arrival on 2/9/87 F.N.</p> <p style="text-align: right;"><i>[Signature]</i> Administrative Officer, O/O The Chief Engineer, Public Health Engg: Deptt NWFP, Peshawar.</p> <p style="text-align: right;">N/30/12/23/12/87</p>							
<p>Annual increment Granted</p> <p style="text-align: right;"><i>[Signature]</i> Administrative Officer, Office of the Chief Engineer Public Health Engg: Department N.W.F.P. Peshawar</p> <p>N/7/1/3/11/85</p>				<p>Service for the period from 2-9-87 to 30-11-87 Verified from the office copies/Acquittance (Kolis of Pay Bils of this office.</p> <p style="text-align: right;"><i>[Signature]</i> Chief Engineer P.H.E.D. NWFP, Peshawar.</p> <p>N/1/1/3/11/85</p>			
<p>ATTESTED</p> <p>Office of the Accountant General Pakistan Revenue Sub-Office Peshawar Pay Fixed in Revised Basic Pay Scales-1987 Rs. 600/- Scale No. P.M. w.e.f. 17-9-87 2.9.87 with next increment on 1-12-88</p> <p style="text-align: right;"><i>[Signature]</i> Accounts Officer (P.R.) Sub-Office Peshawar</p>							

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	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		

Annual Increment
 Granted
 Jazir
 Administrative Officer,
 Office of the Chief Engineer,
 Public Health Engg. Department
 NWFP, Peshawar.
 20/12

Service for the period
 from 1-12-88 to 30-11-89
 Verified from the office
 copies/Rolls of
 Pay Bills of this office.
 Jazir
 Admin. Officer
 O/O Chief Engineer
 P.H.E.D. NWFP, Peshawar.
 21/12

Annual increment
 Granted
 Jazir
 Administrative Officer,
 O/O The Chief Engineer,
 Public Health Engg. Deptt.
 NWFP, Peshawar.
 19/12/90

Service for the period
 from 1-12-89 to 30-11-90
 Verified from the office
 copies/Acquittance Rolls of
 Pay Bills of this office.
 Jazir
 Admin. Officer
 O/O Chief Engineer
 P.H.E.D. NWFP, Peshawar.
 19/12/90

Cycle Advance
 HOUSE NO. 2807
 1990-91
 DRAWN 2807
 Vide Payment Register S. No. 9
 Date 27/12/90
 Assistant Administrative Officer
 NWFP, Peshawar
 30/12/90

ATTESTED

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
Fero-Khalasi-BPs-2 (920-26-1310)				1076/-		16/91 <i>[Signature]</i>	
				1102/-		11/12/91 <i>[Signature]</i>	
				1128/-		12/92 <i>[Signature]</i>	

ATTESTED

[Signature]

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. K.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
Fero Khalasi BPS Temp (920-26-1310)	offdy		1154/-			1-12-93 (PM) <u>added</u>	
Fero Khalasi BPS-I (1245-35-1770)				1560/- P.M		1-6-94 <u>added</u>	
		<p>Office of The Accountant General N.W.F.P. Peshawar Pay fixed in the pay scale of basic pay scales 91 of Rs. 920-26-1310 (R. 1) with next increment on 12.1.99 Rs. 1076/- Accounts Officer N.W.F.P. Peshawar</p>					
		<p>Office of The Accountant General N.W.F.P. Peshawar Pay fixed in the pay scale of basic pay scales 1994 of Rs. 1245-35-1770 (1) with next increment on 1-12-1994 Rs. 1560/- Accounts Officer N.W.F.P. Peshawar</p>					

ATTACHED

12

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 of appointment	11 Reason of termination, (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government Nature and duration of leave taken Period Government to which debitable	14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
----------------------------------------------------------------------------------------------------------------------	------------------------------------------	-----------------------------------------------------------------------------	----------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

Annual Increment granted

[Signature]
 Administrative Officer,
 Office of the Chief Engineer
 Public Health Engg. Department
 N.W.F.P. Peshawar.

Service for the period from 1-12-92 to 30-11-93
 Verified from the office copies of the entries of Pay Bills of this office.

[Signature]
 Admin. Officer
 O.O. Chief Engineer
 P.H.E.D. NWFP, Peshawar.

In Pursuance of Govt. of NWFP
 Finance Deptt. Notification No. F.D
 (P.H.C) 1-1/94 dated 30-6-94 Pay
 filed provisionally in P.H.S-8
 (1245-35-1770) @ Rs. 1560/- P.M
 w.e.f 1-6-94

[Signature]
 Administrative Officer,
 Office of the Chief Engineer
 Public Health Engg. Department
 N.W.F.P. Peshawar.
 1818

Granted 30 (Thirty) days E/L
 on full pay on domestic
 affairs with effect from 1-11-94
 to 30-11-94 vide T/O order
 No. PE/154 dt 25-10-94

ATTESTED

[Signature]
 Administrative Officer,
 Office of the Chief Engineer
 Public Health Engg. Department
 N.W.F.P. Peshawar.
 1812

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. II.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
Fero-Khalasi BPS-I 1245-35-1770	Temp	offic		1595/- PM ✓		12/94 ✓	
Fero-Khalasi BPS-I 1245-35-1770	Temp	offic		1630/- PM ✓		12/95 ✓	

ATTESTED

[Handwritten signature]

9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitablr to another Government		
				Period	Government to which debitablr		

Signature and designation of the head of the office or other attesting officer in attestation columns 1 to 8

Date of termination of appointment

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 period of leave on average pay upto four months for which leave salary is debitablr to another Government

Signature of the head of the office or other attesting officer

Reference to any recorded punishment or censure, or reward or praise of the Government Servant.

