


1st August, 2023 1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Anees Kalim, SDO, Mansoor Qadir, S.E HQ and Awais, Superintendent for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 12.09.2023 before D.B. P.P given to the parties.

SCANNED
KEST
Peshawari

KaleemUllah


(Fareeha Paul)
Member (E)



(Rashida Bano)
Member (J)

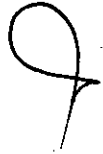
2023-08-01
10:00 AM

12th April, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Anees Kaleem, SDO (C&W) for the respondents present and is again directed to produce the order, if any cancelling/withdrawing the appointment of the appellants in all the twenty cases on 02.06.2023 before D.B. The office is directed to relist the appeals before any available Bench Parcha Peshi given to the parties.

SCANNED
K. S. T
Peshawar


(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman


*kamran ullah

02.06.2023

Learned counsel for the appellant present. Mr. Anees Kaleem, SDO, Mansoor Qadir, Superintendent Engineer Headquarter and Mr. Muhammad Owais, Superintendent alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and stated at the bar that any order regarding cancellation or withdrawal of the order of offer of appointment is not available on their record. The appeal in hand was partially heard by a bench comprising one of us (Salah-ud-Din) Member (Judicial) and worthy Chairman therefore, the same may be fixed before the said bench. Adjourned. To come up for arguments before the concerned bench on 01.08.2023. Parcha Peshi given to the parties.

SCANNED
K. S. T
Peshawar


(Fareeha Paul)
Member (I)

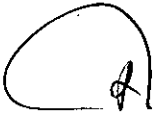

(Salah-ud-Din)
Member (J)

28. 02. 2023

Counsel for the appellant present. Mr. Umair Azam, learned Additional Advocate General alongwith Anees Kaleem, SDO (C&W) for respondents present.

The appeal in hand was partially heard by a bench comprising of Mr. Kalim Arshad Khan, Chairman and Mr. Salah-Ud-Din learned Member (Judicial), but today concerned bench is not available, therefore, the same may be fixed for the concerned bench on 12.04.2023. P.P given to the parties.

SCANNED
BY
POSTAWAY



(Rozina Rehman)
Member (J)




(Kalim Arshad Khan)
Chairman


12th April, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Anees Kaleem, SDO (C&W) for the respondents present.

2. In view of the previous order sheet this matter was to be placed before a Bench of Chairman and Mr. Salah-ud-Din, learned Member (Judicial) which bench is coincidentally working as special D.B today, therefore, be placed before the said Bench for today.



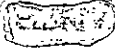
(Muhammad Akbar Khan)
Member (E)



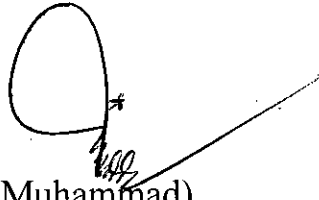
(Kalim Arshad Khan)
Chairman

09.01.2023

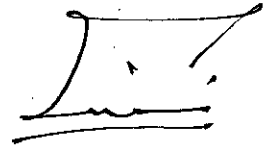
Learned counsel for the appellant present. Mr. Anees Kaleem, SDO alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

The appeal in hand was partially heard by a bench comprising one of us Mr. Salah-ud-Din  Member (Judicial) and Worthy Chairman, therefore, the same may be fixed before the concerned bench on 01.02.2023.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

1st Feb, 2023

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

The appeal in hand was partially heard by a bench comprising one of us Mr. Kalim Arshad Khan, Chairman and Mr. Salah-ud-Din learned Member (Judicial), therefore, the same may be fixed before the concerned bench on 28.02.2023.

SCANNED
KPST
Peshawar



(Muhammad Akbar Khan)
Member (E)

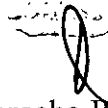


(Kalim Arshad Khan)
Chairman

22nd Nov, 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt: Addl: AG for respondents present.

Arguments to some extent heard. Learned AAG sought some time to further prepare the case. To come up for arguments on 28.11.2022 before D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

28th Nov. 2022

Clerk of counsel for the appellant present. Mr. Muhammad Riaz Khan, Assistant Advocate General for the respondents present.

SCANNED
POST
Peshawar

Clerk of learned counsel for the appellant seeks adjournment due to engagement of learned senior counsel for the appellant in Honourable High Court today. Last opportunity is granted on payment of cost of Rs. 1000/- to be paid by the appellant on the next date. To come up for arguments and cost on 09.01.2023 before the D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

A. No. 437/2015
Sajid Khan vs Govt

20.09.2022

Learned counsel for the appellant present. Mr. Anees Kaleem, Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Vide previous order sheet, time was granted to respondents for production of any order passed by competent Authority regarding recalling/cancellation of appointment order of the appellant as well as other concerned record, however representative of the respondents again sought time for production of the same. Last opportunity given. To come up for production of said record as well as remaining arguments before the concerned D.B on 12.10.2022.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

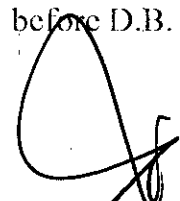
12th Oct, 2022

Learned counsel for the appellant. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Anees Kaleem, SDO for respondents present.

Arguments could not be heard due to paucity of time. To come up for arguments on 22.11.2022 before D.B.



(Farecha Paul)
Member(Executive)

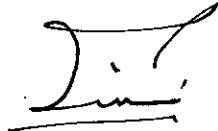


(Kalim Arshad Khan)
Chairman

Appeal No. 437/15
Sajid Khan vs PBMC

25th July 2022 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant seeks adjournment in order to prepare the brief of the instant appeal. Adjourned. To come up for arguments on 27.07.2022 before the D.B.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

27th July 2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Ms. Maham, SDO and Muhammad Owais, Superintendent for respondent present.

Arguments heard to a great extent. During the arguments, question of legality of the appointment order was seriously agitated and argued. The Tribunal put a query whether the appointment order issued to the appellant was cancelled/recalled, on which the representatives of the respondents and learned Additional Advocate General sought some time to dig out the record regarding the above fact because the office of SE C&W was shifted twice in the meantime. Let, in the interest of justice, time be given to them to produce any document showing that the orders of appointment of the appellants were recalled/cancelled and also to produce the copies of the other relevant record. To come up for production of record as well as remaining arguments on 20.09.2022 before the D.B.



(Salah-Ud-Din)
Member (J)





(Kalim Arshad Khan)
Chairman

31.08.2021

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant submitted paper book consisting of 114 sheets, which is placed on record and copy of the same handed over to learned Deputy District Attorney, who sought time for adjournment to go through the paper book submitted by learned counsel for the appellant today. Adjourned. To come up for arguments before the D.B on 01.11.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

01.11.2021

Junior to counsel for appellant present.

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

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 03.12.2021 before D.B.


Chairman

3.12.21

Proposed D.B. on 10-2-22, therefore case is adjourned to 10-2-22 for final

2-22

Due to Retirement of the Hon.ble Chairman the case is adjourned to come up for the next D.B. 10-5-22



Appeal No. 437/2015
Sajid Khan vs Govt

28.12.2020

Due to summer vacation, case is adjourned to
15-3.2021 for the same as before.

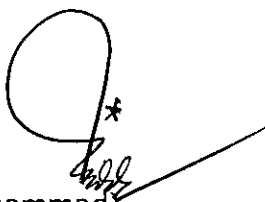

Reader

15.03.2021

Counsel for the appellant and Mr. Muhammad Rashid,
DDA for the respondents present.

Former requests for adjournment as he has not
prepared the brief.

Adjourned to 29.04.2021 before D.B.


(Mian Muhammad)
Member(E)


Chairman

29.4.2021

Due to COVID-19, the case is adjourned
to 31-8-2021 for the same.

27.10.2020

Proper D.B is on Tour, therefore, the case is
adjourned for the same on 28.12.2020 before D.B.

A handwritten signature in black ink, appearing to be 'Reader', written over the printed name.

Reader

9-4 .2020

Due to COVID19, the case is adjourned to

7/7/2020 for the same as before.


Reader

07.07.2020

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

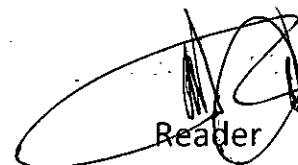
On 04.10.2019 the appellant was imposed upon cost of Rs. 3000/- which still remains to be deposited. As the appellant is not in attendance today the matter is adjourned to 28.08.2020 before D.B.


Member


Chairman

28.08.2020


Due to summer vacation, the case is adjourned to 27.10.2020 for the same as before.


Reader

01.01.2020

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.02.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

07.02.2020

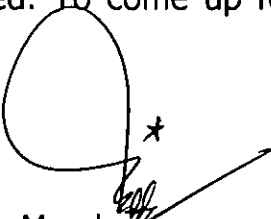
Counsel for appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 02.03.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

02.03.2020

Appellant in person present. Mr. Kabirullah, Addl: AG for respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 09.04.2020 before D.B.


Member


Member

07.11.2019


Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 08.11.2019 before D.B.


Member

Member

08.11.2019

Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 27.12.2019 before D.B.


Member


Member

27.12.2019

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 01.01.2020 before D.B.


Member


Member

Appeal No. 437/2015
Sajid Khan vs P.B.M.C

05.08.2019

Junior to counsel for the appellant present. Mr. Zia Ullah

learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 27.09.2019 before D.B


Member


Member

27.09.2019

Counsel for the appellant present. Learned Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 04.10.2019 before D.B.


Member


Member

04.10.2019

Appellant in person present. Addl: AG alongwith Mr. Jawad Hamid, SDO for respondents present. On the previous date of hearing on the request of learned counsel for the appellant, the case was fixed for hearing today. Even previously, the case was previously adjourned on 18.12.2018, 24.01.2019, 27.03.2019 and 05.08.2019 on the explicit request of the learned counsel for the appellant. Today, the appellant informed that his counsel was busy before the august Supreme Court of Pakistan. Last opportunity is granted for arguments but at cost of Rs. 3000/- which to be paid by the appellant to the respondents. To come up for further proceedings on 07.11.2019 before D.B.


Member


Member

31.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 18.12.2018.

READER

18.12.2018

Mr. Taimur Ali Khan, junior counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 25.01.2019 before D.B.



(Hussain Shah)



(Muhammad Amin Khan Kundi)

24.01.2019

Learner Counsel for the appellant and Mr. Zia Ullah learned Deputy Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.03.2019 before D.B


Member
Member

27.03.2019

Mr. Taimur Khan, junior counsel for the appellant and Kabirullah Khattak, Additional AG for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court and cannot attend the Tribunal today. Adjourned. To come up for arguments on 12.06.2019 before D.B.



(HUSSAIN SHAH)
MEMBER


(M. AMIN/KHAN KUNDI)
MEMBER

12-6-2019

The Bench is incomplete therefore,
Case is adjourned to 5-8-2019


Reader

30.03.2018

Counsel for the appellant and Addl. AG for respondents present. On 02.03.2018, the appeal was partly heard and the department was directed to produce the application of class-IV employees but the department has not produced the application today. This appeal be fixed before the same bench who heard the case on 02.03.2018. To come up for such record and further arguments before the said bench on 03.05.2018.


Member


Chairman

03.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 19.07.2018 before D.B


Reader

19.07.2018

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney, for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

10.09.2018

Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant furnished photocopies of documents which are placed o file. Adjournment requested. Adjourned. To come up for arguments on 31.10.2018 before D.B

(Hussain Shah)

(Muhammad Hamid Mughal)

09.01.2018

None present for the appellant and Mr. Kabir Ullah Khattak, AAG alongwith Mr. Muhammad Hamid Zia, SDO for the respondents present. Departmental representative produced record today. Copy provided to learned counsel for the appellant. Learned AAG seeks to study the record. To come up for arguments on 08.02.2018 before D.B.


Member


Chairman

08.02.2018

Counsel for the appellant and Addl. AG alongwith Muhammad Hamid Zia, SDO for the respondents present. Due to shortage of time, arguments could not be heard. To come up for arguments on 02.3.2018 before the D.B.


Member


Chairman

02.03.2018

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present. Part arguments heard. This Tribunal reaches the conclusion that record pertaining to application of the class IV employees must to be produced in order to ascertain whether those applications were requitioned through District Employment Exchange or not. To come up for further arguments and order on 30.03.2018 before this D.B.


(Ahmad Hassan)
Member



Chairman

16.11.2017

Counsel for the appellant and Addl. AG alongwith Muhammad Hamid Zia, SDO for the respondents present.

The learned counsel for the appellant referred to a summary moved to the Chief Minister on the basis of which the persons responsible for appointment were exonerated. In order to decide this appeal, the annexures flagged with the summary are not before this Tribunal. The department is directed to produce the documents attached with the summary on the next date. To come up for arguments on 14.12.2017 before the D.B.



Member


Chairman

14.12.2017

Counsel for the appellant and Addl. AG alongwith Muhammad Hamid Zia, SDO for the respondents present. Departmental representative brought the file of disciplinary proceedings but during arguments, the file of meeting of DSC dated 14.1.2013 or any other date mentioned in the appointment order of the appellant should be produced on the next date. To come up for record and arguments on 09.01.2018 before the D.B.


Member


Chairman

27.04.2017

None present on behalf of the appellant. Mr. Muhammad Hamid Zia, SDO alongwith Additional AG for the respondents present. Record not produced despite last chance. One more chance is granted at the cost of Rs. 100/- which shall be borne by the respondents from their own pockets. To come up for record, cost and final hearing on 06.07.2017 before D.B.

Member

Chairman

Note Below
27.04.2017

Representative of the respondents turned up later on and submitted departmental record which is placed on file. To come up for cost and final hearing on 06.07.2017 before D.B.

Member

Chairman

12. 06.07.2017

Counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG alongwith Mr. Zia Ahmad Khan, SDO for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 03.11.2017 before D.B.

(Gul Zeh Khan)
Member

(Muhammad Hamid Mughal)
Member

03.11.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl AG for the respondents present. The learned AAG seeks adjournment. To come up for arguments on 16.11.2017 before the D.B.

Member

Chairman

20.10.2016

Counsel for the appellant and Addl: AG for respondents present. During the course of arguments learned counsel for the appellant submitted that record of summary dated 30.04.2015 in case of Shams-uz-Zaman Director Technical Education who was exonerated may be requisition which is very material for proper decision in these appeals. The respondent-department is directed to produce the same record on the next date. To come up for such record and arguments on 26.01.2017.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER.

26.01.2017

Counsel for the appellant and Mr. Lal Pio Khattak, Supdt. alongwith Addl. AG for respondents present. Representative of the respondents failed to produce the record as requisition on previous order sheet and requested for adjournment. Last chance is given to him. Learned counsel for the appellant placed on file the summary vide which the officials were exonerated. 27.4.17

31.01.17




(AHMAD HASSAN)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER


26.11.2015


Agent of counsel for the appellant, M/S Muhammad Arif, SDO and Lal Paio Khan Khattak, Supdt. alongwith Addl: A.G for respondents present. Comments submitted. The appeal is assigned to D:B for rejoinder and final hearing for 11.4.2016.


Chairman

11.04.2016

Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted, copy whereof handed over to learned Addl: AG. To come up for arguments on 1-8-16.


Member


Member

01.08.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 20-10-16 before D.B.


MEMBER


MEMBER

3.

28.05.2015

Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned to 11.06.2015 for preliminary hearing before S.B.


Chairman

4

11.06.2015

Counsel for the appellant and Assistant A.G for respondents present. Learned counsel for the appellant argued that the initial appointment order of the appellant was controverted by the respondents compelling the appellant to finally approach this Tribunal. That vide judgment dated 19.2.2015 this Tribunal directed the respondents to treat the service appeal as departmental appeal and pass order deemed appropriate. That vide impugned order dated 24.3.2015 the appellate authority has rejected the said appeal treated as departmental appeal and hence the instant service appeal.

That the appellant was lawfully appointed and the impugned order is against facts and law and therefore liable to be set-aside.

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 for 21.9.2015. Notice of stay application be also issued for the date fixed.


Chairman

5

21.09.2015

Agent of counsel for the appellant and Assistant AG for respondents present. Written reply not submitted. Requested for further adjournment. To come up for written reply/comments on 26.11.2015 before S.B.




Chairman

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 437/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.05.2015	<p>The appeal of Mr. Sajid Khan resubmitted today by Mr. Asad Jan Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-5-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>


SCANNED
MEST
Peshawar

The appeal of Mr. Sajid Khan son of Akhtar Zaman received to-day i.e. on 22.04.2015 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of judgment/ order passed by this Tribunal dated 02.02.2015 mentioned in para-8 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 3- Annexures of the appeal may be attested.
- 4- Page Nos. 23 to 27 and 29 of the appeal are illegible which may be replaced by legible/better one.

No. 603 /S.T,

Dt. 24/4/2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Asad Jan Adv. Pesh.

1. Place on file.
2. Annexures of the appeal are annexed serial wise as mentioned in the memo of appeal.
3. All the Annexures of the appeal are attested.
4. Page Nos 23 to 27 and 29 of the appeal are legible.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

SAJID KHAN

VERSUS

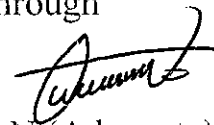
Appeal no. 437/2015

SUPERINTENDENT ENGINEER PBMC COMMUNICATION AND
WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK
AND OTHERS.

INDEX

P. No	Description of document	Annexure	page no.
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2.	Affidavit		<i>6- 7</i>
3.	Medical certificate.	A	<i>8</i>
4.	Copies of the appointment letters, arrival report and service book.	B, C & D.	<i>9- 14</i>
5.	Copy of the writ petition and order dated 27-01-2014	E & F.	<i>15- 22</i>
6.	Copy of the appeal/ representation	G.	<i>23</i>
7.	Copy of the D.S.C. dated 14-01-2013, D.S.C. 28-06-2013	H & I.	<i>24- 28</i>
8.	Appointment letter of Noor Akber.	J.	<i>29- 33</i>
9.	Wakalat nama.		<i>34</i>

Through



ASAD JAN (Advocate)

Supreme court of Pakistan)

OFFICE: ROOM NO. 211 AL-MUMTAZ
HOTEL HASHTNAGRI PESHAWAR.

Dated: 20/04/2015

1

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

S.A. NO...437.. /2015

SAJID KHAN S/O AKHTER ZAMAN R/O VILLAGE JHANSA P.O
KALABAGH NATHIAGAI ABBOTTABAD.....APPELLANT

K.P. Province
Service Tribunal
Diary No. 391
Dated 22-4-15

VERSUS

1. SUPERINTENDENT ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
2. EXECUTIVE ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
3. ASSISTANT DIRECTOR, 1V PBMC C&W DEPARTMENT PESHAWAR PROVINCIAL BUILDING MAINTENANCE CELL BACHA KHAN CHOWK PESHAWAR.
4. SECRETARY C&W KHYBER PAKHTOON KHWA PESHAWAR.
5. SECTION OFFICER (ESTABLISHMENT) SECRETARIAT KPK PESHAWAR.

.....RESPONDENTS

APPEAL U/ S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER DATED 24/03/2015 WHEREBY THE APPEALS OF APPEALANT SEND BY THIS HON'BLE COURT/TRIBUNAL TO APPELLATE AUTHORITY/RESPONDENT WAS DISMISSED.

Prayer in appeal

ON ACCEPTANCE OF THIS APPEAL, THE OFFICE ORDER DATED 24/03/2015 BE SET ASIDE AND THE WITHHELD SALARIES OF THE APPELLANT SINCE APPOINTMENT AND ARRIVAL REPORT FOR DUTIES BE PAID ALONG WITH ALL BACK BENEFITS.

Filed to
Registrar
22/4/15
No-submitted to-day
and filed.
Registrar
15/5/15

Respectfully sheweth.

2

1. That the appellant is law abiding citizen of Pakistan.
2. That the appellant was appointed in the respondents on post of Electrician (BPS-05) vide order dated Peshawar the 23-01-2013 passed by respondent no-5 after approval by the D.S.C. in the meeting held on 14-01-2013.
3. That the appellant accordingly carried out his medical from Service Hospital Peshawar.

(Copy of the medical report is annexed)

4. That the appellant has there after made arrival report on 23-01-2013.
5. That appellant furnished service book with medical certificate along with arrival report which were duly entered and certified by the Superintending Engineer and Executive Engineer.

(Copies of the appointment letters and arrival report and service book are annexed here with)

6. That the appellant performing his duties with full diligent and devotion since from the date of his arrival, but the respondents were not paying his monthly salaries to the appellant with out any cogent reasons, therefore appellant has instituted a writ petition before Peshawar high court Peshawar, however the respondent due to institution of the writ petition have become biased and even started not allowing appellant and his others colleagues to duties and created problems in this regard due to malafide reasons and at the time of arguments their lord ships were of the view that pay being falls within terms and condition of service therefore to withdraw the writ petition and to move the service tribunal KPK, hence the writ petition was withdrawn with permission to move the proper forum which was not objected by learned A.A.G.

(Copy of the writ petition and order dated 27-01-2014 are annexed)

7. That the appellant has also approached the then superintendent for the release/payment of his salaries but nothing has been paid, despite the legal rights of the appellant

(Copy of the appeal/ representation is annexed)

8. That this hon'able court was thereafter approached in this Hon'able Tribunal vide order dated 19/02/2015 treated appellant appeal as a department appeal and Respondent were directed to decides the appeal with one month after its receipts filing which there appeal shall be deemed to have excepted by this Tribunal (Copy of orde is 19/02/2015 annexed).
9. That the Respondent through illegal order dated 24/03/2015 without the following the proper and legal procedure rejected appellants appeal (Copy of office order dated 24/03/2015 annexed).
- 10 That due to above mentioned appellant prefer this appeal on the following grounds amongst others:-

GROUND

1. That due to non payment of the salaries, appellant has not been treated in accordance with law, and his right secured and guaranteed under the law have been violated by not releasing his salaries and issuance of appointment letter have created valuable right in favour of appellant and those rights can not be taken away in the manner respondents are adopting.
2. That the discrimination as observed by the respondents with appellant is highly deplorable and condemnable, being unlawful, unconstitutional, without authority, without jurisdiction, against the norms of natural justice and equity and against the law on subject, hence liable to declared as such.
3. That respondent are not acting in accordance with law and are taking illegal acts with ulterior motive and malafide intention by not releasing appellants salaries which are stopped without any cogent reason since date of appointment / arrival report.
4. That the appellant was recommended for appointment as per DSC held on 14-01-2013 but are not being paid salaries though to three officials namely (i). Said Rasan (ii). Waqar.Ul.Islam (iii). Riaz Khan mentioned in the

4

same D.S.C. were later on paid and even fresh appointment made of one Noor Akbar S/O Haji Akbar R/O village Akazai Tehkal Bala Peshawar on recommendation of D.S.C. held on 28-06-2013 in the same manner of appointment as of appellant was also made payment of salaries but appellant is treated discriminately which is not permissible under the law. **(Copy of the D.S.C. dated 14-01-2013 and dated 28-06-2013 along with appointment of Noor Akbar are annexed)**

5. That appellant is entitled for the receipt of his salaries and the act of respondent by not paying the same is against the law and rules and as such the respondents are under the legal obligation to pay salaries to appellant as per the appellant appointment order.
6. That the act of respondents by not allowing appellant to his duties due to institution of writ petition for salaries and others legal rights are based on malafide and illegal because demand of salary/ pay is a legal right.
7. That the respondent have not decided the appeal of Appellant within the time frame given by this Hon'able Tribunal and has violated the order of this Hon'able court/tribunal because clear cut direction was passed in the presence of Mr.Usman Ghani Sr. GP with Muhammad Arif SDO for the official respondents, the respondent failed to decide the departmental appeal within stipulated period.
8. That till date the impugned order was not communicated to the appellant nor the same addressed to the appellant, nor any copy given to the appellant and no opportunity of hearing was given to the appellant.
9. That appellant was condemned in hered.
10. That impugned order was passed by incompetent authority.

5

11. That till date appointment order of the appellant has neither been cancelled nor withdrawn.
12. That on the principle of locus poententia, the appellant is entitled to perform duties and to get his salaries.
13. That no proper inquiry, show cause notice, formal charge along with charge sheet was issued to the appellant.
14. That no opportunity of personal hearing given to the appellant.
15. That the impugned order is based on malafide with ulterior motive.
16. That the other grounds will be raised at the time of argument.

It is therefore requested that on acceptance of instant appeal, the impugned order 24/03/2015 be set aside and declare without lawful authority unlawful respondent be directed to pay the withheld salaries since arrival report for duty till date and onward and not to create illegal hurdle in the way of performance of duties as well as to restrain respondents from taking any discriminatory action against appellant with such other relief as may be deemed proper and just in circumstances of the case.

S. Jan
Appellant
Through
Asad Jan

ASAD JAN (advocate Supreme court of Pakistan)

Dated: 20/04/2015

AFFIDAVIT

Declared on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed or kept secret from this Hon, able court.

S. Jan
DEPONENT

ATT
District Court
District Court
District Court

6

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

SAJID KHAN

VERSUS

SUPERINTENDENT ENGINEER PBMC C& W AND OTHERS.

PETITION FOR GRANT OF INTERIM RELIEF IN FAVOUR OF THE PETITIONER AGAINST RESPONDENTS TO THE EFFECT THAT THE RESPONDENTS BE RESTRAINED FROM FILLING THE POST IN QUESTION or taking any adverse action against the petitioner TILL FINAL DECISION OF THE APPEAL.

Respectfully Sheweth!

1. That the above titled service appeal has been filed before this honorable court in which no date of hearing yet been fixed.
2. That the respondents are bent upon to fill the post on which the appointment order of the petitioner has been issued and the respondents are bent upon to adjust their dearer and nearer with malafide reasons.
3. That the petitioner performing his duties with full diligent and devotion since from the date of his arrival but the respondents were not paying his monthly salaries to the petitioner, since from his appointment and till Hence, the petitioner has filed the writ petition before Peshawar high court Peshawar.
4. That the respondents now due to the filing of the above titled writ petition creating hurdle for the petitioner and not allowing him to perform his duty.
5. That the due to appointment order, copies of the appointment letters and medical report as well as arrival report and service book the petitioner is got prima facie case, balance of convenience also lies in favour of the petitioner, more over if the instant petition is not accepted the petitioner will irreparable loss.
6. That there is no legal bar on the acceptance of this petition rather the same is in the interest of justice.
7. That the act of respondents by not allowing appellat to his duties due to institution of writ petition for salaries

7

and others legal rights are based on malafide and illegal because demand of salary/ pay is a legal right.

8. That others grounds will be raised at the time of arguments.

It is therefore requested that on acceptance of instant petition relief in favour of the petitioner against respondents to the effect that the respondents may kindly be restrained from *filling the post in question or taking any adverse action against the petitioner till final decision of the appeal* in the interest of justice and other relief for which the petitioner entitled may also be granted.



Petitioner

Through



ASAD JAN (Advocate supreme court of Pakistan)

Dated: 20/04/2015

AFFIDAVIT

Declared on oath that the contents of this petition are true and correct to the best of my knowledge and belief and that nothing has been concealed or kept secret from this Hon, able court.



DEPONENT

ATTESTED
Mukhtar Ahmad
Cath. C. ...
District C. ...
20/04/2015

ME. ICAL CERTIFICATE

8 ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~

Annoude A³

Name of official Mr. Sajid Khan

Caste or race Muslim

Father's name Akhtar Zaman

Residence Park - Mangem - Callary H. No A-1
Teh & Dist Dera

Date of birth 15.2.1987

Exact height by measurement 5-6

Personal mark of identification nil

Signature of the official [Signature]

Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. Sajid Khan a candidate
for employment in the Office of the POB MEDICAL W BAPT
and cannot discover that he had any disease communicable or other constitutional affection or bodily
infirmity except nil

I do not consider this as disqualification for employment in the office of the _____
His age according to his own statement 26 year and by appearance about
year 26

[Signature]
MEDICAL SUPERINTENDENT,
CIVIL HOSPITAL Police Services Hospital
Peshawar.

Attested to be
True Copy

ASAD JAN
(Judge High Court)
X-CJ/JMIC

LEFT HAND THUMB AND FINGER IMPRESSIONS



ATTESTED
[Signature]
ASAD JAN

(Judge High Court)

OFFICE OF THE SUPERINTENDING ENGINEER PBMC,
COMMUNICATION & WORKS DEPARTMENT,
KHYBER PUKHTUNKHWA, PESHAWAR.

No. 1795 /41-E,
Dated Peshawar the, 23/1/2013

Annexure B-9

9

Mr. Sajid Khan S/O Akhter Zaman
R/O Village jhansa PO kalabagh Nathiagai, Abbottabad.

Subject: APPOINTMENT AS ELECTRICIAN (BPS-05) HOUSEHOLD STAFF IN PBMC,
COMMUNICATION & WORKS DEPARTMENT PESHAWAR.

As approved by the DSC in its meeting held on 14-01-2013, you are hereby offered the post of Electrician (BPS-05) i.e. Rs.(5400-260-13200) under the Rules 10 (4) of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, against the Existing vacancy on the following terms and conditions:-

1. Your services are liable for termination on one month's notice.
2. In case you wish to resign at any time one month's notice will be necessary or in lieu thereof one month pay shall be forfeited.
3. You will have to produce a medical certificate of fitness from the Medical Superintendent / Civil Surgeon Peshawar.
4. You will have to serve as house keeping/non house keeping employee any where in Khyber Pakhtunkhwa and against any post of equivalent status.
5. You will join duty on your own expenses.
6. Your appointment to the above post is subject to the eligibility and production of original certificate of qualification/experience, domicile, NIC and other documents.
7. You are appointed on probation period of one year.

According to Provincial Govt. orders notified vide No. SOR-VI (E&AD) 1-13/2005, dated 10/8/2005 and Section Officer (Accounts)PBMC/AD/BUDGET/3-2/2005/P-VI, date 26/6/2006, you will not be entitled for pension gratuity but will contribute CP Fund @ 10% from your pay and 10% will be contributed by the Govt. of Khyber Pakhtunkhwa in lieu thereof.

If you accept the offer on the above terms and conditions, you should report for duty in the office of the Executive Engineer PBMC C&W. Department Peshawar.

ENGR: SHAMS UZ ZAMAN,
SUPERINTENDING ENGINEER.

Copy forwarded for information to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Executive Engineer PBMC C&W Department Peshawar.
3. Section Officer (E) C&W Department Peshawar.
4. Case 41-E

Attested to
ASAD JAN
(Advocate High Court)
K-CJ/110

SUPERINTENDING ENGINEER

ATTESTED
ASAD JAN
(Advocate High Court)
K-CJ/110

خدمت عذاب ایلین بی بی الیم بی بی اور

Ammeuse جناب عالی

قائمہ بیوروٹ

صین ساجد خان ولد افسر زمان

بمطابق آرڈر نمبر 41E/1795 تاریخ 23/01/13

روز آج صبح مورخہ 29/01/2013 کو ڈیوٹی

پر حاضر ہوا۔

PP-450/9-E
13/2/2013 (معارض)

آپ کا بھائی ساجد خان

[Signature]

17301-8875462-3

Attested to be
True Copy

[Signature]

Advocate (High Court)
BARRISTER

ATTESTED

[Signature]

ATTESTED

[Signature]

ASAD JAN
Advocate (High Court)
BARRISTER

SERVICE BOOK

Amended: D

OF

Mr. Gajid Khan Ujja
S/o Ahther Zaman
Designation Electrician
Department P.B.M.C. C&W Deptt. Peshawar

Attested

[Signature]

[Signature]

Attested to be
True
ASA
Advocate High
K-C/J/MIC

Price : Rs. 50/-

63 12

Hairs:

1. _____
2. _____
3. _____

Verification Roll No. _____ dated _____ received back _____

Left Thumb Impression

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. Or B.A.	
Urdu		Pleadership examination	
Plan-drawing		Training School Final examination	
Finger Print		Other qualification:—	
Drill Instructing			
Court Duties			
Reserve Duties			

Stamp: *[Illegible]*
[Signature]
 Stamp: *[Illegible]*

Attested
 True
 ASAD
 Advocate High Court
 K-CH/MIC

Line to be drawn under the qualification possessed.

ATTESTED
[Signature]
 (Adv)

1.
2.
3.
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5.
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8.
9.
10.

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

(12) (13)

1. Name: Said Khan

2. Race: Muslim

3. Residence: village Thansa P.O. Kalabagh Nathia Jali
Abbottabad


4. Father's name and residence: Abdul Zaman


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


6. Exact height by measurement:


7. Personal marks for identification:

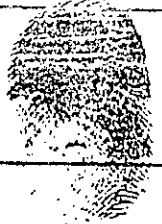
8. Left hand thumb and finger impression of (Non-Gazetted) officer:

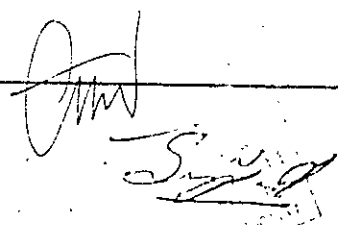
Little Finger 

Ring Finger 

Middle Finger 

Fore Finger 

Thumb 

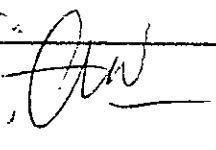


9. Signature of Government Servant:

10. Signature and designation of the Head of the Office, or other Attesting Officer.


MAGISTRATE

Magistrate
P.M.C. & W. Dept.
Abbottabad

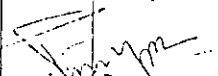
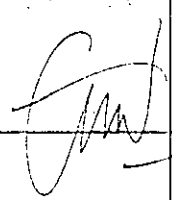

MAGISTRATE

RECORDED
JAN 1950
MAGISTRATE


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 "I"	Date of appointment	Signature of Government Servant.
<i>Lectrification</i>							
<i>PS 05</i>							
<i>400-260-13200</i>			<i>540/-</i>				


Signature of the or other in co



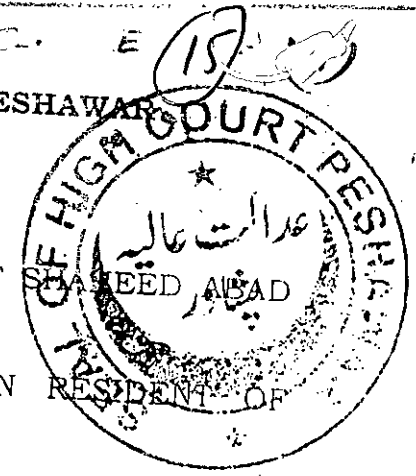
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or 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 debitabale to another Government			
					Period			Government to which debitabale
				Appointed as Electrician				
				BPS 05 (5400-260-13200) vide				
				SE PBMC ofo No. 1795/41-R				
				Dated 23/1/2013 by. Reported				
				for duty 29/1/2013				
				 Executive Engineer PBMC C&W Deptt. Peshawar				
								

Attested to be
True Copy
AS AD JAF
Advocate High Court
Peshawar



ATTESTED

 JAF
 Peshawar

IN THE COURT OF PESHAWAR HIGH COURT PESHAWAR



Amolite E

Writ Petition No. ----- / 2013

1. MR. ASAD SON OF SANAB GUL RESIDENT OF KHAISHKI NOWSHERA.
2. MR. NAVID-UR-REHMAN S/O FAIROAZ KHAN RESIDENT OF VILLAGE TEHKAL BALA, PESHAWAR.
3. MR. RUHULLAH SON OF SHAFIQUR REHMAN RESIDENT OF SARBAND BARA ROAD DISTRICT, PESHAWAR.
4. MR. HUSSAIN KHAN SON OF RAJ WALI VILLAGE AMANKOT, DISTRICT NOWSHERA.
5. MR. YASIR MUBARAK SON OF MUBARAK SHAH RESIDENT OF PARAM KORONA DISTRICT NOWSHERA.
6. MR. SHAHABUDDIN SON OF NASRAT GUL RESIDENT OF VILLAGE SURIZAI PESHAWAR.
7. MR. MUZZAFFAR SON OF HIDAYATULLAH RESIDENT OF VILLAGE QAYYUM ABAD PO UMERZAI CHARSADDA.
8. MR. MUFTI ASIF MANSOOR SON OF MUFTI JAN GUL RESIDENT OF MOHALLAH ISLAMABAD BAIROGN LAHOORI PESHAWAR.
9. MR. ALAMGIR KHAN SON OF MUHAMMAD AJMAL RESIDENT OF CANAL COLONY BEHIND SECONDARY BOARD PESHAWAR.
10. MR. TAHIR HUSSAIN SHAH SON OF NOOR HASAN RESIDENT OF VILLAGE DAG, PESHAWAR.
11. MR. AFTAB SON OF ZAHID RASHEED RESIDENT OF SHAH MUHAMMAD GHARI, PESHAWAR.
12. MR. ASFANDYAR SON OF FIR MUHAMMAD RESIDENT OF BARA BANDA RISALPUR.
13. MR. HABIBULLAH SON OF NASRULLAH RESIDENT OF SHAHAE KHEL DISTRICT, PESHAWAR.
14. MR. KHURRUM SON OF MASOOD AHMAD RESIDENT OF FIDA ABAD BERON YAKA TOOT, PESHAWAR.
15. MR. WAREEDULIYAH SON OF GUL ZADA RESIDENT OF PASANI BALA MATTANI DISTRICT, PESHAWAR.
16. MR. HASSAN DAD SON OF RAHIM DAD RESIDENT OF VILLAGE BANDA DISTRICT, NOWSHERA.
17. MR. SALJAD KHAN SON OF AKHTER ZAMAN RESIDENT OF VILLAGE GHANSA PO KALYABGH NATHIAGAI RESIDENT OF ABBOTTABAD.

Attested to be

ASAD JAN

ASAD JAN
(Advocate High Court)
E-C/MIC

ATTESTED
ASAD JAN
Advocate High Court
E-C/MIC

ATTESTED
PESHAWAR

- 16
18. MR. MUHAMMAD TANWEER SON OF SALEEM KHAN
RESIDENT OF DHERI ISHAQ DISTRICT NOWSHERA.
 19. MR. ASIF ALI SON OF MUSHTAQ HUSSAIN RESIDENT OF
GHARI SAIDAN.
 20. MR. RAEES KHAN SON OF MUNEER KHAN RESIDENT OF
VILLAGE DAG DISTRICT, PESHAWAR.
 21. MR. MUHAMMAD ISMAIL SON OF AKBER ALI VILLAGE
AMANKOT, DISTRICT NOWSHEHRA.
 22. MR. SAID RASSAN RESIDENT OF PBMC OFFICE PESHAWAR
BACHA KHAN CHOWK.
 23. WAQAR UL ISLAM SON OF AHMAD SAEED RESIDENT OF
TEHSIL AND DISTRICT RAWALPENDINGI KHBER PAKHTUNKHWA
HOUSE (KPK) ISLAMABAD.

----- PETITIONERS.

VERSUS

1. SUPERINTENDENT ENGINEER PBMC COMMUNICATION
AND WORKS DEPARTMENT PESHAWAR BACHA KHAN
CHOWK.
2. EXECUTIVE ENGINEER PBMC COMMUNICATION AND
WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK.
3. DIRECTOR PBMC CIVIL SECRETARIAT, PESHAWAR.
4. ASSISTANT DIRECTOR, IV PBMC C & W DEPARTMENT
PESHAWAR PROVINCIAL BUILDING MAINTENANCE CELL
BACHA KHAN CHOWK PESHAWAR.
5. SECRETARY C&W KHYBER PAKHTUNKHWA PESHAWAR.

-----RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF
CONSITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973

RESPECTFULLY SHEWETH; -

PETITIONERS SUBMIT AS UNDER:-

- 1- That the petitioners are law abiding citizen of Pakistan.
- 2- That the petitioners were appointed in the respondent's
establishment on different posts on dated 14/01/2013 and
are house hold staff after all the formalities the petitioners
have made arrival in the month of Jan/Feb 2013.

Attested to be
True

ASAD JAN
EXAMINER
PESHAWAR HIGH COURT

[Signature]

ATTESTED
[Signature]

ASAD JAN
EXAMINER
PESHAWAR HIGH COURT
30/01/2014

ATTESTED
EXAMINER
Peshawar High Court
31 JAN 2014

17

(Copies of the appointment letters and medical report are annexed as annexure "A" and "B" respectively)

- 3- That the petitioners are performing their duties with full diligent and devotion since from the date of their appointments but the respondents are not paying their monthly salaries to the petitioners without any cogent reasons, since from their appointments and till date no money has been given to the petitioners as monthly salary.
- 4- That the petitioners have also approached the respondent no. 1 for the release/payment of their salaries who directed the respondent no.2 for the redressal of the petitioners grievances. but the respondent no. 2 despite that is not releasing/paying the salaries to the petitioner without any cogent reasons.
- 5- That due to the above mentioned reasons the petitioners have no option but to knock the door of this honorable court due to violation of their fundamental rights guaranteed under article 11 of the constitution of Islamic republic of Pakistan, 1973. Hence, filing the instant writ petition on the following grounds inter-alia

GROUND OF PETITION; -

- I- That the petitioners have not been treated in accordance with law, and his right secured and guaranteed under the law and constitution have been violated.
- II- That the discrimination as observed by the respondents with petitioners are highly deplorable and condemnable, being unlawful, unconstitutional, without authority, without jurisdiction, against the norms of natural justice and equity and against the law on subject, hence liable to be declared as such.
- III- That respondents are bent upon to force employees work without salary and such concept is against Islam which envisage payment of wages before sweat of toil is dried up. Performance of duties under such circumstances, were amount to forced labour which is forbidden under article 11 of the constitution, whereby all forms of forced labour are prohibited.
- IV-
- V- That the petitioners are entitled for the payment of their salaries and this act of the respondents not paying the same is against the law and rules and as such the respondents is under obligation to pay their salaries as per the petitioners appointment orders.

ATTESTED

EXAMINED
Peshawar High Court

31 JAN 2014

Attested to be

True Copy

ASAD JAN

Advocate High Court

SC/JMIC

ATTESTED

ASAD JAN

Advocate High Court

SC/JMIC

- VI- That the act of respondents not paying the monthly salaries is based on malafide and against the norm of natural justice.
- VII- That the action on the part of the Respondents has adversely affecting petitioners financial rights as protected by the constitution and the petitioners be treated as in accordance with the law and rules.
- VIII- That the petitioner seek the permission of this Hon, able court to rely on additional grounds at the hearing of this petition

It is therefore, most humbly prayed that on acceptance of the instant writ petition an appropriate writ may please issued and the respondents be directed to released/pay monthly salary to the petitioners since from their appointment.

PETITIONER

THROUGH *Asad Jan*
ASAD JAN
 (ADVOCATE HIGH COURT)

CERTIFICATE

Priorly no such writ petition has been filed on behalf of the petitioners before this Hon, able court.

Asad Jan
 Advocate Peshawar.

List of books:

1. CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN.
2. CASE LAW AND ANY OTHER LAW BOOK ACCORDING TO NEED.

Attested to be
 True Copy

Asad Jan
 ASAD JAN
 (Advocate High Court)
 B-C/J/MIC

ATTESTED
Asad Jan
 ASAD JAN
 (Advocate High Court)
 B-C/J/MIC

ATTESTED
 EXAMINER
 Peshawar High Court
 31 JAN 2014

Writ Petition No.----- / 2013

MR. ASAD AND OTHERS

VERSUS

SUPERINTENDENT ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR AND OTHERS.

ADDRESSES OF THE PARTIES

PETITIONERS

1. MR. ASAD SON OF SANAB GUL RESIDENT OF SHAHEED ABAD KHAISHKI NOWSHERA.
2. MR. NAVID-UR-REHMAN S/O FAIROAZ KHAN RESIDENT OF VILLAGE TEHKAL BALA, PESHAWAR.
3. MR. RUHULLAH SON OF SHAFIQR REHMAN RESIDENT OF SARBAND BARA ROAD DISTRICT, PESHAWAR.
4. MR. HUSSAIN KHAN SON OF RAJ WALI VILLAGE AMANKOT, DISTRICT NOWSHERA, HOUSE NO. 133L-2 PHASE III HAYATABAD PESHAWAR.
5. MR. YASIR MUBARAK SON OF MUBARAK SHAH RESIDENT OF FARAM KORONA DISTRICT NOWSHERA.
6. MR. SHAHABUDDIN SON OF NASRAT GUL RESIDENT OF VILLAGE SURIZAI PESHAWAR.
7. MR. MUZZAFFAR SON OF HIDAYATULLAH RESIDENT OF VILLAGE QAYYUM ABAD PO UMERZAI CHARSADDA.
8. MR. MUFTI ASIF MANSOOR SON OF MUFTI JAN GUL RESIDENT OF MOHALLAH ISLAMABAD BAIROON LAHOORI PESHAWAR.
9. MR. ALAMGIR KHAN SON OF MUHAMMAD AJMAL RESIDENT OF CANAL COLONY BEHIND SECONDARY BOARD PESHAWAR.
10. MR. TAHIR HUSSAIN SHAH SON OF NOOR HASAN RESIDENT OF VILLAGE DAG, PESHAWAR.
11. MR. ARTAB SON OF ZAHID RASHEED RESIDENT OF MUHAMMAD GHARI, PESHAWAR.
12. MR. ASFANDYAR SON OF PIR MUHAMMAD RESIDENT BARA BANDA RISALPUR.
13. MR. HABIBULLAH SON OF NASRULLAH RESIDENT OF SHAHAB KHEL DISTRICT, PESHAWAR.
14. MR. KHURRUM SON OF MASOOD AHMAD RESIDENT OF FIDA ABAD BERON YAKA TOOT, PESHAWAR.
15. MR. WAREEDULLAH SON OF GUL ZADA RESIDENT OF PASANI BALA MATTANI DISTRICT, PESHAWAR.
16. MR. HASSAN DAD SON OF RAHIM DAD RESIDENT OF VILLAGE BANDA DISTRICT, NOWSHERA.
17. MR. SAJJAD KHAN SON OF AKHTER ZAMAN RESIDENT OF VILLAGE JHANSA PO KALABAGH NATHIAGAI RESIDENT ABBOTTABAD.
18. MR. MUHAMMAD TANWEER SON OF SALEEM RESIDENT OF DHERI ISHAQ DISTRICT NOWSHERA.
19. MR. ASIF ALI SON OF MUSHTAQ HUSSAIN RESIDENT OF GHARI SAIDAN.
20. MR. RAEES KHAN SON OF MUNEEB KHAN RESIDENT OF VILLAGE DAG DISTRICT, PESHAWAR.

ATTESTED
31 JAN 2014

Attested to be
True Copy

ASAD JAN
Advocate High Court
X-CI/JMIC



ATTESTED

- (6)
- (2)
- (3)
21. MR. MUHAMMAD ISMAIL SON OF AKBER 'ALI' VILLAGE, AMANKOT, DISTRICT NOWSHEHRA HOUSE NO. 42 PHASE I HAYATABAD, PESHAWAR.
 22. MR. SAID RASSAN.
 23. WAQAR UL ISLAM SON OF AHMAD SAEED RESIDENT OF TEHSIL AND DISTRICT RAWALPENDEI.

RESPONDENTS.

1. SUPERINTENDENT ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR.
2. EXECUTIVE ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR.
3. DIRECTOR PBMC CIVIL SECRETARIAT, PESHAWAR.
4. ASSISTANT DIRECTOR, IV PBMC C & W DEPARTMENT PESHAWAR.
5. SECRETARY C&W KHYBER PAKHTUNKHWA PESHAWAR.

PETITIONERS

THROUGH

Asad Jan
ASAD JAN
 (ADVOCATE HIGH COURT)

Attested to be
 True Copy

Asad Jan
ASAD JAN
 Advocate High Court
 K-C/J/MIC

CERTIFIED TO BE TRUE COPY

Examiner
 Peshawar High Court, Peshawar
 Authorized Under Article 87 of
 The Qanun-e-Sajjadat Order 1984

Asad Jan
 31 JAN 2014

ATTESTED

Asad Jan
ASAD JAN
 Advocate High Court
 K-C/J/MIC

IN THE COURT OF PESHAWAR HIGH COURT PESHAWAR.

Writ Petition No. / 2013

MR. ASAD AND OTHERS

VERSUS

SUPERINTENDENT ENGINEER P BMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR AND OTHERS.

AFFIDAVIT

As per instruction of my clients I, Asad Jan advocate (Peshawar high court) do hereby solemnly affirm and declare on oath that the contents of the writ petition are true and correct to the best of my knowledge and belief and that nothing has been concealed or kept secret from this Hon, able court.

DEPONENT

11751

I, Asad Jan
Peshawar
Advocate
 do hereby affirm and declare on oath that the contents of the writ petition are true and correct to the best of my knowledge and belief and that nothing has been concealed or kept secret from this Hon, able court.

TESTED
 EXAMINER
 Peshawar High Court.
 31 JAN 2014

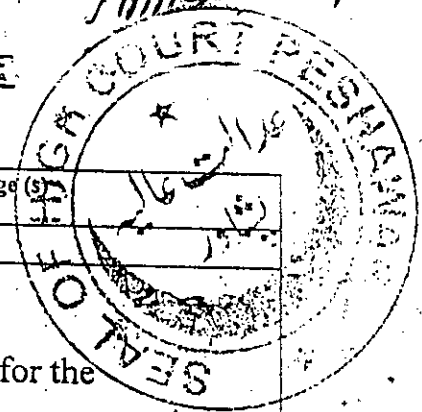
ATTESTED

ASAD JAN
 Advocate High Court
 PESHAWAR

**PESHAWAR HIGH COURT,
PESHAWAR**

FORM OF ORDER SHEET

22
Annexure 3f3



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
27.01.2014	<p><u>W.P. No.1301-P/2013.</u></p> <p>Present:- Mr. Asad Jan, advocate, for the petitioners. Mr. Waqar Ahmad, AAG for the respondents.</p> <p align="center">*****</p> <p>ROOH-UL-AMIN KHAN, J.- After arguing the case at some length, learned counsel for the petitioners stated at the bar that he would not press this writ petition provided petitioners are allowed to approach the proper forum for redressal of their grievance. Learned AAG has no objection on request of learned counsel for the petitioners.</p> <p>2. In view of statement of learned counsel for the petitioners made at the bar, this writ petition stands dismissed being not pressed. However, the petitioners are at liberty to approach the proper forum for redressal of their grievance in accordance with law.</p> <p><u>Announced:</u> 27.01.2014.</p>

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ASAD JAN

ASAD JAN
Advocate High Court
S-C/J/MIC

M. Simi P.S.

30/- Rooh ul Amin Khan - J
30/- Ghulamullah Khan - J

ATTESTED
ASAD JAN
Advocate High Court
S-C/J/MIC

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1984


31 JAN 2014

31-1-14

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge
1	2
27-01-2014	<p>W.P. No. 1301-P/2013</p> <p>Present:- Mr. Asad Jan, Advocate, for the petitioners. Mr. Waqar Ahmad, AAG for the respondents.</p> <p style="text-align: center;">*****</p> <p><u>ROOH-UL-AMIN KHAN, J 1.</u> After arguing the case at some length, learned counsel for the petitioners stated at the bar that he would not press this writ petition provided petitioners are allowed to approach the proper forum for redressal of their grievance. Learned AAG has no objection on request of learned counsel for the petitioners.</p> <p>2. In view of statement of learned counsel for he petitioners made at the bar, this writ petition stands dismissed being not pressed. However, the petitioners are at liberty to approach the proper forum for redressal of their grievance in accordance with law.</p> <p><u>Announced:</u> 27-01-2014</p>

ATTESTED

ASAD JAN
 (Advocate High Court)
 B-CJ/JMG

Amendment 93

دستور عدالت عالیہ پاکستان - ایف بی ایم سی - ایف بی ایم سی

دیکھا گیا ہے - ایف بی ایم سی

حساب - ایف بی ایم سی

پروٹوکول - ایف بی ایم سی

پہلے - ایف بی ایم سی

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پہلے سے - ایف بی ایم سی

پہلے سے - ایف بی ایم سی

Xerox for publication copy for printing the book to avoid financial through ship to the employees. The employees admitted as requested.

