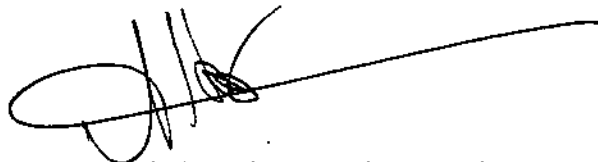


26.09.2019

Counsel for the appellant and Additional Advocate General alongwith Mr. Zakiullah, Senior Auditor and Mr. Ghausullah, Senior Auditor for respondents present. Counsel for the appellant requested for withdrawal of the instant appeal. In this respect his signature also obtained on the margin of the order sheet. Request accepted and the appeal in hand is therefore, dismissed as withdrawn. File be consigned to the record room.

Announced:
26.09.2019


(Ahmad Hassan)
Member

Handwritten notes and stamps at the bottom right of the page, including the name "BILAL" and other illegible markings.

22.05.2019

Gul Najab Attorney of the appellant on behalf of appellant present. Zain ul Abideen SDO representative of respondents No.1 to 3 present and submitted written reply/comments on behalf of respondents No.1 to 3. Zaki Ullah Senior Auditor representative of the respondent No.4 absent. Respondents No.4 & 5 as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 03.07.2019 before S.B.


Member

03.07.2019 Gul Najab Attorney of the appellant on behalf of the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Zain up Abideen SDO on behalf of the respondents No. 1 to 3 and Mr. Zaki Ullah Senior Auditor on behalf of the respondents No. 4 & 5 present. Written reply on behalf of the respondents No. 1 to 3 already submitted. Written reply on behalf of the respondent No. 4 & 5 not submitted. Representative of the respondent No. 4 & 5 seeks time to furnish written reply/comments. Adjourned. To come up for written reply/comments on 29.08.2019 before D.B.


Member

29.08.2019 Counsel for the appellant present. Addl: AG for respondents present. Written reply on behalf of respondents no. 4 and 5 not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments of respondents no. 4 and 5 on 26.09.2019 before S.B.


(Ahmad Hassan)
Member

note the person was seen

use → so write any

The case of 26/9/19

22.01.2019 Learned counsel for the appellant present. Preliminary arguments heard.

Legal heir of the deceased ~~Amin Akbar~~ (Ex-Cooli at C&W Division Swabi) have filed the present appeal for the pensionary benefits of deceased ~~Amin Akbar~~.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The legal heirs are directed to deposit process fee and security within 10 days thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 11.03.2019 before S.B

Deposited
Process Fee


Member

11.03.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Iftikhar Ali, Junior Clerk for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for adjournment for filing of written reply. Adjourned. To come up for written reply/comments on 15.04.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

15.04.2019

Gul Najab Khan attorney of the appellant on behalf of appellant present. written reply not submitted. M/S Zaki Ullah Senior Auditor and Salim Jan Senior Auditor for respondents No.4 & 5 present and requested for time to furnish written reply/comments. No one present on behalf of remaining respondents i.e. respondents No.1 to 3. Notice be issued to the said respondents with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 22.05.2019 before S.B.



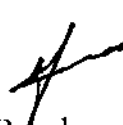



Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 1198/2018 _____

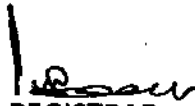
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/09/2018	<p>The appeal of Mst. Rooh Pari and other legal heirs of Amir Akbar resubmitted today by Mr. Muhmmad Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p>
2-	28-9-18	<p style="text-align: right;"> REGISTRAR 29/9/18</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-10-2018</u></p> <p style="text-align: center;"> CHAIRMAN</p>
	25.10.2018	<p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 12.12.2018.</p> <p style="text-align: right;"> Reader</p>
	12.12.2018	<p>Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 22.01.2019 before S.B.</p> <p style="text-align: right;"> Muhammad Amin Khan Kundi Member</p>

The appeal of Mst. Rooh Pari and others legal heirs of Amir Akbar received today i.e. on 17.09.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-A of the appeal is missing.
- 2- Page No.9 of the appeal is illegible which may be replaced by legible/better one.

No. 1858 /S.T,

Dt. 18-9 /2018.


REGISTRAR 18/9/18.
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Anwar Adv. Pesh.

The above cited objections are cleared, and the file is submitted.


27/09/18

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 1198 of 2018

Rooh Pari Appellant

VERSUS

Gov: and others..... Respondents

INDEX

S.No	Description of Documents	Annex	Pages
1.	Grounds of service appeal		1-4
2.	Addressees of Parties		5
3.	Copy of office order	A	6
4.	copy of Circular	B	7
5.	Copy of retirement letter	C	8-27
6.	Copy of department appeal	D	28-30
7.	Power of Attorney		
8.	Wakalat Nama		31

Through

Appellant


Muhammad Anwar


Inamullah Alizia

Jahanzeb Shinwari
Advocates Peshawar,
Cell: 0333-8866902

Date: 17/1/2018

1

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1198/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1443

Dated 17-9-2018

1. Rooh Pari (widow)
2. Taj Bar Khan
3. Irshad Khan
4. Imtiaz Khan
5. Ijaz Khan
6. Rashid Khan
7. Anjum Khan (minor through appellant No. 1 being his mother) (sons)
8. Bibi Sakina
9. Gul Samina Bibi
10. Mushtari Bibi
11. Anis Bibi (daughters) of Amir Akbar

Ex: Cooly at C & W Division Sawabi

(minors through appellant No. 1 being their real mother)

.....Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa, through Chief Secretary; Peshawar
2. Secretary to Government of KP, C & W Department, Civil Secretariat Peshawar.
3. Executive Engineer, C & W Division, Sawabi
4. Accountant General KP, The Mall Road Peshawar
5. District Accounts Officer, Sawabi Respondents

Filed to-day

Registrar

17/9/18

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE NON-ISSUANCE
OF PENSION / NON PAYMENT OF
PENSIONARY BENEFITS AND GRATUITY

Re-submitted to -day
and filed.

Registrar

27/9/18

2

/ COMMUTATION TO THE APPELLANT,
WHO BEING THE LRS OF CIVIL
SERVENTS, RETIRED ON 04/12/2017 DUE
TO DEATH, VIDE OFFICE ORDER
BEARING NO. 4565/9-RE DATED 13/12/2017
AGAINST WHICH THE APPELLANT
PREFERRED DEPARTMENTAL APPEAL
BUT THE SAME HAS NOT BEEN
RESPONDED WITHIN THE STATUTORY
PERIOD OF 90 DAYS, HENCE THIS
SERVICE APPEAL.

RESPECTED SIR:

1. That the predecessor of appellant was appointed as **Cooley on fixed pay** in the office of C & W Department vide office order bearing **No. 728/7-E (R) dated Mardan the 28/03/1993.** (Copy of office order is annexed as annexure A).
2. That in pursuance of Finance Deptt: Circular letter No. BOI/1-22/2007-08/FD dated 29/08/2008, all the Class-IV, employees who were at fixed pay, were regularized and converted to Civil Servant w.e.f 01/07/2008 and it is further clarified in para No 2 of the Ibid letter that the pay of the employee will be fixed from the date of appointment, but the employee will not be entitled to the arrears. (copy of Circular is annexed as annexure B)
3. That the predecessor of the appellant has been retired due to his death from service w.e.f **10/11/2013 vide office order**

3

bearing No. 1995/9-RE. (Copy of retirement letter is annexed as annexure C)

4. That despite several verbal as well as written request, the department / authority had not issued pension to the applicant / appellant and the applicant / appellant, feeling aggrieved, filed the Departmental Appeal for issuance of pension / payment of pensionary benefits / gratuity to the appellant with all back benefits, but the said appeal has not been responded within the statutory period of 90 days, hence, this service appeal. (Copy of department appeal is annexed as annexure D)
5. That the appellant feeling aggrieved and having no other adequate remedy, invokes the appellate jurisdiction of this Hon'ble Service Tribunal for the redressal of the grievance of the appellant, on the following grounds, inter alia:

GROUNDS:

- A. That pension is the lawful, fundamental and constitutional rights of the appellant and its non-issuance is in utter violation of the law, rules, regulation meant for civil servants.
- B. That pension to the civil servant is a right and not charity.
- C. That the appellant has not been treated according to law, rules and regulations meant for pension and thus the act of department is based on mala-fide intention.
- D. That Articles-4 & 8 of the constitution make it clear that deviation from law has not to be countenanced: this is an assurance to the people of Pakistan that people in authority

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shall treat them in accordance with law and each one is bound by these stipulations of the constitution.

- E. That the non-issuance of pension / payment of pensionary benefits and gratuity / commutation to the appellants is harsh and the appellants have been penalized for no fault on his part.
- F. That any other additional grounds will be raised at the time of final hearing of this appeal.

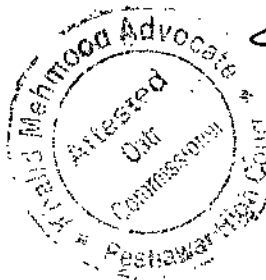
It is therefore, humbly requested that on acceptance of this Service appeal, the pension / non-payment of pensionary benefits and gratuity / commutation to the appellants may kindly be granted / issued with all back benefits. Any other relief, which has not been asked for specifically and the appellants are entitled to, may also be granted to the appellants.

Appellant

Through

Muhammad Anwar

Jahanzeb Shinwari

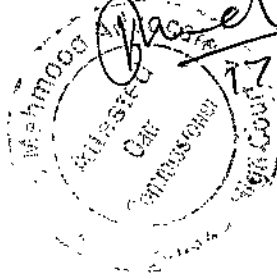


Inamullah Alizai
Advocates, Peshawar.

Date: 17/09/2018

AFFIDAVIT

I, Gul Najib Khan (Attorney) S/O Meer Ajab Khan R/O Sawabi, 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 Tribunal.



DEPONENT

5

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____ of 2018

Rooh Pari Appellant

V E R S U S

Gov: and others..... Respondents

ADDRESSES OF PARTIES

APPELLANT:

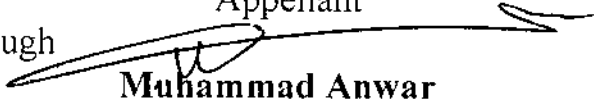
1. Rooh Pari (widow)
2. Taj Bar Khan
3. Irshad Khan
4. Imtiaz Khan
5. Ijaz Khan
6. Rashid Khan
7. Anjum Khan (minor through appellant No. 1 being his mother) (sons)
8. Bibi Sakina
9. Gul Samina Bibi
10. Mushtari Bibi
11. Anis Bibi (daughters) of Amir Akbar
Ex-Cooly at C & W Division Sawabi

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar
2. Secretary to Government of KP, C & W Department, Civil Secretariat Peshawar.
3. Executive Engineer, C & W Division, Sawabi
4. Accountant General KP, The Mall Road Peshawar
5. District Accounts Officer, Sawabi

Appellant

Through


Muhammad Anwar
Advocate, Peshawar

Date: /2018

OFFICE ORDER. *Part - A* 6

Mr. Banaras Khan s/o Mr. Mir Akbar
 Village Satketa Tehsil Swabi District Swabi is hereby
 appointed as Cooly @ Rs.1,200/- per month (fixed) against the new
 created posts in Gadoon Amazai Project.

Your appointment will be purely temporary and on
 seasonal basis i.e maintenance of roads in summer season only, as
 agreed by the Finance Department conveyed vide Chief Engineer C&W
 Department N.W.F.P. Peshawar No.1145-49/BE-3/92-93/AB-I date
 25.11.1992. Your service can be terminated any time without assign
 any reason or notice.

You should produce Health and Age Certificate from
 an authorized Medical Officer.

EXECUTIVE ENGINEER
 HIGHWAY DIVISION MARDAN.

cc.

1. The Private Secretary to the Minister for C&W
 NWFP Peshawar for the information of Minister.
2. Haji Abdul Ghafoor Khan Jadoon MPA
 for information w/ his recommendation.
3. The District Accounts Officer, Mardan.
4. The Sub Divisional Officer Highway Maintenance
 Sub Division Swabi.
5. The Divisional Accountant (Local).
6. Mr. Banaras Khan/s/o Mr. Mir Akbar of Gadoon
 Village Satketa Tehsil Swabi Distt: Swab

EXECUTIVE ENGINEER
 HIGHWAY DIVISION MARDAN.

The Superintending Engineer C&W Circle, Mardan
 for information please.

ATTESTED

EXECUTIVE ENGINEER
 HIGHWAY DIVISION MARDAN.

Ant-B

7

FINANCE DEPARTMENT

No. BO1/FD/1-22/2008-09/
Dated Peshawar, the 30/7/2008

To

The Accountant General,
NWFP, Peshawar.

Subject:- BUDGET SPEECH 2007-08 CONVERSION OF FIXED PAY CLASS-IV INTO REGULAR BPS-1 CP.FUND SCHEME.

Dear Sir,

I am directed to refer to your letter No.H.24(85)/Kohistan/Vol-II/851 dated 18/6/2008 on the subject noted above and to clarify that all the Class-IV Fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant, with effect from 1st July, 2008 (but not from the date of their appointments) as per provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants(Amendment) Act, 2005). Under the Act ibid, these employees are entitled for Contributory Provident Fund (C.P. Fund) instead of Pension/Gratuity and G.P. Fund. Since length of service of the employees was at variance, therefore, in order to meet the demand of natural justice, fixation of pay has been allowed to them with effect from the dates of appointment bringing their salaries at par with the respective length of service. However, they shall not be entitled for arrears of pay and allowances as clarified in the instructions. So, it is confirmed that they are entitled for CP Fund instead of Pension/Gratuity and GP Fund, unless otherwise provided in the relevant Rules/Regulations.

Yours faithfully,

Erge Lal / Co

Fida Muhammad
Budget Officer-I

Endst No. & Date even:

Copy is forwarded w/r to Finance Dept's circular letter No. BO1/1-22/2007-08/FD dated 29/1/2008, for information & necessary action to:-

- 1) All Administrative Secretaries to Government of NWFP
- 2) Secretary to Governor, NWFP, Peshawar
- 3) Principal Secretary to Chief Minister, NWFP, Peshawar
- 4) All District Coordination Officers in NWFP
- 5) All Heads of Attached Departments in NWFP
- 6) The Registrar, Peshawar High Court, Peshawar
- 7) The Registrar, NWFP Service Tribunal, Peshawar
- 8) The Secretary Provincial Assembly, NWFP, Peshawar
- 9) The Secretary, Board of Revenue, NWFP, Peshawar
- 10) All District Accounts Officers in NWFP
- 11) All Budget/Section Officers in Finance Department, Peshawar



OFFICE OF THE EDO (F&P) SWABY
D. No. 1350-CP-1
Dated: 7-8-08

BUDGET OFFICER-I

20/8
1/8/08
8/4

Mr. Zahid Khan
For n/a and keep n/a
Salam 7/8/08

A.C.D

(8)

Ant - C

OFFICE OF THE
EXECUTIVE ENGINEER
C & W DIVISION SWABI.

No. 1995 19-RE,

Dated 9 / 11 / 2013.

OFFICE ORDER

As reported by the Sub Divisional Officer C&W Sub Division No.II, Swabi Vide his letter No.175/2-E, dated 11/11/2013 Mr.Mir Akbar Road Cooly Gang No.4,Topi Ulla Road has died on 10/11/2013

180-days encashment in lieu of 365-days LPR under the Government of Khyber Pakhtunkhwa Civil Servants revised rules 1981 is also Sanctioned subject to the availability of earned leave at his credit and funds.

EXECUTIVE ENGINEER
C & W DIVISION SWABI.

Copy to:-

1. The District Accounts Officer Swabi.
2. The Sub Divisional Officer Sub Division No.11,Swabi .for information.
3. The D.A.O (Local)

EXECUTIVE ENGINEER
C & W DIVISION SWABI.

ACCEPTED

OFFICE OF THE
DEPUTY DIRECTOR
PUBLIC WORKS STABI.

NO 2064 19-RS
Dated 24/6/2002

9

OFFICE ORDER

As directed by the Secretary Public Services Deptt:
S P Peshawar, the following persons are hereby re-appointed in
service with effect from 1-7-2002.

List of Coolies.

1. Mr. Nutebar Khan Fixed Cooly
2. Mr. Ashraf Khan -do-
3. Mr. Laha and Gul -do-
4. Mr. Umar Khitab. -do-
5. Mr. Shajzoda Khan -do-
6. Mr. Gul Bai Khan -do-
7. Mr. Farin Bahadar -do-
8. Mr. Azimur Rahman -do-
9. Mr. Amir Akber -do-

DEPUTY DIRECTOR
PUBLIC WORKS STABI.

Copy to:-

- 1) The Assistant Director (Roads) Public Works Stabi.
- 2) The DAO (local).

DEPUTY DIRECTOR
PUBLIC WORKS STABI.

ATTACHED

As directed by the Secretary Works & Services Department, NPP, Peshawar, the following persons are hereby re-appointed in service with effect from 1-07-2002.

Sr#	Name of Cooli	Fixed	Cooly
1.	Mutaber Khan	Fixed	Cooly
2.	Akthar Khan	-do-	-do-
3.	Muhammad Gul	-do-	-do-
4.	Umar Khitab	-do-	-do-
5.	Shahzada Khan	-do-	-do-
6.	Gul Baz Khan	-do-	-do-
7.	Zarin Bahadur	-do-	-do-
8.	Aziz Ur Rehman	-do-	-do-
9.	Amir Akbar	-do-	-do-

Sd-
Deputy Director,
Public Works Swabi

Copy to.

1. Assistant Director (Roads) Public works Swabi.
2. The o/o Local.

Sd-
Deputy Director,
Public Works Swabi

ATTESTED



حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

دفاتر انسٹیٹیوٹ

DEATH CERTIFICATE

15

CRMS No: D133039-13-0011

NATURE OF DEATH: NORMAL

FORM No: P02465187

درخواست دہندہ کا نام: محمدی گل
 درخواست دہندہ کا شناختی کارڈ نمبر: 1330166358853
 شناختی کارڈ نمبر: 1330128051709
 پتہ: گلان، بیلہ آمازی، تحصیل غازی، ضلع ہری پور
 متوفی کا نام: والد کا نام
 تاریخ پیدائش: تاریخ وفات
 جنس: مذکر
 مرنے کی وجہ: طبی
 پیدائشی نام: بیلہ آمازی
 تاریخ وفات: 10-11-2013
 عمر: 1-1-1959
 رجسٹریشن نمبر: 1330128051709

APPLICANT NAME: MUHAMMADI GUL

APPLICANT CNIC: 1330166358853 RELATION WITH DECEASED: Father

ADDRESS: VILLAGE: BELA AMAZAI

TEHSIL: GHAZI, DISTRICT: HARIPUR

DECEASED NAME/ CNIC	FATHER NAME/ CNIC	DATE OF BIRTH	SEX	RELIGION	PLACE/DATE OF DEATH	DATE OF BURIAL	REASON OF DEATH	SICKNESS PERIOD
AMIR AKBAR	REHMAT KHAN	1-1-1959	MALE	ISTAM	BELA AMAZAI	10-11-2013	NATURAL	

BLOOD RELATION: PERSON CAUSING DISPOSAL OF BODY

NAME: AKHTAR KHAN

CNIC: 1330185105661

GRAVEYARD NAME: BELA AMAZAI

ENTRY DATE: 12-11-2013

ISSUE DATE: 20-11-2013

ADDITIONAL INFORMATION:

نام: اختر خان
 شناختی کارڈ نمبر: 1330185105661
 قبرستان کا نام: بیلہ آمازی
 تاریخ اندراج: 12-11-2013
 تاریخ اجراء: 20-11-2013
 اضافی معلومات:

Handwritten signature and stamp area.

تاریخ تلافی (39) ضلع ہری پور

Secretary
Union Council Nara Amazai
Teh. Ghazi Distt. Haripur

ATTACHED

OFFICE OF THE DIRECTOR GENERAL SERVICES (M) 5000 COLUMBIA BLVD

FOR THE MONTH OF 01 1989

DDO Code: SU 6 1 3 0

Description: REGULARIZATION OF PAY/ASSIGN

Personnel Number: 00345858

Employee Name: Amin Akber Cooli

Grade/Pay Scale Group: 01

Post: act caw

National ID Card No.

GENERAL DATA CHANGE?	Start	Stop
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Fid ID	Pay Cont.	Wage Type	Amount	Para	Adj	Effective Date	Remarks
		0001	3600			1-01-2009	Certified that arrears
		1000	8910			25-07-2009	7-01/2009 has not been
		1300	5000			30-02-2009	certified that the official has rendered
		1516	4000			30-12-2008	benefit from previously.
		1567	3000			30-06-2009	appointment with back benefit.
		3501	2500			30-07-2008	with back benefit.
		3610	2500			30-07-2008	with back benefit.
		Net Pay	50347				
		Total	34788				
		581142009					
		Net: 6788					

Prepared By

Audited/Checked By

Entered/Verified By

Thumb:

LIST OF FAMILY MEMBER WHO ARE LEGAL HERIS OF MR: AMIR AKBAR (Late)
 Ex. COOLI BPS-02 EXECUTIVE ENGINEER C&W DIVISION SWABI.

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XX

S.No:	Name	Sex	Relationship	Date of Birth	Marital status
1	Zar Pari	Female	Wife	01/01/1970	Widow
2	Akhtar Khan	Male	Son	01/01/1974	Married
3	Mohammadi Gul	Male	Son	08/03/1980	Married
4	Bakht Bibi	Female	Daughter	01/01/1982	Married
5	Raj Gul	Male	Son	04/02/1987	Married
6	Taj Mohammad	Male	Son	04/02/1987	Married
7	Fazai Akbar	Male	Son	02/03/1993	Un-Married
8	Basheer Khan	Male	Son	03/04/1995	Un-Married
9	Pari	Female	Daughter	06/04/1998	Married
10	Niaz Wali Kahn	Male	Son	05/07/2001	Un-Married
11	Qazi Asad	Male	Son	18/03/2003	Un-Married
12	Ayaz Khan	Male	Son	24/03/2007	Un-Married
13	Baqraj Bibi	Female	Daughter	01/06/2006	Un-Married

@@

Certified that the above family member 01 to 13 are legal heirs of late Mr: Amir Akbar Ex.Cooli BPS-02 Executive Engineer C&W Division Swabi.

ATTESTED

EXECUTIVE ENGINEER
 C&W DIVISION SWABI

ATTESTED

Original

Office Of The Medical Superintendent DHO Hospital Swabi

MEDICAL CERTIFICATE

Official's Name : Amir Akbar- (19)

Father's Name : Rahmat Khan.


Religion : Islam.

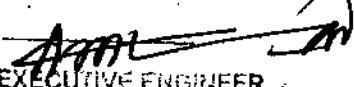
Residence : Nam Anzai- Tehsil Ghazi
DIST Haripur.

Date of Birth : 1959 -

Exact height : 5' 5"

Mark of Identification : NIL

Official Signature : 

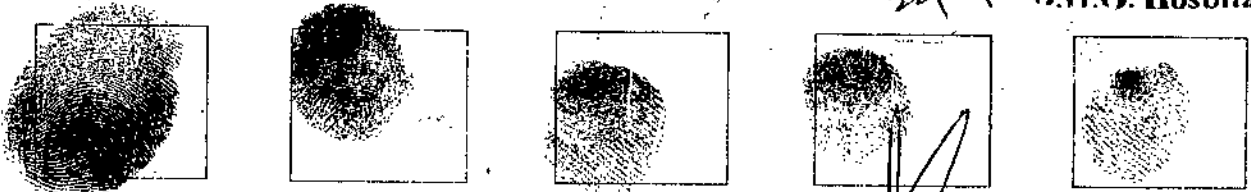
Signature of Deptt: Incharge : 


Seal of Deptt: Incharge: **EXECUTIVE ENGINEER**
C&W DIVISION SWABI

I do hereby certify that I have examined Amir Akbar a candidate for employment in the C&W Coolies worker and cannot discover that he had any disease communicable or other constitutional infection or bodily infirmity except NIL

I do not consider this as disqualification for employment in the _____
His/Her age according to his/her own statement is 54 years and by appearance about 54 years.