Annual Increment granted

[Signature]
 Admin. Officer
 Office of the Chief Engineer
 Public Health Engg. Department
 N.W.F.P. Peshawar
 A/14/13

Service for the period from 1-12-93 to 30-11-94
 Verified from the office
 copies Acquittance Receipt
 Pay Bills of this office

[Signature]
 Admin. Officer
 O/O Chief Engineer
 P.H.E.D. NWFP, Peshawar
 A/14/13

Granted 30 (Thirty) days E/L on full pay on medical grounds w.e.f 4-9-95 to 3-10-95 vide T/O Order no. PF/164 dt 21-9-95

[Signature]
 Admin. Officer
 Office of the Chief Engineer
 Public Health Engg. Department
 N.W.F.P. Peshawar
 A/3/10/98

Annual Increment granted

[Signature]
 Admin. Officer
 Office of the Chief Engineer
 Public Health Engg. Department
 N.W.F.P. Peshawar
 A/3/11/2

Service for the period from 1-12-94 to 30-11-95
 Verified from the office
 copies Acquittance Receipt
 Pay Bills of this office

[Signature]
 Admin. Officer
 O/O Chief Engineer
 P.H.E.D. NWFP, Peshawar
 A/3/11/2

ATTESTED

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service commences for pension under Art. 871 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
<p>Ferro Khalasi BPS-I 1245-35-1770</p>	<p>Temp offic</p>			<p>1665/- PM</p>	<p>✓</p>	<p>12/96 F.N</p>	
<p>Ferro Khalasi BPS-I 1245-35-1770</p>	<p>Temp offic</p>			<p>1700/- PM</p>	<p>✓</p>	<p>12/97 F.N</p>	

ATTESTED

[Handwritten signature]

Signature of Government servant

14

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	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		

Annual Increment granted

[Signature]

Administrator Officer,
Office of the Chief Engineer,
Public Health Engg. Department,
N.W.F.P. Peshawar.

22/3/97

service for the period
from 1-12-95 to 30-11-96
verified from the office
copies/Acquittance Receipt
Pay Bills of this office.

[Signature]

Adm. Officer,
O/O Chief Engineer,
N.W.F.P. Peshawar.

22/3/97

Annual Increment granted

[Signature]

Administrator Officer,
Office of the Chief Engineer,
Public Health Engg. Department,
N.W.F.P. Peshawar.

14/12/97

service for the period
from 1-12-96 to 30-11-97
Verified from the office
copies/Acquittance Receipt
Pay Bills of this office.

[Signature]

Adm. Officer,
O/O Chief Engineer,
N.W.F.P. Peshawar.

14/12/97

Granted 14 (Fourteen) days
earned leave w.e.f 3-6-98
to 16-6-98 on full pay
on account of medical
grounds vide T/O order
No. PF/93 dated 15-6-98

[Signature]

Administrative Officer,
Office of the Chief Engineer,
Public Health Engg. Department,
N.W.F.P. Peshawar.

2

ATTESTED

21/12/97

14/12/97

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay."	7 Date of appointment	8 Signature of Government servant
Feroo Khalasi BPS-1 (1245-35-1770)	Temp / offic			1735 / PM ✓		12/98 F.V.	
Feroo Khalasi BPS-1 (1245-36-1770)	Temp / offic			1770 / PM ✓		12/99 F.V. ✓	
The Chief Engineer, Public Health Engg. Dept NWFP, Peshawar Feroo Khalasi BPS-2 (1275-44-1935)	Temp / offic			1803 / P.M. ✓		12/2000	


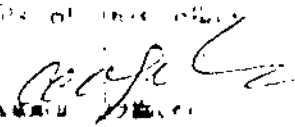


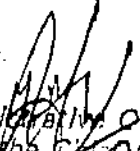
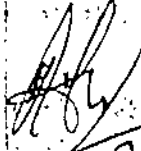
ATTESTED

[Handwritten mark]

Signature of Government servant

PUN

(B) 15

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	Date of termination of appointment	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 Leave Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government. Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government's servant
	Annual increment granted		 Administrative Officer Office of the Chief Engineer, Public Health Engg. Department N.W.F.P. Peshawar.		Service for the period from 1-12-97 to 30-11-98 Verified from the office copies Acquittance No. 10 Pay Bill of this office  CIO Chief Engineer P.H.E.D. Peshawar.	
	Annual increment granted		 Administrative Officer Office of the Chief Engineer, Public Health Engg. Department N.W.F.P. Peshawar.		Service for the period ✓ from 1-12-98 to 30-11-99 Verified from the office copies Acquittance No. 10 Pay Bill of this office  CIO Chief Engineer P.H.E.D. Peshawar.	
	Granted Move over from BPS-1 To BPS-2 W.C.F 1-12-2000 Vide Chief Engineer PHED o/o No.130815/01 dated 16.1.2001		 Administrative Officer Office of the Chief Engineer, Public Health Engg. Department N.W.F.P. Peshawar.	ATTESTED	 CIO Chief Engineer P.H.E.D. Peshawar.	Service for the period from 1-12-99 to 30-11-2000 Verified from the office copies Acquittance No. 10 Pay Bill of this office 08/22/01

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C S R	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
do	<p>1-12-04</p> <p>Chief of the GPR Peshawar (a) Fixe: the B.P.S. 1..... scale of Rs 1870-55-3520 of Rs 2860-00 P.M. Wef 01 will next in increment 1-12-02</p> <p>8/12/2004 Accounts Officer A.O.P.R. (S.O) Peshawar.</p>			1803/- P.M	1 7/2001 (F.N)		
(Moveover) not included (8-02) 275-44-1935	Temp/Officer			Rs. 1847/- P.M	30 11/2001 (AM)		
halwa Revised B.P. 01 770-55-3520	do			Rs. 2860/- P.M	1 12/2001 (F.N)		

ATTESTED

[Signature]

Signature designated head of the office or other authority in at column

W. of N

9	10	11	12	13	14	15
				Leave		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	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 period of leave on average pay upto four months for which leave salary is debitable to another Government	Reference to any recorded punishment or censure, or reward or praise of the Government
					Period	

Granted Moveover From
BPS-1 to BPS-2 w.e.f.
1¹²/₂₀₀₀ to 31¹/₂₀₀₁ Rs 86/62 (Award draw)

[Signature]
Sub Officer
Acct. General
NWFP

placed in surplus pool
w.e.f. 1-7-2001 vice Chief Engineer
No. 123415/01 dated 14/7/2001

[Signature]
Administrative Officer
O/o Chief Engineer
Work. & Services Department
NWFP, Peshawar.

Annual increment
granted.

Services verified for the
period from 1-12-2000 to
30-11-2001 from the office
copies of pay bill / A/Rolls.

[Signature]
Administrative Officer,
O/O The Chief Engineer,
Public Health Engg: Deptt
NWFP, Peshawar.

[Signature]
Administrative Officer,
O/O The Chief Engineer,
Public Health Engg: Deptt
NWFP, Peshawar.

Pay fixed provisionally @ Rs. 2860/- PM w.e.f. 1-12-2001
in the Revised BPS-01 i.e. (R. 1870-55-3520) vide
Govt. of NWFP, Finance Deptt. Peshawar Notification
No. FD(PRC) 1-1/2001, dated 27-10-2001.

[Signature]
Administrative Officer,
O/O The Chief Engineer,
Public Health Engg: Deptt
NWFP, Peshawar.

ATTEST

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
<p>12012halasi BRS-I 1870-55-3520</p>		-	-	3866/- P.M.			

ATTESTED



Signature designation head of the other all officer in all column

2566
1802
1057 (17)

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	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
<p>Adjusted / Posted in the office of Chief Engineer Works & Services (FATA PHE Peshawar) vide No. 50 (CE) W/S/2-5/2002 dt 11/7/2002 & reported arrival on 1/8/2002 (F.N.)</p> <p><i>Muzam</i> Administrative Officer O/o Chief Engineer Works & Services Department NWFP, Peshawar.</p> <p>Drawn Rs. 1057/- in 9/10 at the time fixation of pay on 1/8/02 in 9/2002 payroll.</p> <p><i>Muzam</i> 21/9</p> <p>Ac. 21/9/02</p> <p>Drawn Rs. 1057/- Adjusted Basic pay for 9/2002 in 10/2002 (Payroll).</p> <p>Accy Accy Sub Officer <i>Muzam</i> 19/10</p>							

ATTESTED

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
The Chief Engineer Works & Services NWFP, Peshawar Ferro-Bhelos BPS-1 (1870-55-3523)	Temp/offic.			2915/-		1/12/2002	
-do-	Temp/offic.			2970/- P.M.		1/12/2003	
-do-				2970/- P.M.			
-do-				Rs. 3025/- P.M.		1/12/2005 (CFM)	

ATTESTED

[Signature]

Signa design... head of... other... officer in... of coinu

(For use in Police and other similar Departments).

RECORD OF POSTINGS.

District and post	No. of District Order	Date	District and post	No. of District Order	Date
<p><u>Pero Khalogi BPS-I</u> 2475-75-4725</p>		<p>7/07</p>	<p>Rs: 3525/-</p>		

ATTESTED



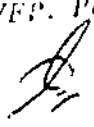

Administration Officer
Police & Security Department
Old Civil Station (NATA)
N.W.P. Bahawalpur

Administration Officer
Police & Security Department
Old Civil Station (NATA)
N.W.P. Bahawalpur

19

(For use in Police and other similar Departments).

RECORD OF POSTINGS.

District and post	No. of District Order	Date	District and post	No. of District Order	Date
T.P. No. 75					
7/14/05					
Drawn Rs. 16595/- from A/c of Pay + Allowances w.e.f. 14/9/05 to 30/11/05 as arrears.					
Officer Accountant General NWFP, Peshawar.					
 21/11/05					
pay fixed @ of Rs. 3525/- according to the revised basic pay scale as per Finance Department letter number FD(PRC) 1-1/2007 dated 20/7/07.					
ATTESTED 					

OFFICE OF THE
DISTRICT COORDINATION OFFICER
CITY DISTRICT GOVERNMENT
PESHAWAR

Dated Peshawar the 25.7.2005

OFFICE ORDER:

Endst: No.11213/DCO(P)EA. In pursuance of the section officer (General) Government of NWFP Higher Education Department Letter No.SO(G)H.E/1-70/A/VOLII, dated 7.12.2005 Directorate of Veterinary Research Institute NWFP letter No. DV/EII(126)/2003/2/97- dated 8/7/2005 and SOS.Pool(E&AD)1-1.2004 dated 17/7.2008 the services of the following officials are placed of the disposal of the following departments noted against each for further adjustment against the vacant posts.

S. No.	Name of surplus official	From	To
1.	Muhammad Kamil	Ferro Printer B-I works and service Deptt:	Naib Qasid B-1 Higher Education Deptt: NWFP Peshawar.
3.	Darwaish Khan	Ferro KhalasB-1 Chief Engineer FATA Works and service Deptt:	Chowkidar B-1 in Director PHSA for further adjusted in School of Nursery HMC

District Coordination Officer
Peshawar

Endst: No. 11214-25/DCO(P)EA

Copy forwarded to all concerned.

Atta-ud-Deen
AD

OFFICE OF THE
DISTRICT COORDINATION OFFICER
DISTRICT GOVERNMENT
PESHAWAR

Dated Pesh. the 25/07/2005

D-20

OFFICE ORDER

In pursuance of the Section Officer (General) Govt. NWFP Higher Education Department, Peshawar No. SO(G)H.E/1-70/IVol.II, dated 17/07/2005, Directorate of Veterinary Research Institute, NWFP, letter No. II(26)/2003/2197, dated 17/07/2005 and SOS.POOL(E&AD)-I-1,2004 dated 17/07/2005, the services of the following officials are placed at the disposal of the following departments noted against each for further adjustment against the vacant posts:

S.No.	Name of Surplus Official	From	To
1	Mr. Muhammad Kamil	Ferro Printer B-1 Works and Service Deptt.	Naib Qasid B-1 Higher Education Deptt. NWFP Peshawar.
2	Mrs. Samin Jan	Ferro Printer B-1 Chief Engineer FATA Works and Service Deptt.	Chowkidar B-1 Directorate of Veterinary Research Institute Peshawar.
3	Mr. Darwaish Khan	Ferro Printer B-1 Chief Engineer FATA Works and Service Deptt.	Chowkidar B-1 in Director PISA for further adjusted in School of Nursing IMC
4	Mr. Musam Khan	Ferro Printer B-1 Chief Engineer FATA Works and Service Deptt.	Chowkidar B-1 in Director PISA for further adjusted in PGI LR II

Sd/-
District Coordination Officer
Peshawar

ck

11214-25
DCO(P)EA
Copies forwarded to the:-

- Secretary to Govt of NWFP Establishment Department Peshawar.
- Accountant General NWFP Peshawar.
- Executive District Officer Agricultural Peshawar.
- Chief Engineer FATA W&S Department Peshawar.
- Administrative Officer W&S NWFP Peshawar.
- Section Officer (Surplus Pool) Estab. Deptt. NWFP Peshawar w.r to his letter cited above.
- Section Officer-III Health Department NWFP Peshawar.
- Section Officer (General) Govt. of NWFP Higher Education Deptt. Peshawar w.r to his letter cited above.
- Director Research Institute NWFP Peshawar w.r. to his letter cited above.
- District Account officer Peshawar.
- Official Concerned for strict compliance.

Sd/-
District Coordination Officer
Peshawar

ATTESTED

Handwritten signature/initials

65 no. 1465
Df. 26/7/05
So III

OFFICE ORDER

With reference to Establishment Department Govt. of NWFP, Peshawar letter No. SOS.Pool (E&D) 1-1/2004 dated 19/07/2005 and Health Department letter No. SOH-11.1/3-10/2005 dated 11/08/2005.