Superintendent of Printing Khyber Pakhtunkhwa

Attested and Ad

- 1. محمد رفیق
- 2. شاکر حسین
- 3. شاکر حسین
- 4. شاکر حسین
- 5. شاکر حسین
- 6. شاکر حسین
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- 12. شاکر حسین

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ASAD JAN Advocate High Court K-CJ/MIC

ATTESTED ASAD JAN Advocate High Court

17202-0344340-1
13-11-2011
17201-1234567-7

بہضور جناب سپر ٹنڈنٹ انجینیر C&W(PBMC) ڈیپارٹمنٹ

پشاور

ڈیپارٹمنٹ اپیل

جناب عالی!

گزارش یہ ہے کہ آپ صاحبان کے ذیل زمنوں کو مختلف پوسٹوں پر عمل تعیناتی کی گئی اور تمام کے آرڈرز دیانتداری سے ڈیوٹی سرانجام دیتے رہے ایکس پی بی ایم سی کورپورٹ کر دیا لیکن تاحال ہمارے نہ تنخوائیں نہیں ملی ہے۔ لہذا مودبانہ گزارش ہے کہ ہمارے تنخوائیں منظور کرنے کے لئے ایکسی صاحب کو ہدایت کی جاوے۔

العباد

آپکا تابعدار نوکرز

- ۱۔ ورید اللہ ۲۔ حسن داد ۳۔ محمد تنویر ۴۔ ساجد خان ۵۔ آفتاب
- ۶۔ حبیب اللہ ۷۔ محمد عمران ۸۔ مظہر ۹۔ محمد طاہر حسن شاہ ۱۰۔ یاسر مبارک
- ۱۱۔ محمد عالمگیر ۱۲۔ شہاب الدین ۱۳۔ روح اللہ ۱۴۔ اسد علی ۱۵۔ حسین خان
- ۱۶۔ اسماعیل ۱۷۔ نوید ۱۸۔ اسفندیار وغیرہ

ATTESTED
ASAD JAN
(Advocate High Court)
K-CJ/MIC

24) Annexure #4
Annexure #4

OFFICE OF THE SUPERINTENDING ENGINEER
PBMC C&W DEPARTMENT PESHAWAR


NO. 196-124-11 Dated 15/1/2013

To


Executive Engineer,
PBMC C&W Department Peshawar

Subject: MINUTES OF THE DSC MEETING HELD ON 14.01.2013.

The approved Minutes of DSC meeting held on 14.01.2013 is sent to your office for record and further necessary action.


SUPERINTENDING ENGINEER PBMC
C&W DEPARTMENT PESHAWAR

Copy to the Section Officer (Establishment) for information with a copy of the Minutes of subject cited meeting for record.

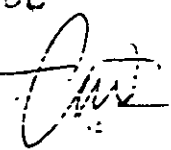

SUPERINTENDING ENGINEER PBMC

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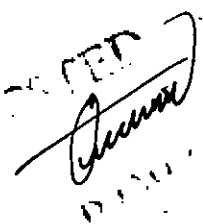
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The post of Carpenter BPS-06 shall deemed to be down graded to BPS-04.

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ASAD JAN
(Advocate High Court)
K-CJ/MIC



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**OFFICE OF THE SUPERINTENDENT ENGINEER PBN C&W DEPARTMENT
PESHAWAR**

No. 96 124-M

Dated: 15/01/2013

To,

Executive Engineer,

PBMC C&W Department Peshawar.

Subject: **MINUTES OF THE DSC MEETING HELD ON 14.01.2013**

The approved Minutes of the DSC Meeting held on 14.01.2013 is sent to your office for record and further access by action.

Superintendent Engineer PBMC
C&W Department Peshawar.

Copy to the Section Officer (Establishment) for information with a copy of the Minutes of subject cited meeting in record.

SPERINTENDENT ENGINEER PBMC

The post of Carpenter BPS-06 shall deem be downgraded to BPS-04

ATTESTED
Asad Jan
ASAD JAN
(Advocate High Court)
K-C/M/C

Minutes of the Departmental Selection and Promotion Committee
PBMC, C&W Department

25

A meeting of the DSC&PC was held on 14.1.2013 in the office of the Superintending Engineer PBMC C&W Department and make decision on the agenda items. The following attended the meeting:-

1. Engr: Shams-uz-Zaman
2. Engr: G. Yazdani Khanzada
3. Mr. Rahim Badshah

Superintending Engineer PBMC:
Executive Engineer PBMC:
Section Officer (Estt:) C&W Deptt:

The Committee was assisted by the relevant staff of PBMC in consideration of the cases as per rules. The Committee was informed that appointments on vacant post of different cadre will be filled up against employee's son quota and against class IV establishment in PBMC C&W Department. To consider the cases of the appointment of applicants against vacant post of House hold staff both for employee's sons and fresh recruitment considered according to merit. Total 38 applications were received and

The following applicants were selected against the vacant posts as below.

1. M. Tahir Hassan Shah S/o Noor Hassan resident of Village Dag Peshawar against the post of Work Superintendent in PBS-09 (Diploma in Civil Technology)
2. Alamgir Khan S/o Muhammad Ajmal resident of Canal colony behind secondary board Peshawar against the post of Work Superintendent in BPS 9 (Diploma Holder in Civil Technology). The required age relaxation granted and approved by the Selection Committee.
3. Mohammad Tanveer S/o Saleem Khan resident of village Dheri Ishaq District Nowshera against the post of Work Mistri in BPS-06.
4. Ruhullah S/o Shafecqur Rehman resident of Sarband Bara Road District Peshawar against the post of Work Mistri in BPS-06 (Bachelor, Employee's son)
5. Raees Khan S/o Muneer Khan resident of Village Dag District Peshawar against the post of Carpenter in BPS-06 (Retired High court section Employee's son).
6. In light of Supreme Court orders Said Rasool already working as sweeper in BPS-01 is allowed proper scale BPS-04 as Pump Operator and adjusted temporarily on the post of Carpenter in BPS-06 on stop gap arrangement and the post of Carpenter BPS-06 shall deemed to be downgraded.
7. Waqar ul Islam will be adjusted on stop gap arrangement against the post of Carpenter BPS-06 subject to the court decision and his post of Plumber in BPS-04 will be restored. The post of Carpenter BPS-06 shall deemed to be downgraded to BPS-04.

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Signature
M. D. JAW

ASAD ANI
(Advocate High Court)
8-CJ/JMC

Minutes of the Departmental Selection and Promotion Committee
PBMC, C&W Department

A meeting of the DSC&PC is held on 14.01.2013 in the office of the Superintendent Engineer PBMC C&W Department and make decision on the agenda items. The following attended the meeting.

- | | |
|-----------------------------|-----------------------------------|
| 1. Engr. Shams-uz-Zaman | Superintending Engineer PBMC |
| 2. Enge. G.Yazdani Khanzada | Executive Engineer PBMC |
| 3. Mr. Rahim Badshah | Section Officer (Estt) C&W Deptt: |

The Committee was assisted by the relevant staff of PBMC in consideration of the cases as per rules. The Committee was informed that appointments on vacant post of different cadre will be filled up against employees son quota and against class IV establishment in PBMC C&W Department to consider the cases of the appointment of applicants against vacant post of House hold staff both for employees sons and fresh recruitment total 38 applications were received and considered according to merit.

The following applicants were selected against the vacant posts as below.

1. M.Tahir Hussan Shah S/o Noor Hassan R/o village Dag Peshawar against the post of Work Superintendent in BPS-09 (Diploma in Civil Technology).
2. Alamgir Khan S/o Muhammad Ajmal R/o Canal Colony behind secondary board Peshawar against the post of Work Superintendent in BPS-9 (Diploma Holder in Civil Technology). The required age relaxation granted and approved by the Selection Committee.
3. Mohammad Tanveer S/o Saleem Khan R/o village Dheri Ishaq District Nowshera (Diploma in Civil Technology) Employees son against the post of work mistri in BPS-06.
4. Ruhullah S/o Shafeeq ur Rehman resident of Sarband Bara Road District Peshawar against the post of work Mistri in BPS-06 (Bachelor Employee's son).
5. Raees Khan S/o Muneer Khan resident of village Dag District Peshawar against the post of Carpenter in BPS-06 (Retired High Court section Employee's son).
6. In light of Supreme Court orders said Raees already working as sweeper in BPS-01 is allowed proper scale BPS-04 as Pump Operator and adjusted temporally on the post of Carpenter in BPS-06 on stop gap arrangement and the post of Carpenter BPS-06 shall deemed to be downgraded.
7. Waqar ul Islam will be adjusted on stop gap arrangement against the post of Carpenter PBS-06 subject to the court decision and the against at Plumber in BPS-04 will be in stored the post of Carpenter BPS-06 shall deemed downgraded to BPS-04.

ATTESTED
[Signature]
ASAD JAN

(Advocate High Court)

X-CJ/JMIO

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- 8. Hassan Dad S/o Rahim Dad resident of village Banda District Nowshera against the post of Pipe Fitter in BPS- 04(Matriculation)
- 9. Wareedullah S/o Gul zada village pasani In Mattani District Peshawar against the post of Pipe Fitter in BPS-04. Employee' son.
- 10. Muhammad Imran S/o Muhammad Hamid resident of village Mohib Banda district Nowshera against the post of Pipe fitter in BPS 04.
- 11. Mr. Khurram S/o Maqsood Ahmad (Ex-Employee in PBMC) resident of Fida abad Beroon Yaka Toot Peshawar against the post of Electrician Grade IV in BPS 04 (F.A)
- 12. Asif Ali S/o Mushtaq Hussain resident of Wahallah Ghari Saidan Hashtnagri Peshawar against the post of Electrician Grade IV in BPS 02.
- 13. Mohammad Ismail S/o Akbar Ali H#402 Phase IV Hayat abad Peshawar against the post of Electrician in BPS-02 (Qualification Matric).
- 14. Sajid Khan S/o Akhtar Zaman Village Jhar PC Kala bagh Nathiagali Abbottabad against the post of Electrician Grade II in BPS 05 (Matriculation Certificate in air conditioning from technical training school Gujjar Peshawar and Electrician Certificate course from NTDC Peshawar).
- 15. Habibullah S/o Nasrullah village Shahab District Peshawar against the post of Skilled cooly in BPS- 02 (Qualification FA Employee' son)
- 16. Asfandyar S/o Pir Muhammad resident of Jara Banda Risalpur against the post of Skilled Cooly in BPS-02.
- 17. Navaid ur Rehman S/o Fairoz Khan Village Tehkal Bala against the post of Khansama in BPS-04
- 18. Aftab S/o Zahid Rasheed resident of Ghali Muhammad ghari Peshawar for the post of Mali in BPS -02.
- 19. Assad S/o Sanab gul resident of Shabherabad Khaishki Nowshera against the post of Mali in BPS-02.
- 20. Hussain S/o Raj Wali resident of H# 133L phase III Hayat abad against the post of cooly in BPS-01 (matric)

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ASAD JAWAID
Advocate High Court

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ASAD JAWAID
(Advocate High Court)
E-CJ/JMIC

8. Hassan Dad S/o Rahim Dad resident of village Banda District Nowshera against the post of pipe Fitter in BPS-04 (Matriculation).
9. Wareed Ullah S/o Gul Zada village pasani Mattani District Peshawar against the post of Pipe Fitter in BPS-04, Employee's son).
10. Muhammad Imran S/o Muhammad Hameed Jan resident of village Mohib Banda District Nowshera against the post of Pipe Fitter in BPS-04.
11. Mr. Khurram S/o Maqsood Ahmad (Ex-Employee in PBMC) resident of Fida Abad Beroon yaka toot Peshawar against the post of Electrician Grade IV in BPS-04 (F.A)
12. Asif Ali S/o Mushtaq Hussain resident of Mohallah Ghari Saidan Hashtnagri Peshawar against the post of Electrician Grade IV in BPS-02.
13. Mohammad Ismail S/o Akbar Ali House No. 402 Street No. 2 Phase IV Hayatabad Peshawar against the post of Electrician in BPS-02 (Qualification Matric).
14. Sajid Khan S/o Akhtar Zaman village Jhara PC Kata Bagh Nathiagali Abbotabad against the post of Electrician Grade II in BPS-05 (Matriculation Certificate in air conditioning from NTDC Peshawar).
15. Habib Ullah S/o Nasrullah village Shahab Khel district Peshawar against the post of skilled coolly in BPS-02 (Qualification F.A Employee son).
16. Astanayar S/o Pir Muhammad resident of Banda Risalpur against the post of Skilled Coolly in BPS-02.
17. Navaid ur Rehman S/o Fairoz Khan village Tehkal Bala against the post of Khansama in BPS-04
18. Aftab S/o Zahid Rasheed resident of Shah Muhammad Ghari Peshawar for the post of Mali in BPS-02.
19. Asad S/o Sanab Gul resident of Shaheedabad Khaishki Nowshera against the post of Mali in BPS-02.
20. Hussain S/o Raj Wali resident of House No. 133 Phase III Hayatabad against the post of Coolly in BPS-01 (Matric).

ATTESTED

ASAD JAN
Advocate High Court
B-01/11/11

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21. Yasir Mubarak S/o Mubarak Shah Resident of Faram corona District Nowshera against the post of Cooly in BPS- 01.

22. Shahabuddin S/o Nasrat gui village Umerzai Peshawar against the post of Chowkidar in BPS-01

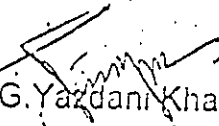
23. Riaz Khan Carpenter working in BPS-02 allowed proper Scale BPS-06


24. Fazle Ijaz reverted to his own grade BPS-06 as Work Mistri.

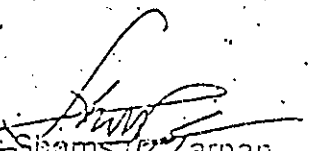
25. Muzzaffar S/o Hidayatullah village Qadum abad P.O Umerzai charsadda against the post of Muslim Sweeper in BPS- 01.


26. Mufti Asif Munsoor S/o Mufti Jan Gul Resident of Mahallah Islam abad Bairoon Lahoori Peshawar as Muslim Sweeper in BPS-01

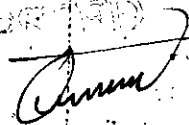
Meeting ended with the vote of thanks from the chair.

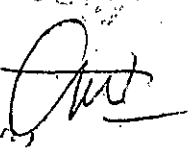

Engr. G. Yazdan Khanzada
(Member)
Executive Engineer PBMC,
C&W Department Peshawar.


Rahim Badshah
(member)
Section Officer (Estt.)
C&W Department Peshawar.


Engineer Shams ul Zaman,
(Chairman)
Superintending Engineer,
PBMC, C&W Department Peshawar.

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ATTESTED


ASAD JAN
Advocate High Court
& CJ/MIC


ASAD JAN
Advocate High Court
& CJ/MIC


21. Yasir Mubarak S/o Mubarak Shah resident of Faram Korona District Nowshera against the post of Coolly in BPS-01.
22. Shahab Uddin S/o Nasrat Gul village Narizan Peshawar against the post of Chowkidar in BPS-01.
23. Riaz Khan Carpenter working in BPS-02 allowed proper Scale BPS-06.
24. Fazle Ijaz reverted to his own grade BPS-06 as Work Mistri.
25. Muzaffar S/o Hidayat Ullah village Qayyum Abad P.O Umerzai charsadda against the post of Muslim Sweeper in BPS-01.
26. MUFTI Asif Mansoor S/o Mufti Jan Gul resiedent of Mohallah Islamabad Bairoon Lahori Peshawar as Muslim Sweeper in BPS-01

Meeting ended with the vote of thanks from the chair.

Eng: G.Yazdani Khanzada (Member)
Executive Engineer PBMC
C&W Department Peshawar.

Rahim Badshah (member)
Section Officer (Estt)
C&W Department Peshawar

Engineer Shams ul Zaman
(Chairman)
Superintending Engineer,
PBMC, C&W Department Peshawar.

ATTESTED

ASAD JAN
(Advocate High Court)
B-CJ/JMIC

28 Annexure 1/2

MINUTES OF THE DEPARTMENTAL SELECTION COMMITTEE / DEPARTMENTAL PROMOTION COMMITTEE NO.II, HELD ON 28/06/2013 AT 10-00 AM UNDER THE CHAIRMANSHIP OF SUPERINTENDING ENGINEER PBMC C&W DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR.

Meeting started with recitation from the Holy Quran

A Meeting of the Departmental Selection Committee/Departmental Promotion Committee No.II was held on 28/06/2013 at 10:00 A.M. in the office of the SUPERINTENDING ENGINEER PBMC C&W Deptt: Peshawar under his Chairmanship to recommend the Candidate for appointment as Cooly (BPS-01) in Governor's House Peshawar against the existing vacancy.

The following attended the meeting:-

- 1. Muhammad Ashraf Khan, Chairman
Superintending Engineer PBMC
C&W Deptt: Peshawar.
- 2. Muhammad Taufeeq Member
Section Officer (Estt:)
C&W Deptt: Peshawar
- 3. ENGR: Muhammad Nawaz Khan Member
Executive Engineer PBMC.
C&W Deptt: Peshawar.

The appointment case of the candidate noted below was examined and recommended for appointment as Cooly (BPS-01) in Governor's House Peshawar being House Hold Post.

S/No	Name & Address	Name of Vacancy	Place of post	Remarks
1.	Mr. Noor Akbar S/O Haji Akbar Village Akazi Tehkal Bala Teh: & Dist: Peshawar	Cooly (BPS-01)	Governor's House Peshawar	Recommended for appointment and otherwise eligible for the post of Cooly.

Meeting ended with the vote of thanks from and to the Chair.

Attested to be True Copy

- 1. Muhammad Ashraf Khan,
Superintending Engineer PBMC
C&W Deptt: Peshawar.
- Muhammad Taufeeq
Section Officer (Estt:)
C&W Deptt: Peshawar
- 3. ENGR: Muhammad Nawaz Khan
Executive Engineer PBMC.
C&W Deptt: Peshawar.

ATTENDED

ASAD JAN
Advocate High Court
Peshawar

ASAD JAN
Advocate High Court
Peshawar

Better Copy 28

MINUTES OF THE DEPARTMENTAL SELECTION COMMITTEE DEPARTMENTAL PROMOTION COMMITTEE NO.11, HELD ON 28/06/2013 AT 10:00 UNDER THE CHAIRMANSHIP OF SUPERINTENDING ENGINEER PBMC C&W DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR

Meeting started with recitation from the Holy Quran

A Meeting of the Departmental Selection Committee/Departmental Promotion Committee No. 11 was held on 28/06/2013 at 10:00 A.M in the office of the Superintending Engineer PBMC C&W Deptt: Peshawar under his Chairmanship to recommend the Candidates for appointment as Coolly (BPS-01) in Governor's House Peshawar against the existing vacancy.

The following attended the meetings:-

1. Muhammad Ashraf Khan, Chairman
Superintending Engineer PBMC
C&W Deptt: Peshawar.
2. Muhammad Tafeeq Member
Section Officer (Estt)
C&W Deptt: Peshawar
3. ENGR: Muhammad Nawaz Khan Member
Executive Engineer PBMC,
C&W Deptt: Peshawar.

The appointment case of the candidate noted below was examined and recommended for appointment as Coolly (BPS-01) in Governor's House Peshawar being House Hold Post.

S No	Name & Address	Name of Vacancy	Place of post	Remarks
1	Mr. Noor Akbar S/o Haji Akbar village Akazi Tehkal Bala The & District Peshawar	Coolly (BPS-01)	Governor's House Peshawar	Recommended for appointment and otherwise eligible for the post of Coolly

Meeting ended with the vote of thanks from and to the Chair

1. Muhammad Ashraf Khan,
Superintending Engineer PBMC
C&W Deptt: Peshawar
2. Muhammad Tafeeq
Section Officer (Estt)
C&W Deptt: Peshawar
3. ENGR: Muhammad Nawaz Khan
Executive Engineer PBMC
C&W Deptt: Peshawar.

ATTESTED

Asad Jan
ASAD JAN
Advocate (High Court)
K-CJ/JMIC

OFFICE OF THE SUPERINTENDING ENGINEER PBMC,
COMMUNICATION & WORKS DEPARTMENT,
KHYBER PUKHTUNKHWA, PESHAWAR.

No. 715 /41-E.

Annexure : J

Dated Peshawar the, 20/9/2013

To

Mr. Noor Akbar S/O Haji Akbar,
Village Akazi Tehkal Bala,
Teh: & Distr: Peshawar.

Subject:

APPOINTMENT AS COOLY (BPS-01) IN (GOVERNOR'S HOUSE
SECTION) PBMC COMMUNICATION & WORKS DEPARTMENT
PESHAWAR.

As approved by the DSC in its meeting held on 28/06/2013, you are hereby offered the post of Cooly (BPS-01) (House Keeping), after fulfillment of the following terms and conditions:-

1. Your services are liable for termination on one month's notice.
2. In case you wish to resign at any time, one month's notice will be necessary or in lieu thereof one month pay shall be forfeited.
3. You will have to produce a medical certificate of fitness from the Medical Superintendent / Civil Surgeon Peshawar.
4. You will have to serve as house keeping/non house keeping employee any where in Khyber Pakhtunkhwa and against any post of equivalent status.
5. You will join duty on your own expenses.
6. Your appointment to the above post is subject to the eligibility and production of original certificate of qualification/experience, domicile, NIC and other documents.
7. You are appointed on probation period of one year.

According to Provincial Govt. orders notified vide No. SOR-VI(E&AD)1-13/2005, dated 10/8/2005 and Section Officer (Accounts)PBMC/AD/BUDGET/3-2/2005/P-VI, dated 26/6/2006, you will not be entitled for pension graduity but will contribute CP Fund @ 10% from your pay and 10% will be contributed by the Govt. of Khyber Pakhtunkhwa in lieu thereof.

If you accept the offer on the above terms and conditions, you should report for duty in the office of the Executive Engineer PBMC C&W Department Peshawar within 15 days of the issue of this letter.

Engr: Muhammad Ashraf Khan,
Superintending Engineer (PBMC)

Copy forwarded for information to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Executive Engineer PBMC C&W Department Peshawar.
3. The Sub-Divisional Officer Concerned.

Attested
True Copy

Attested
High Court
C/O MIC

ATTESTED
Superintending Engineer (PBMC)

Attested
Superintending Engineer (PBMC)
Peshawar

OFFICE OF THE SUPERINTENDING ENGINEER PBMC COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

To,

Mr. Noor Akbar S/o Haji Akbar
Village Akazi Tehkal Bala
The: & Distt: Peshawar

Subject: APPOINTMENT AS COOLLY (BPS-01) IN (GOVERNOR'S HOUSE SECTION)
PBMC COMMUNICATION & WORKS DEPARTMENT PESHAWAR

As approved by the D&C in its meeting held on 28/06/2013, you are hereby offered the post of Coolly (BPS-01) House Keeping, after fulfillment of the following terms and conditions:-

1. Your services are liable for termination on one month's notice.
2. In case your wish to resign at any time, one month's notice will be necessary or in lieu thereof one month pay shall be forfeited.
3. You will have to produce a medical certificate of fitness from the Medical Superintendent/Civil Surgeon Peshawar.
4. You will have to serve as house keeping/non house keeping employee anywhere in Khyber Pakhtunkhwa and against any last of equivalent status.
5. You will join duty on your own expense.
6. Your appointment to the above post is subject to eligibility and production of original certificate of qualification/experience, domicile, NIC and other documents.
7. You are appointed on probation period of one year.

According to Provincial Govt orders satisfied vide No. SOR-V (E&AD) 1-13/2005, dated 10/08/2005 and Section Officer (Accounts) PBMC/AD/BUDGET/3-2/2005/P-VI, dated 26/06/2006, you will not be entitled for pension gratuity but will contribute CP Fund @ 10% from your pay and 10% will be contributed by the Govt. of Khyber Pakhtunkhwa in lieu thereof.

It you accept the offer on the above terms and conditions, you should report for duty in the office of the Executive Engineer PBMC C&W Department Peshawar within 15 days of the issue of this letter.

Engr: Muhammad Ashraf Khan,
Superintending Engineer (PBMC)

Copy forwarded for information to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar
2. The Executive Engineer PBMC C&W Department Peshawar.
3. The Sub-Divisional Officer

ATTESTED
[Signature]
ASAD JAN
Advocate High Court
(S-CJ/JMIC)

Superintending Engineer (PBMC)

To,

30



The Executive Engineer,
P BMC C&W Department,
Peshawar.

Subject: ARRIVAL REPORT.

In compliance with office order No.715/41-E Dated:20-09-2013 I beg to submit my arrival report to day on dated 23-09-2013 (Fore Noon) for duty please.

Thanks

HC / Estab. Chief
For signature
X
23/9

Your's obediently,

Noor Akbar
Noor Akbar
S/O Haji Akbar
Village Akazi Tehkal Bala,
Teh: & Distt: Peshawar

Attested to be
True Copy

[Signature]
High Court
Peshawar

[Signature]

[Signature]

Better Copy 30

To,


The Executive Engineer,
PBMC C&W Department,
Peshawar.

Subject: **ARRIVAL REPORT**

In compliance with office order No. 715/41-E Dated 20/09/2013, I beg to submit my arrival report to day on dated 23/09/2013 (Fere Noon) for duty Please.

Thanks

Your's obediently
Noor Akbar
S/o Haji Akbar
Village Akazi Tehkal Bala,
Tehsil & District Peshawar

ATTESTED

ASAD JAN
(Advocate High Court)
K-CJ/JMIC

(31)

MEDICAL CERTIFICATE

Name of official Noor Akbar
 Caste or race Agghan
 Father's name Haji Akbar
 Residence Akazi Tekkal Bala Plo Has Distt & Telawa Peshawar
 Date of birth 19-03-1982
 Exact height by measurement 5-4
 Personal mark of identification _____
 Signature of the official [Signature]
 Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. Noor Akbar a candidate for employment in the Office of the PBM (Canteen & Food Sect) and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the PBM/C
 His age according to his own statement 31 (Thirty one) year and by appearance about 30 (Thirty) year.