Left/Right hand thumb and fingers impression:






Medical Superintendent
DHO Hospital Swabi
22/10/13
D.H.O. Hospital Swabi

ATTESTED

Original
Office Of The Medical Superintendent DHQ Hospital Swabi

MEDICAL CERTIFICATE

Official's Name : Amir Akbar- (15)
Father's Name : Rahmat Khan.
Religion : Islam.
Residence : Nam Amzal- Tarsol Ghazi
DIST Haripur.
Date of Birth : 1959 -
Exact height : 5, 7.
Mark of Identification : NIL
Official Signature : 


Signature of Deptt: Incharge : 
Seal of Deptt: Incharge: **EXECUTIVE ENGINEER
C&W DIVISION SWABI**

I do hereby certify that I have examined Amir Akbar candidate for employment in the C&W Coolies worker. and cannot discover that he had any disease communicable or other constitutional infection or bodily infirmity except NIL

I do not consider this as disqualification for employment in the _____
His/Her age according to his/her own statement is 54 years and by appearance about 54 years.

Left/Right hand thumb and fingers impression:




Medical Superintendent
DHQ Hospital Swabi
22/10/13
Medical Superintendent
D.H.O. Hospital Swabi

ATTACHED


Note:- The entries on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: Amir Akbar (18)

Race: Muslim

Residence: Post Office Bela
Amagai Teh: Ghazi



Father's name and residence: Rehmat Khan



Date of birth by Christian era as nearly as can be ascertained: 1959

Exact height by measurement:

Personal marks for identification:

Left hand thumb and Finger impression of (Non-Gazetted) officer: 

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

Signature of Government Servant: 

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


CONSTANT DIRECTOR (Bdga)
WORKS & SERVICES SWAMI

ATTESTED

1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 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	and Date of attestation in column 9
Coordinator C/W Sreasti	BPS-1	(1870	-55-	3520)	fixed	25/6/2002		
pay fixed on	25-6-02	1870/-		P.M.				
+ A/Inc on	1-12-2002	1925/-		P.M. ✓				
do	1-12-2003	1980/-		P.M.				
do	1-12-2004	2035/-		P.M.				
Revised BPS-1	revised 1-7-2005	(2150	-65-	4100)				
BPS-1	revised 1-7-2005	2345/-		P.M.				
A/Inc on	1-12-2005	2410/-		P.M.				
do	1-12-2006	2475/-		P.M.				
revised BPS-1	revised 1-7-2007	(2475	-75-	4725)				
pay fixed on	1-7-2007	2850/-		P.M.				
A/Inc on	1-12-2007	2925/-		P.M.				
revised BPS-1	revised 1-7-2008	(2970	-90-	5670)				
pay fixed on	1-7-2008	3510/-		P.M.				
A/Inc on	1-12-2008	3604/-		P.M.				

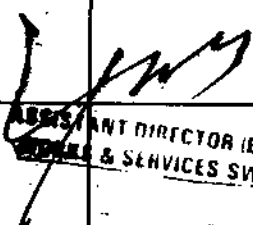
137

All entries as per W.P. 256/1-12-2008 are attested

ATTESTED

18

9	10	11	12	13		14	15
Name and Designation of the office attesting officer (columns 1 to 8)	Date of termination or 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		
				Appointed against a vacant post of ^{junior} coordinator at office of C & W wide A D (BIR) Public works Swabi No. 2077 dated 26.6.2002.			
						Asst. Director (Works) Swabi	
				Regularized and awarded BPS-1 from the date of appointment without scale benefits wide Govt. notification No. : B.O. - 1-22/80-2007/F.D. dated 29.01.2008.			
						Asst. Director (Works) Swabi	
				①			
				Service verified w.e.f. 25.6.2002 to 30.11.2008 from office record.			
						Asst. Director (Works) Swabi	
				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 counts for pension under Art. 371 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>Revised entries made in light of Notification No BO-1/1-22/2007-08/PD dt 29-1-08</p>							
	<u>DATE</u>		<u>PAY</u>				
			<u>1870-55-3520</u>				
	25-6-2002	P	1870/-				
	1-12-2002	P	1925/-				
	1-12-2003	P	1980/-				
	1-12-2004	P	2035/-				
			<u>2150-65-4100</u>				
	1-7-2005	P	2345/-				
	1-12-2005	P	2410/-				
	1-12-2006	P	2475/-				
			<u>2475-75-4725</u>				
	1-7-2007	P	2850/-				
	1-12-2007	P	2925/-				
			<u>2970-90-5670</u>				
	1-7-2008	P	3510/-				
	1-12-2008	P	3600/-				
						3510/-	
							
	ASSISTANT DIRECTOR (Bills & Services) SWABI						
					OFFICE OF THE ACCOUNTANT GENERAL PAY FIXED IN THE REVISED BASIC PAY SCALES		
					GRS 2970-90-5670 (B-1) AGRS 3510/-		
					With No Increment on	1-07-2008 1-12-2008	
					Accounts Officer Pay Fixation Party N.W.F.P.		
	BPS no. I						
	2970-90-5670						
			Rs 3690/-				
					1-12-08 (FN)		

8	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 or 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	Period	Government to Which debitable		
								<i>cc 06/08</i>	
								<i>Drawn pay of diff. Rs Rs = 9460/2</i>	
								<i>[Signature]</i>	
								<i>[Signature]</i>	
								<i>[Signature]</i>	
								<i>[Signature]</i>	
								<i>[Signature]</i>	
				<i>7/4/08</i>				<i>[Signature]</i>	
				<i>enclth of 9 LPR</i>				<i>[Signature]</i>	
				<i>h=7/2007-08</i>				<i>[Signature]</i>	
								<i>[Signature]</i>	
								ATTESTED	
								<i>[Signature]</i>	
								<i>Service verified for the period from 1-12-08 To 30-11-09 in the office copies of pay & service roll.</i>	
	<i>30/11 (AM)</i>			Granted Annual Increment					
				<i>[Signature]</i> DEPUTY DIRECTOR WORKS SWABI				<i>[Signature]</i> DEPUTY DIRECTOR SWABI	

21/12/11

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	9 Signature of the head of the office in attendance in att column
<u>R.P.S No. I</u> 2970-905670						12/2010		30/8
<u>R.B.P.S No. I</u> 4800-150-9300						7/2011		
—do—						12/2011		30/8
—do—						12/2011		30/8

ATTACHED

(18) (22)

9 Name 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	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		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
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
				Period	Government to which debit to		
30/11/2011 Granted Annual Increment						(3) Service verified for the period from 1-12-09 To 30-11-09 from the office copies of pay bills/Acquittance roll.	
			<i>[Signature]</i> Executive Engineer C&W Division Swabi			<i>[Signature]</i> Executive Engineer C&W Division Swabi	
Provision of pay w.c. + 1-7-2011 vide G.O. of K.P.K Remove D.L. No. FD (P.R.C) 1-1/2011 dt. 14/2/2011							
30/11/2011 Granted Annual Increment			<i>[Signature]</i> EXECUTIVE ENGINEER C & W DIVISION SWABI			(4) Service verified for the period from 1-12-2010 To 30-11-2011 from the office copies of pay bills/Acquittance roll.	
			<i>[Signature]</i> Executive Engineer C&W Division Swabi			<i>[Signature]</i> Executive Engineer C&W Division Swabi	
11/02/2012 Granted Annual Increment			<i>[Signature]</i> EXECUTIVE ENGINEER C&W DIVISION SWABI			(5) Service verified for the period from 1-12-2011 To 30-11-2012 from the office copies of pay bills/Acquittance roll.	
			<i>[Signature]</i> EXECUTIVE ENGINEER C&W DIVISION SWABI			<i>[Signature]</i> EXECUTIVE ENGINEER C&W DIVISION SWABI	

29
23

1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 '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	e and head c r attes tates tums
	<i>Revised Entries</i>							
	B-2 (2530-85-5280)		B 2785			1 7 / 07		
	<i>do</i>		B 2870			1 9 / 07		
	<i>do</i>		B 2955			1 12 / 7		
	B-2 (3035-100-6035)		B 3535			1 7 / 8		
	<i>do</i>		B 3635			1 12 / 8		
	<i>do</i>		B 3735			1 12 / 9		
	<i>do</i>		B 3835			1 12 / 10		
	B-2 (4900-170-10000)		B 6260			1 2 / 11		
	<i>do</i>		B 6430			1 12 / 11		
	<i>do</i>		B 6600			1 12 / 12		