The following officials are hereby adjusted in the following institutes of PHSA'S Network:

S.No	NAME	From (surplus Pool)	Adjusted at
1 ✓	Mr. Darwaish	Ferro Khalasi B-1 Chief Engineer FATA Works and Service Deptt.	Chawkidar School of Nursing HMC, Hayatabad, Peshawar
2	Mr. Musam Khan	Ferro Khalasi B-1 Chief Engineer FATA Works and Service Deptt.	Chawkidar PGPI, LRH, Peshawar



DIRECTOR,
PHSA NWFP PESHAWAR.

No. OS/PHSA/Admn/Patya/Inf. II/24-05/4364-71.

Copy forwarded for information to:-

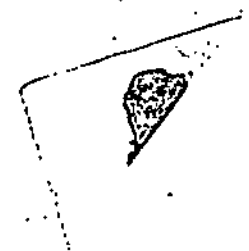
1. Secretary health NWFP, Peshawar.
2. Secretary Establishment NWFP, Peshawar.
3. Accountant General NWFP, Peshawar.
4. Principal PGPI, LRH, Peshawar.
5. Vice Principal School of Nursing HMC, Hayatabad, Peshawar.
6. D.C.O. Peshawar.
7. Mr. Darwish Khan.
8. Mr. Mosam Khan.

dt: 13-08-2005

ATTESTED



DIRECTOR



F - (22)

Provincial Health Services Academy,
Department of Health,
Duran Pur, Budhni Road, NWFP,
Peshawar.

No: 5/PHSA/Adm./Peshawar/Ref: 17/SN/HMC/PHSA.COR/2005-06/82/4538-39
Dated: 30/08/05.


To:

The District Coordinator Officer,
Peshawar.

Sub: OFFICE ORDER.


Reference your letter NO.12040/DCO (P)/EA dated
6/08/2005 on the subject cited above.

As intimated by the Vice Principal school of Nursing
HMC, Peshawar vide her letter No.17/SN/HMC/PHSA.COR
/2005-06/82 dated 16/08/2005, that there exist no vacant
post of chawkidar at School of Nursing H.M.C, Peshawar,
Which has been filled by the adjustment locally, so the
above mentioned order issued by your office can not be
entertained, regarding the adjustment of Mr. Darwish
Khan.


Director,
PHSA, NWFP, Peshawar. *Kge*

Cc.

Secretary Health NWFP, Peshawar.

ATTESTED


OFFICE OF THE
DISTRICT COORDINATION OFFICER
CITY DISTRICT GOVERNMENT PESHAWAR.

Dated Pesh.the 13 /09/2005.

124 B

G-(23)

OFFICE ORDER

No. 14876 /DCO(P)EA. Consequent upon vacation of the post of Naib Qasid (B-1) in the Higher Education Department by withdrawal of services of Mr. Muhammad Kamil, Fero Printer vide this office order No. 14001/DCO(P)EA dated 27/08/2005 and in pursuance of the Director PHSA letter No. 5/PHSA/Admn./Posting&Trasfer:IV/2004-05/4538-39 dated 30/08/2005, the services of Mr. Darwish Khan Fero Khalasi, Office of the Chief Engineer FATA Works and Services Department is hereby placed at the disposal of Higher Education Department, NWFP Peshawar as Naib Qasid (B-1) for further adjustment against the vacant post.

This office order No. 11213/DCO(P)EA dated 25/07/2005 regarding placing of service of Mr. Darwish Khan as Naib Qasid at the disposal of Director PHSA is with drawn.

-Sd/-

District Coordination Officer
Peshawar

Encls. No. 14877-87 /DCO(P)EA

Copy forwarded to the:-

1. Secretary to Govt. of NWFP, Establishment Deptt. Peshawar.
2. Accountant General, NWFP, Peshawar.
3. Chief Engineer FATA W&S Department, Peshawar.
4. Executive District Officer (W&S) Deptt., CDG Peshawar.
5. Director PHSA, Department of Health Duran Pur Budni Road NWFP Peshawar, with reference to his letter mentioned above.
6. Section Officer (S.Pool), Establishment Deptt., NWFP, Peshawar.
7. Section Officer (General), Higher Education Deptt., NWFP, Peshawar wr to his letter No.SOG/HE/1-70/84/Vol-II, dated 13/08/2005 and this office order No.14001/DCO(P)EA, dated 27/08/2005.
8. Administrative Officer, Works & Services Deptt., NWFP, Peshawar.
9. District Accounts Officer, Peshawar.
10. Official concerned by name for immediate compliance.

ATTACHED

District Coordination Officer
Peshawar

LAST PAY CERTIFICATE

H-2
SPS-I

Last Pay Certificate of Mr. Deswandi Wilson (Farakhalan)
of the Old Chief Engineer (FATA) w/s Dept. Post. (Pool Staff)
proceeding to Old Section Officer (G) Higher Education Deptt. NWFP

He has been paid upto 31-07-2005 (AN)

at the following rates:—

Particulars:

Substantive Pay:—

Officiating Pay:—

Exchange Compensation Allowance:—

Pay & Allowances

1 Pay - 3515/- Pm

2 HRA - 967/- Pm

3 CA - 340/- Pm

4 MA - 425/- Pm

5 SAA - 311/- Pm

6 SRAB - 454/- Pm

7 Adhical. 454/- Pm

8 T.F. - 6466/- Pm

Deductions:—

1 R.F. - 85/- Pm

2 B.F. - 75/- Pm

M.C. NO. IRR/018894/KSS

He made over charge of the Office of Old Chief Engineer (FATA)
w/s Dept. Post.

on the After noon of 31-07-2005

Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

From _____ to _____ at Rs. _____ a month

From / to / at Rs. / a month

From _____ to _____ at Rs. _____ a month

He is entitled to draw the following:—

He is also entitled to joining time for _____ days.

The details to the Income Tax recovered from him upto the date from the beginning of the current year are noted on the reverse.

ATTESTED

Munir
Administrative Officer
Old Chief Engineer (FATA)
Public Works & Services Department

Signature

Designation

REVERSE

Details of Recoveries

Name of recovery: _____

Amount Rs. _____

To be recovered in _____ instalment

Deductions made from Leave Salary

From _____ to _____ on account of _____ Rs. _____

From / to / on account of / Rs. /

From _____ to _____ on account of _____ Rs. _____

Amr 3/19
 Deputy Chief Engineer (PA (A))
 Works & Services Department
 B.W.P.P., Peshawar

Name of months	Pay	Gratuity Fee, etc.	Fund and other deductions	Amount of Income Tax recovered	Remarks
July, 19					
August, 19					
September, 19					
October, 19					
November, 19					
December, 19					
January, 19					
February, 19					
March, 19					
April, 19					
May, 19					
June, 19					

ATTESTED

I - (25)

**GOVERNMENT OF NWFP
ADMINISTRATION DEPARTMENT**

Dated Peshawar the 19.09.2007

ORDER

No.E&A(AD)4(3)/2006: The following posting/transfer amongst the Class-IV officials are hereby ordered with immediate effect:-

Sr.No.	Name & Designation	From	To
1.	Mr. Ajmal Khan, Daftari	Local Govt: Department	School & Literacy Department against the vacant post.
2.	Mr. Raza Khan, N/Qasid	-do-	Higher Education Department
3.	Mr. Rahatullah, N/Qasid	Higher Education Department	Local Govt: Department
4.	Mr. Maqbalt Khan, N/Qasid	Local Govt: Department	Higher Education Department
5.	Mr. Darwish Khan, N/Qasid	Higher Education Department	Local Govt: Department

**DEPUTY SECRETARY (ADMN)
ADMINISTRATION DEPARTMENT**

ENST OF EVEN NO & DATE.

Copy forwarded to the :-

1. Accountant General, NWFP.
2. P.A to Deputy Secretary (Admn), Admn: Department.
3. Section Officer (Admn), Local Govt: Department.
4. Section Officer (General), School & Literacy Department.
5. Section Officer (Admn), Higher Education Department.
6. Official concerned.
7. P/File.


**(SHAH JEHAN)
SECTION OFFICER (ADMN)**



ATTACHED


28

21

GOVERNMENT OF NWFP
ADMINISTRATION DEPARTMENT

No. E&A(AD)4(3)/2006
Dated Peshawar the 03.11.2007

To

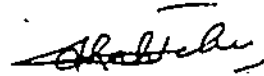
The Section Officer (Admn),
Higher Education Department.

SUBJECT: POSTING/TRANSFER OF CLASS-IV OFFICIALS.

Please refer to this department order of even number dated 19.09.2007 on the subject noted above.

2. Mr. Darvesh Khan, Naib Qasid transferred & posted in Local Government and Rural Development Department. on 19.09.2007 but till date his L.P.C has not been issued due to which the official could not submit arrival report in time neither he was relieved from his duty in Higher Education Department.

3. It is requested that L.P.C of Mr. Darvesh Khan, Naib Qasid may immediately be issued and also intimate the reason of delay for the same.


(SHAH JEHAN)
SECTION OFFICER (ADMN)

ENDST: OF EVEN NO & DATE

Copy forwarded to the Section Officer (General), LG&RD Department w/r to his memo No. SO(G)/LG/7-1/2007/Vol-II dated 01.11.2007 for information please.


SECTION OFFICER (ADMN)

ATTESTED



87/11/27

To

27

The Section Officer (Admin)
Government of NWFP,
Administration Department,
Peshawar.

SUBJECT: - PAYMENT OF SALARY FOR THE MONTH OF NOVEMBER,
2007.

Sir,

Respectfully, it is submitted that I was transferred from Higher Education Department to Local Government, Election & Rural Development Department on 19-09-2007 vide order No.E&A(AD)4(3)/2006 dated 19-09-2007 (copy enclosed). After performing one month duty in Local Govt Department, I was surrendered to Administration Department vide Local Govt Department letter No.SOG(LG)7-1/2007/Vol-II dated 24-10-2007.

On my transfer to Local Govt Department, I requested time and again to the Accountant of Higher Education Department for issuance of LPC but they did not issue the same.

When I reported to Administration Department in light of Local Govt Department, your goodself also issued a letter bearing No.E&A(AD)4(3)/2006 dated 03-11-2007 (copy attached) to Higher Education for issuance of LPC. When I transferred to Agriculture Department vide your office Order No.E&A(AD)4(3)/2006 dated 24-11-2007, the Higher Education Department issued LPC which I submitted to Agriculture Department.

In the meantime my salary for the month of November, 2007 was not released due to my frequent transfers from one department to another.

In view of the above, as I have performed duty during the month of November in Administration Department, it is, therefore, requested to kindly make necessary arrangement for release my salary of the above mentioned month and obliged.

*Forwarded for
Favourable consideration please*

ATTESTED

[Signature]
20/11/07

Yours faithfully,

[Signature]
(DARVESH KHAN)

N. QASID
AGRICULTURE DEPARTMENT

o/c

GOVERNMENT OF NWFP
AGRICULTURE, LIVESTOCK & COOP: DEPTT:

Dated Peshawar, the 21-02-2008.

OFFICE ORDER.

No. SOG(AD)V-61/2007.

The competent authority has been pleased to order the following internal postings/transfers amongst the Officials of Agriculture Department with immediate effect till further orders.

S.No.	Name & Designation.	From	To
1.	Muhammad Israr, Assistant.	Office of the PS to Secretary Agriculture, CM Secretariat.	Office of the SO (Admn).
2.	Mr. Said Badshah, Assistant.	Office of the Section Officer (A&C).	Office of the Section Officer (Admn).
3.	Mr. Faqir Gul, Junior Clerk.	Office of the Section Officer (Estt.).	Office of the Additional Secretary Agriculture.
4.	Mr. Nisar Ahmad, Junior Clerk.	Office of the Section Officer (Admn).	Office of the Section Officer (A&C) vice S.No.2.
5.	Mr. Albert David, Junior Clerk.	Office of the Section Officer (Admn).	Office of the Section Officer (Estt.).
6.	Mr. Atlas Khan, Driver.	Office of the CPO.	Office of the Secretary Agriculture.
7.	Mr. Sabihullah, Driver.	Office of the Additional Secretary Agriculture.	Vice S.No.6.
8.	Mr. Muhammad Wajid, Naib Qasid.	Office of the Section Officer (Admn).	Office of the Section Officer (Admn) as Photostat Operator.
9.	Mr. Anwar Khan, Naib Qasid.	Office of the PA to AS Agriculture.	Office of the SO (Estt.).
10.	Mr. Alif Gul, Naib Qasid.	Office of the PS to Secretary Agri. CM Sectt.	Office of the Secretary Agriculture.
11.	Mr. Muhammad Hamayun, Naib Qasid.	Office of the Section Officer (Estt.).	Office of the SO (Admn).
12.	Mr. Darwain Khan, Naib Qasid.	Office of the SO (Admn).	Office of the PA to D.S (Admn).
13.	Mr. Muhammad Fayaz, Naib Qasid.	PS to Secretary Agriculture (CM Sectt.).	PA to A.S (Agri.).