28/2/13


Sub Division Officer-II
 PBM/C
 Peshawar

[Signature]
 26/9/13
 MEDICAL SUPERINTENDENT,
 CIVIL HOSPITAL
 Police/Service Hospital
 Peshawar

LEFT HAND THUMB AND FINGER IMPRESSIONS

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

CNIC NO. 17301-1256153-7

1. Name: NOOR ARBON  (32)

2. Race: Afghan

3. Residence: Village Atang, Tabbat Bala, Tah. & D.X.H. Peshawar

4. Father's name and residence: Majid Arbbon

5. Date of birth by Christian era as nearly as can be ascertained: 19-03-1982

6. Exact height by measurement: 5-7

7. Personal marks for identification: ML

8. Left hand thumb and finger impression of (Non-Gazetted) officer:



Little Finger



Ring Finger



Middle Finger

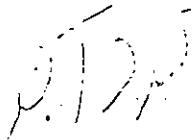


Fore Finger

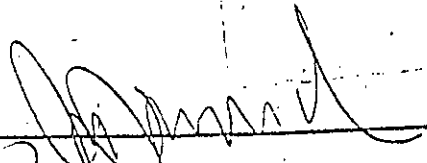


Thumb

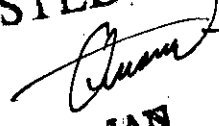


9. Signature of Government Servant: 

10. Signature and designation of the Head of the Office, or other Attesting Officer.

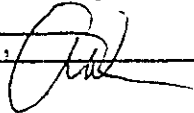


ATTESTED

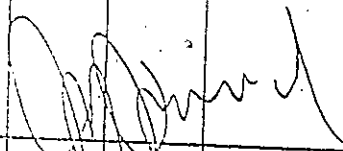
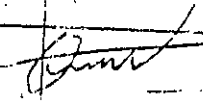
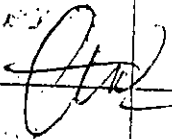
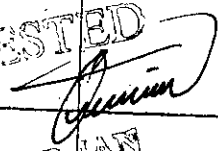


Sub Divisional Officer-II
PBMCC & W Deptt:
Peshawar

Attested to be
True Copy

ASAD 

ASAD IAN
Advocate High Court
3-C/J/MIO

Name of Government Servant.	Signature and Designation of the head of the office or other attesting officer in attestation or column 1 to 6	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 record number or other Government Serv.
					Name and number of leave taken.	Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government		
						Period		
<p>Appointed As cooly B.P.C-01 in the time scale (4800-150-9300) wide S.E. P.B.M.C. Peshawar. O/o No. 715/41-E dt 20/9/2013 Reported arrival for duty on 23/9/2013</p>								
				 Sub Divisional Officer-II PBMC C&W Deptt: Peshawar				
								
Attested to be True:  Advocate High Court Peshawar					ATTESTED  ASAD JAIN Advocate High Court Peshawar			



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. No. SOE/C&WD/24-60/Association
Dated Peshawar, the March 24, 2015

TO

The Superintending Engineer
PBMC C&W Peshawar.

Subject: COC/2014 in Service Appeal No.183/2014 & 19 others – Muhammad Alamgir Khan VS SE PBMC and others (regarding illegal appointment in PBMC)

I am directed to refer your office letter No.1919/52-C dated 06.03.2015, whereby you have forwarded copy of Service Tribunal Khyber Pakhtunkhwa judgment dated 19.02.2015 for appropriate action. In the judgment, the court has directed to treat the appeals of the appellant as departmental appeals and decide it within one month of its receipt, failing which these appeals shall be deemed to have been accepted by the Tribunal.

2. In compliance of aforementioned Service Tribunal judgment, the appeals were examined and placed before the Appellate Authority. The Appellate Authority has rejected their appeals, as proper procedure was not followed in their appointments.

Endst even No. & date

Copy forwarded for information to the:

1. The Registrar Service Tribunal Khyber Pakhtunkhwa with reference to Tribunal judgment dated 19.02.2015
2. PS to Secretary C&W Department, Peshawar

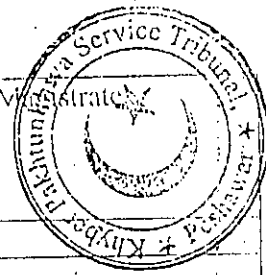
(USMAN JAN)
SECTION OFFICER (Estb)

ATTESTED

ASAD JAN

(Advoc. & High Court)
K-CJ/JMIC


SECTION OFFICER (Estb)

Sr.
No.Date of
order/
proceeding
s

Order or other proceedings with signature of judge or Member

1

2

3

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 183/2014,
Muhammad Alamgir Khan Versus Superintending Engineer,
PBMC, C&W Department, Peshawar & 4 others.

19.02.2015

PIR BAKSH SHAH, MEMBER.- Appellant with his counsel (Mr. Asad Jan, Advocate), Mr. Usman Ghani, Sr.GP with Muhammad Arif, SDO for the official respondents and private respondent No. 5 with his counsel (Mr. Muhammad Asif Yousafzai, Advocate) present.

2. Summarizing facts of the case are that on the recommendations dated 14.01.2013 of the Departmental Selection Committee, appointment letters were issued to the appellants, by respondent No. 5, Shams-uz-Zaman, Ex-Superintending Engineer, PBMC, C&W Department, Peshawar, presently posted as Director (Tech) EQAA, Abbottabad, The appellants - as following - with their separate appeals, are 20 in numbers and as common issue of payment of salary is involved, therefore, all these appeals are proposed to be disposed off jointly by this single judgment:-

Sr. No.	Appeal No.	Name	Designation	BP S	Date of appointment
1.	183/2014	M. Alamgir Khan	W.Supt.	09	16.01.2013
2.	184/2014	Hussain Khan	Cooly	01	14.01.2013
3.	185/2014	Khuram Shehzad	Electrician	04	18.01.2013
4.	186/2014	Warcedullah	Pipe Fitter	04	23.01.2013
5.	187/2014	Habibullah	Cooly	02	18.01.2013

ATTESTED

Khyber Pakhtunkhwa Service Tribunal
Peshawar

6.	188/2014	Muhammad Ismail	Electrician	02	28.01.2013
7.	189/2014	Sajid Khan	Electrician	05	23.01.2013
8.	190/2014	M.Tahir Hussain Shah	Suptdt.	09	16.01.2013
9.	217/2014	Yasir Mubarak	Cooly	01	14.01.2013
10.	218/2014	Hasan Dad	Pipe Fitter	04	23.01.2013
11.	219/2014	Muzzaffar	M.Sweeper	01	15.01.2013
12.	220/2014	Muhammad Imran	Pipe Fitter	04	18.01.2013
13.	221/2014	Muhammad Tanveer	Mistri	06	14.01.2013
14.	222/2014	Ruhullah	Work Mistri	06	24.01.2013
15.	223/2014	Races Khan	Carpenter	06	28.01.2013
16.	249/2014	Asfandyar	Skilled Cooli	02	17.01.2013
17.	250/2014	Aftab	Mali	02	17.01.2013
18.	251/2014	Shahabuddin	Chowkidar	01	15.01.2013
19.	759/2014	Asad Ali	Mali	02	17.01.2013
20.	760/2014	Naveed ur Rahman	Khansama	04	28.01.2013

Appellants claim per their appeal that they submitted arrival reports; after formality of being medically examined and so much so that necessary entries in their service books have also been made. They further claim that they were performing their duties from the date of their arrival but the respondent-department has denied to them their salary on which they knocked at the door of the Hon'ble Peshawar High Court in Writ Petition No. 1301-P/2013. The Hon'ble Peshawar High Court vide its order dated 27.01.2014, dismissed the Writ Petition being not pressed but observed that the petitioners are at liberty to approach the proper forum for redressal of their grievances in accordance with the law. Hence these separate service appeals have been filed before this Tribunal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that on acceptance of instant appeal, the respondent be directed to pay the withheld salaries since arrival report for duty till date and onward

ATTESTED

and not to create illegal hurdle in the way of performance of duties as well as to restrain respondents from taking any discriminatory action against the appellant. The record further reveals that this Bench, then presided by our learned predecessors passed order dated 16.04.2014 under which the respondent department was directed to allow the appellants to perform duties and to start paying them their monthly salary provisionally. Feeling aggrieved from this order, the respondent department filed Civil Petitions No. 517-P to 534-P/2014 before the august Supreme Court of Pakistan. The august Apex Court was pleased to pass the following order on 16.10.2014:-

"From the nature of the lis and also from the order, under question, we are not inclined to interfere in the interim order, passed by the learned Service Tribunal. However, we direct the Registrar of the learned Service Tribunal to fix these cases, if not yet fixed, in the week commencing 3rd November, 2014 and the learned Tribunal is directed to decide all these cases within a week thereof. Disposed of accordingly."

On 16.02.2015, we the undersigned became seized of the appeals for the first time.

The record shows that respondent No. 5 has been transferred from his erstwhile post long ago and he has been made respondent in his private capacity. He however, owns that appointment orders to have been issued by him. On the other hand the respondent department per their written reply have termed these appointments illegal, to be shorn of the required criteria of domicile and reserved quota, that those were made in violation of the rules and void ab-initio.

ATTESTED

Khyber
Service Tribunal

4. We have heard the learned counsel for the appellant, Mr. Usman Ghani, Sr.GP for the official respondents and private counsel for respondent No. 5 at length, and perused the record with their assistance.

5. The learned counsel for the appellant contended that the appellants are civil servants, duly appointed by the appointing authority (respondent No.5) after fulfilment of all the codal formalities. The appellants have also submitted their arrival reports after their medical examination but due to change of the incumbents in the office of respondent No. 5, the department-respondent is neither letting the appellants to perform their duties nor paying them their salary. The arguments of the learned counsel for the appellant were further augmented by the learned counsel for private respondent No. 5 that for filing an appeal before this Tribunal, the impugned order in writing was not essential. Reliance placed on PLD 1991 (SC)226.

6. The learned Addl. Advocate General and Senior Government Pleader vehemently resisted these appeals. Their contention is that this Tribunal under Section 4 r/w Section 7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 lacks jurisdiction because there is neither any original order nor any final order against which the appeals should have been filed. On merits, it was submitted that the appointment orders are totally illegal, void ab-initio, do not fulfil the required criteria and qualifications. In this respect it was submitted that some of the appointment orders were made under

Rule 10 (4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 but it has been found in enquiry conducted by Engr. Shahid Hussain that the appointees were not sons of the deceased employees; that some of the appointment orders have been shown issued in hurry on the very date on which the Departmental Selection Committee took its meeting; that some of the appointees as prescribed in Rule 12 (3) of the rules ibid have not been appointed from the respective districts. It was also submitted that the relevant record like arrival report etc. were also not found in the office and further that notice thereof was also taken by the Audit Party. They also contended that the appeal is time barred and finally prayed that all the appeals may be dismissed.

7. We have considered submissions of the parties and have thoroughly gone through the record. This is not disputed by the respondent department that at the relevant time respondent No. 5 was the competent appointing authority for the disputed appointments. Respondent No. 5 has openly conceded that he had made the appointments and has further taken plea that after fulfilment of all the codal formalities the appointments were made. In defence of appointments, he referred to corrigendum dated 08.02.2013 issued to rectify mistakes in the original appointment orders pertaining to quoting rule 10(4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in the appointment orders. This is also very important aspect of the matter that so far these appointment orders have not been cancelled by the

ATTESTED
 Khyber Pakhtunkhwa
 Service Commission
 Peshawar

respondent-department. The issue pertains to the payment/non-payment of salary to the appellants, therefore, in the light of the above factual position on record, we are led to prima-facie opine that the appellants qualify to attract jurisdiction of this Tribunal. Hence jurisdiction is assumed.

8. On record, there is enquiry report conducted by Engr. Shahid Hussain and being important we are also inclined to reproduce its final conclusion at para-5 which is follows:-

"In the light of the findings/Conclusion, detailed above, it is found that not only the prevailing rule 10 & 12 of Appointment, Promotion & Transfer Rules-1989 as well as merit list of employee sons were not followed but also numerous lapses mentioned above are observed in whole process, hence the aforesaid appointment can not be termed as legal."

This being so, this is also noticeable that the appellants have not made the present incumbent/competent authority as respondent. On the other hand the department-respondent has its objection on making Mr. Shamsuz Zaman, then appointing authority as respondent No. 5 in which respect it was also submitted that departmental proceedings on the basis of these disputed appointments had also been initiated against him. It is our considered opinion that the factual position of arrival report, charge assumption reports and performance of duty really pertains to the office of the respondent department and a person cannot be held to be entitled to salary merely on the basis of the appointment orders and that which is also disputed by the department to be legal. Unfortunately, the said appointing/competent authority has not been

made respondent who would have assisted the Tribunal on these factual position because the facts mentioned above has a very close connection with the payment/non-payment of salaries to the appellants. For the above said reasons, the Tribunal feels itself in vacuum and perceive a disconnect between the disputed appointment orders and payment of salary on its basis. On record, it was also not shown that departmental appeal had been moved by the appellant before the competent appellate authority next above the appointing authority as contemplated in Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, much less that the outcome of such appeal would have come before the Tribunal. Hence, while concluding this discussion, it is the considered opinion of the Tribunal to treat these appeals as departmental appeals and to remit the cases to the appellate authority who is directed to decide the appeals within one month of its receipt failing which these appeals shall be deemed to have been accepted by this Tribunal. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
19.02.2015

Sd/- Jit Deekher Ghosh
Member
Sd/- Amedul Latif
Member

Certified to be a true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of receipt of application 3-3-2015
 No. 2800
 Date 16
 Date 16
 Date of receipt of copy 4-3-2015
 Date of receipt of copy 4-3-15

VAKALAT NAMA

NO. 453 /2015.

IN THE COURT OF Service Tribunal Peshawar

HASSAN DAD

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

C & W Dept.

(Respondent)
(Defendant)

I/We Hassan Dad (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 28.11.15 /20

Hassan Dad

(CLIENT)

ACCEPTED

M. Asif Yousafzai

M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

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

Ph.091-2211391-

0333-9103240

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No.437/2015

Mr. Sajid Khan S/O Akhtar Khan **Versus** Govt of Khyber Pakhtunkhwa C&W Department.

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3	Khyber Pakhtunkhwa Service Tribunal Order dated 08-06-2015	II	13
4	Election Commission of Pakistan Notification dated 22-01-2013	III	14-15
5	Khyber Pakhtunkhwa Service Tribunal Order dated 17-10-2011 (In Service Appeal No. 1407/2010)	IV	16-18
6	Apex Supreme Court Judgments Order 15-01-2014 passed in C.P(s)-2026 & 2029/2013	V	19-21
7	Comments in the Petition for interim relief		22-23

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 437/2015.

Mr. Sajid Khan S/O Akhtar Khan,
Resident of Village Jhansa P.O Kalabagh Nathiagali Abbotabad.....Appellant

VERSUS

1. Superintending Engineer PBMC C&W Department Peshawar
2. Executive Engineer PBMC C&W Department Peshawar.
3. Assistant Director/SDO-IV PBMC C&W Department Peshawar.
4. Secretary to Govt of Khyber Pakhtunkhwa C&W Department Peshawar.
5. Section Officer (Establishment) C&W Department Peshawar.

..... Respondents.

COMMENTS ON BEHALF OF RESPONDENT NO.1 TO 5.

PRELIMINARY OBJECTIONS.

1. Appellant's father was neither a government servant nor died official. Appointment of appellant is not covered under Rules 10 (4) of Khyber Pakhtunkhwa Civil Servant A.P.T Rules 1989, hence illegal, void abinitio and not warranted by any law. Rules-10(4) gives a rise to appointment to Son/Daughter/Widow/Wife whose father/husband dies/died or invalidated on medical grounds during Service and not others.
2. The alleged offer of appointment to the Appellant is illegal and void abinitio, having no cause of action to invoke the jurisdiction of this Honourable Tribunal. The principal of locus poenitentiae is not being attracted in the cases of illegal appointments.
3. The Appellant has deliberately concealed the material facts from this Honourable Tribunal in the appeal in hand.
4. The appellant has not come to the Tribunal with clean hands.
5. The appeal is bad for misjoinder and non joinder of necessary and proper parties i.e. the then Executive Engineer, Mr. Ghulam Yazdani who signed the Service Books and other documents and not released the salaries if appointment was regular and not illegal/Malicious then.

FACTS.

1. Not need to comments.

2. Incorrect no orders have been passed by Responent-5 as he had not an Authority of appointments in the PBMC. No official record exists to show that any such appointments were made through DSC on 14/01/2013 and what to say about the offer of appointment. Of Course when a Writ Petition No. 1301-P/2013 was filed by the appellant and others and the High Court issued notice for reply, then it was become to know that some persons were claiming their appointment in PBMC, which were issued by the then outgoing Superintending Engineer PBMC in the month of April, 2013 maliciously. The offers of appointments dated 23-1-2013 (for 3 Nos) 24-01-2013 (2 Nos) and 28-1-2013 (3 Nos) are issued during the imposed Ban Period conveyed by the Election Commission of Pakistan vide Notification dated 22-01-2013 (Annex-I).
3. Incorrect, as stated in above para of comments no record was/is existing with the department.
4. Incorrect, No record of appellants is available with respondent department.
5. Incorrect. The alleged documents has never been furnished, not submitted to concern quarter according to prescribed procedure.
6. Incorrect. Neither the appellant nor others assumed charge physically for duty and accordingly. The plea and claim of appellant and his other colleagues regard their performance of duty and non-payment of salaries is against the facts and circumstances. One cannot become entitled for duty and salary on void, illegal offers of appointment. The appellant is bound under the law to prove his appointment order as legal one, which has not been proved by them in earlier Writ Petition 1301-P/2013 and Service Appeal 189/2014. Rest of the para pertains to record.
7. Incorrect. The appellant has neither approached nor entitled for salary as his offer of appointment is bogus and illegal one.
8. The Appellate Authority rejected the Departmental Appeal (Service Appeal terming into Departmental Appeal) on 24-3-2015 within time of ONE month as given by the Tribunal.
9. Incorrect. As stated in para 8-Supra.

GROUNDS

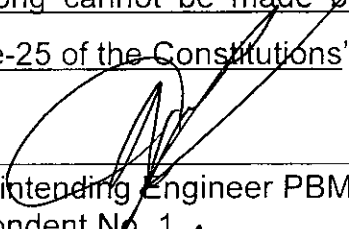
1. Incorrect. No valuable right of the appellant has been taken away. He is not entitled for salary being an illegal appointee even not performed the duties. Mere possessing of illegal offer of appointment, by itself does not constitute a valuable right for payment of salaries.
2. Incorrect. No discriminations, illegality, unlawful and unconstitutional act has been done by the replying respondents. The appellant has got no locus standi and cause of action.
3. Incorrect. The Appellant as stated in the preceeding paras, not performed the duties/job to govt, salaries to appellant cannot be released. The offer of appointment being illegal, void abinitio and in violation of adopting proper procedure The offers of a post by itself does not constitute it a proper appointment orders by any means.
4. Incorrect, the appellant is not entitled for salary. The case of appellant has distinguishable features and facts from that of two namely (i) Said Rasan, (ii) Waqarul Islam were already employed as govt servants and were panalized departmentally. They sued their cases in the August High Court and this Tribunal, and the (iii) Riaz Khan whose pay scale was disputed and he was given a proper and corresponding Pay Scale-5. The same position was narrated in the earlier replies since filed in the previous Service Appeals No. 189/2014 of Appellants. Their cases cannot be taken into account of same nature. The inclusion of their cases in the DSC was not necessary being different in circumstances and had to be ordered administratively each by the Ex-Superintending Engineer, their inclusion being made intentionally for quotation in the malicious act of appointments to make ground for the case of Appellant and others by this way. Whereas the case of Noor Akbar S/O Haji Akbar is totally different and it cannot be taken into a same nature and manner. His appointment was made after DSC meeting and against a vacancy as Fresh Appointment and not under sub rule-4 of Rule-10 of the APT Rules, 1989.
5. Incorrect, as stated/described in the above para-2 and 6 above of facts. A person not delivering Services/job, cannot be or to be paid from the Govt Ex-Cheueq meaning thereby violative and not permitable under any ethic.

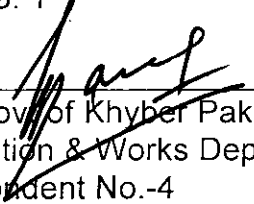
- 3
6. Incorrect/False. The appellant is not entitled for salary. He has not been appointed in accordance with prescribed manner and rules. The offer of appointment is void ab initio.
 7. Incorrect. As stated in Para-8 of the facts, the Appellate Authority has decided appeals well within time of ONE Month as given by this Hon'able Tribunal.
 8. Incorrect. During the proceeding on his Execution Petition orders passed on 08-06-2015, appellant was fully aware of the facts of the Appeal decided by the Appellate Authority (Respondt-4). The plea taken, that the impugned orders was not communicated, then how the Appellant and others filed present Appeal(s) against the Respondent-4's order dated 24-03-2015. The appellant should have to applied for the decision of Appellate Authority at the appropriate time rather agitated in this Tribunal.
 9. Incorrect as described in Para-8 of the grounds.
 10. Incorrect. The orders stated as impugned, have been passed by the Respondent-4, being Competent and Appellate Authority because the appeals were sent to Secretary C&W on 04-03-2015 by this Honourable Tribunal for disposal within a period of one month.
 11. Misconceiving, the malicious Offers for Appointment (not proper Appointment Orders) were made under sub rule-4 of Rule-10 of the A.P.T Rules, 1989, while the ibid rules, gives a rise to appoint Son/Daughter/Widow/Wife of those Govt Servants who died/ dies or invalidated on medical grounds, thus the malicious offer of appointment by itself is void and illegal.
 12. Incorrect. The principle of Locus Poententia is not applicable to the appellant as no lawful and constitutional right of the appellant has been infringed. Illegal and void offers of appointment cannot confer any lawful right to anyone.
 13. Mis-conceiving. The Appellant and others (Similarly placed appointed under sub-rule-4 of Rules-10 of the APT Rules, 1989) cannot be termed as Govt Servant. The desired actions i.e Show Cause Notice, formal

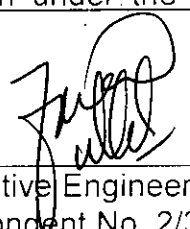
Charge Sheet are principally required to be taken against a Govt Servant, whereas the Appellant (and others) does not come within the definitions of Govt Servants.

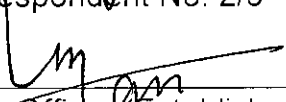
14. Incorrect. As Above.
15. Incorrect hence denied. The orders of rejections passed by the Appellate Authority are not malafide and not issued with ulterior motive.
16. The replying Respondents/State Counsel(s) will also rely on other grounds/stance to be taken during the proceeding, arguments in the case. The replies of replying Respondents since filed in the earlier Service Appeals may also be taken into account.

In the wake of above submission the instant appeals, having devoid of merit and the Statute of Appellants, may graciously be dismissed with cost along with other same nature connected appeals. Any other relief may also not please be granted and treat these appeals as of same and analogous in natures, as per the orders passed on 27-10-2011 by this Tribunal in a Service Appeal No. 1407/2010, and the Apex Supreme Court of Pakistan orders dated 15-01-2014 held in Civil Petition No. 2026 and 2029/2012 "that as one wrong or any numbers of wrong cannot be made basis to justify an illegal action under the garb of Article-25 of the Constitutions".


Superintending Engineer PBMC
Respondent No. 1

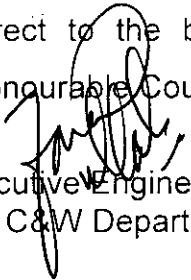

Secretary to Govt of Khyber Pakhtunkhwa
Communication & Works Department
Respondent No.-4


Executive Engineer PBMC
Respondent No. 2/3


Section Officer (Establishment)
Communication & Works Department
Respondent No.-5

AFFIDAVIT

I, Engr. Farmanullah, Executive Engineer PBMC do hereby solemnly affirm that the reply/comments filed thereto are correct to the best of my knowledge and nothing has been concealed from this Honourable Court.


Executive Engineer,
PBMC C&W Department.



Sr. No.	Date of order/proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 183/2014,
 Muhammad Alamgir Khan Versus Superintending Engineer,
 PBMC, C&W Department, Peshawar & 4 others.

19.02.2015

PIR BAKHSI SHAH, MEMBER.- Appellant with his

counsel (Mr. Asad Jan, Advocate), Mr. Usman Ghani, Sr.GP with Muhammad Arif, SDO for the official respondents and private respondent No. 5 with his counsel (Mr. Muhammad Asif Yousafzai, Advocate) present.