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269

8	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 debitale to another Government		
						Period	Government to which debitale	
		<p>Tensor 567</p>	<p>7/8/2013</p>					<p>Alland B-2 WSP, 27</p>
		<p>Source-2 confirmed for Ps-7643/2 arrears on 15/12 of graded pay arrears with wot 1/7/2008.</p>						<p>and Spl merit WSP 1-9-07.</p>
		<p><i>DAO Swabi</i></p>					<p><i>[Signature]</i> EXECUTIVE ENGINEER C&W DIVISION SWABI</p>	
		<p><i>[Signature]</i></p>						
		<p><i>[Signature]</i></p>					<p><i>[Signature]</i> ATTENDED</p>	

(25)

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 counts for pension under Art. 371 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 Signature of the holder of other in a col
<u>BPS No. 2</u> <u>4900-170-10000</u>				6600 6700			
				6770/-	✓		

ATTESTED

(20)

8 Name of Government Servant	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	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		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	
					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
		<i>10¹¹ 2013</i>	<i>Granted Annual Increment</i>						
				<i>(Signature)</i> EXECUTIVE ENGINEER C&W DIVISION SWABI			ECONOMIC AFFAIRS CONSTRUCTION & TRANSPORT ADMINISTRATION OFFICE ADMINISTRATION BUD. CODE SU-6008		
			<i>PK 4421 16 Kucil PSSH - 200000</i>	<i>(Signature)</i>			<i>Service verified for the period from 12-2-2012 To 12-11-2013. and the office copies of pay acquittance roll.</i>		
				<i>(Signature)</i>			EXECUTIVE ENGINEER C&W DIVISION SWABI		
	<i>As reported by The Sub Divisional Officer C&W Swabi Dim. No. H Swabi m, Mir Akbar Road Galy Gang No. 4 Topi ut la Road has died on 10¹¹ 2013.</i>								
				<i>(Signature)</i> EXECUTIVE ENGINEER C&W DIVISION SWABI			ACCEPTED		

LIST OF FAMILY MEMBER WHO ARE LEGAL HERIS OF MR: AMIR AKBAR (Late)
 EX. COOLI BPS-02 EXECUTIVE ENGINEER C&W DIVISION SWABI.

27

XX

S.No:	Name	Sex	Relationship	Date of Birth	Marital status
1	Zar Pari	Female	Wife	01/01/1970	Widow
2	Akhtar Khan	Male	Son	01/01/1974	Married
3	Mohammadi Gul	Male	Son	08/03/1980	Married
4	Bakht Bibi	Female	Daughter	01/01/1982	Married
5	Raj Gul	Male	Son	04/02/1987	Married
6	Taj Mohammad	Male	Son	04/02/1987	Married
7	Fazal Akbar	Male	Son	02/03/1993	Un-Married
8	Basheer Khan	Male	Son	03/04/1995	Un-Married
9	Pari	Female	Daughter	06/04/1998	Married
10	Niaz Wali Kahn	Male	Son	05/07/2001	Un-Married
11	Qazi Asad	Male	Son	18/03/2003	Un-Married
12	Ayaz Khan	Male	Son	24/03/2007	Un-Married
13	Baqraj Bibi	Female	Daughter	01/06/2006	Un-Married

@@

Certified that the above family member 01 to 13 are legal heirs of late Mr: Amir Akbar Ex.Cooli BPS-02 Executive Engineer C&W Division Swabi.

ATTESTED

EXECUTIVE ENGINEER
 C&W DIVISION SWABI

ATTESTED

Ant-D
28

Advanced Copy/Through Proper Channel

To,

Worthy Chief Secretary
C & W Department, KPK, Peshawar

Subject: **Departmental appeal against the non-issuance of family pension/pensionary benefits to the appellant being Civil Servient retired on superannuation on 10/11/2013 due to his death vide office order bearing No. 1995/9-RE dated 09/12/2013.**

RESPECTED SIR:

1. That the appellant/applicant is the LRs of the late Amir Akbar was appointed as **Cooley** in the office of C & D Department vide office order issued bearing **No. 2064/9-RE dated Sawabi the 26/06/2002.** (Copy of office order is annexed as annexure A).
2. That in pursuance of Finance Deptt: Circular letter No. BOI/1-22/2007-08/FD dated 29/08/2008, all the Class-IV, employees who were at fixed pay, were regularized and converted to Civil Servant w.e.f 01/07/2008. (copy of Circular is annexed as annexure B)
3. That whole service career of the appellant/applicant is spotless and to this effect the ACRs bear the testimony. (Copy of Service Book is annexed as annexure C)


ATTACHED

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4. That the late Amir Akbar has been retired due to death from service w.e.f 10/11/2013 vide office order bearing No. 1995/9-RE dated 09/12/2013. (Copy of retirement letter is annexed as annexure D)
5. That despite several verbal as well as written request, the department/authority is not issuing family pension to the applicant/appellant and the appellant/applicant, feeling aggrieved invokes the Appellate Departmental Jurisdiction for issuance of family pension/pensionary benefits to the applicant/appellant with all back benefits on the following grounds, inter alia:

GROUND S:

- A. That family pension is the lawful, fundamental and constitutional rights of the applicant/appellant and its non-issuance is utter violation the law, rules, regulation meant for civil servants.
- B. That family pension to the civil servant is a right and not charity.
- C. That the act of non-issuance of family pension to the applicant/appellant is within the four-corner misconduct on the part of the authority.
- D. That the appellant has not been treated according to law, rules and regulations meant for the of pension

AT TESTED

and thus the act of department is based on mala-fide intention.

- E. That it is the constitutional duty of each and every authority in Pakistan to exercise its power fairly, justly and transparently, which has not been done in the case of applicant/appellant and the applicant/appellant has not been treated in accordance with law, rules and regulations.
- F. That Article-4 of the constitution commands that all the citizens without any discrimination shall be dealt with in accordance with law, so enforcement of the law leaves no room for creating any distinction between the citizens.
- G. That Articles-4 & 8 of the constitution make it clear that deviation from law has not to be countenanced: this is an assurance to the people of Pakistan that people in authority shall treat them in accordance with law and each one is bound by these stipulations of the constitution.
- H. That any other additional grounds will be raised at the time of personal hearing of this appeal.