ATTESTED

DEPUTY SECRETARY (ADMN),
AGRICULTURE DEPARTMENT.

Endst: No. & date even.

Copy forwarded for necessary action to:
1. P.A to D.S (ADMN), Agriculture Department.
2. P.A to D.S (ADMN), Agriculture Department.
3. Officials concerned.
4. Officials concerned.
5. Personal Files.

(Signature)
(DR. MIR AHMAD KHAN)
SECTION OFFICER

02/02/08

GOVERNMENT OF NWFP
ADMINISTRATION DEPARTMENT

Dated Peshawar the 8.07.2006

ORDER:

No.E&A(AD)4(3)/09. The following posting/transfer of Class-IV Officer are hereby ordered immediate effect.

S. No.	Name & Designation	From	To
1.	Darwaish Khan, N/Q	Under transfer to Science and Tech Department	Finance Department FATA Secretariat
3.	Junaid Durrani Naib Qasid	Admn Branch	Agriculture Department

DEPUTY SECRETARY (ADMN) ADMINISTRATION
DEPARTMENT

Endst: of even No & date

Copy forwarded to all concerned.

Att. es. Secy
M
Q



(30)

FATA SECRETARIAT
FINANCE DEPARTMENT
WARSAK ROAD PESHAWAR

Dated Peshawar the, 22nd July, 2009

ORDER

SO (Admn) FD/ES/4-28/2007-08: In pursuance of Government of NWFP Administration Finance Department Order No. E&A(AD)4(3)/09 dated 08.07.2009, Mr. Darwaish Khan Sub Qasid BPS-2 is hereby posted to Consultant Section in the Finance Department, FATA Secretariat with immediate effect.

Endst-date & No. even:

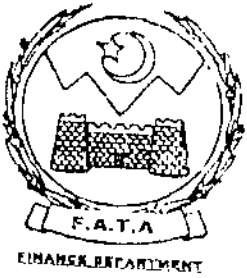
Secretary Finance FATA

Copy forwarded to the:

1. PS to Secretary Finance FATA
2. AGPR (Sub-Office) Peshawar.
3. All Section Officers in Finance Department, FATA Secretariat.
4. Accountant Finance Department, FATA Secretariat.
5. Official concerned.

Section Officer (Admn)

ATTESTED



31 (14)

**FATA SECRETARIAT
FINANCE DEPARTMENT
WARSAK ROAD PESHAWAR**

No. SO (Admn) FD/FS/4-28/07/Vol-I

Dated 31.07.2009

To

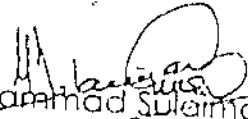
The Deputy Secretary,
Administration Department,
Government of NWFP,
Peshawar.

Subject: ABSENT FROM DUTY.

Dear Sir,

I am directed to refer to Administration Department, Government of NWFP order No. E&A(AD)4(3)/09 dated 08.07.2009 (copy enclosed) and to say that Mr. Darwish Khan Naib Qasid posted in this Department is absent from duty since his arrival i.e. 17.07.2009 till date without any intimation/information. The matter is reported for appropriate action under intimation to this Department.

Your's faithfully


(Muhammad Sulaiman Khan)
Section Officer (Admn)

Endst: No. & Date even:

Copy forwarded to PS to the Secretary Finance FATA.

~~Handover~~
~~Received~~
P. e & Service Books
duplicate Handover over
to Mr Darwish Khan
N/Qasid


Section Officer (Admn)

1-8-2009

ATTACHED





To,

K - (32)

The Additional Chief Secretary FATA,
FATA Secretariat, Warsak Road, Peshawar.

Subject: **DEPARTMENTAL APPEAL FOR THE GRANT OF
INVALID PENSION**

R/Sir,

The appellant begs to submit as under:

1. That the appellant was appointed in the office of Chief Engineer, Public Health Engineering Department NWFP as class IV (Ferro Khalasi) BPS-01 vide order dated 02-09-1987. That after devolution of the public Health Engineering department the appellant services became surplus and where after the appellant was adjusted in the office Chief Engineer FATA, Works and Service Department vide order dated 11-07-2002.
Passed on 11-7-2020 retirement (1967).
2. That after serving for about three years in the office of the Chief Engineer FATA, Works and Service Department the appellant was transferred as chowkidar to Provincial Health Services Academy Health Department NWFP Peshawar for further adjustment in PGPI Lady Reading Hospital Peshawar vide order dated 25-07-2005. That the appellant was adjusted/transferred to School of Nursing HMC Hayat Abad, Peshawar vide PHSA Peshawar order dated 13-08-2005.
3. That the appellant reported for duty to School of Nursing HMC Hayat Abad, but there was no vacant post of chowkidar at School of Nursing HMC Peshawar, where after the appellant was transferred to Higher Education Department NWFP vide order dated 13-09-2005.
4. That the appellant after serving for two years at Higher Education Department was transferred to Local Government Department NWFP, Peshawar vide order dated 19-09-2007. That the appellant was again transferred to Agriculture Department vide order dated 24-11-2007 just after two months.
5. That vide order dated 08-07-2009, the appellant was transferred to Finance Department FATA Secretariat Peshawar from Agriculture Department Peshawar. That in response the appellant submitted his arrival report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors.

*Attested
By*

6. That due to the frequently transfers from one place to another the health of the appellant deteriorating day by day. That the appellant visited concerned Doctor for check up and in response the concerned Doctor advised the appellant complete bed rest. That the appellant submitted medical leave applications but no reply was received.
7. That where after the appellant requested the concerned authority for invalid pension but no heed was paid to the said request of appellant.
8. That appellant having no other remedy prefer the instant Departmental appeal before your good self for the grant of invalid pension having more than 28 years service.

It is therefore most humbly prayed that on acceptance of this Departmental appeal the appellant may kindly be granted invalid pension by referring the appellant to standing medical board. Any other relief which your good self deems fit that may also be awarded to appellant.

Dated:- 11th May, 2016.

APPELLANT

درویش خان
DARWISH KHAN

Village & P.O. Landi Yarghajo,
Tehsil & District Peshawar.

Copy to:

Finance Department FATA, FATA Secretariat,
Warsak Road, Peshawar.

Attas
G

Before The Service Tribunal, KP, Peshawar.

S.A. No. 873/2016.

Darwesh Khan vs Govt of KP & others.