2. Summarizing facts of the case are that on the recommendations dated 14.01.2013 of the Departmental Selection Committee, appointment letters were issued to the appellants, by respondent No. 5, Shams-uz-Zaman, Ex-Superintending Engineer, PBMC, C&W Department, Peshawar, presently posted as Director (Tech) BQAA, Abbottabad, The appellants - as following - with their separate appeals, are 20 in numbers and as common issue of payment of salary is involved, therefore, all these appeals are proposed to be disposed off jointly by this single judgment:-

ATTENDED
 PIR BAKHSI SHAH
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Sr. No	Appeal No.	Name	Designation	BP S	Date of appointment
1.	183/2014	M. Alamgir Khan	W.Suptd.	09	16.01.2013
2.	184/2014	Hussain Khan	Cooly	01	14.01.2013
3.	185/2014	Khurram Shehzad	Electrician	04	18.01.2013
4.	186/2014	Wareedullah	Pipe Fitter	04	23.01.2013
5.	187/2014	Habibullah	Cooly	02	18.01.2013

439/2015
 449/2015
 441/2015

447/2015	6.	188/2014	Muhammad Ismail	Electrician	02	28.01.2013
437/2015	7.	189/2014	Sajid Khan	Electrician	05	23.01.2013
	8.	190/2014	M. Faiz Hussain Shahi	Suptdt.	09	16.01.2013
	9.	217/2014	Yasir Mubarak	Cooly	01	<u>14.01.2013</u>
	10.	218/2014	Hasan Dad	Pipe Fitter	04	23.01.2013
	11.	219/2014	Muzzaffar	M.Sweeper	01	<u>15.01.2013</u>
445/2015	12.	220/2014	Muhammad Imran	Pipe Fitter	04	18.01.2013
454/2015	13.	221/2014	Muhammad Tanveer	Mistri	06	<u>14.01.2013</u>
450/2015	14.	222/2014	Ruhullah	Work Mistri	06	24.01.2013
	15.	223/2014	Races Khan	Carpenter	06	28.01.2013
	16.	249/2014	Asfandyar	Skilled Cooli	02	17.01.2013
	17.	250/2014	Aftab	Mali	02	17.01.2013
455/2015	18.	251/2014	Shahabuddin	Chowkidar	01	<u>15.01.2013</u>
	19.	759/2014	Asad Ali	Mali	02	17.01.2013
446/2015	20.	760/2014	Naveed ur Rahman	Khansama	04	28.01.2013

Appellants claim per their appeal that they submitted arrival reports, after formality of being medically examined and so much so that necessary entries in their service books have also been made. They further claim that they were performing their duties from the date of their arrival but the respondent-department has denied to them their salary on which they knocked at the door of the Hon'ble Peshawar High Court in Writ Petition No. 1301-P/2013. The Hon'ble Peshawar High Court vide its order dated 27.01.2014, dismissed the Writ Petition being not pressed but observed that the petitioners are at liberty to approach the proper forum for redressal of their grievances in accordance with the law. Hence these separate service appeals have been filed before this Tribunal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that on acceptance of instant appeal, the respondent be directed to pay the withheld salaries since arrival report for duty till date and onward

ATTESTED
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

24/01/2013

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and not to create illegal hurdle in the way of performance of duties as well as to restrain respondents from taking any discriminatory action against the appellant. The record further reveals that this Bench, then presided by our learned predecessors passed order dated 16.04.2014 under which the respondent department was directed to allow the appellants to perform duties and to start paying them their monthly salary provisionally. Feeling aggrieved from this order, the respondent department filed Civil Petitions No. 517-P to 534-P/2014 before the august Supreme Court of Pakistan. The august Apex Court was pleased to pass the following order on 16.10.2014:-

“From the nature of the lis and also from the order under question, we are not inclined to interfere in the interim order passed by the learned Service Tribunal. However, we direct the Registrar of the learned Service Tribunal to fix these cases, if not yet fixed, in the week commencing 3rd November, 2014 and the learned Tribunal is directed to decide all these cases within a week thereof. Disposed of accordingly.”

On 16.02.2015, we the undersigned became seized of the appeals for the first time.

3. The record shows that respondent No. 5 has been transferred from his erstwhile post long ago and he has been made respondent in his private capacity. He however, owns that appointment orders to have been issued by him. On the other hand the respondent department per their written reply have termed these appointments illegal, to be shorn of the required criteria of domicile and reserved quota, that those were made in violation of the rules and void ab-initio.

4. We have heard the learned counsel for the appellant, Mr. Usman Ghani, Sr.GP for the official respondents and private counsel for respondent No. 5 at length, and perused the record with their assistance.

5. The learned counsel for the appellant contended that the appellants are civil servants, duly appointed by the appointing authority (respondent No.5) after fulfilment of all the codal formalities. The appellants have also submitted their arrival reports after their medical examination but due to change of the incumbents in the office of respondent No. 5, the department-respondent is neither letting the appellants to perform their duties nor paying them their salary. The arguments of the learned counsel for the appellant were further augmented by the learned counsel for private respondent No. 5 that for filing an appeal before this Tribunal, the impugned order in writing was not essential. Reliance placed on PLD 1991 (SC)226.

The learned Addl. Advocate General and Senior Government Pleader vehemently resisted these appeals. Their contention is that this Tribunal under Section 4 r/w Section 7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 lacks jurisdiction because there is neither any original order nor any final order against which the appeals should have been filed. On merits, it was submitted that the appointment orders are totally illegal, void ab-initio, do not fulfil the required criteria and qualifications. In this respect it was submitted that some of the appointment orders were made under

ATTESTED
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Rule 10 (4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 but it has been found in enquiry conducted by Engr. Shahid Hussain that the appointees were not sons of the deceased employees; that some of the appointment orders have been shown issued in hurry on the very date on which the Departmental Selection Committee took its meeting; that some of the appointees as prescribed in Rule 12 (3) of the rules ibid have not been appointed from the respective districts. It was also submitted that the relevant record like arrival report etc. were also not found in the office and further that notice thereof was also taken by the Audit Party. They also contended that the appeal is time barred and finally prayed that all the appeals may be dismissed.

7. We have considered submissions of the parties and have thoroughly gone through the record. This is not disputed by the respondent department that at the relevant time respondent No. 5 was the competent appointing authority for the disputed appointments. Respondent No. 5 has openly conceded that he had made the appointments and has further taken plea that after fulfilment of all the codal formalities the appointments were made. In defence of appointments, he referred to corrigendum dated 08.02.2013 issued to rectify mistakes in the original appointment orders pertaining to quoting rule 10(4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in the appointment orders. This is also very important aspect of the matter that so far these appointment orders have not been cancelled by the

APPROVED
Khyber Pakhtunkhwa
Civil Servants
Commission

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respondent-department. The issue pertains to the payment/non-payment of salary to the appellants, therefore, in the light of the above factual position on record, we are led to prima-facie opine that the appellants qualify to attract jurisdiction of this Tribunal.

Hence jurisdiction is assumed.

8. On record, there is enquiry report conducted by Engr. Shahid Hussain and being important we are also inclined to reproduce its final conclusion at para-5 which is follows:-

"In the light of the findings/Conclusion, detailed above, it is found that not only the prevailing rule 10 & 12 of Appointment, Promotion & Transfer Rules-1989 as well as merit list of employee sons were not followed but also numerous lapses mentioned above are observed in whole process, hence the aforesaid appointment can not be termed as legal."

This being so, this is also noticeable that the appellants have not made the present incumbent/competent authority as respondent. On the other hand the department-respondent has its objection on making Mr. Shamsuz Zaman, then appointing authority as respondent No. 5 in which respect it was also submitted that departmental proceedings on the basis of these disputed appointments had also been initiated against him. It is our considered opinion that the factual position of arrival report, charge assumption reports and performance of duty really pertains to the office of the respondent department and a person cannot be held to be entitled to salary merely on the basis of the appointment orders and that which is also disputed by the department to be legal.

Unfortunately, the said appointing/competent authority has not been

made respondent who would have assisted the Tribunal on these factual position because the facts mentioned above has a very close connection with the payment/non-payment of salaries to the appellants. For the above said reasons, the Tribunal feels itself in vacuum and perceive a disconnect between the disputed appointment orders and payment of salary on its basis. On record, it was also not shown that departmental appeal had been moved by the appellant before the competent appellate authority next above the appointing authority as contemplated in Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, much less that the outcome of such appeal would have come before the Tribunal. Hence, while concluding this discussion, it is the considered opinion of the Tribunal to treat these appeals as departmental appeals and to remit the cases to the appellate authority who is directed to decide the appeals within one month of its receipt failing which these appeals shall be deemed to have been accepted by this Tribunal. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
19.02.2015

Dr. Per Bahadur Qureshi, member
Dr. Abdul Latif, member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 20.2.2015
 Number 2800
 Case No. 16
 Page No. 16
 Date of Decision 2-3-2015
 Date of Filing 2-3-2015

①

13

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Execution Petition No. 10/2015

Muhammad Alamgir Khan S/O Muhammad Ajmal R/O Kanal Colony Behind Secondary Board, Peshawar.

----- **Petitioner**

VERSUS

N.W.F. PESHAWAR
Service Tribunal
Diary No. 220
Dated 26-3-15

1. SUPERINTENDENT ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
2. EXECUTIVE ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
3. ASSISTANT DIRECTOR, IV PBMC C&W DEPARTMENT PESHAWAR PROVINCIAL BUILDING MAINTENANCE CELL BACHA KHAN CHOWK PESHAWAR.
4. SECRETARY C&W KHYBER PAKHTOON KHWA PESHAWAR
5. SHAMS .UZ. ZAMAN EX- SUPERINTENDENT ENGINEER.PBMC C&W PESHAWAR PRESENTLY POSTED AS DIRECTOR (TECH).EQAA ABBOTTABAD.

..... **RESPONDENTS**

08.06.2015

Counsel for the petitioner and Mr. Muhammad Arif, SDO alongwith M/S Kabirullah Khattak, Assistant A.G and Usman Ghani, Sr. GP for respondents present. Arguments heard and record perused.

According to the judgment of this Tribunal dated 19.2.2015 service appeal of the petitioner was treated as departmental appeal with the direction to the appellate authority to decide the same within a period of one month. According to notification dated 24.3.2015 the appellate authority has rejected the said service appeal treated as departmental appeal regarding which the petitioner has already preferred another service appeal before this Tribunal.

In view of the above, the petition has become infructuous and disposed of accordingly. File be consigned to the record.


ANNOUNCED
08.06.2015

1329/52-C
15-06-2015

Chairman

Certified to be true copy
Khyber Pakhtoon Khwa
Service Tribunal,
Peshawar

VMS

14 

ELECTION COMMISSION OF PAKISTAN
NOTIFICATION

Islamabad, the 22nd January, 2013

No.F.8(12)/2012-Cord.- WHEREAS, the Election Commission of Pakistan is charged with the constitutional duty to organize and conduct elections in terms of Article 218 of the Constitution of the Islamic Republic of Pakistan, and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with the law and that corrupt practices are guarded against;

AND WHEREAS, it is grave concern of all people in different segments of society that some government departments are in the process of inducting thousands of people on various positions which amounts to pre-poll rigging as political bribe.

AND WHEREAS, for tangible reasons, the Election Commission is of the considered view that such mass recruitments at this point of time when the general elections of the National Assembly and Provincial Assemblies are going to take place shortly, will substantially influence the results of elections, therefore, it is imperative on all standards of legal, moral and democratic ethics that all kinds of recruitments except the recruitments which are made by the Federal and Provincial Public Service Commission be banned forthwith.

AND WHEREAS, the Commission has considered the repeated concern of the people as expressed and voiced in the national press that money allocated to various important development projects in the country is being diverted to the discretionary fund of the Prime Minister of Pakistan for its utilization in the development of his constituency, is nothing short of yet another facet of pre-poll-rigging which if not checked and brought to an immediate end is likely to influence the electoral process adversely and thus sending an extremely wrong message to the public at large, making the election tainted and falling short of the constitutional provisions contained in Article 218 (3) of the Constitution.

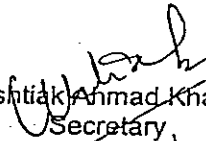
AND WHEREAS, it has become imperative that the Commission takes all necessary steps under the law to prevent any action on the part of the federal, provincial and local governments that amounts to influencing the results of upcoming general elections by depriving candidates from having a level playing field.

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NOW THEREFORE, in exercise of the powers conferred upon it under Articles 218(3) and 220 of the Constitution, Article 6 of the Election Commission Order 2002, section 103 (c) and 104 of the Representation of the People Act, 1976 and all other powers enabling it in that behalf, the Election Commission of Pakistan is pleased to direct as under:

- a. That all kinds of recruitments in any Ministry, Division, Department or Institution of the Federal Government or any Department or Institution of any Provincial and Local governments is banned forthwith ~~except recruitments by the Federal or a Provincial Public Service Commission.~~
- b. That diversion of funds already allocated to various development projects in the country is banned forthwith and the spending of funds so diverted shall stand frozen forthwith.

By order of the Election Commission of Pakistan.


(Ishtiaq Ahmad Khan)
Secretary
22/01/2019

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1407/2010

Date of institution ... 21.07.2010

Date of judgment ... 27.10.2011


Abdul Salam S/o Shah Suliman,
D.I.Khan, Ex. P.T.C GPS, Kamal Khel

.. (Appellant)

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. Director of Education (E&S) Khyber Pakhtunkhwa, Peshawar.
3. Executive District Officer (E&S) Dera Ismail Khan.
4. District Coordination Officer, Dera Ismail Khan. ... (Respondents)

APPEAL U/S 4 OF NWFP (KHYBER PAKHTUNKHWA) SERVICE TRIBUNALS ACT, 1974 AGAINST IMPUGNED ORDER DATED 04.9.2009, WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM SERVICE, BY THE INCOMPETENT AUTHORITY, DISREGARD OF THE RULES, AND WITHOUT OBSERVING THE LEGAL REQUIREMENTS, AND HIS DEPARTMENTAL APPEAL ELICITED NO RESPONSE WITHIN STATUTORY PERIOD.

- 
1. Shahzada Irfan Zia, Advocate for the appellant
 2. Ashraf Ali Khattak
 3. Ghulam Nabi
 4. Saadullah Khan Marwat
 5. Muhammad Arif Baloch
 6. Muhammad Anwar Awan
 7. Shaukat Ali Jan
 8. Matiullah Rand
 9. Abdul Qayyum Qureshi
 10. Muhammad Ismail Alizai
 11. Abdul Hamid Khan
 12. Muhammad Waqar Alam
 13. Muhammad Saeed Bhutta
 14. Muhammad Saeed Khan & M. Asghar Khan
 15. Rüstam Khan Kundi
 16. Gul Tiaz Khan
 17. Zahid Muhibullah
 18. Khalil-ur-Rehman Hissam
 19. Fazal-ur-Rehman Baloch
 20. Javed Iqbal
 21. Yasir Zakria Baloch
 22. Allah Nawaz, Advocates

Advocates from S.No.2 to 22 for the remaining appellants.


Mr. Sher Afgan Khattak, AAG.

.. For respondents

status following judgment/order dated 11.6.2009 of the Peshawar High Court, D.I.Khan Bench, whereby a clear direction was issued to act upon the inquiry report, but they lost sight of the fact that no direction of any authority could absolve the departmental authority from following the law/rules on the subject and fulfill necessary legal requirements before passing the impugned order.

9. As a sequel to the foregoing-discussion, we would make the following orders:-

- (i) All the appeals of Junior Clerks, Lab. Assistants and Assistant Store Keeper(M) are dismissed with costs, being devoid of merit.
- (ii) The appeal of Ms.Shahana Niazi (Service Appeal No. 2177/10) is accepted, and by setting aside the impugned order, she is reinstated in service with consequential/back benefits.
- (iii) The appeals of the rest of the appellants including PSTs(M&F), CTs(M&F), PETs(M&F), DMs(M&F), ATs(M&F), TTs(M&F) and Qaris (M&F) are also accepted and impugned termination order in their cases set aside, but instead of their outright reinstatement, their cases are remanded/sent back to the Secretary, Elementary & Secondary Education Department, Peshawar (Respondent No.1) for reconsideration of the cases in the light of above observations for reinstatement of the qualified appellants and a speaking order in respect of those who are not found qualified, by the competent authority, after affording opportunity of hearing to the said appellants through an efficient and fair mechanism to be evolved for the purpose by him so as to ensure compliance with the mandatory legal requirements on the one hand

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and integrity of the proceedings on the other. Since the matter has already been delayed inordinately, it is expected that the proposed exercise should not take more than three months, whereafter a progress report be submitted to the Registrar of the Tribunal.

- (iv) The respondent-department should also look into claim of those appellants who have alleged performance of duty for considerable time after their appointments, and if they are found to have actually performed duty for certain period, and, as such, entitled to pay/salary for the period of the duty, legal procedure should be adopted for recovery of their claims from the then EDO D.I.Khan who has already been held responsible for appointments in question as a consequence of departmental proceedings against him.

ANNOUNCED
27.10.2011


(SYED MANZOOR ALI SHAH)
MEMBER


(QALANDAR ALI KHAN)
CHAIRMAN

19

REGISTERED

Nos. C.P. 2026 & 2029 of 2013 - SCJ
SUPREME COURT OF PAKISTAN.

Islamabad, dated 16/1/2014.

The Registrar,
Supreme Court of Pakistan,
Islamabad.

The Registrar,
Peshawar High Court,
Peshawar.

Subject: CIVIL PETITION NOS. 2026 & 2029 OF 2013.
Mushtaq Ahmed & another ...in C.P. 2026/2013
Muhammad Nasir Ali & others ...in C.P. 2029/2013
VERSUS
Government of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar & others ...in both cases

On appeal from the Judgment/Order of the
Peshawar High Court, Peshawar dated
02.10.2013 in W.P. 271-P & 663-P/2013


Dear Sir, I am directed to enclose herewith a certified copy of the Order of
this Court dated 15.01.2014 dismissing the above cited civil petitions with
directions for information and further necessary action.

I am also to invite your attention to the directions of this Court
contained in the enclosed Order.

Please acknowledge receipt of this letter along with its enclosure
immediately.

Encl: Order

Yours faithfully,



(NAZAR ABBAS)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR


Copy with a certified copy of the Order of this Court dated 15.01.2014 is
forwarded to Mr. Sikandar Khan, Chief Engineer, Public Health Engineering
Department, Khyber Pakhtunkhwa, Peshawar for immediate necessary action
and report compliance.

Encl: Order



ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

203


PRESENT:

MR. JUSTICE ANWAR ZAHEER JAMALI.
MR. JUSTICE EJAZ AFZAL KHAN.

C. Ps. No. 2026 and 2029 of 2013.

(On appeal against the judgment
dt. 2.10.2013 passed by the
Peshawar High Court, Peshawar in
W. Ps. No. 271-P and 663-P of 2013).

Mushtaq Ahmed and another.
Muhammad Nasir Ali and others.

(in CP. 2026/13)

(in CP. 2029/13)

...Petitioners.

Versus

Government of KPK through Chief Secretary,
Peshawar and others.

(in both cases)

...Respondents.

For the petitioners: Mr. Ghulam Nabi Khan, ASC.
Syed Safdar Hussain, AOR.

For the respondents: Sikandar Khan, Chief Engineer, PHEK, KPK.
(on court notice)

Date of hearing: 15.01.2014.

ORDER

ANWAR ZAHEER JAMALI, J. - After hearing the arguments

of the learned ASC for the petitioners and careful perusal of the case
record particularly the reasons assigned in the impugned judgment,
we are satisfied that no case for grant of leave to appeal is made out,
including the plea of discrimination raised by the petitioners, as one
wrong or any number of wrongs, cannot be made basis to justify an
illegal action under the garb of Article 25 of the Constitution. Both
these petitions are, therefore, dismissed. Leave is refused.

2. So far as some other illegalities in the appointments
brought to our notice is concerned, in response to our earlier order
dated 09.01.2014, Mr. Sikandar Khan, Chief Engineer, Public Health
Engineering, Department, KPK is present in Court, he states that

ATTESTED



Secretary
Supreme Court of Pakistan

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although many other illegal appointees in his department have been removed from service, but against many others such action is in process at various stages and they are still in service.

3. In view of the above statement, he is directed to finalize the action against such illegal appointees within one month from today and submit his report through Registrar of this Court. In case he faces any difficulty in this regard, those difficulties may also be brought to our notice so that appropriate orders may be passed.

Sd/ Ammar Zahoor Jawali +
Sd/ Ejaz Afzal Khan +

Certified to be True Copy

[Signature] 16-1-14
Superintendent
Supreme Court of Pakistan
Islamabad



Service Appeal No. 437/2015.

Mr. Sajid Khan S/O Akhtar Zaman,
Resident of Villige Jhansa, P.O Kalabagh Nathiagali
District Abbotabad.....Appellant

VERSUS

Govt of Khyber Pakhtunkhwa C&W Department
..... Respondents.

**REPLY/COMMENTS OF RESPONDENT(S) 1 TO 5 IN THE PETITION AS
SOUGHT FOR INTERIM RELIEF**

PRELIMINARY OBJECTIONS.

1. Appellant's father was neither government servant nor died official. Appointment of appellant is not covered under Rules 10 (4) of Khyber Pakhtunkhwa Civil Servant A.P.T Rules 1989, hence illegal, void abinitio and not warranted by any law. Rules-10(4) gives a rise to appointment to Son/Daughter/Widow/Wife whose father/husband dies/died or invalidated on medical grounds during Service and not others.
2. The offer of appointment to the Appellant is illegal and void abinitio, has got no cause of action to invoke the jurisdiction of this Honourable Tribunal and the principal of locus poenitentiae, proper orders of appointment had never been issued nor produced with the appela(s).
3. The Appellant has deliberately concealed the material facts from this Honourable Tribunal in the appeal in hand.
4. The appellant has not come to the Tribunal with clean hands.
5. The appeal is bad for misjoinder and non joinder of the then Executive Engineer, Mr. Ghulam Yazdani who signed the Service Books and other documents and not released the salaries if appointment was regular and not illegal/Malicious then.

Respectfully Sheweth:

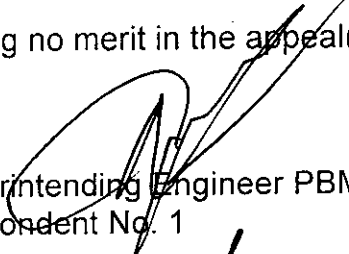
1. The reply/comments in the Main Service Appeals No. 437/2015 has since been admitted/filed in this Honourable Trinbual.
2. Incorrect/Mis-conceiving. The Respondent(s) Department is not going to induct the favoritees with any reason hence wrong perception.
3. Incorrect. The detail position and statute of the Appellant and others have been narrated in very detail in the replies to main Appeal. Not performed

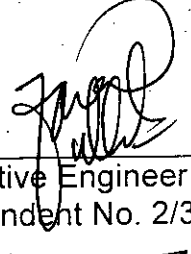
nor performing the duties, cannot be paid salaries at any cost under the Policy of the Govt to put extra burden on the Govt Ex-Chequer.

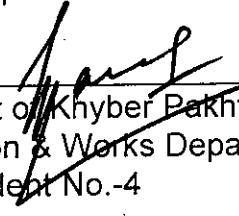
- 4. Incorrect. By stating that, on filling of above title Petition / Service Appeals, Respondent(s) are not allowing him and others to perform duties, is irrelevant perception.
- 5. Incorrect, appellant (and others) does not come under the ambit of Govt Servants on the mere stand that offers have seen issued while proper and valid orders of appointment had never been issued. The balance of convenience tilts in favour of respondents. The respondents will suffer irreparable loss if the petition / appeal accepted.
- 6. Incorrect. The petition is badly barred by law.
- 7. Incorrect. The appellant is not entitled for salary.
- 8. As prayed in the reply to main appeal(s).

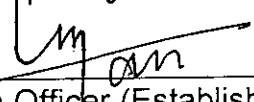
The Replying Respondents earnestly pray please not to pass any controversy orders for the release of salaries and directions to allow the Appellants for duties then by now.

The interim relief sought for may graciously be dismissed in limine having no merit in the appeal(s)


 Superintending Engineer PBMC
 Respondent No. 1

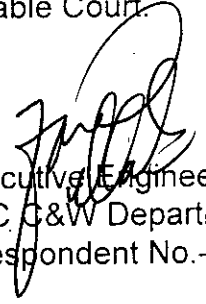

 Executive Engineer PBMC
 Respondent No. 2/3


 Secretary to Govt of Khyber Pakhtunkhwa
 Communication & Works Department
 Respondent No.-4


 Section Officer (Establishment)
 Communication & Works Department
 Respondent No.-5

COUNTER AFFIDAVIT

I, Engr. Farmanullah, Executive Engineer PBMC do hereby solemnly affirm that the reply/comments filed thereto are correct to the best of my knowledge and nothing has been concealed from this Honourable Court.


 Executive Engineer
 PBMC C&W Department
 Respondent No.-2

Reference Para-26 of the summary

30

27 The accused officers/official namely Engr. Ghulam Yazdani XEN C&W Division Karak, Engr. Shams-uz-Zaman, Director Technical, Mr. Rahim Badshah, Section Officer Housing Department and Mr. Imtiaz Khan Junior Clerk PBMC were called for personal hearing on 21-4-2015 at 1130 hours. Detailed personal hearing was given to the accused in the presence of departmental representatives Engr. Shahid Hussain, Chief Engineer (North) C&W Department. The officers put forward the following points in their defense on the findings of the inquiry report mentioned vide Para-8 of the summary:-

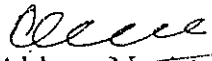
- i. Sub-Rules (2&3) of Rule-12 of Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 are not applicable due to exemption granted for house hold staff in PBMC as per amendment in the rule vide Administrative Department's notification (Flag-A). The Administration Department has not cancelled or withdrawn the notification till date.
- ii. No candidate was appointed on the deceased sons' quota in January, 2013 because one month before in December, 2012 deceased sons' quota was filled (Flag-B) and no application was pending till next meeting of the Selection Committee.
- iii. The candidates appointed by the Selection Committee in January, 2013 were not allowed to join the service, against which the candidates filed appeal to the competent authority, Secretary C&W rejected the appeal on the ground that proper procedure was not followed in their appointments (Flag-C).

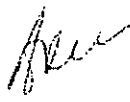
28. It is observed that the defense of the accused officers/official are convincing as appointees recommended by the Selection Committee were not allowed to join the service and no loss therefore occurred to the Provincial exchequer.

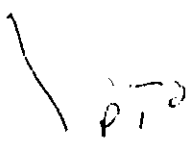
29. It is therefore proposed that competent authority (Chief Minister) may exonerate the accused Officers/official from the charges leveled against them.

Chief Secretary
Khyber Pakhtunkhwa

Chief Minister


(Dr. Akhtar Nazir)
Secretary Establishment
30th April, 2015


30/4/15
Chief Secretary
Govt. of Khyber Pakhtunkhwa


Chief Secretary
Govt. of Khyber Pakhtunkhwa

CHIEF MINISTER
KHYBER PAKHTUNKHWA

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Preceding paras refer

31. The Competent Authority has exonerated all the accused in line with para-27 (i, ii & iii) of the summary. The Department is of the considered opinion that serious irregularities were committed by the accused as per the inquiry report. The charges have been clearly established and proven against the accused officers. Their exoneration will create serious problem for the Department in dealing with such like cases in future and will create a bad precedent, besides filing of service appeals of the candidates (who were not allowed to join service in PBMC) in the Service Tribunal is expected. Therefore some sort of penalty is required to be imposed upon the accused on the basis of their irregularities and quantum of misconduct.

32. In view of above, it is proposed that Competent Authority (Chief Minister) may review their earlier orders and some penalty (minor/major) may be imposed upon the accused.

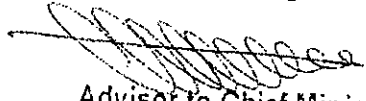
33. The proposal contained in para-32/N is submitted for perusal and orders of the Chief Minister please.

ADVISOR TO CM FOR C&W

CHIEF SECRETARY

SECRETARY
C&W
27.5.15

3-6-15


Advisor to Chief Minister for
Communication & Works.
Khyber Pakhtunkhwa

34. Summary for Chief Minister has been examined. It is observed that the competent authority after providing opportunity of 'personal hearing' exonerated the accused officers/officials vide para-30 of the summary. The Administrative Department proposed that the competent authority may review the earlier orders of exoneration and some penalty may be imposed on the accused without referring any rules.

35. The proposal of the Administrative Department is not covered under E&D Rules-2011 and the decision of the competent authority is final. It is therefore proposed that the Administrative Department may be asked to proceed as per orders of the competent authority.

Chief Secretary
Khyber Pakhtunkhwa

AN

(Dr. Akhtar Nazir)
Secretary Establishment
17th June, 2015

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 437/2015

Mr. SAJID Khan

VS

C&W Deptt:

REJOINDER ON BEHALF OF APPELLANT

RESPECTFULLY SHEWETH:

Preliminary Objections:

- (1-5) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 No comments endorsed by the respondents department which mean that they have admitted Para-1 of the appeal as correct.
- 2 Incorrect. While Para-2 of the appeal is correct. Moreover, writ petition No. 1301-P/2013 was withdrawn with the permission to move the proper forum which was not objected by the learned A.A.G and hence the writ petition was dismissed being not pressed and said that the petitioners are at liberty to approach the proper forum.
- 3 Incorrect. While Para-3 of the appeal is correct. Moreover, maintaining of record is duty of department.
- 4 Incorrect. While Para-4 of the appeal is correct. Moreover, maintaining of record is duty of department.
- 5 Incorrect. While Para-5 of the appeal is correct. Moreover, all record is submitted according to procedures and duly certified by the

Superintending Engineer and Executive Engineer. Documents were already attached with the main appeal.

- 6 Incorrect. While Para-6 of the appeal is correct. Moreover, writ petition No. 1301-P/2013 was withdrawn with the permission to move the proper forum which was not objected by the learned A.A.G and hence the writ petition was dismissed being not pressed and said that the petitioners are at liberty to approach the proper forum and the service appeal 189/2014 of the appellant was considered as department appeal by the August Tribunal and appeal was remit to the Appellate Authority who is directed to decide the appeal within one month Which was rejected by the department for no good grounds.
- 7 Incorrect. While Para-7 of the appeal is correct. Moreover, appellant was properly appointed by the Departmental Selection and Promotion Committee and the appellant gave his arrival report and performing his duties with full diligent and devotion.
- 8 Incorrect. While Para-8 of the appeal is correct. Moreover, the respondents through illegal order 24.3.2015 without following the proper and legal procedure rejected the departmental appeal.
- 9 Incorrect. While Para-9 of the appeal is correct. Moreover, as explained in above Para-8 not he rejoinder.
- 10 Not denied which means admitted correct by the respondents.

GROUND:

1. Incorrect. While Para-1 of grounds of the appeal is correct. Moreover, non-payment of salaries is against the law and the appellant right is secured and granted under the law because appointment order creates valuable rights in favor of appellant which is not taken away under the principle of locus poenetentiae.

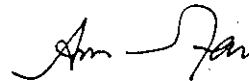
2. Incorrect. While Para-2 of grounds of the appeal is correct as mention in the main appeal, of the appellant.
3. Incorrect. While Para-3 of grounds of the appeal is correct as mention in the main appeal, of the appellant. Moreover, appellant was properly appointed by the Departmental Selection and Promotion Committee and the appellant gave his arrival report and performing his duties with full diligent and devotion.
4. Incorrect. While Para-4 of grounds of the appeal is correct as mention in the main appeal, of the appellant. Moreover, the names mention in the para-4 and the appellant both were appointed through recommendation of D.S.C. but he appellant was discriminated which is against the law, rules and norms of justice.
5. Incorrect. While Para-5 of grounds of the appeal is correct as mention in the main appeal, of the appellant. Moreover, as explained in the Para-7 of the facts and Para-3 and Para-1 of the grounds of the appeal.
6. Incorrect. While Para-6 of grounds of the appeal is correct as mention in the main appeal, of the appellant. Moreover, as explained the above Para's of the rejoinder.
7. Incorrect. While Para-7 of grounds of the appeal is correct as mention in the main appeal, of the appellant. Moreover, as explained in the Para-8 of the facts of the appeal.
8. Incorrect. While Para-8 of grounds of the appeal is correct as mention in the main appeal, of the appellant
9. Incorrect. While Para-9 of grounds of the appeal is correct as mention in the main appeal, of the appellant.
10. Incorrect. While Para-10 of grounds of the appeal is correct as mention in the main appeal of the appellant.

11. Incorrect. While Para-11 of grounds of the appeal is correct as mention in the main appeal, of the appellant.
12. Incorrect. While Para-12 of grounds of the appeal is correct as mention in the main appeal of the appellant.
13. Incorrect. While Para-13 of grounds of the appeal is correct as mention in the main appeal of the appellant.
14. Incorrect. While Para-14 of grounds of the appeal is correct as mention in the main appeal, of the appellant.
15. Incorrect. While Para-15 of grounds of the appeal is correct as mention in the main appeal, of the appellant.
16. Legal.

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

APPELLANT

Through:



**(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.**

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.



DEPONENT

Reference Para-26 of the summary

20

27 The accused officers/official namely Engr. Ghulam Yazdani XEN C&W Division Karak, Engr. Shams-uz-Zaman, Director Technical, Mr. Rahim Badshah, Section Officer Housing Department and Mr. Imtiaz Khan Junior Clerk PBMC were called for personal hearing on 21-4-2015 at 1130 hours. Detailed personal hearing was given to the accused in the presence of departmental representatives Engr. Shahid Hussain, Chief Engineer (North) C&W Department. The officers put forward the following points in their defense on the findings of the inquiry report mentioned vide Para-8 of the summary:-

- i. Sub-Rules (2&3) of Rule-12 of Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 are not applicable due to exemption granted for house hold staff in PBMC as per amendment in the rule vide Administrative Department's notification (Flag-A). The Administration Department has not cancelled or withdrawn the notification till date.
- ii. No candidate was appointed on the deceased sons' quota in January, 2013 because one month before in December, 2012 deceased sons' quota was filled (Flag-B) and no application was pending till next meeting of the Selection Committee.
- iii. The candidates appointed by the Selection Committee in January, 2013 were not allowed to join the service, against which the candidates filed appeal to the competent authority, Secretary C&W rejected the appeal on the ground that proper procedure was not followed in their appointments (Flag-C).

28. It is observed that the defense of the accused officers/official are convincing as appointees recommended by the Selection Committee were not allowed to join the service and no loss therefore occurred to the Provincial exchequer.

29. It is therefore proposed that competent authority (Chief Minister) may exonerate the accused Officers/official from the charges leveled against them.

Chief Secretary
Khyber Pakhtunkhwa

Chief Minister

(Dr. Akhtar Nazir)
Secretary Establishment
30 April, 2015

(30/4/15)
Chief Secretary
Govt. of Khyber Pakhtunkhwa

P.T.
Chief Secretary
Govt. of Khyber Pakhtunkhwa

CHIEF MINISTER
KHYBER PAKHTUNKHWA



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the July 13, 2015

ORDER:

No.SOE/C&WD/24-60/Association: WHEREAS, the following officers/official of C&W Department were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the alleged irregularities in the "Appointment in PBMC C&W Peshawar":

- i. Engr. Shams-uz-Zaman the then Director PBMC now working as Director (Tech) PERRA Abbottabad
- ii. Engr. Ghulam Yazdani the then XEN PBMC now working as XEN C&W Division Karak
- iii. Mr. Imtiaz Khan Junior Clerk/Dispatch Clerk O/O SE PBMC C&W Peshawar

2. AND WHEREAS, for the said act of misconduct they were served charge sheets/ statement of allegations.

3. AND WHEREAS, Sardar Muhammad Abbas the then Secretary to Government of Khyber Pakhtunkhwa Transport Department was appointed as inquiry officer, who submitted the inquiry report.

4. NOW THEREFORE, the Competent Authority after having considered the charges, material on record, inquiry report of the inquiry officer, explanation of the officers/official concerned, in exercise of the powers conferred by Section-14 (3) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to **exonerate the above mentioned officers/official from the charges leveled against them.**

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Chief Engineer (Centre) C&W Peshawar
3. Chief Engineer (East) Abbottabad
4. Superintending Engineer PBMC C&W Peshawar
5. Executive Engineer PBMC C&W Peshawar
6. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar
7. PS to Secretary, C&W Peshawar
8. Officers/official concerned.
9. Office order File/Personal File


(USMAN JAN)
SECTION OFFICER (Estab)

21

Preceding paras refer

31. The Competent Authority has exonerated all the accused in line with para-27 (i, ii & iii) of the summary. The Department is of the considered opinion that serious irregularities were committed by the accused as per the inquiry report. The charges have been clearly established and proven against the accused officers. Their exoneration will create serious problem for the Department in dealing with such like cases in future and will create a bad precedent, besides filing of service appeals of the candidates (who were not allowed to join service in PBMC) in the Service Tribunal is expected. Therefore some sort of penalty is required to be imposed upon the accused on the basis of their irregularities and quantum of misconduct.

32. In view of above, it is proposed that Competent Authority (Chief Minister) may review their earlier orders and some penalty (minor/major) may be imposed upon the accused.

33. The proposal contained in para-32/N is submitted for perusal and orders of the Chief Minister please.

ADVISOR TO GM FOR C&W

CHIEF SECRETARY

SECRETARY
C&W

27.5.15

3-6-15

Advisor to Chief Minister for
Communication & Works.
Khyber Pakhtunkhwa

34. Summary for Chief Minister has been examined. It is observed that the competent authority after providing opportunity of 'personal hearing exonerated the accused officers/officials vide para-30 of the summary. The Administrative Department proposed that the competent authority may review the earlier orders of exoneration and some penalty may be imposed on the accused without referring any rules.

35. The proposal of the Administrative Department is not covered under E&D Rules-2011-and-the-decision_of_the_competent authority is final. It is therefore proposed that the Administrative Department may be asked to proceed as per orders of the competent authority.

Chief Secretary
Khyber Pakhtunkhwa

J/C

Dr. Akhtar Nazir
(Dr. Akhtar Nazir)
Secretary Establishment
17th June, 2015

Annex: 16

~~Annex: 16~~

Minutes of the Departmental Selection and Promotion Committee
PBMC, C&W Department

3

A meeting of the DSC&PC was held on 14.1.2013 in the office of the Superintending Engineer PBMC C&W Department and make decision on the agenda items. The following attended the meeting: -

Annex: 2

- | | |
|------------------------------|------------------------------------|
| 1. Engr: Shams-uz-Zaman | Superintending Engineer PBMC: |
| 2. Engr: G. Yazdani Khanzada | Executive Engineer PBMC: |
| 3. Mr. Rahim Badshah | Section Officer (Estt:) C&W Deptt: |

The Committee was assisted by the relevant staff of PBMC in consideration of the cases as per rules. The Committee was informed that appointments on vacant post of different cadre will be filled up against employee's son quota and against class IV establishment in PBMC C&W Department. To consider the cases of the appointment of applicants against vacant post of House hold staff both for employee's sons and fresh recruitment a total 38 applications were received and considered according to merit.

The following applicants were selected against the vacant posts as below.

1. M. Tahir Hassan Shah S/o Noor Hassan village Dag Peshawar against the post of Work Superintendent in PBS-09 (Diploma in Civil Technology)
2. Alamgir Khan S/o Muhammad Ajmal resident of Canal colony behind secondary board Peshawar against the post of Work Superintendant in BPS 9. (Diploma Holder in Civil Technology). The required age relaxation granted and approved by the Selection Committee.
3. Mohammad Tanveer S/o Saleem Khan resident of village Dheri Ishaq District Nowshera (Diploma in Civil Technology Employee's son) against the post of Work Mistri in BPS- 06.
4. Ruhullah S/o Shafeequr Rehman resident of Sarband Bara Road District Peshawar against the post of Work Mistri in BPS- 06 (Bachelor, Employee's son)
5. Raees Khan S/o Muneer Khan resident of village Dag District Peshawar against the post of Carpenter in BPS- 06 (Retired High court section Employee's son).
6. In light of Supreme Court orders Said Rasan already working as sweeper in BPS-01 is allowed proper scale BPS-04 as Pump Operator and adjusted temporarily on the post of Carpenter in BPS-06 on stop gap arrangement and the post of Carpenter BPS-06 shall deemed to be downgraded.
7. Waqar ul Islam will be adjusted on stop gap arrangement against the post of Carpenter BPS-06 subject to the court decision and his post of Plumber in BPS-04 will be restored. The post of Carpenter BPS-06 shall deem to be downgraded to BPS-04.

Contd:-P-2

8. Hassan Dad S/o Rahim Dad resident of village Banda District Nowshera against the post of Pipe Fitter in BPS- 04 (Matriculation)

9. Wameerullah S/o Gulzada village pasani Bala Maltani District Peshawar against the post of Pipe Fitter in BPS-04. Employee' son.

10. Muhammad Imran S/o Muhammad Hamayun resident of village Mohib Banda district Nowshera against the post of Pipe filter in BPS 04.

11. Mr. Khurram S/o Maqsood Ahmad (Ex-Employee in PBMC) resident of Fida abad Beroon Yaka Toot Peshawar against the post of Electrician Grade IV in BPS 04 (F.A)

12. Asif Ali S/o Mushtaq Hussain resident of Mahallah Ghari Saidan Hashtnagri Peshawar against the post of Electrician Grade IV in BPS 02.

13. Mohammad Ismail S/o Akbar Ali H#402 N-2 Phase IV Hayat abad Peshawar against the post of Electrician in BPS-02 (Qualification Matric).

14. Sajid Khan S/o Akhtar Zaman village Jhansa PO Kala bagh Nathiagali Abbottabad against the post of Electrician Grade II in BPS-05 (Matriculation , Certificate in air conditioning from technical training school Gulbahar Peshawar and Electrician Certificate course from NTDC Peshawar).

15. Habibullah S/o Nasrullah village Shahab Khel District Peshawar against the post of Skilled cooly in BPS- 02 (Qualification FA , Employee' son)

16. Asfandyar S/o Pir Muhammad resident of Bara Banda Risalpur against the post of Skilled Cooly in BPS-02.

17. Navaid ur Rehman S/o Fairoz Khan Village Tehkal Bala against the post of Khansama in BPS-04

18. Aftab S/o Zahid Rasheed resident of Shah Muhammad ghari Peshawar for the post Mali in BPS -02.

19. Assad S/o Sanab gul resident of Shaheed abad Khaishki Nowshera against the post of Mali in BPS-02.

20. Hussain S/o Raj Wali resident of H# 133L-2 phase III Hayat abad against the post of cooly in BPS-01 (matric)

Contd: P-3

21. Yasir Mubarak S/o Mubarak Shah resident of Faram corona District Nowshera against the post of Cooly in BPS-01.

22. Shahabuddin S/o Nasrat gul village Surizai Peshawar against the post of Chowkidar in BPS-01


23. Rizaz Khan Carpenter working in BPS -02 allowed proper Scale BPS-06


24. Fazole Ijaz reverted to his own grade BPS-00 as Work Mistri

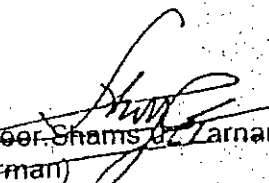
25. Muzaffar S/o Hidayatullah village Qayyum abad P.O Umerzai charsadda against the post of Muslim Sweeper in BPS- 01.

26. Mufti Asif Mansoor S/o Mufti Jan Gui resident of Mahallah Islam abad Bairoon Lahoori Peshawar as Muslim Sweeper in BPS-01.

Meeting ended with the vote of thanks from the chair.


Engr. G. Yaqdani Khanzada
(Member)
Executive Engineer PBMC,
C&W Department Peshawar.


Rahim Badshah
(member)
Section Officer (Estt.)
C&W Department Peshawar


~~Engineer Shams Az Zarnan~~
(Chairman)
Superintending Engineer,
PBMC, C&W Department Peshawar.

18

GOVERNMENT OF N.W.F.P.
ADMINISTRATION DEPARTMENT
(P.B.M.C.)

No. SO (P.B.M.C.) AD/BUDGET/3-2/2005/P-VI
Dated Peshawar, the 14-02-2006.

To,

- E
1. The Director,
Provincial Buildings Maintenance Cell,
Administration Department, NWFP,
Peshawar.
 2. The Deputy Director,
Provincial Buildings Maintenance Cell,
Administration Department, NWFP,
Peshawar.

SUBJECT:- DEPARTMENTAL SELECTION/PROMOTION/
PROMOTION AND POSTING/TRANSFER COMMITTEES

Sir,

I am directed to refer to the Deputy Director, PBMC, Administration Department letter No. 6856/9-E dated 06/02/2006 on the subject noted above and to clarify that the Departmental Selection/Promotion Committees have been constituted in pursuance of Regulation Wing letter No. SOR-I/(S&GA/D)4-1/75 (Vol. III) dated 13/6/1993 while the recruitment against the posts of House Hold staff in various Houses i.e. Chief Minister's House Peshawar, Frontier House, Islamabad, Frontier Rest House, Bannu, Swat, Abbottabad, Frontier House, Hathiagali, Shahi Mehman Khana and any other House to be established by the Govt. have been exempted from the purview of the DSC, as well as advertising the vacancies in the press vide Notification No. SOR-VI(E&AD)1-3/2003 (Vol-V) dated 5/7/2003. The latest Notification is valid and no doubt, the recruitment of all the House Hold staff, Technical and Non-Technical is exempted from the purview of said committees. These committees shall, however, act, for the appointment and promotion, cases of the staff (Technical and Non-Technical) other than Houses, i.e. for the offices (Directorate) of PBMC, complaint offices etc.

2. I have been directed to request that further necessary action may please be taken accordingly.

Your's faithfully,

(GHAZIKHAN)

SECTION OFFICER (ACCTES)

Ends: No. and Date of above.

Copy forwarded to :-

1. P.S. to Secretary Administration Department, Govt. of NWFP, Peshawar
2. Section Officer (Tech) PBMC, Administration Department, Peshawar

SECTION OFFICER (ACCTES)

PROVINCIAL BUILDING MAINTENANCE CELL,
COMMUNICATION & WORKS DEPARTMENT
Phone No. 091-9211370

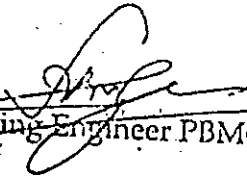
No. 1930/41-E

Dated 8/2/2013

Subject: CORRIGENDUM.

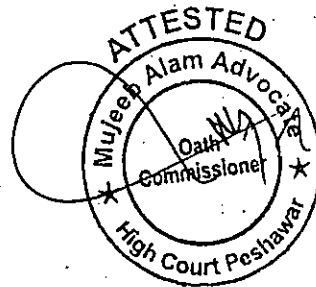
The following amendments in the office orders/Minutes are made with immediate effect and Corrigendum issued as below:

1. All the appointments made inlight of Govt. Notification No. SOR-VI(E&AD) 1-3/2003 (Vol-V) dated 3.7.2003 and further clarified by letter No. SO(PBMC)AD/Budget/3-2/2005/P-VI dated 10.2.2006.
2. Rule 10(4) of Khyber Pakhtunkhwa wrongly typed in various office orders issued inlight of DSC meeting dated 14.1.2013 be considered as deleted.
3. Raees Khan Carpenter wrongly written in BPS-6 may be read as BPS-5.


Superintending Engineer PBMC.

Copy for information to the Executive Engineer PBMC C&WD Peshawar.

Superintending Engineer PBMC



PBMC C&W Deptt. Peshawar

1

Superintending Engineer
PBMC C&W Deptt. Peshawar

Dr. J. S. Khan

Nic no: 17301-7561521-3

M. Iqbal Haidan Shakh
PO Box No: Pajjagi road
Peshawar

Thank you
for your obediently
service

It is stated that I have passed
my Diploma in Civil and the Post
from same Post
and your kind office
are available to above
Accordingly - to
I have been appointed for the post
of Junior Superintendent or any other
equivalent Post according to my
qualification

Reference: Notice Board Advertisement 26 Nov 2012

Subject: Application for the Appointment as
work Superintendent (house hold)

Engg Superintendent
PBMC Peshawar

1563
The Superintendent
PBMC Peshawar

103

محفوظات سپرنٹنڈنٹ انجینئر PBMc سے۔ اینڈ ڈیپوٹ
ضلعی ایجنٹ کے ذریعے

مورہ لکڑی کے بارے میں صاحبان نے پمسی پاور
نمبر 1727/412 مورخہ 14/1/2013 کو مہتمم لکھ کر منجے

لکھ کر ایجنٹ صاحب PBMc کو مورخہ 18/1/2013 کو
ڈپوٹ رپورٹ کر دی۔ اور باقاعدگی کے ساتھ کارروائی
کرائی تاکہ مورخہ 14/1/2013 سے لیکر لکڑی اور

ایجنٹ کو ملے۔ کہ ایجنٹ صاحب کو پمسی کی ضرورت
میں مورخہ 14/1/2013 سے لیکر لکڑی
میں مورخہ 14/1/2013

Appeal accepted and forwarded to
Xen PBMc for
release of salam.
Superintending Engineer
PBMc C&W Deptt. Peshawar
11/4/2013
2

To,

The Executive Engineer,
PBMC C&W Department Peshawar.

Subject: Arrival Report

Dear Sir,

In continuation of the Superintending
Engineer PBMC appointment order No. 1727/41-E, dated
16-01-2013, I beg to submit my arrival report
& today on 18-01-2013 (FIN).

D No. 256/9-E
dt 22/1/2013.

Yours obediently
S/Off
M. Tahir Hassan Shah
S/Off
S/O Noor Hassan

3

خدمت جناب ایس ای پی بی ایم سی پشاور

جناب عالی

موردیہ گزارا پیش ہے کہ باوجود شوق ذرائع اور اشتہار مورخہ 26/11/2012
کوہ دستر میں حبیب و اور اس سے قبل اور نام مشترک
مورخہ 13/6/2011 میں بھی آیا تھا کیونکہ اسکی نام ہے۔
میں نے ڈپلوم (سول) لیا ہے اور گزارا پیش ہے کہ
مجھے ورک پرفارمنس رٹ پاس ہے دستری مناسب
آسامی پر بہتری لیا جائے۔
عین نواز شمس پوری

Handwritten signature

محمد عامر خان 4/12/2012

سٹیشن کنال ٹاؤن پورٹ پشاور

17201-2202212-9

Dir/Superint.

Superintending Engineer
PBMC C&W Dept. Peshawar

(4)

نجم صواب اس کی صواب سے ہی لایم سے پیشاور

اپیل سرائے تنخواہ

جواب عالی گذارش ہے کہ میں نے اپنے انارٹمنٹ آرڈر نمبر 725/41-5

مورہ 13/11/2013ء مطابق اپنا میڈیکل کروگر اپنی ڈیوٹی رپورٹ

کی رقم انجین صاب سے میرا سروس بک میں باقاعدہ اندراج کیا گیا ہے

گذشتہ باوجود مجھے تنخواہ میں جاری ہوئی۔ اس کے بعد میرا اپیل ہے کہ

مجھے رٹائن کیا گیا ہے کہ میری تنخواہ جاری کریں۔

عین گزارش ہے۔

[Handwritten signature]

محمد علی گلبرگ۔ قریب سیرینڈینٹ ڈیپارٹمنٹ میں لایم سے پیشاور

[Handwritten signature]

21/4/2013

XIV

Appeal is accepted
and director gives to
release the salary
without delay.

[Handwritten signature]

21/4/2013
Superintending Engineer
FBMC C&W Deptt: Peshawar

(5)

حضرت جناب ایلکس بی بی ایم سی

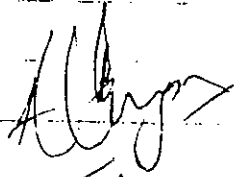
جناب عالی

گزارش پندرہویں محمد عظیم ولد محمد اظہار

آج مورخہ 2013-1-23 کو آرڈر نمبر 1725/41-E

وہ 2013/1/16ء مطابق ڈیوٹی سرانجام دینے کے لئے

عاجز ہوا ہوں۔



محمد عظیم

Dr No. 325/9-E
dt 24/1/2013

17201-220229-9

(6)

Superintending Engineer
BMC & W Dept: Peshawar

[Signature]

Dear Sir / Hc.

(2)

Yours sincerely
M. Iqbal
Village De. Ashok
John: Dist. No. 105/108

Post. At. Peshawar
M. Iqbal

I am a young man with Diploma holder
trying under your kind care for which
Ministry and other some first class
Notice Board that some part of workable
that it has come to my notice through
most respect full & beg to say

~~Application for the post of...~~

The S. I.
P. BMC Peshawar

S/Sr

Sr.

10/

نکارہ صواب اللہ اس سے صواب کی کام نہیں۔

صواب نکالی -

= اپیل =

صواب نکالی میں نے اپنا سٹیٹمنٹ پیش کیا تاریخ 24/11/2013 اپنے ڈیوٹی آرڈر کے مطابق ملازمہ 1823/71-4 مورخہ 14/11/2013 صواب دیا اور ڈیوٹی آرڈر پر حاضری 2013-1-25 کو طابین کیا۔ لیکن اب تک

حکومت کو اس کی تکرار میں ملتا ہے
تو اس سے یہ کہہ لیں کہ یہ تکرار کر رہے ہیں
میرا تکرار کو طابین کر رہے ہیں

(Handwritten signature)

XEN.

Release salary
with out delay.

14/11/2013
ملازمہ 1823/71-4
4/11/2013

(Signature)
Superintending Engineer
PBMC C&W Dept: Peshawar

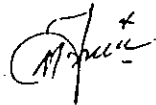
(8)

Executive Engineer
PBMC Peshawar

Subject: Arrival report

In compliance to order No-1823/4/E
Dated 14/1/2013 I Mohammad Farveez
submit my arrival for duty
today on 25-1-2013.