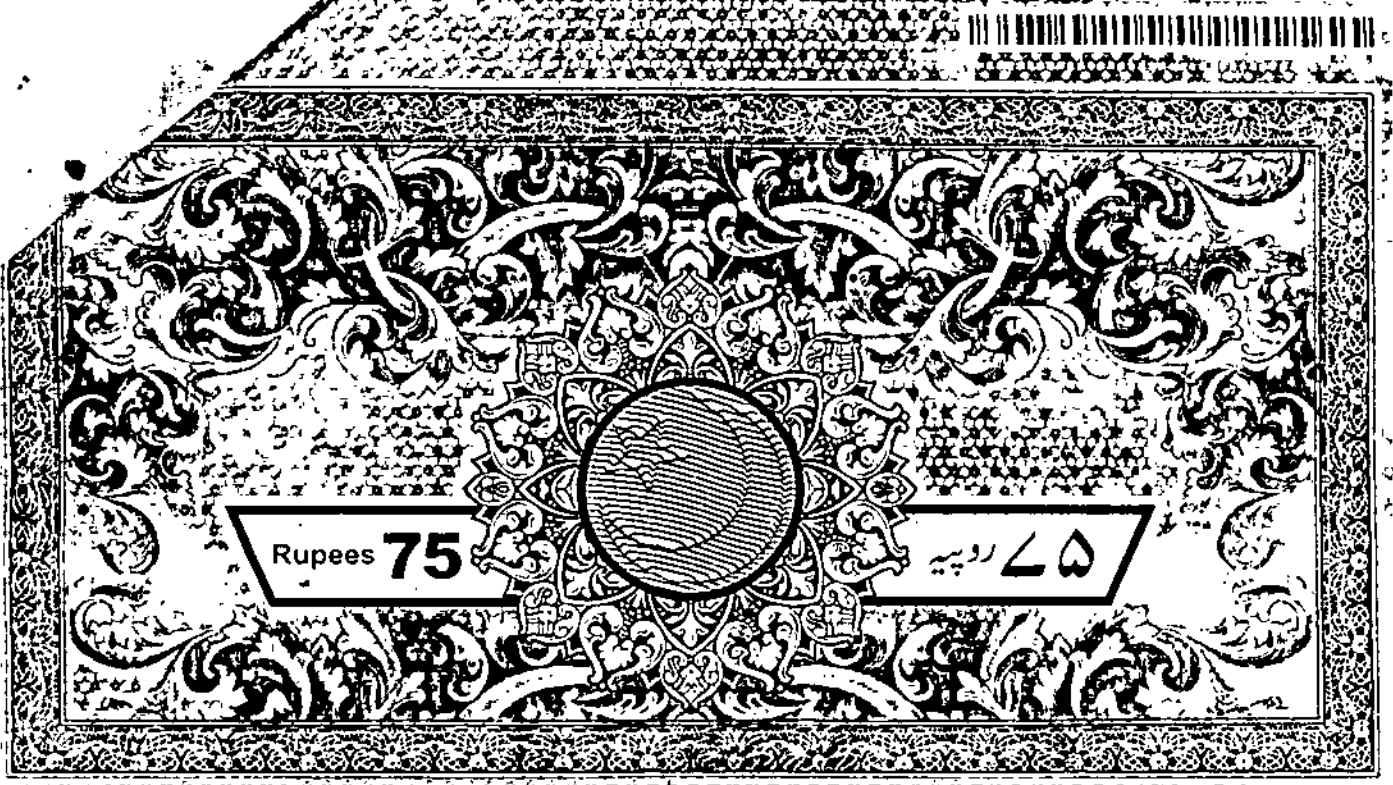
It is therefore, humbly requested that on acceptance of appeal the family pension/pensionary benefits to the applicant/appellant may kindly be issued with all back benefits.

Appellant/applicant

Dated 01/06/2018

LRs of Amir Akbar
Cooly at C & W Division Sawabi

~~ATTESTED~~



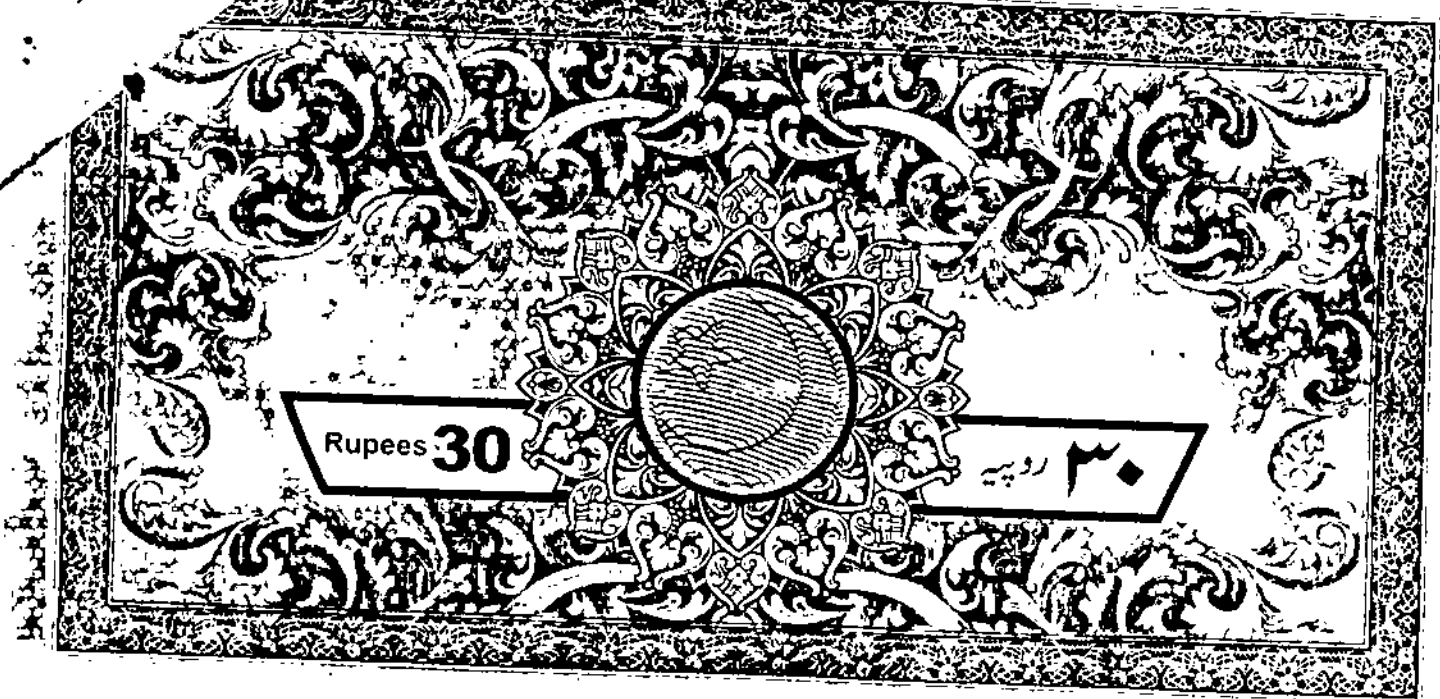
تک جملہ کارروائی کرے، غرض یہ کہ جن جگہوں معدالتوں میں مامقران کی ذات و دستخطوں کی ضرورت پڑے مختیار خاص موصوف کو جملہ ساختہ پر ساختہ مثل کردہ کہ ذات و خاص کے مامقران بمثل خود قبول و منظور ہونگے لہذا مختیار نامہ خاص رو بروے گواہان حاشیہ سنداً تحریر شد۔
المرقوم: 08/09/2018

اختیار و سنگان

- | | |
|---|---|
| نصیر محمد ولد فقیر محمد
شناختی کارڈ نمبر 16202-0980046 | شیر امان ولد معظم شاہ
شناختی کارڈ نمبر 16202-3535761 |
| زر بہادر ولد شاہ بہادر
شناختی کارڈ نمبر 16202-1002430 | بغداد شاہ ولد برول
شناختی کارڈ نمبر 16202-0882191 |
| بی بی سکینہ
شناختی کارڈ نمبر 16202-9855163 | سماۃ روح پری بیوہ
شناختی کارڈ نمبر 16202-7874604 |
| مشری بی بی دختران
شناختی کارڈ نمبر NIL | گل شمینہ بی بی
شناختی کارڈ نمبر 16202-9097680 |
| ارشاد خان
شناختی کارڈ نمبر 16202-4751790 | تاج برخان
شناختی کارڈ نمبر 16202-3930211 |
| اعجاز خان
شناختی کارڈ نمبر 16202-0339222 | امتیاز خان
شناختی کارڈ نمبر 16202-5923261 |
| انیس بی بی
شناختی کارڈ نمبر NIL | رشید خان
شناختی کارڈ نمبر 16203-0367262 |
| | اجون خان
شناختی کارڈ نمبر |

Handwritten signature and official stamp of the National Bank of Pakistan. The stamp includes the text 'NATIONAL BANK OF PAKISTAN' and 'STATE'. There is also a handwritten number '17' and some other illegible markings.