Application for Impleadment of Secretary
(Administration) in place of Secretary (Establishment).

Respectfully Sheweth;

1) That, the above titled case pending adjudication
and is fixed for today's hearing i.e. 21.3.2017

2) That, SECRETARY (ADMINISTRATION) KP is the necessary
party which was left at the time of institution

3) That, there is no legal bar in the impleadment of
Secretary (Administration) KP in place of Secretary
(Establishment) which is at S.No 1 of the respondent's
list.

It is therefore, most humbly prayed that
on acceptance of this application SECRETARY
(ADMINISTRATION) may kindly be impleaded in
place of SECRETARY (ESTABLISHMENT) at S.No. 1.

21.3.2017

Appellant.

Through.

for NOOR MUHAMMAD KHATTAK

for MUHAMMAD MAAZ MADNI

Advocates, Pesh.

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar
873 OF 2016

Darwish Khan (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KPK (RESPONDENT)
(DEFENDANT)

I/We Darwish Khan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2016

در دیشی خان
CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

MUHAMMAD MAAZ MADNI
(ADVOCATE)

ATTACHED

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No. 873/2016

Darwish Khan.....Appellant.

V/S

The Government of Khyber Pakhtunkhwa, through,
Secretary Establishment Department Peshawar & others.....Respondents.

(Reply on behalf of respondent No.5)

Preliminary Objections.

- 1). That the appellant has no cause of action.
- 2). That the appellant has no locus standi.
- 3). That the appeal in hand is not maintainable.

Respectfully Sheweth:-

Para No. 1 to 6:-

It is submitted that the case in hand is totally administrative. and belongs to respondent No. 1 to 4. Hence, they are in better position to satisfy the grievances of the appellant. Besides, the appellant has raised no grievances against this office.

Keeping in view the above mentioned facts, it is therefore, humbly prayed that the appeal in hand having no merit may be dismissed with cost.


**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

Before The Service Tribunal, KP, Peshawar.

S.A. No. 873/2016.

Darwesh Khan vs Govt of KP & others.

Application for Impleadment of Secretary
(Administration) in place of Secretary (Establishment).

Respectfully Sheweth;

- 1) That, the above titled case pending adjudication and is fixed for today's hearing i.e. 21.3.2017
- 2) That, SECRETARY (ADMINISTRATION) KP is the necessary party which was left at the time of institution
- 3) That, there is no legal bar in the impleadment of Secretary (Administration) KP in place of Secretary (Establishment) which is at S.No 1 of the respondent's list.

It is therefore, most humbly prayed that on acceptance of this application SECRETARY (ADMINISTRATION) may kindly be impleaded in place of SECRETARY (ESTABLISHMENT) at S.No. 1.

21.3.2017

Appellant.

Through.

f NOOR MOHAMMAD KHATTAK

q MUHAMMAD MAAZ MADNI

ADVOCATES, Pesh.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL NO; 873/2016

Mr. Darwesh Khan, Naib Qasid o/o the Secretary Finance
Department FATA, FATA Secretariat, Warsak Road Khyber
Pakhtunkhwa , Peshawar..... (Appellant)

Versus

1. The Govt; of Khyber Pakhtunkhwa , through
Secretary Establishment Department Khyber
Pakhtunkhwa Peshawar.
2. The Additional Chief Secretary FATA, FATA
Secretariat, Warsak road , Peshawar.
3. The Secretary Finance FATA, FATA
Secretariat, warsak road Peshawar.
4. The Secretary Public Health Engineering
Department, Khyber Pakhtunkhwa Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa,
Peshawar.

..... (Respondents)

PARAWISE COMMENTS

FOR / ON BEHALF OF THE RESPONDENT NO.1

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

- 1) The appellant has got no cause of action and locus
staudi.
- 2) The appeal is not maintainable in the present form. As
such this Honorable Tribunal has no jurisdiction to
entertain the instant appeal.
- 3) The appeal is not based on facts.
- 4) The appellant has not come to the Tribunal with clean
hands.
- 5) The appeal is bad for non-joinder of necessary parties.
- 6) The appellant has concealed material facts from this
Honorable Tribunal
- 7) That the appellant is estopped by his own conduct.

RESPECTFULLY SUBMITTED:

1. No comments.
2. No comments.
3. Not related to replying respondent.
4. No comments.
5. No comments. Finance Department FATA will be in a better position to reply.
6. No comments. It is not clarified that to whom he has submitted application for medical leave.
7. Pertains to FATA Secretariat.

GROUNDS OF DEPARTMENTAL APPEAL:

- A:- Pertains to FATA Secretariat.
B:- Pertains to FATA Secretariat.
C:- Pertains to FATA Secretariat.
D:- Pertains to FATA Secretariat.
E:- Pertains to FATA Secretariat.
F:- Pertains to FATA Secretariat.
G:- Pertains to FATA Secretariat.

It is humbly prayed that appeal being devoid of merit may kindly be dismissed with cost.


16-05-2017
RESPONDENTS NO. 1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

W.P No.873-P/2016

Mr. Durwish khan and others.....Appellants

VS

ACS FATA and others.....Respondents

Para-wise reply on behalf of Respondent No.3, the worthy Secretary Finance, FATA Secretariat, Peshawar.

Respectfully Sheweth:

Preliminary Objections

- a. That the Petition is not maintainable;
- b. That the Appellants have no '**locus standi**' and / or **cause** of action to file the instant petition.
- c. That the Appellants are not "**aggrieved**" persons within the meaning of Article 199 of the Constitution of Pakistan;
- d. That the Appellants have not come up before the Honourable Service Tribunal with clean hands;
- e. That the writ petition is wholly **incompetent, misconceived and untenable**;
- f. That the Appellants have concealed material facts from the Hon'ble Service Tribunal, Peshawar.

FACTS.

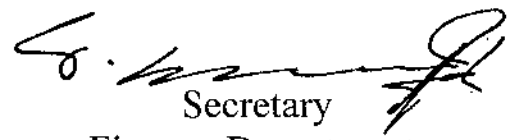
1. No comments, for being not related to this respondent No.3.
2. No comments, for being not related to this respondent No.3.
3. No comments, for being not related to this respondent No.3.
4. No comments, for being not related to this respondent No.3.
5. Correct to the extent that the appellant had been transferred to Finance Department, FATA but he neither submitted any arrival report in writing at this department nor performed duty even for a single day. As such his claim as to performance of duty efficiently and satisfactorily is quite baseless, unfounded and untenable. Moreover, he did not submit LPC, Service book etc. and nothing in this regard exist in the relevant record of Finance Department, FATA. This Respondent (Respondent No.3) had also reported his absence/non-attendance to the competent authority i.e. Administration Department, Government of Khyber Pakhtunkhwa vide letter No. SO(Admn)FD/FS/4-28/07/Vol-I dated 31.07.2009. **(Copy is enclosed in Annex-A).**

6. Incorrect. Nothing is available on record as proof of the deterioration of the appellant's health, his medical checkup or any advice about bed rest. As already stated in Para 5 above, the appellant did not submit his arrival report on his transfer to Finance Department, FATA nor he performed duty therein even for a single day. Similarly, this department did not receive any kind of medical leave application from the appellant and so is the case as to the proof of advice by an authorized medical authority as to his bed rest.
7. Incorrect. This Department has neither received any kind of Departmental Appeal from the appellant nor he has ever approached Respondent No.3 for Medical leave or Departmental Approval etc. Detailed factual position has already been highlighted in Para-5 and 6 above.

GROUNDS

- a) Incorrect. Nothing has been done to the appellant by the Respondent against the law, facts, and norms of natural justice.
- b) Incorrect. The appellant has been treated in accordance with law and relevant rules, and as such no violation against the law and rules has been done.
- c) Incorrect. However, the Parent Department/Administrative Authority concerned would be in better position to respond.
- d) Incorrect. As far Respondent No.3, it has not acted in arbitrary and malafide manner. However, Parent Department/Administrative Authority concerned would be in better position to respond.
- e) Incorrect. The factual position has already been explained in the Respondent No.3's replies encapsulated in the above given paras on Fact and Grounds.
- f) Incorrect. Respondent No.3 has not discriminated or violated the principle of natural justice.
- g) No comments for being related to the discretion of Honourable Service Tribunal.

In the light of the above stated factual position, the Honourable Service Tribunal, Khyber Pakhtunkhwa Peshawar is prayed to dismiss the petition with cost on the appellants, please.


Secretary
Finance Department,
FATA Secretariat, Peshawar.

APPEAL NO.873/2016

Put up to the court with relevant appeal

GOVT: OF KP & OTHERS

VS

DARWESH KHAN

APPLICATION FOR SUBMISSION OF LIST OF LEGAL HEIRS OF THE APPELLANT IN THE ABOVE TITLED APPEAL

R/SHWETH:

Reader

1- That the above mentioned appeal is pending adjudication before this august Tribunal which is fixed for hearing today on 04.12.2020.

2- That appellant filed the above mentioned appeal against the inaction of the respondents by allowing/granting invalid pension to the appellant inspite of having 28 years service in the respondent Department.

3- That during pendency in the aforementioned appeal the appellant died on 11.07.2020. Copy of the death certificate is attached as annexure.....A

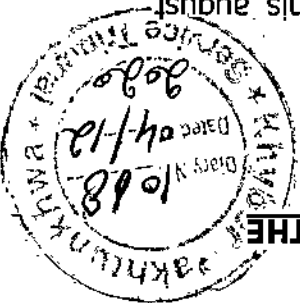
4- That the appellant having the qualifying service of 28 years, therefore, legal heirs of the deceased appellant are fully entitle for the grant of pensionary benefits.

5- That names of legal heirs of the deceased are mentioned below:-

- i. Rahat Bibi Wife
- ii. Annie Daughter
- iii. Sajjad Son
- iv. Jawad Son
- v. Sumbal Daughter
- vi. Sajel Son
- vii. Afsaan Daughter

It is therefore, most humbly requested that on acceptance of this application the above named legal heirs may be accepted and approved for the end of justice.

APPLICANTS
THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE





Tracking Id: 50098710029967

CRMS No: D500987-20-10481

OLD/M REG #:

اندراج وفات سرٹیفکیٹ
Death Registration Certificate

Form No: W11458071

دفتر اندراج: یونین کونسل لنڈی ارباب

Deceased Person's Details

متوفی کے کوائف

Name : DAWAISH KHAN	نام : درویش خان
Nationality : Pakistani	قومیت : پاکستانی
CNIC No : 17301-8619932-1	شناختی کارڈ نمبر : 17301-8619932-1
Date of Birth : 01-January-1967	تاریخ پیدائش : 01-January-1967
Gender : Male	جنس : مرد
Religion : ISLAM	مذہب : اسلام
Sickness Period :	مدت علالت :
Date of Death : 11-July-2020	تاریخ وفات : 11-July-2020
Date of Burial/Last rite : 11-July-2020	تاریخ تدفین یا آخری رسومات : 11-July-2020
Place of Death : HOUSE PESHAWAR	جائے وفات : گھر پشاور
Reason of Death : Natural	کیفیت وفات : طبیعی
Nature of Death : Normal	طبیعت وفات : عادی
Buried/Last rite at : LANDI ARBAB PESHAWAR	جگہ تدفین یا آخری رسومات : لنڈی ارباب پشاور

Parental Information

والدین کی معلومات

Father's Name : MULTAN KHAN	والد کا نام : ملتان خان
CNIC No :	شناختی کارڈ نمبر :
Mother's Name : KHURSHED BIBI	والدہ کا نام : خورشید بی بی
CNIC No :	شناختی کارڈ نمبر :

Address

Address : P.O Landi Arbab , Mohalla Garhi Machine , City PESHAWAR	پتہ : ڈاکخانہ لنڈی ارباب ، محلہ گڑھی مشین ، شہر پشاور
Tehsil : PESHAWAR	تھسلیں : پشاور
District : PESHAWAR	ضلع : پشاور

Applicant's Details

درخواست دہندہ کے کوائف

Name : SAJJAD ULLAH	نام : سجاد اللہ
CNIC No : 17301-4511823-7	شناختی کارڈ نمبر : 17301-4511823-7
Relation with Deceased : FATHER	متوفی سے رشتہ : والد

Information of Burial/Last rite by

تدفین یا آخری رسومات کنندہ کی معلومات

Name : SAJJAD ULLAH	نام : سجاد اللہ
CNIC No : 17301-4511823-7	شناختی کارڈ نمبر : 17301-4511823-7
Relation with Deceased : SON	متوفی سے رشتہ : بیٹا

Entry Date : 11-July-2020	تاریخ اندراج : 11-July-2020
Issue Date : 02-September-2020	تاریخ اجراء : 02-September-2020
Entry Status : Late	اندراج اسٹیٹس : لیت
Additional Information :	اضافی معلومات :

SECRETARY
Neighbourhood Council
Landi Arbab-II (93)
لنڈی ارباب



W11458071