DNo. 402/4/E
dt 4/2/2013

Yours obediently


Mohammad Farveez
17201-7982277-5

(9)

خدمت جناب اے پی بی ایم سی (PBMCS) سرکل (C & W) پیپارٹمنٹ پشاور

جناب عالی!

موردبانہ گزارش کی جاتی ہے کہ ایک باوثوق ذرائع

اور اشتہار مورفہ 26/11/2012 کو دفتر میں

پہنچا ہے اور اشتہار میں کچھ آسامیاں خالی ہے۔

میرا تعلیم (B.A) ہے اور گزارش کی جاتی ہے کہ مجھے

درجہ سٹری یا اس بھی بھی مزدوں آسامی پر

بھرتی کریں تاہم مشکوکہ رہنویاں۔ میرا دائرہ صافی
بھی اس قلمی میں ملازم ہے۔

الفارض

Rohkhalan

17301-9011116-1

روح اللہ ولد شفیق الرحمن ساکن سریند پشاور

DRS / Compdt.

[Signature]

13/12/2012
Superintending Engineer
PBMCS C & W Deptt. Peshawar

(10)

محرم SE PBMC طلب پشاور

صاحب عالی

اپیل

ڈائریکشن میں سے صورت 24/1/2013 کو ڈیوٹی پر جاری ہو گیا۔

آرڈر نمبر 1824/41 SE بتاریخ 24/1/2013 کو دیا گیا اور

ابھی تک جو کو تنخواہ نہیں دے رہا ہے باوجود ڈیوٹی اسراف نام

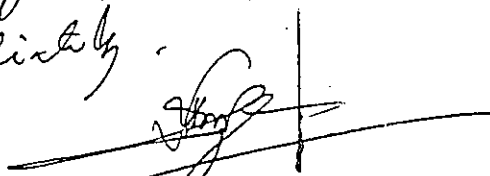
کرنے پر اور میں سپرٹنڈنٹ انجینئر اور ایس ایس جی کو بددیانتی

کریں کرنا جس کی تنخواہ ادا کرے۔

عین ڈائریکشن

روح اللہ خان

PBMC کی دستوری
XEN release the
Salary of Pwr official 5/4/2013
immediately.



Superintending Engineer
PBMC C & W Dept. Peshawar

(11)

کھنڈا صاحب کیس پی ای ایم سی۔ سی ایڈیٹر ڈیپارٹمنٹ ڈیپارٹمنٹ فیڈریشن

عنوان: حاضری رپورٹ

دربارہنگہ کے لئے جس میں روح اللہ ولد شیخ الرحمان جو کہ درگ منتری

لہری پو ایف آر ڈی/1854 مورف 2013-1-24۔ آج مورف 24-1-13

کو آپ صاحبان کو میں حاضری رپورٹ دے رہا ہوں

لہذا آپ صاحبان کو میری یہ حاضری رپورٹ قبول کریں

شکریہ

DPO 328/94
dt 24/1/2013

الھدیٰ خان
روح اللہ خان

آپ کا تالبا روح اللہ ولد شیخ الرحمان

مختصر اور مفید اور سہولت دینے کی ایک سہولت

فہم کی

مورثہ کے ذریعہ سے یہ سہولت کو بہتر بنانا اور
جو کسے پورا کرنے سے پہلے سے یہ سہولت کو بہتر بنانا
کے لئے سہولتوں کو فراہم کرنے کی سہولتوں کا
ہے۔ یہ سہولتوں کو فراہم کرنے کی سہولتوں کا
سہولتوں کو فراہم کرنے کی سہولتوں کا
اسی سہولتوں کو فراہم کرنے کی سہولتوں کا

اس سہولتوں کو فراہم کرنے کی سہولتوں کا

XEN/PRO

مختصر اور مفید اور سہولت دینے کی ایک سہولت

Handwritten signature

Superintending Engineer
PBMC C&W Deptt: Peshawar

Devs

Handwritten signature

(13)

علامت جناب ایجنسی کے لئے یہی ہے

جناب عالی

مورد باز گزارش ہے کہ افسی اڈا نمبر E-1841/41

گورنر 28/1/13

حاصل کی رپورٹ حفا یوں

الغالباً

ایک ایجنسی

رپورٹ حفا
2013

DD No. 515/9-R
dt 20/1/2013

افس

حفا

عالی

حفا

حفا

حفا

حفا

حفا

حفا

6 صاب عالی جناب ایس ای جی = P.M.B.E. پشاور

صاب عالی جناب ایس ای جی میں ایک غریب گھرانے کا فرد ہے

اس میں 25 سو فیصد تک تکلیف حاصل ہے مریض تعلیم جاری نہیں رکھتا ہے

یہ صورت حال کو بہتر بنانے کے لیے بڑھتی ہوئی رقم کی اطلاع دینے کے لیے صند اسامیوں کے

مجموعی شرح سے بڑھتی ہوئی رقم کی اطلاع دینے کے لیے صند اسامیوں کے

میرا متنازعہ نمبر 17201-7264305-9 ہے۔

[Handwritten signature]

[Handwritten signature]

28-11-2012

حسن داد ولد رحیم داد سکندریہ ضلع نوشہرہ

DAO / Suppdt

21/11/2012
Superintending Engineer
Peshawar

(16)

مختار صاحب عالی السید ای مشہد پی پی ایلم سی

اپیل کر کے جاننا تنخواہ

لاڈلہ سٹیج - 2 میڈیا آرڈر ڈیوٹی 1794/41 E

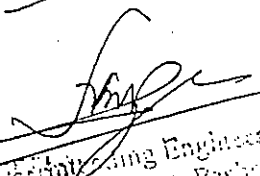
مورخہ 23-1-2013 ہجری یوں دہرے میں نے
ایسا ڈیوٹی باقاعدگی سے ساتھ مورخہ 23-1-2013 کو

شروع کیا لیکن اب تک مجھ کو تنخواہ نہیں مل

یہ - برآے پرانی عہدے والے کی اور اہلیت کا کو میری
تنخواہ سے ہجری کرنے کا حکم دیں - سلام -

XEN

~~Release Salary
of official without
delay~~


Supervising Engineer
PBMC C&W Dept: Pakistan

مختار
3-4-2013

خدمت جناب آپلیٹیشن صاحب بی بی ایم سی
جناب عالی

میں حسین داد ولد رحیم داد ایس ای ٹی نمبر 1794/41E

تاریخ 23/11/2013 سے مطالبہ آج مورخہ 23/11/2013 کو ڈیوٹی
پر حاضر ہوا ہوں

D No. 269/9-E
dt 23/11/2013

الطاف بخش
- Rach

حسین داد ولد رحیم داد

18

F

جناب ایس ای صاحب جی ایم سی

جناب عالی

گزارش ہے کہ میں ایک غریب گوانے سے

تعلق رکھتا ہوں اور میرے والد صاحب

اسی محلے میں کاغذ فروش ہیں جو بزرگ

ٹوٹس بورڈ انڈیا (پرائیویٹ) لیمیٹڈ کے

زیر نگرانی چند ایسی حالتیں ہیں کہ

میں سے فوری لینا چاہئے۔

17301-7820177-1 اور اس کے ساتھ

ورید اللہ

سکینہ ایس متنی
بنتا

Dao/supdt

11/12/2012
Superintending
PBMC C&W Deptt. Peshawar

(۱۹)

گھوڑوں سے بہتر ہندو اکثریت کے لئے
ضابطہ کی اپیل کے لئے ایک نئی شہزادہ

"نزدیک کی بات ہے کہ یہ ہندوستان کے ہر دروازے
1793/41-8 عرفیہ 23/9/13 کو سید علی گڑھ کے

کے ریکارڈ میں ہے۔ اور الٹی سائڈ ڈیڑھ سہ ماہی
ریورٹ کر دی۔ اور الٹی سائڈ ڈیڑھ سہ ماہی

دے رہا ہوں۔ سید علی گڑھ کے لئے شہزادہ
میں ملی ہو گی۔ لہذا الٹی سائڈ ڈیڑھ سہ ماہی

کو اپیل کی جاوے گی کہ بہتر شہزادہ ادا کی جاوے
صحت و آرزو ہوگی

نزدیک
ورڈ اسٹریٹ

29-3-2013

Appeal of applicant
accepted. Now
directed to release
salary.
Superintendent Engineer
PBMC C&W Dept. Peshawar

20

خدمت ایسے صاحب پی بی ایم سی پشاور

جناب عالی

رپورٹ برائے ڈیوٹی

میں ورید اللہ ولد گل زادہ آرڈر نمبر E-41/1793/مدرسہ

23-01-2013 کے مطابق آج مورخہ 20/1/13

کو ڈیوٹی پر حاضر ہوا ہوں۔

DN0492/9E
dt 19/2/2013

ورید اللہ

ورید اللہ ولد گل زادہ

1-177-20177-98201-17301

21

جناب ایس ای پشاور میں جن ایم سی

موربانہ گزارش ہے کہ اچھے اشتہار عورف
 26 نومبر 2012ء کے ذریعے علم میں آیا ہے کہ آریو کے
 محلے میں کچھ آسامیاں بھرتی کیلئے موجود ہیں۔ برائے صہرانی
 میں پائپ فیٹر کیلئے یا کوئی بھی خالی آسامیاں کیلئے
 درخواست دینا ہے ہوں میں نے سوال دیکھ کر تعلیم
 حاصل کی ہے اسلئے اگر اسکے علاوہ کوئی بھی مناسب آسامی
 موجود ہو تو مجھے بھرتی کیا جائے۔
 عین نواز شاہ مراد

درخواست گزار

CiR

DAO / Supdt.

محمد عمران سید صاحبانہ

17201-2526240-3

31/12/2012

Superintending Engineer
 PRMC C&W Deptt. Peshawar

22

صواب ہیں ایسی ہی ہے۔ لیکن ایچ ایم سی۔ پشاور

صواب مالی۔

اپیل برائے تنخواہ۔

تذکرہ ہے کہ میں باقاعدگی کے ساتھ ڈیوٹی انجام دے رہا ہوں
لیکن مجھے تنخواہ جاری نہیں کی گئی ہے۔

رپورٹ 23-1-2013 کو جلیقہ آرڈر نمبر E-41/1737
موضوع 18/11/2013 کو دیا۔ برائے سہ ماہی ایلین صلیب کو
پر اپیل دی ہے کہ میری تنخواہ جاری کریں۔

دستخط۔

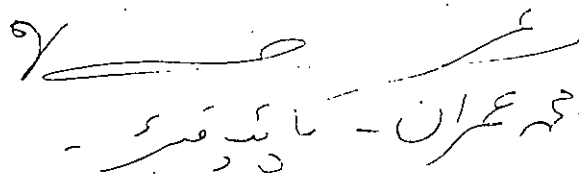
XEN.


Indirectly Release

the Salary

Official -




محمد عمران - مانیٹرنگ


5-11-2013

Superintending Engineer
PBM C&W Deptt: Peshawar

23

بخدمت جناب ایگس صاحبہ بدرہ بن ایم سس پشاور

جنابہ عن

گزارش ہے کہ میں محمد عمران حکیم نافہ نمبر ۱۶۳۶/۴۱۴ تاریخ ۱۸-۱-۲۰۱۳

کے مطابق آج مورخہ ۱۱/۱۱/۲۰۱۳ کو ڈیپوٹیشن پر حاضری

رپورٹ پیش کرتا ہوں

محمد عمران

DNO. 326/9-E
dt 24/11/2013

محمد عمران ولد محمد ہمالیو

(24)



خدمت حساب سپرنٹنڈنٹ انجینئر (P.B.M.C) ڈیپارٹمنٹ پشاور
حساب نمائی

معدبانہ گزارش کی جاتی ہے کہ معدوی کو بند رہے انتہیاریزہ | 26/11/2012

ہو کہ دفتر (P.B.M.C) میں حساب آلا سے پتہ چلا ہے کہ دفتر میں
خای پوسٹ / آسامیاں موجود ہے۔ اور سپرا والد صاحب کی (P.B.M.C) سے 2012

میں ریٹائرڈ ہو چکا ہے لہذا آپ صاحبان سے گزارش کی جاتی ہے کہ معدوی
کو کسی بھی معدوں آسامی لبریک کیری سونے احکامات صادر فرمائے

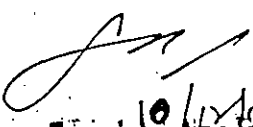
مفکر فرما میں سالی تصاریت دعاؤں میں

Supdt / No.

الفارعی

17307-8853918-6 Khuzram Shah

فرمانگر اد والد مفود ای


Superintending Engineer
P.B.M.C & W/ Deptt: Peshawar

(25)

جنور رضا نسیم بیٹو نیٹا / اے جی بی ایم سی - اینڈ - ڈیپٹی ڈیپٹی

ضمانت عالی اپیل نمبر ۱۰۰ علی بیگلی شیخوہ

معدیہ گزارش ہے۔ کم ذروی کو بہتے ضمانت کے پر نس بہ درز
نمبر ۱۷۳۶/۹۱۲ مورخہ ۱۵/۱۱/۲۰۱۳ کو ایڈووکیٹس پوسٹ پر اکتینالی
کافی۔ میڈیکل آرڈر کے بعد میں ایڈووکیٹ صاحبہ کو ڈیوٹی
پر فوراً لے کر مورخہ ۱۵/۱۱/۲۰۱۳ کو آرڈر دی۔ اور ضمانت کے
ساتھ ساتھ کراچی میں۔ لیکن افعال مجھے شیخوہ میں ملے
لہذا میں اپیل کرنا چوں کہ مجھے شیخوہ دی جاوے
یعنی تواریس ہوگا

میرے نام سے درج ذیل
Khurram Salique
Appeal accepted
you to release
salami without
delay.

(26)

Superintendent Engineer
P.W.D. District Engineer
27/11/2013

To,

The Executive Super
PBM Cew Dept.
Peshawar.

Subject. Arrival Report

In compliance with the SF PBM
Cew Dept, Peshawar c/o no. 1736/41-E
dt. 18/11/2013, I beg to submit my
Arrival Report to day i.e 18/11/2013
and obliged.

Thank you

D No 266/9-E
dt 23/11/2013

Yours obediently
Khudramshahzad,
Khasam s/o
Majid Khan
Pesh.

(27)

مختصر فیض البین اسی ہے ایم سی لینت

منا ۷۷

ورثہ "گزارش" ہے نہ کہ جو لوگس ہزار سے بڑھ گیا ہے

کہ جو لوگ ایم سی میں الیکٹریسیٹی کے حساب سے

ضالی سے ہیں ان کا نام ہے "م" ہے

اسی ضالی الیکٹریسیٹی پوسٹ پرکٹ ریڈون

قانون دی ہے "ق"

عبدالرشید صاحب
Aadil

KAN/000

Superintending Engineer
PBMC C&W Dept. Peshawar

یہ ایک نام لکھا ہے کہ اس کے والد فوت ہو گئے ہیں
وہ "کوئی سید" ہیں جن کی پتھر لکھی گئی ہے

مخومت جناب ايلين ايماف PBMC پشاور

جناب عالی -

صوبان "ارشی" سے کہ بحوالہ (PBMC) SE

آفس آڈر نمبر 1825/41 مورف 24/1/13 اور مورف 11/13

گو برا ٹیوٹی حاملین ریکورڈ کی جائے

DD No. 401/2-E
dt 4/2/2013

الغافل

آپکا سابلیدار آصف علی

آصف علی

(29)

لیکھو

خدمت صبا لکھنؤ پی پی ایم سی سے ابتدا ڈیپو ڈیپارٹمنٹ
صبا لکھنؤ

کوئی گذارش ہے۔ کہ نوٹس بورڈ سے مینہ چلا کر
ہر ماہ کے زیر سایہ کلاس نورمی چندر بہا بیباں
خالی ہے۔ میں ایک ہمت مند نوجوان ہوں اور میٹرک تک
لیٹم کیا ہے۔ یہاں گذارش ہے کہ مجھے کسی بھی
خالی ہمسایہ کلاسوں کا موقع دیا جائے
میں رازش ہوں

پروفیسر محمد اسماعیل ولد ابوعلی مولانا لکھنؤ
D. Ismail

DAO / 10/11/2012


Superintending
PBMC C&W Deptt. Peshawar

محور صواب سپر بنر بندہ - ایجنٹ P Bore می - اینڈ - ڈپٹی ڈیپارٹمنٹ
 عدالت عالی اپیل برائے عدالت عالی شہزاد

موت لکڑی میں ہے۔ کہ عدالت نے ایجنٹ صاحبان نے ہاؤس نمبر 42/18
 مورخہ 28/11/2013 کو Appointment ایجنٹ لکڑی کی پوسٹ (ضلع
 لکڑی) - اور میں میں ایجنٹ لکڑی کے بعد ایجنٹ P Bore کی
 باقاعدہ مورخہ 28/11/2013 کو ریٹائرڈ ہو گئے۔ اور ایجنٹ باقاعدگی
 کے ساتھ ڈپٹی کے طور پر ایجنٹ صاحبان نے ہاؤس نمبر 42/18
 میں وید فریب بندہ سے مورخہ 28/11/2013 کو ایجنٹ لکڑی کے
 لکڑی مشعل سے - اس لیے میں اپیل کرتا ہوں۔ تم میرا
 شہزادہ ادائیگی کے لیے ایجنٹ P Bore کی ریٹائرمنٹ کی وجہ سے
 عدالت عالی میں جج

Appeal accepted with
 direction to xen for
 release of salary.

P Bore ایجنٹ لکڑی
 Non let


 29/3/2013
 P Bore

(31)

محکمہ صحت و ایملز بہاولپور ایچ بی سی

صحت و ایملز

مددگار لہذا ہے۔ کہ کوئی ایملز نہیں بنی

ایچ بی سی ایف ایس، ایچ بی سی ایف ایس

28/1/2013 سے ایملز ڈیپارٹمنٹ

ڈیپارٹمنٹ

DN No. 407/A-E
dt 6/2/2013

ایچ بی سی ایف ایس

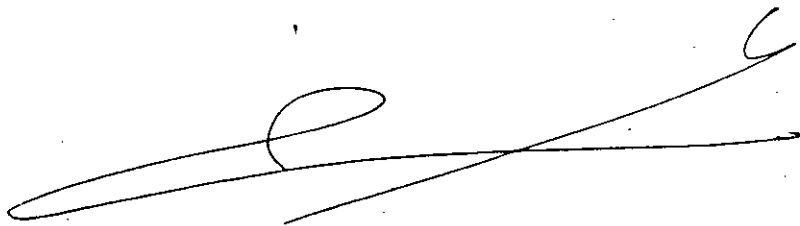
ایچ بی سی ایف ایس
ایچ بی سی ایف ایس

28/1/2013

صنایع نساجی کے لیے ایئر کنڈیشننگ

صنایع عالیہ

حرم دارانہ کنڈیشننگ کے لیے یہ شخصیات ایک ایسے ادارہ کا
 ڈائریکٹرز میں ایک سے لے کر سیرکٹ کے لیے مقرر ہیں۔
 مہدیوں اور اس میں سے ایئر کنڈیشننگ اور ایئر کنڈیشننگ
 کا کنٹریکٹ ہے۔ خریداری و قیمتیں مزید معلوم، گاہکوں کی
 اس کے لیے توجہ دینا ضروری ہے۔ یہاں تک کہ اس سے پہلے ہی ایئر
 کنڈیشننگ فور (پارٹس سولر) صنایع کی برقیاتی تیار کی ہے
 ہمارے رہنمائی کے لیے اس کے مفیدوں اس میں سرکاری کر کے
 مشکور فرمائیں۔ - عین نواز سولر -



Supdt. / Peshawar

Superintending Engineer
 PBMC C&W Deptt: Peshawar

31/11/2012

کد
 17301-8875462-3

ساجد خان ولا اختر زمان
 گاہک حوالہ نقیہ علی ایسے آگاہ

A

(33)

محفوظ ہے۔ سپرنٹنڈنگ انجینئر P BMC سے اپنی درخواست
قبول کر کے اس کے لئے ایک نوٹیفکیشن
میں اس کی کاپی ہے۔ اس کے ساتھ ساتھ اس کے پوزیشن

نمبر 1795/417 اور ڈیڑھ 23/1/2013 کے ساتھ اس کے لئے
سرفارڈی - اور اس کے ساتھ اس کے لئے P BMC کو نوٹیفکیشن 20/1/2013
کوڈنگ اور رپورٹنگ کے لئے اور اس کے لئے اس کے لئے
ڈیڑھ اس کے لئے اس کے لئے اس کے لئے اور اس کے لئے اس کے لئے
نوٹیفکیشن اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے
اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے
اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے

اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے اس کے لئے

Appeal Accepted with effect from 29/03/2013
- the Director General
for release of Salary

Superintending Engineer
PBMC C&W Deptt. Peshawar

39

بخدمت جناب انجینئر بی بی الیم سی پٹا و

جناب عالی

فاضری رپورٹ -

میں ساجد خان ولد اختر زمان

بمطابق آر ڈر نمبر 41E/1795 تاریخ 23/01/13

اور آج صبح 29/01/2013 کو ڈپٹی

پر حاضر ہوا۔

العارضہ
13/2/2013
DPO-450/9-E

آپ کا نام ساجد خان

17301-8875462-3

(35)

ساجد خان ولد اختر زمان
گاؤں جالہ تحصیل ایب آباد

(33)

محکمہ صوبہ اسی ای سی ایم سی شیٹ اور

صوبہ عالی۔

گواہی کے لئے قومی اور بین الاقوامی ذرائع سے معلومات فراہم کر کے
میں حالیہ کاموں پر عمل پیرا ہوئی ہے جو کہ صوبہ عالی کے
تحتی سے جو لگاتار پوسٹ پر عینات سے ان پورٹیشن پر
نذر علم کے طور پر لگایا گیا ہے اور اس سے قومی اور بین الاقوامی
میں اس کے لئے بہت کم رقم سے تعلیم پاری نہیں رکھ سکتے۔ اس کے
لیے کسی بھی صورت میں ملازمت کے کر کے سکھانے اور
عین گواہی کے لئے۔

العارضہ

(14)

حسب اللہ ولا تعز اللہ گاؤں شیٹ اور
173-1526216-7

DAO / Suptt

Superintending Engineer
PBMC C&W Deptt: Peshawar

(36)

(37)

~~29/3/2013~~
~~_____~~

29/03/2013

Appear accepted
for release & taking
over in the matter
seen in the
court file
29/03/2013

اپنی کارروائی ہوئی

- یہ بات کہ میں نے اس کی کارروائی کی ہے۔

ہی۔ اس کے ساتھ ہی یہ بھی ہے کہ اس کی کارروائی ہوئی ہے۔

ڈیوٹی کرنے کے لئے اس کی کارروائی ہوئی ہے۔

حاضر ہے۔ اس کے ساتھ ہی یہ بھی ہے کہ اس کی کارروائی ہوئی ہے۔

18/01/2013 کو اس کی کارروائی ہوئی ہے۔

1735/41E اس کی کارروائی ہوئی ہے۔

اپنی کارروائی ہوئی ہے۔

18/01/2013 کو اس کی کارروائی ہوئی ہے۔

محکمات عینان الدین صاحب بی بی الیم شیہ شاکور

عینان علی

میل حبیب اللہ والد لنگر آردو پبلر E-41/1735

مورخ 18 جنوری 2013ء۔ مخالف آج مورخ 28/1/2013

کو باختری دنیا ہو۔

صاحب

حبیب اللہ والد لنگر اللہ

D.No. 410/19-E
dt 7/2/2013

مقررہ ایس ای پی ای ایم سے لیتا

ضمانت

مورٹگج ڈائن سے نہ فزوی کو نوٹس وار

سے پتہ چلا ہے کہ یہ سب سہ ماہی

سالہ فکس فوائی فیلڈ سہ ماہی

ہے۔ لیکن اس سے اور قارئین

کو بھی فکس فوائی فیلڈ سہ ماہی

موجود ہے

xeu/ama/sydt

11/11/2012

Superintending Eng...
PBMC Consty Dept: Peshawar

بسم اللہ الرحمن الرحیم

موجودہ سہ ماہی فیلڈ سہ ماہی

Asif

(39)

خدمت صواب البس ای صابر کی کی ایلم سے شہانہ
صواب عالی

اپیل

نذرارش ہے کہ سے ایسا ڈیوٹی رولڈ مورچہ 21-1-2013

رودی جو کہ میرا آرڈر ع-41/1732/تباریح 17/1/2013

کے مطابق میڈیکل مورچہ 2013-1-21 کے تحت ہے بسے مجھے

اصولت نہ خواہ طاری سے عوامی رات میرا تنخواہ

کو طاری کی جائے

شکر

آئی تالی دار
27-3-2013

اسفندیار ولد میر

سائنس آباد سہ ماہیہ تحصیل قلعہ پشاور

NEW

Release Salary
without fine

Superintending Engineer
PBMC C&W Deptt: Peshawar

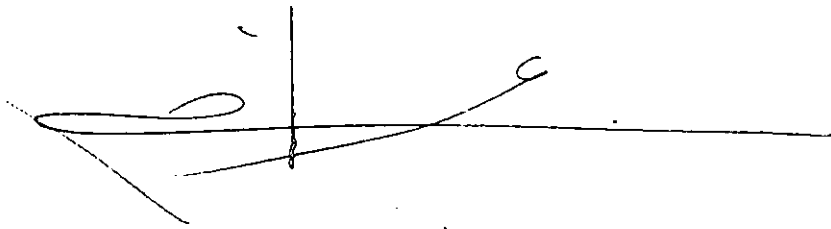
40

مکتوبہ عدالت عالیہ لاہور

حرفی رپورٹ

جانب سے سالانہ امتحان پورے 21/11/2013

کو اس کے حروفی رپورٹ پیش کرنا ہے۔



آج تاریخ دار سکول قتل۔

21/11/2013

استعداد ولد سید محمد

قریب آباد برہہ پانڈہ تحصیل و ضلع نوشہرہ۔

حضرت صاحب الہدایہ - پی ای ایم سی سے ایس ڈی بیو لکھنؤ

جناب صاحب

مورٹگج لکھنؤ سے - کہ مذکورہ ٹویٹوں زرا اور لکھنؤ سے

کہ پندرہ جلا ہے - کہ محکمہ پی ای ایم سی میں کھلا سے نور کی

پر مسامیہاں خالی ہے - میں ایک نوجوان ہے - اور لکھنؤ سے

بچے - کہ مجھے کہیں کہیں خالی پر مسامیہاں پر لگا دعا دل

- کا مروجہ رویے کا عین نوازش ہوں

(Handwritten signature)

بہترین لکھنؤ نوڈ نوڈیاں مان دلہ فرورڈ خان
موجہ تھیال ہال کھیل لکھنؤ

Kar / 1000 / sup all -

(Handwritten signature)

Superintending Engineer
PBMC C&W Dept: Peshawar

(42)

جناب ایس ای پی بی ایم سی پشاور

Rem.

for the delay

with

اپریل

Superintendent Engineer
P.W.D. Cantonment
Khyber Pakhtunkhwa, Peshawar
28/01/2013

گزارش ہے کہ جس نے 28/01/2013 کو ڈیوٹی شروع

لیکن اب تک میری شہادہ نہیں دیا۔

مؤدبانہ گزارش ہے کہ آپ کے صاحب کو ہدایت

کی جائے کہ میری شہادہ جاری کریں

شکریہ

الحاج

25-3-2013

آپ کا تاجدار نوید الرحمن ولد فیروز خان

بقا نظام پی بی ایم سی

43

مخبرین جناب الایس ایس ای سی (ایم سی)

جناب عالی

میں آج صوفیوں کو اجازت دے رہا ہوں

میں آج صوفیوں کو اجازت دے رہا ہوں

میں آج صوفیوں کو اجازت دے رہا ہوں

الایس ایس ای سی

آج صوفیوں کو اجازت دے رہا ہوں

Doc. 452/9-B

13/2/2013

آج صوفیوں کو اجازت دے رہا ہوں

44

خدمت جناب ایس ای صاحب نے فی ایم سے لیا۔

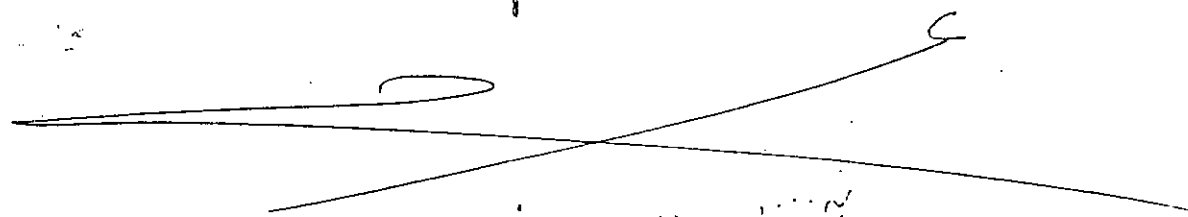
صواب عالی

مخبرانہ گزارش ہے کہ فوری کی باتوں ذریعہ اندر فوری طور پر اطلاع
دی گئی ہے اور اس میں چند اسامیوں پر فوری شروع ہے جس میں

غیر گورنر سے تعلق رکھتے ہیں برائے مہربانی تھیں

اطلاعات فوراً اس پر عملدرآمد کر کے شکر کا موقع عنایت
کریں اس سے فی حجاب کے ذریعہ حاصل کی جائے اور اس کے ساتھ ساتھ

عین نوٹس کر کے



آفتاب حفیظ

اقوامہ صفیو ولد زاہد رشید شاہ گڑھی شاہ محمد پشاور

پتہ: 7796368-5-17301

Supdt. / D.A.O.

20/11/2012

Superintending Engineer
PBMC C&W Deptt: Peshawar

45

خدمت جناب سپرنٹنڈنٹ انجینئر جی بی ایم سی سی ایس
جناب عالی!

آدائیلی ہزارے شکوہ

موردانہ "شہزادہ" ہے کہ سائیل کو ٹھاکہ 17

پوسٹ (مالی) ہم بہتی کیا گیا ہے اور ڈرامہ 1730/41-E

موردہ 17-01-03 لہذا آپ ہمارے اہلکار سے انکوائری ہے
کہ سائیل کی شکوہ شروع کرنے کی اصلاحات
بہادر فرمائے

عین نوٹس ہوگی


السلام

AFTAB Hafeez

ایسٹ ایڈیٹر، افتاب حفیظ ولد زاہد رشید
سائینس ٹیری تان محمد طلحہ تحصیل شاندر
گڈائی تہ چار پیریزہ

XBRV >

Release Salem
with fail.


29/3/2013
Senior Intending Engineer
EMC C&W Deptt: Peshawar

(46)

محترم مناب اعلیٰ تعلیم و تحقیق
سی ریلو ڈیپارٹمنٹ

مناب عالی

تذاریش ہے کہ سائل کا بلکوار حالی

ارڈر جو حوالہ ہے اس کے درجے 1730/41-E بتاریخ 17/11/2013

دسلر آپ سے انعام سے اکتباس ہے کہ سائل

2013/11/17 بلکوار حالی ڈیویژن بہ عافریہ
ریورٹ عرض ہے

D No. 268/9-E
23/11/2013

انعام تالیع عرفان انعام

AFTAB Hafeez

(47)

کمزور خدمات سیمینٹنگ ڈیپارٹمنٹ انجینئر صاحب کی ایک ایس ایم ایم سے
صاحب عالی -

گذشتہ دنوں میں جو کہ سہ ماہی کو نوٹس پر اور ڈیپارٹمنٹ کے اہلکاروں سے
جو کہ جوڈیشل 26/11/2012 کو جیسیا کے پورے کے محکمہ سے لکھی
جالی کے کاموں میں جو کہ ہارڈ ویئر کے طور پر فوراً سے
سے آئی ہے جو کہ تعلقہ کے کاموں میں آئے ہیں، یہاں سے
ملا سکتے ہیں فوراً سے لکھی جا کر تمام کاموں سے لکھی جا۔

العا وین -

17201-7117905

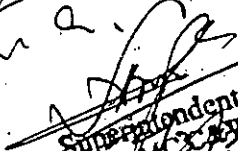
اسد علی ولد صاحب گلستان ٹریڈنگ کمپنی -

26/11/2012

Superintending Engineer
PBMC C&W Deptt Peshawar

جناب SE صاحب PBMc پشاور، پشاور

اپیل برائے سٹنڈوائے


Superintendent Engineer
PBMc
Khyber Pakhtunkhwa-Peshawar

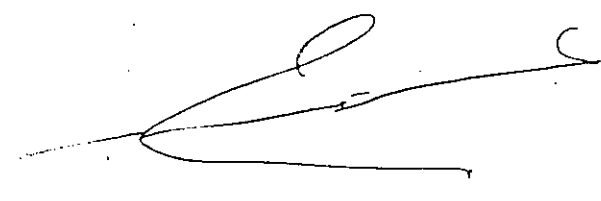
جناب عالی میں نے مورخہ 18/01/2013 کو بطور مالی

اپنی ڈیوٹی شروع کی لیکن مجھے ابھی تک سٹنڈوائے

نہیں ملی۔ گزارش ہے کہ میری سٹنڈوائے جاری

کرنے کی ایجنسی کو ہدایت کیجیے میں ایک غریب

آدمی ہوں مشکور ہوں گا



~~24/03/2013~~ اسد علی ولد شتاب گل

مالی پی پی ایچ سی

49

فوزیہ احمد

کوٹلی

گورنمنٹ ہائی اسکول

17/1/2013

17/1/2013

کوٹلی

گورنمنٹ ہائی اسکول

No 258/A-12

17/1/2013

50

حضرت عبداللہ بن ابی ایوب سے لیکھ

قدوس

جو کہ لکھنؤ میں ہے کہ قریب لکھنؤ

جہاں کے زراعت میں چلا ہے کہ یہاں

سے وہاں کے لکھنؤ میں لکھنؤ میں لکھنؤ

فان ہے۔ لکھنؤ میں لکھنؤ میں لکھنؤ

یہ ہے۔ لکھنؤ میں لکھنؤ میں لکھنؤ

لکھنؤ میں لکھنؤ میں لکھنؤ

بہار میں لکھنؤ میں لکھنؤ میں لکھنؤ

Dro / Supdt.

Hussain Khan

Superintending Physician /
PBMC C&W Dept. Peshawar

(56)

جناب صاحب سیکرٹریٹ ایگزیکٹو پبم سی ایم ڈی بیورو پشاور

جناب صاحب - اپیل نمبر 1629/41-13

مورثہ گورنمنٹ کے لئے - مہرہ کی کوپیاں کے لئے پورے 1629/41-13

مورثہ نمبر 14/2/13 کو استعمال کے لئے کی پورٹ کیا گیا۔ پورے لئے

میں نے باقاعدہ پورے کے لئے مورثہ نمبر 16/2/13 اور ڈی

پورٹ کے لئے اور باقاعدہ کے لئے مورثہ نمبر 16/2/13 اور ڈی

ادائیگی بلوج نہیں کی گئی - میں مزید پورے اور پورے

میں اپیل نمبر 16/2/13 اور ڈی - مہرہ کے لئے پورے

دی جانے کے لئے
میں گورنمنٹ کے لئے

Employ appeal accepted
for release of salary
Xen PBMC for Hussain 1940
early action in the
matter.

میں گورنمنٹ کے لئے
میں گورنمنٹ کے لئے

Superintending Engineer
PBMC C&W Dept: Peshawar

(52)

دستور فہم اب تک ملوث اہل Base کے

جہاں سے بھی
جو یہاں لڑائیں اس سے پہلے اس سے پہلے
انٹیم 15/11/2013 کے ساتھ
No 1692/11/13

یہ دیکھ کر 14/11/2013 سے رٹ لکھ کر
16/11/2013 کو رٹ لکھ کر
16/11/2013 کو رٹ لکھ کر

D.No. 164/9E
16/11/2013
Hassan Khan
16/11/2013

11/11/13

(53)

جناب ایجنٹ کی پی ایم سی پشاور

جناب عالی
موزانہ لڈا لٹریچر سے من مٹول بائیں ہون

اور لڈا لٹریچر لڈا لٹریچر جو نڈہ لڈا لٹریچر

انتہا لڈا لٹریچر لڈا لٹریچر مورف
26 نومبر 2012

بیتہ لڈا لٹریچر لڈا لٹریچر من آسما لڈا لٹریچر

خالی میں لڈا لٹریچر لڈا لٹریچر لڈا لٹریچر

آسما لڈا لٹریچر لڈا لٹریچر

عین نواز لڈا لٹریچر لڈا لٹریچر

لڈا لٹریچر

Xen / DAD / AK

لڈا لٹریچر

28/11/2012

باسمہ مبارک

باسمہ مبارک

Superintending Engineer
PBMCC & W.D. Peshawar

لڈا لٹریچر لڈا لٹریچر لڈا لٹریچر

لڈا لٹریچر لڈا لٹریچر لڈا لٹریچر

11201-6422305

59

خدمت ضیب الہی ای کلید سے جس سے اس میں شہا در

جناب محترم -

اپیل

لڈ آرڈر سے کہ میری آرڈر سروسز نقلی مواد کو 20/1/14 کو بذریعہ فٹ 1493/41-4

سہولت اور صفائی 15/1/2013 کی ڈیوٹی شروع کیے ہیں البتہ کہ کوئی تاخیر


ہوئی ہے۔ لہذا میری پوری تاخیر شروع کرنا ہے اور اس کا طے -

تسلیم -

XBR

Release Salary
of the official without
delay since the
arrival date

یا سر مبارک
یا سر مبارک علی بی بی ایس
8-4-2013


Superintending Engineer
PBME C&W Deptt: Peshawar

(55)

گورنمنٹ ایئر لائنز پاکستان
ڈیپارٹمنٹ

ڈیپارٹمنٹ ڈائری (15/11/2013)

ایئر سروسز ایئر لائنز پاکستان

ڈیپارٹمنٹ ڈائری (1693/41-12) 14/11/2013

29/2

DN No 165/9-E
dt 16/11/2013

(56)

خدمت جناب المسین و پب میں کام میں شہادت

صبا - مائی -

موجودہ گذارستان ہے کہ مجھے بذریعہ ٹرانسپورٹ اور علاج پوری کی عین حال میں سے
یا ماسکو پورہ سٹاف پر عورتیاں ہوتی ہیں۔ صبح والد صاحب کو
تھکے میں ملتا رہتا ہے۔ میں عدل میں ہوں اور سب کو سزا
پرائیوٹ میں بھی کئی روزوں کے دوران میں عورتیاں کئی طرح سے
موجود ہیں۔ گذارستان پوری ہے۔ حیرانناک ہے۔

(Handwritten signature)

Shahabuddin

شہاب - الدین والد لفظ گل سنگھ سوہاگ پورہ شہادت

(57)

Shahabuddin

Superintending Engineer
PBMC C & W Deptt. Peshawar

(58)

Superintending Engineer
PBMC C & W Deptt. Peshawar

حضرت صاحب - سید محمد رفیع - افسر ایف ڈی ایچ ایف ڈی

صفا علی

اداسی پراپرٹی کو

گودا بنڈیشن کے سلسلے کو چھوڑنا

پوسٹ پر لکھی گئی ہے۔ آرڈر نمبر 1695/41-E اور فف 13-01-15

گودا بنڈیشن کے سلسلے کو

گودا بنڈیشن کے سلسلے کو چھوڑنا

مذہب دعا اور سب

نور احمد پوری

for winding
action to release
Salam

تیسرا - اللہ کی دلدل پر عمل
سورنیز باہر صوفی و کھنڈ

27/3/2013

Superintending Engineer
PBMC C&W Dept: Peshawar

58

کفایت دین - اذکرہ کثیر الحکمیرہ لکھنؤ
سے اذکرہ کثیر الحکمیرہ لکھنؤ

من عالی

صافری کورٹ

ڈیوٹنڈو ایف بی ایس کے بلوں جو کلا 16

صافری کورٹ سے 1895/40 سے 15/11/2013

اس کے آپ سے ایف بی ایس کے بلوں
بلوں جو کلا 1895/40 سے 15/11/2013

صافری کورٹ سے
مسترد

Dr No 257/9-E
dt 22/11/2013

رہنما

الکھنؤ - شہاب الدین ولد لوفت علی
جو کلا 1895/40 سے 15/11/2013

86

Shahabuddin
16-1-2013

21
فخریہ - ایس ای جی کے نام سے کیا گیا ہے

صاف عالی

سودا بہ نگذارش ہے نہ فدوی کو با حقوق دروغ سے علم میں آ رہے
میں ہی ایس ای جی سے یہاں لیا گیا ہے کلاس دی گئی ہے کہ کلاس
اساتذہ میں نہ پوری ہو رہی ہے لہذا اس سے کس بھی پلاس فور
پر لگائی ہے اسے اسے درخواست ہے اور ان میں پرانے پرانے
بھی کس بھی پلاس فور پر لگوز کی جائے -
مشورہ ہو گا -

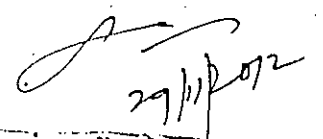


NUZAFAR

17201-2730307-9

منظور و لا یرایہ اللہ کہ تمہارا ہالا لٹا ہے

DAO / Supdt



Superintending Engineer
PRA...

(ص)

جناب صاحب الدین اک صاحب چچ بی ایلم سی پشاور۔

جناب عالی

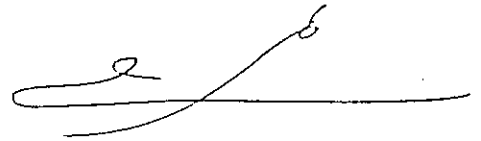
اپنی برائے نخواستہ اجراء۔

جناب عالی میں نے مورخہ 24/1/2013 کو ڈیوٹی حاضری دی۔ میری نوٹس آرڈر

نمبر 11-41/1896 مورخہ 24/1/2013 ایسے ہی جو کو الٹی حد نخواستہ ایلم نے

نہیں خارج کر دیا ہے کہ میری نخواستہ کو حاضری کی جائے۔


عسکری وزارت سواتی۔



منظر ولد ربوبیت اللہ - سونپیر بی بی ایلم سی - پشاور

3-4-2013

XERO -
Release - the salary
with out delay. to
the post official.


Engineering Engineer
FBMC C&W Dept: Peshawar

(41)

حضرت جناب انیس صاحب فی بی ایچ بی سی

جناب عالی

حاضر فی ایورٹ

میں مظفر آج مورخہ 24/1/2013 کو ڈیوٹی

پر حاضر فی ایورٹ دہلی میں۔ صبر آرڈر

نومبری نمبر 1696/41E مورخہ 15/1/2013 موافق

مظفر

مظفر ولد صدر ایب اللہ

D No. 327/9-4
24/1/2013

(62)

29/1/12
ing Engineer

OFFICE OF SUPERINTENDING ENGINEER PBMC
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR.

No. 1928 /ISA DATED 7 /2 /2013

OFFICE ORDER.

The newly appointed household staff are hereby posted for duty on the following sections as under.

<u>S.No.</u>	<u>Name</u>	<u>Designation</u>	<u>Place of duty</u>
1	Tahir Hussain Shah	W/Supdt	KPK House Nathiagali
2	Alamgir Khan	W/Supdt	MPA Hostel
3	Muhammad Tanveer	W/Mistri	MPA Hostel
4	Ruhullah	W/Mistri	CM House
5	Raees Khan	Carpenter	CM House
6	Hassan Dad	P/Fitter	MPA Hostel
7	Wareedullah	P/Fitter	Shahi Mehman Khana
8	Muhammad Imran	P/Fitter	KPK House Nathiagali
9	Khurram	Electrician IV	KPK House Islamabad
10	Asif Ali	Electrician IV	Governor House Peshawar
11	Muhammad Ismail	Electrician II	Governor House Peshawar
12	Sajid Khan	Electrician V	Shahi Mehman Khana
13	Habibullah	S/Cooly	Governor House Peshawar
14	Asfandyar	S/Cooly	Governor House Peshawar
15	Navaidur Rehman	Khansama	MPA Hostel
16	Aftab	Mali	MPA Hostel
17	Asad Ali	Mali	Shahi Mehman Khana
18	Hussain Khan	cooly	CM house Peshawar
19	Yasir Mumarak	cooly	MPA Hostel
20	Shahabuddin	Chowkidar	Governor House Peshawar
21	Muzzaffar	M/Sweeper	Shahi Mehman Khana

Engr: Shams uz zaman

Superintending Engineer PBMC

Copy to the:

1. Executive Engineer PBMC C&WD Peshawar for information and if required, necessary changes by his office are allowed according to the requirement.
2. DAO (Local) for information and to attach the copy in all service books of the officials.

Superintending Engineer PBMC

63

صبا نسو ای ملک کی ایجنسی میں

صبا عالی

حرم و خانہ گذاشتن ہے کہ یہ شہباز گل ایب آباد کا

رہائشی محل اور یہ ن میرٹھ کے تعلیمی مرکز ہے

ملاوہ اڑیس میں ہے الفیروز پور میں اور ایب آباد میں

گاہگاہ ہے۔ فریڈی و جی میں مزید تعلیم کا نام لایا گیا

اب جو پور پور کے پورے شہر میں کئی کئی معلوم ہوا ہے کہ ایب آباد میں

میں کلاس فور (پارسی سولہ) سٹاف کی برتیاں بیوٹی سے

پرائے میں ہائی کچھ کئی صورتوں میں ہر کوئی کر کے

شکوہ فرمائیں - عین نوازش میں -

[Handwritten signature]

Supdt. / DMO

Superintending Engineer
PBMC C&W Deptt: Peshawar

30/11/22

[Handwritten signature]

17301-8875462-3

ساجد خان والا اختر زمان
گاؤں جہانہ نقیہ گل ایب آباد

(33)


A

محفوظ رہے۔ سپرنٹنڈنٹ انجینئر P BMC سے اپنے
ذمہ داری کے لئے اپیل کی تھی جو اس
"مزاد میں لکھی ہے۔" یہ سببوں سے ہذا

1795/4172 مورخہ 23/11/2013 سے سہ ماہی میں لکھی
کرنا دی۔ اور لکھی سپرنٹنڈنٹ انجینئر P BMC کو مورخہ 20/11/2013
کوڈنگ اور رپورٹ کر دی۔ اور یہ کہہ دیا ہے کہ
رہا ہے۔ اور یہ کہہ دیا ہے۔ اور یہ کہہ دیا ہے۔
تھی 10 نہیں لکھی گئی ہے۔ لہذا اپیل کرتا ہوں
کہ انجینئر P BMC کو پورے کا پورا لکھی گئی ہے۔
اداکار ہے

سپرنٹنڈنٹ انجینئر

Appeal Accepted with effect from
- the Director
for release of Salary 29/03/2013


Superintending Engineer
PBMC C&W Dept: Peshawar

(39)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

SOR-V(E&AD)Gen:C&W/2011
Dated 11th March, 2013

To

The Secretary to Govt: of Khyber Pakhtunkhwa
C&W Department.

Subject: NOTIFICATION

Dear Sir,

P-317/c
I am directed to refer to your Notification No. SOE/C&WD/4-14/2013 dated 19-02-2013 on the subject cited above and to convey that certain terms and conditions e.g C.P.Fund and stipulation of two years period for probation as expressed in T&CS (i) & (iii) of your notification referred to above are no more in vogue. Besides, the offer in question does not include important conditions/provisions such as medical fitness certificate as well as police-verification of antecedents of candidates. Moreover, in appointment cases, first of all offer of appointment is issued followed by formal appointment of the candidates.

You are therefore, advised to correct the Notification in question in line with the latest rules/policies of the Government under intimation to this department.

Yours faithfully,

ZIRA
11/03/2013
(QURAN-UL-AIN)
SECTION OFFICER (REG-V)

Discussed with AS

No appeal/cpl 2A is warranted at 144.03182 in the subject case

10. SR Lm 1878/15

SDF
Bosch
AS

please

Page 6/11 in itra (no submission)

Ref 1-9N

Approved subject

to observance of

all legal + code

formalities on the subject

19.3.15

2-

The case has been completed -
The above referred para in the report
inquiry with E + D rules was conducted
by Sarder Muhammad Abbas Sardaary
transport - agent - Mr. Kar & E PRM
and the members of the DSC for the
appointment. No warning other has
also considered the appointment
and the prior procedure was not followed

preceding para refer

Addl. Secretary

Lm 1878/15
SO (Estb)

resubmitted for orders please.

The service appeals of the petitioners are placed on board as desired. Para-6/N is

Para-7/N refers

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT.
CIVIL SECRETARIAT.**

Subject: COC/2014 in Service Appeal No.183/2014 & 19 others – Muhammad Alamgir Khan VS SE PBMC and others (regarding illegal appointment in PBMC)

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SO (Lit) local C&W Department has forwarded a self contained brief along-with judgment dated 19.02.2015 of Service Tribunal for necessary action.

From perusal of the brief prepared by SE PBMC C&W Peshawar it is pointed out that 22 Nos appointments were made by the then SE PBMC (Engr. Shams-uz-Zaman) in the month of January 2013 through Departmental Selection Committee (DSC). In May, 2013, a notice received from Peshawar High Court Peshawar, whereby 19 Nos candidates were prayed for release of their pay. Accordingly the Department were filed para-wise comments to the court but the court dismissed their appeals with the observation that petitioners are at liberty to approach the proper forum. Accordingly the petitioners filed service appeals in the Service Tribunal for their grievances.

The Service Tribunal has disposed off the case with the remarks that the Tribunal feels itself in vacuum and perceive a disconnect between the disputed appointment orders and payment of salary on its basis. On record, it was also not shown that the Departmental appeal had been moved by the appellant before the competent appellate authority next above the appointing authority as contemplated in Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, much less than the outcome of such appeal would have come before the Tribunal. Hence, while concluding this discussion, **it is the considered opinion of the Tribunal to treat these appeals as departmental appeals and to remit the cases to the appellate authority who is directed to decide the appeals within one month of its receipt, failing which these appeal shall be deemed to have been accepted by the Tribunal.**

It is further added that the Department has also probed the matter through Engr. Shahid Hussain SE C&W Department, who concluded that the appointments made under Rule-10(4) cannot be termed as legal. The report was further processed and conducted formal inquiry under E&D Rules, 2011 through Mr. Sardar Muhammad Abbas Secretary Transport Department, who concluded that all charges have been proved upon the officer and rest of the members of DSC along-with Junior/Dispatch Clerk are equally responsible. The said formal inquiry report was further processed and placed before Competent Authority (CM) for orders, to which the Authority tentatively imposed major penalty of "dismissal from service" upon the then SE PBMC and rest of members of DSC and major penalty of "reduction to lower scale" has been imposed upon Junior Clerk to which they replied. The replies of the officers/official were examined and submitted to Competent Authority for orders, but the same has not yet received from the Department.

So far, the judgments of the Service Tribunal as departmental appeals of the candidates are concerned, in this regard it is clarified that the appointments made by the then SE PBMC has already termed as illegal by Engr. Shahid Hussain SE (BS-19) C&W Department and formal inquiry officer (Mr. Sardar Muhammad Abbas) has also concluded that all charges proved upon the then SE PBMC (Engr. Shams-uz-Zaman) and rest of the members are equally responsible meaning by that the appointments were made as illegal. Therefore, it seems quite clear that the appeals of the candidates are not acceptable, being their appointments were not made under the existing rules and policy.

In view of above, Secretary C&W is Appellate Authority to reject the appeals of the candidates approached to Service Tribunal for their grievances as their appointments were not made under the existing rules and policy. Besides this, it is further proposed that the case may be referred to SO (Lit) local C&W Department for filing CPLA in the Supreme Court of Pakistan against the judgment of Service Tribunal as they disposed off the case with the condition that their judgment may be considered as departmental appeals of the candidates within one month, failing which these appeals should have been deemed accepted by the Tribunal.

Add: Secretary

SO (Lit)

where is the appeal to
be considered as departmental appeals
discuss further. Cish.

M. J. Khan
SO (Estb) 16/8/15