15 10 00 00 00 00 00 00 00 00 00 00 00 00 00 00



- | | |
|---|--|
| | اجون خان وارثان بنارس خان مرحوم ولد میر اکبر |
| شناختی کارڈ نمبر..... | شناختی کارڈ نمبر..... |
| محمدی گل | اختر خان |
| شناختی کارڈ نمبر 13301-6635865 | شناختی کارڈ نمبر 13301-8510566 |
| تاج محمد | راج گل |
| شناختی کارڈ نمبر..... | شناختی کارڈ نمبر 13301-8873001 |
| بشیر خان | فضل اکبر |
| شناختی کارڈ نمبر 13301-3641407 | شناختی کارڈ نمبر 13301-7233665 |
| قاضی اسد | نیاز ولی خان |
| شناختی کارڈ نمبر..... | شناختی کارڈ نمبر..... |
| بخت بی بی | ایاز خان پسران |
| شناختی کارڈ نمبر 13301-9564244 | شناختی کارڈ نمبر..... |
| پکراج بی بی وارثان امیر اکبر مرحوم ولد رحمت خان | پری |
| شناختی کارڈ نمبر..... | شناختی کارڈ نمبر..... |

اختیار گروہ ۱۵ نمبر ۰۰

گل نجیب خان ولد میر عجب خان۔ شناختی کارڈ نمبر 1-8368108-16902

گواہ شہد

گواہ شہد

قصر خان ولد فرید خان گیس فورڈ روئی کے محلہ سید نذیر سکن 847 کلاوی بھٹ ضد
15402-1450597-1-17
MAHMOUD BISHARA

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مختصر طور پر

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پاکستان پیپلز پارٹی

نام:	
پتہ:	
شہر:	
ریجن:	
تاریخ:	




شعبہ:

Handwritten text below the form, possibly a title or subject line.

چاپ و پوزیشننگ سروسز

پتہ: BC-10-3363
نمبر: 93489
شہر: لاہور

50/5



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Pensioner Data Verification Sheet

Date of issue : 05.08.2019
 PPO Type : FRESH
 PPO Number : 00345832-01
 File No:
 Pension Register No:
 Pensioner's Name : **ROOH PARI**
 Father / Husband name : **BANARAS KHAN**
 Designation: COOLI
 NIC No.: 1620278746044
 Grade / Scale : 04
 Department.Min: EXECUTIVE ENGINEER C & W
 Pensioner's Type: **FAMILY**
 Pension Type: **FAMILY PENSION**
 Date of Birth : 01.12.1959
 Date of appointment: 01.04.1993
 Date of retirement: 04.12.2017
 Date of Death: 04.12.2017
 Date of commence : 04.12.2017
 Date of Restoration :
 Accounts office ID : SU
 Accounts office Name : Sawabi
 Federal / Province : Khyber Pakhtunkhwa
 Length of Qualifying Service : 24 years, 8 months, 3 days
 Old PPO Number :
 No. and Date of sanction of pension / Letter No. :
 and the date of the other Audit and Accounts officer authorising
 the Pension/Gratuity/Commutation
 Permanent Address: TOPI SWABI

*Memo
S-2903/17*

Note :
 Age : 59 years
 Last Drawn pay/Emoluments(Rs.): 18260.00
 Gross Pension(Rs.) : 10651.61
 1/4th Surrendered Portion (Rs.) : 2662.90
 Commuted Portion (Rs.) : 0.00
 Net Pension (Rs.) :
 Net Family Pension (Rs.) : 7989.00
 Amount of Commutation(Rs.) : 412066.00
 With Held Amount (Rs.) : 0.00
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Rs.) : 0.00
 Commutation Percentage : 25.00
 Commutation Table value : 12.90
 Recovery on A/C of
 Debitable to Govt : Khyber Pakhtunkhwa
 Total Net Share
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Balochistan : 0.00 Military : 0.00
 AJK : 0.00 Autonomous : 0.00
 Payment Mode :
 Bank Branch :
 Bank Account Number :
 Employee Station : PENSION

He/She is also entitled to the following increases

Sl. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2011	15.00 %	1198.35	01.08.2019
2	JUL.2015	10.00 %	918.74	01.08.2019
3	JUL.2016	10.00 %	1010.61	01.08.2019
4	JUL.2017	10.00 %	1111.67	01.08.2019
5	JUL.2018	10.00 %	1222.84	01.08.2019
6	JUL.2019	10.00 %	1345.12	01.08.2019
7	0	Rs. 0.00	0.00	
8				
9				
10				
11				
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24				
25				
26				
27				

*No 2325/2019-20
5-8-19*

A sum of Rs. 412066.00 (Rupees FOUR HUNDRED TWELV THOUSAND SIXTY-SIX) on account of commuted value of pension is also payable.

The Payment value is debitible to the head.

Major Object A04 Transfer Payments.
 Minor Object A041 Superannuation Allowance and Pens
 Detailed Object A04101 Pension
 A04102 Commuted value Pension.
 A04103 Gratuity Civil
 A04104 Other Pension
 A04105 Gratuity Pension (Where Pension is mature)
 A04170 Others

(Signature).....

(Designation).....

To
The

Signature
DAO
5/8/2018

PENSION ROLL SLIP FOR THE MONTH OF August 2019

Sawabi

Pensioner 00345832 BANARAS KHAN
CNIC 1620222333965

Bank Branch: 222438

Account No: 24387000091503

Bank Transfer: 327,591.00

Pension Payment / Recoveries Details

0110 - Monthly Pension - Family	7,989.00
0111 - Pension Increases Family	6,807.00
1599 - Medical Allow - Pensioner	1,997.00
5901 - Arrears of Pension	310,299.00
1600 - Med. All. 2015 Pensioner	499.00

Total Pension Payments	327,591.00
Total Decuctions / Recoveries	0.00

PENSION AMOUNT PAYABLE	327,591.00
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PENSION ROLL SLIP PRINTED ON 05.08.2019

AT 07:35:14

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.1198 of 2018

Mst Rooh Pari & 10-Legal Heirs
(Ex-Cooly) Late Amir Akbar
Executive Engineer C&W Division Swabi.

APPELLANT

VERSUS

- 1- Govt. of Khyber Pakhtunkhwa, through Chief Secretary Peshawar.
- 2- Secretary to Govt. of Khyber Pakhtunkhwa C&W Department Civil Secretariat Peshawar.
- 3- Executive Engineer C&W Division Swabi.
- 4- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- District Accounts Officer, Swabi.

RESPONDENT

COMMENTS ON BEHALF OF OFFICIAL RESPONDENTS NO.2 & 3
NOTE: OFFICIAL RESPONDENT AT-1 IS IRRELEVANTLY ARRAYED
IN THE PRESENT CASE

Respectfully Sheweth!


ON FACTS:

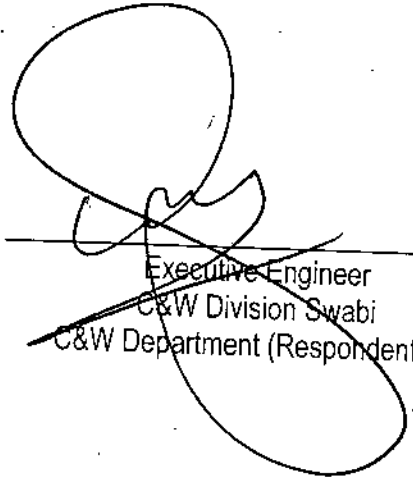
- 1- Incorrect orders is quoted. Actually the said Ex-deceased Cooly was appointed on Fixed Pay vide office Order No.2064/9-RE dated 24/6/2002 and not 28/3/1993.
- 2- Correct with further clarification that Finance Department letter dated 29/8/2008 is incorrectly quoted. The correct dated of the memo is 29/01/2008 (Annexed-I).
- 3- Correct when reported, the said Cooly is died on 10/11/2013, office order was issued on 9/12/2013 of his Death and allowing other benefits as per entitlements.
- 4- In-correct, the official Respondent-3 (Executive Engineer) processed the Pension Claim of Appellant as furnished by the family of deceased Cooly with the DAO Swabi (Respondent-5). The DAO raised certain observations and not cleared the Pension Claim at all. The last DAO Swabi (Respondent-5) when rejected such cases, the appellant alongwith others were informed vide Memo No.4093/5-E dated 25/10/2017 (Annexed-II) supported with DAO letter dated 28/10/2016 (Annexed-III).
- 5- Legal not needs to comment so far replying Respondent-2 & 3 are concerned.

ON GROUNDS:

- A. Incorrect. According to amendment i.e. THE NWFP CIVIL SERVANTS (AMMENDMENT) ACT, 2013 (Annexed-IV) giving it effect w.e.f 30-days of June, 2001, on retirement, a civil servant / his family is entitled to receive such Pension or Gratuity as may be prescribed by Law.
- B. Correct, accordingly to entitlements.
- C. Incorrectly attributed to the replying official Respondent-2 & 3. Respondent-3 acted-upon actual accordingly that is the DAO Swabi (Respondent-5) who declines.
- D. Legal. As per the Constitution of the Country, every Citizen/ Person have always to be treated with equity without discrimination, sect & cast.

In the wake of above submissions, and the case history, devoid of merits, being not submitted Pension Claim (Family), may graciously be dismissed with cost.


Secretary C&W Department
(Respondent-1)


Executive Engineer
C&W Division Swabi
C&W Department (Respondent -2)

د. کورماتہ - صوبہ سرحد
محکمہ خزانہ

مراسم سرکاری ملاو - ۱۱-۲۲-۰۸-۲۰۰۷ء تا ۲۰۰۷ء ایف۔ ڈی
موزیہ ۲۹ جنوری، ۲۰۰۸ء

بخدمت:

- ۱- تمام انتظامی معتمدین حکومت صوبہ سرحد۔
- ۲- معتمد برائے گورنر صوبہ سرحد، پشاور۔
- ۳- پرنسپل سٹاف آفیسر برائے وزیر اعلیٰ صوبہ سرحد۔
- ۴- تمام سربراہان ماتحت نگرہ جات صوبہ سرحد۔
- ۵- تمام ضلعی رابطہ انسٹان صوبہ سرحد۔
- ۶- رجسٹرار پشاور ہائی کورٹ، پشاور۔
- ۷- رجسٹرار، سرحد ٹریبیونل، صوبہ سرحد، پشاور۔
- ۸- سیکرٹری، صوبائی پبلک سروس کمیشن، صوبہ سرحد، پشاور۔
- ۹- سیکرٹری بورڈ آف ریویو، صوبہ سرحد۔

بجٹ تقریر ۲۰۰۷-۰۸ میں درجہ چہارم کے مقررہ تنخواہ والے (Fixed pay)

ملازمین کے لئے سی۔ ڈی۔ فنڈ کا اعلان۔

جناب عالی!

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حوالہ دیتے ہوئے عرض کروں کہ صوبائی حکومت نے تمام درجہ چہارم (مقررہ تنخواہ Fixed pay) والے ملازمین کو یکم جولائی ۲۰۰۸ء سے این۔ ڈبلیو۔ ایف۔ پی سول ملازمین ایکٹ ۱۹۷۳ء کے تحت سول ملازمین کا درجہ دیکر بنیادی سکیل، ۱ (BPS-1) دینے کی منظوری دی ہے۔

۲- مذکورہ ملازمین کی تنخواہوں کا تین (Fixation of pay) ان کی بھرتی کے تاریخ (Date of Appointment) سے کیا جائے گا۔ تاہم یہ ملازمین تنخواہوں اور ملازمین وغیرہ کی مد میں کسی قسم کی ہجرت جات (arrears) کے حقدار نہیں ہوں گے۔

۳- اس سلسلے میں پہلے سے جاری شدہ تمام پالیسی رہنمائی یکم جولائی ۲۰۰۸ء سے منسوخ تصور ہو گئے۔

آپ کا مخلص

مسٹر (شرافت خان ربانی)
ایف۔ ڈی۔ (۲۰۰۷-۰۸)

نقل برائے اطلاع:

- (۱) اکاؤنٹ جنرل، صوبہ سرحد، جمعہ گزارش، کہ مندرجہ بالا التزامات کی نافذ آمدنی کی پیشگی بنیاد بن جائے۔
- (۲) جملہ ایگزیکٹو ڈسٹرکٹ آفیسرز، نائن اینڈ پانچ، صوبہ سرحد۔
- (۳) جملہ ضلعی آفیسران، حیدرآباد، داری، صوبہ سرحد۔

فیروز محمد سلیمان
میزانیہ انس (۱) محکمہ خزانہ

نقل برائے اطلاع:

- (۱) نجی مستند برائے چیف ایگزیکٹو صوبہ سرحد۔
- (۲) جملہ اضافی مستندین و نامائیدہ مستندین محکمہ خزانہ، صوبہ سرحد۔
- (۳) جملہ بجٹ اینڈ سرورٹیکشن آفیسرز محکمہ خزانہ، صوبہ سرحد۔
- (۴) ڈائریکٹر، FMIU، خزانہ، صوبہ سرحد۔
- (۵) نجی مستند برائے نائن اینڈ پانچ، صوبہ سرحد۔

فیروز محمد سلیمان
میزانیہ انس (۱) محکمہ خزانہ

البرالم سید

9216455



GOVT. OF KHYBER PAKHTUNKHWA *Annex-II*
Communication & Works (C&W) Division
District Swabi.

PH:-0938-221337 Fax:-0938-221337 E-Mail:- cwd.swabi@Gmail.com

No. *4093/S-E*

Dated: *28/6/2017*

To,

- Amir*
- 1- Sher Rehman Cooly. *X*
 - 2- Naseer Muhammad Cooly. *X*
 - 3- Amir Akbar Cooly. (Diseased). *X*
 - 4- Mr. Zar Bahader Cooly. *X*

Subject:- CLEARANCE OF PENSION PAPER.

Enclosed find herewith letter No:1451/DAO/P.W/2016-17, received from District Account Officer Swabi which is self explanatory for your information and further necessary action.

D.A/As above.

Copy forwarded to the:-

- 1- District Accounts Officer Swabi with reference to above for information lease.
- 2- Gul Najab Khan President Labour Union District Swabi for information.

[Signature]
EXECUTIVE ENGINEER

[Signature]
EXECUTIVE ENGINEER

*Ubsi &
OC Swabi &*

No. 1451 /DAOP.W/2016-17
To,

Dated Swabi the 28/10/2016.

The Executive Engineer,
C&W Division Swabi.

Subject:- CLEARANCE OF PENSION PAPER.

Memo,

Please refer to the subject noted above. It is stated that in - light of Govt; of Khyber Pakhtun-Khwa Finance Department Peshawar letter No-BO1/FD/1-22/2008-09 dated 30-07-2008, where in all the Class-IV fixed servant have been regulized giving ^{them} the status of Civil servants w.e.f. 01-07-2008 (but not from the date of appointment) Therefore they are entitled for the grant of pension benefits from the date of their regulization and not for the date of their appointment.

The same reference may also be seen in Account General KPK Peshawar letter No-H-24/Fixed employee (2013-14) 2011-12 dt; 26-09-2013.

He /DAO
for info
XBN

DISTRICT ACCOUNTS OFFICER,
SWABI.

28/10/2016

FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE KHYBER PAKHTUNKHWA

Annex-IV
(1-2)

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 22/01/2013.

No: PA/Khyber Pakhtunkhwa/Bills/2013/ 2048 The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill, 2013 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 15th January, 2013 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th January, 2013 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

118
civil ser
Act, 1973

THE KHYBER PAKHTUNKHWA CIVIL SERVANTS
(AMENDMENT) ACT, 2013

(KHYBER PAKHTUNKHWA ACT NO. III OF 2013)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the 22/01/2013).

(Here print as in the accompaniment).

Nura-eet

SECRETARY,
Provincial Assembly of Khyber Pakhtunkhwa.

AN
ACT

further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973.

Preamble. WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) for the purposes hereinafter appearing:

It is hereby enacted as follows:

1. Short title and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013.

(2) It shall come into force at once and shall be deemed to have taken effect from 30th day of June, 2001.

2. Substitution of section 19 of Khyber Pakhtunkhwa Act No. XVIII of 1973.---In the Khyber Pakhtunkhwa Civil Servants Act (Khyber Pakhtunkhwa Act No. XVIII of 1973), for section 19, the following shall be substituted, namely,-

"19 Pension and gratuity.--- (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed.

(2) In the event of death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension or gratuity, or both, as may be prescribed.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but government may sanction compassionate allowance to such civil servant, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of Pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity, and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family:

Provided that those who are appointed in the prescribed manner to a service or post on or after the 1st July, 2001 till 23rd July, 2005 on contract basis shall be deemed to have been appointed on regular basis:

Provided further that the amount of Contributory Provident Fund subscribed by the civil servant shall be transferred to his General Provident Fund.

(5) In case any difficulty arises in giving effect to any of the provisions of this section, the Secretary to Government, Establishment Department shall constitute a Committee comprising of the Secretary to Government, Finance Department, Secretary to Government Law Department and Accountant General, Khyber Pakhtunkhwa for removal of the difficulty."

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa