

Service Appeal No.1313/2014 titled "Abdullah Noor Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar, and others"

ORDER

11th July, 2023 1.

Miss. Sumbal Zaman, Advocate, present and submitted Wakalat Nama in favor of the appellant. Mr. Muhammad Jan, District Attorney alongwith Mr. Irfan Anjum, Superintendent for the respondents present.

2. Admittedly, the appellant was a contract employee which is evident from the offer of appointment letter, wherein, specific condition No.12 was added which reads as under;

"12. Your services shall be terminated on arrival of recommendees of the Public Service Commission".

3. Similarly, the impugned order of termination of contract also proves that the appellant was a contract employee. Therefore, in view of Section-2(b) (ii) jurisdiction of this Tribunal is ousted. The relevant para is reproduced as under:

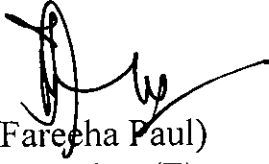
(b) "civil servant" means a person who is a member of a civil service of the Province, or who holds a civil post in connected with the affairs of the Province, but does not include —


(i) -----

(ii) A person who is employed on contract, or on work charged basis, or who is paid from contingencies;"

This Tribunal thus does not have jurisdiction and the memorandum of appeal is returned accordingly. Consign.

4. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 11th day of July, 2023.*


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman