

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 924/2016

Date of institution ... 26.08.2016
Date of judgment ... 21.07.2017

Abdul Manan S/o Adam Khan, Pipe Fitter (BPS-07)
Provincial Building Maintenance C&W Department,
Bacha Khan Chowk Peshawar.
R/o Near Technical College Kohat Road Peshawar,

... (Appellant)

VERSUS

1. The Superintendent Engineer Provincial Building Maintenance Cell C&W Department Bacha Khan Chowk KPK Peshawar.
 2. Executive Engineer PBMC Communication & Works Department Peshawar Bacha Khan Chowk Peshawar.
 3. Secretary C&W Khyber Pakhtunkhwa Peshawar.
 4. Sub-Divisional Officer IV Provincial Building Maintenance Cell C&W KPK.
- ... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER NO. 1110-GEC DATED 02.06.2016 OF EXECUTIVE ENGINEER C&W WHEREBY APPELLANT WAS RETIRED FROM SERVICE PREMATURELY WITH EFFECT FROM 28.02.2014 INSTEAD OF THE YEAR 2018 BY COUNTING APPELLANT DATE OF BIRTH AS 01.03.1954 INSTEAD OF 1958 AND AGAINST THE FINAL ORDER PASSED BY EXECUTIVE ENGINEER ON APPEAL VIDE OFFICE ORDER NO. 1471-3 EC DATED 24.08.2016 PASSED BY EXECUTIVE ENGINEER PBMC READ WITH OFFICE ORDER NO. 933-2 SDO IV DATED 23.08.2016.

Mr. Asad Jan, Advocate. .. For appellant.
Mr. Kabirullah Khattak, Assistant Advocate General .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. GUL ZEB KHAN .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - This service appeal has been filed under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 02.06.2016 whereby the appellant was retired from service with

M. Asad Jan
21.7.2017

effect from 28.02.2014 as well as against the order dated 23.08.2016 whereby the departmental appeal of the appellant was rejected.

2. Facts of the case as per memo of the appeal are that the appellant was appointed as Pipe Fitter on 03.11.1975 in C&W Department. That the date of birth of the appellant was recorded in service book as 01.03.1954 by the respondents. That the date of birth of the appellant is recorded as 1958 in CNIC. That the appellant came to know on 02.06.2016 about the date of birth mentioned in the service book when he was retired from service. That the actual date of birth in other medical documents was also recorded as 1958 and the respondent-department was bound to retire him in the year 2018. That the appellant also filed departmental appeal but the same was also dismissed hence, the present appeal.

3. The respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in C&W Department as Pipe Fitter (BPS-07). It was further contended that the date of birth of the appellant is 1958 and the same date of birth is also mentioned in the CNIC issued from time to time in favour of the appellant. It was further contended that the respondent-departmental has illegally retired him from service on 02.06.2016 with effect from 28.02.2014 on the basis of wrong entry of date of birth of the appellant mentioned as 01.03.1954 in his service book. It was also contended that the date of birth mentioned in CNIC will be given preference than the date of birth mentioned in the service book and the date of birth mentioned in the service book is liable to be rectified in accordance with the date of birth mentioned in the CNIC. It was further contended that the date of birth of the appellant as per medical certificate is also mentioned as 1958, therefore, prayed that the date of birth mentioned in the service book may be rectified and the appellant may be retired from service with effect from 28.02.2018 by treating the date of birth of the appellant as 1958 instead of 1954.

5. On the other hand, learned Assistant Advocate General Mr. Kabirullah Khattak opposed the contention of learned counsel for the appellant and contended that the date of

M. Anwar
21.7.2017

birth of the appellant is mentioned as 01.03.1954 in the service book and as per rules any official may be retired from government service on the basis of date of birth recorded in service book. It was further contended that the respondents were not bound to retire the appellant on the basis of date of birth recorded in CNIC. It was further contended that the entry mentioned in the service book will be given preference than the entry mentioned in CNIC. It was further contended that if the age of the appellant for the sake of arguments is considered as 1958 than at the time of his appointment his age was less than 18 years and he was not eligible for service. It was further contended that the present appeal is not maintainable and prayed for dismissal of appeal.

6. We have heard the arguments on both sides and gone through the record available on file.

7. Perusal of the record reveals that the appellant was appointed as Pipe Fitter (BPS-07) on 03.11.1975 in C&W Department and his date of birth was mentioned as 01.03.1954 in his service book. The record further reveals that no doubt the date of birth of the appellant is mentioned as 1958 in his CNIC but as per service rules of the Accountant General Khyber Pakhtunkhwa any official may be retired from government service on the basis of date of birth recorded in service book and not on the basis of date of birth mentioned in the CNIC. Moreover if the date of birth of the appellant is considered as 1958 at the time of his appointment than his age was less than 18 years, therefore, the appellant was rightly retired from service on the basis of date of birth mentioned in service book hence, the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

21.07.2017


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

22.05.2017

Counsel for the appellant and Mr. Kabir Ullah Khattak Assistant AG for the respondents present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 18.07.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Gul Zeb Khan)
Member

18.07.2017

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Arguments heard. To come up for order on 21.07.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

21.07.2017

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, the appeal has no force which is hereby dismissed with no order as to cost. File be consigned to the record room.

ANNOUNCED
21.07.2017


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

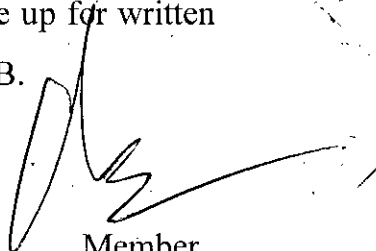


924/2016

20.10.2016 Appellant in person and Additional AG for respondents present. Written reply by respondents not submitted. Learned Additional AG requested for further time for submission of written reply. Request accepted. To come up for written reply/comments on 30.11.2016 before S.B.


(PIR BAKHSH SHAH)
MEMBER

30.11.2016 Appellant in person and Mr. Muhammad Hamid Zia, SDO alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 26.12.2016 before S.B.


Member

26.12.2016 Counsel for the appellant, and Mr. Muhammad Hamid Zia, SDO alongwith Mr. Ziaullah, GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 16.02.2017.


Chairman

16.02.2017 Appellant in person and Mr. Muhammad Hamid Zia, SDO alongwith Addl. AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 22.05.2017 before D.B.


(AHMAD HASSAN)
MEMBER

07.09.2016

Counsel for the appellant present. Learned counsel for the appellant submitted that actual date of birth of the appellant is 1958 per record of NIC and certificate of the Civil Surgeon but the same was initially shown as 1954 in the service book of the appellant on the basis of which the appellant was untimely retired before his due date. He next submitted that the impugned order is unlawful and against the rules which may be set-aside. Learned counsel for the appellant stressed that after original order, departmental appeal of the appellant was also rejected and hence the instant service appeal. He contended that the appeal is within time.

Appellant Deposited
Security & Process Fee

Points urged at the Bar need further consideration. Admit. Subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 06.10.2016 before S.B.

Member

06.10.2016



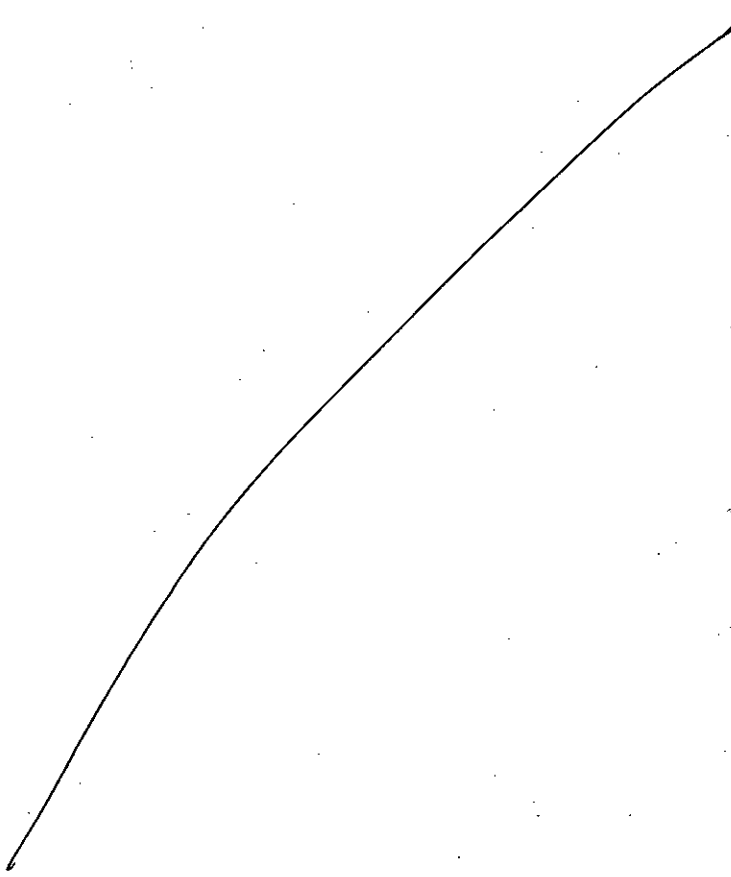
Appellant in person and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 20.10.2016 before S.B.

(Muhammad Aamir Nazir)
(Member)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 924/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/09/2016	<p>The appeal of Mr. Abdul Manan resubmitted today by Mr. Asad Jan Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	2-9-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07-09-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

This is an appeal filed by Mr. Abdul Manan on 26/08/2016 against order dated 02.06.2016 against which he preferred/made departmental appeal/ representation on 30.06.2016 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1428/ST,

Dt. 30/8/2016

Asad Jan
to REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Asad Jan Adv. Pesh.

Respected Sir,

vide Page - 10 Annexure 'B'

with regard to my dept appeal

The executive engineer passed order dated 24/8/15, though the

same is non-speaking and hence challenged before this honorable tribunal

which is in nature of final order. Hence resubmitted please


ASAD JAN
ASC
11/9/18

The appeal of Mr. Abdul Manan son of Adam Khan Pipe Fitter PBMC Department Peshawar received today i.e. on 26.08.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be flagged.
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 1413 /S.T,

Dt. 26/8 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Asad Jan Adv. Pesh.

I remove objections plz resubmitted before

humble court.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

S.A. NO. 924 /2016

ABDUL MANAN

.....APPELLANT

VERSUS

THE SUPERINTENDENT ENGINEER AND OTHERS

.....RESPONDENTS

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APPELLANT

Through


ASAD JAN

(Advocate Supreme Court of Pakistan)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

S.A. NO...924... /2016

ABDUL MANAN S/O ADAM KHAN R/O NEAR TECHNICAL COLLEGE KOHAT ROAD PESHAWAR PIPE FITTER B-07 PROVINCIAL BUILDING MAINTENANCE C&W DEPARTMENT, BACHA KHAN CHOWK PESHAWAR.

Khyber Pakhtunkhwa Service Tribunal

APPELLANT

VERSUS

Diary No. 899

Dated 26/8/2016

1. THE SUPERINTENDENT ENGINEER PROVINCIAL BUILDING MAINTENANCE CELL C&W DEPARTMENT BACHA KHAN CHOWK KPK PESHAWAR.
2. EXECUTIVE ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
3. SECRETARY C&W KHYBER PAKHTOON KHWA PESHAWAR
4. SUB DIVISIONAL OFFICER IV PROVINCIAL BUILDING MAINTENANCE CELL C&W KPK.

RESPONDENTS

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER NO 1110-GEC DATED 2/06/2016 OF EXECUTIVE ENGINEER C&W WHEREBY APPELLANT WAS RETIRED FROM SERVICE PREMATURELY WITH EFFECT FROM 28/02/2014 INSTEAD OF THE YEAR 2018 BY COUNTING APPELLANT DATE OF BIRTH AS 1/03/1954 INSTEAD OF 1958 AND AGAINST THE FINAL ORDER PASSED BY EXECUTIVE ENGINEER ON APPEAL VIDE OFFICE ORDER NO 1471-3 EC DATED 24/08/2016 PASSED BY EXECUTIVE ENGINEER PBMC READ WITH OFFICE ORDER NO 933-2 SDO IV DATED 23/08/2016.

Filed to-day

Registrar

26/8/16

Re-submitted to -day and filed.

Registrar

01/09/16

PRAYER IN APPEAL.

ON ACCEPTANCE OF THE INSTANT APPEAL THE ABOVE MENTIONED OFFICE ORDER BE SET ASIDE /MODIFIED AND APPELLANT BE RETIRED FROM SERVICE WITH EFFECT FROM 28/02/2018 BY TREATING PETITIONER DATE OF BIRTH AS 1958 INSTEAD OF 1/03/1954 ALONGWITH ALL OTHER

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BENEFITS FOR THE SAID PERIOD AND ANY OTHER RELIEF TO WHICH THE APPELLANT IS FOUND ENTITLED MAY ALSO BE GRANTED.

Respectfully Sheweth,

The appellant submits as under:-

1. That the appellant is law abiding citizen of Pakistan.
2. That the appellant is quite illiterate and joined service in the department on 3/11/1975 as pipe fitter.
3. That the date of birth of appellant was recorded in the service book as 01/03/1954 presumptively by respondents.
4. That in the CNIC, the date of birth of appellant was recorded as 1958 in all the CNICs issued from time to time.
5. That appellant came to know about the date of birth when he was retired from service on 2/06/2016 being illiterate.
6. That actual date of birth in other documents was recorded as 1958 and department was legally bound to retire him from service in the year, 2018.
7. That if the department has some reservation about the date of birth of appellant, appellant should have been referred to Govt. hospital for verification of the same to ascertain the same.
8. That appellant filed an appeal against order no 1110/GEC dated 02/06/2016 of executive engineer and the same was dismissed and not honored vide order dated 1471-3 EC dated 24/08/2016 passed by executive engineer PBMC read with office order NO 933-2 SDO IV dated 23/08/2016.(copy of the appeal and all orders mentioned above are annexed)
9. That appellant is seriously aggrieved from the above mentioned office orders , hence requests for setting aside of the same on the following grounds amongst others:-

GROUND

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A. That the office orders mentioned above are against law, facts and record.

B. That the orders mentioned above are without lawful authority and passed by incompetent authority.

C. That appellant has spotless service career and has no adverse remarks in his service record.

D. That all the NICs issued from time to time in favour of appellant carries the appellant date of birth as 1958 and not 1/03/1954 and on this sole ground the impugned orders are liable to be set aside/modified.(copy of NICs attached)

E. That even pay role of the appellant shows that appellant date of birth has been mentioned as 1/05/1983 and this wrong entry is sufficient to hold that the date of birth recorded in the service book of the appellant has been wrongly mentioned by the department and appellant being illiterate has never came to know in respect of said incorrect recorded date of birth moreover, when appellant is appointed as pipe fitter on 3/11/1975 then how the respondents are showing his date of birth as 1/05/1983 in the pay role hence appellant cannot be blamed for the wrong done and the wrong entries recorded in the service record by the respondents themselves.

F. That no one should suffer for the act of department especially when admittedly appellant is illiterate.

G. That appellant is a poor person and the whole family is dependent upon him.

H. That the impugned office order is passed in illegal manner as the same bears dated 2/06/2016 but treating appellant retired from service with effect from 28/02/2014 (afternoon) i.e more than two years prior to the passing of office order 1110/GEC dated 2/06/2016.(copy of office order 1110/GEC dated 2/06/2016 is annexed)

I. That the impugned office order is void ab initio, unlawful and ineffective upon appellant rights and as such appellant cannot be deprived of his valuable rights.

J. That from the impugned office order appellant came to know about the wrong entries with regard to his date of birth hence appellant is well in time.

K. That even appellant received his pay till may 2016 which fact also supports that correct date of birth is 1958 and not 1/03/1954.(copy of pay slip is annexed)

L. That even age assessment certificate supports the appellant version(copy of age assessment certificate is annexed)

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

N. That the acts of respondents by retiring the appellant prematurely and not considering the correct date of birth of the appellant as mentioned in the appeal are based on malafide and are illegal.

It Is Therefore Requested That, ON ACCEPTANCE OF THE INSTANT APPEAL THE ABOVE MENTIONED OFFICE ORDERS BE SET ASIDE /MODIFIED AND APPELLANT BE RETIRED FROM SERVICE WITH EFFECT FROM 28/02/2018 BY TREATING APPELLANT DATE OF BIRTH AS 1958 INSTEAD OF 1/03/1954 ALONGWITH ALL OTHER BENEFITS FOR THE SAID PERIOD AND ANY OTHER RELIEF NOT SPECIFICALLY ASKED FOR AND TO WHICH THE APPELLANT IS FOUND ENTITLED MAY ALSO BE GRANTED.

Appellant

Through

ASAD JAN

(Advocate Supreme Court of Pakistan)

AFFIDAVIT

Abdul manan s/o Adam Khan r/o near technical college Kohat road, Peshawar EX pipe fitter B-07 provincial building

maintenance C&W Department, Bacha khan chowk peshawar do hereby solemnly affirm and declare 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



③

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

S.A. NO..... /2016

ABDUL MANAN

VERSUS

THE SUPERINTENDENT ENGINEER & OTHERS

ADDRESSES OF THE PARTIES

ABDUL MANAN S/O ADAM KHAN R/O NEAR TECHNICAL COLLEGE KOHAT ROAD PESHAWAR EX-PIPE FITTER B-07 PROVINCIAL BUILDING MAINTENANCE C&W DEPARTMENT, BACHA KHAN CHOWK PESHAWAR.

.....APPELLANT

1. THE SUPERINTENDENT ENGINEER PROVINCIAL BUILDING MAINTENANCE CELL C&W DEPARTMENT BACHA KHAN CHOWK KPK PESHAWAR.
2. EXECUTIVE ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
3. SECRETARY C&W KHYBER PAKHTOON KHWA PESHAWAR
4. SUB DIVISIONAL OFFICER VI PROVINCIAL BUILDING MAINTENANCE CELL C&W KPK.

.....RESPONDENTS


APPELLANT

THROUGH

ASAD JAN ADVOCATE(supreme court)

6

CERTIFICATE

Priorly no such appeal has been filed on behalf of the appellatnt before this Hon, ble court.



ADVOCATE PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

S.A. NO..... /2016

ABDUL MANAN S/O ADAM KHAN R/O NEAR TECHNICAL COLLEGE KOHAT ROAD PESHAWAR EX-PIPE FITTER B-07 PROVINCIAL BUILDING MAINTENANCE C&W DEPARTMENT, BACHA KHAN CHOWK PESHAWAR.

.....APPELLANT

VERSUS

- 5. THE SUPERINTENDENT ENGINEER PROVINCIAL BUILDING MAINTENANCE CELL C&W DEPARTMENT BACHA KHAN CHOWK KPK PESHAWAR.
- 6. EXECUTIVE ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
- 7. SECRETARY C&W KHYBER PAKHTOON KHWA PESHAWAR
- 8. SUB DIVISIONAL OFFICER VI PROVINCIAL BUILDING MAINTENANCE CELL C&W KPK.

.....RESPONDENTS

PETITION FOR SUSPENSION OF THE OFFICE ORDER NO 1110/GEC DATED 2/06/2016 TILL FINAL DECISION OF THE INSTANT APPEAL.

Respectfully Sheweth.

- 1. That the above titled service appeal is pending adjudication in this honorable court.
- 2. That the petitioner has performed his duties with full diligent and devotion since the date of his appointment.
- 3. That keeping in view the grounds raised in the appeal, the petitioner is having prima facie case and will suffer irreparable loss as well as inconvenience if the temporary injunction is not granted.
- 4. That there is no legal bar on the acceptance of this petition rather the same is in the interest of justice.

- 5. That the acts of respondents by retiring the appellant prematurely and not considering the correct date of birth of the appellant as mentioned in the appeal are based on malafide and are illegal.
- 6. That others grounds will be raised at the time of arguments.

IT IS THEREFORE REQUESTED THAT ON ACCEPTANCE OF INSTANT PETITION THE OFFICE ORDER NO 1110/GEC DATED 2/06/2016 MAY KINDLY BE SUSPENDED TILL FINAL DECISION OF THE INSTANT APPEAL.



Petitioner

Through

ASAD JAN

(Advocate Supreme Court of Pakistan)

AFFIDAVIT

I Abdul manan s/o Adam Khan r/o near technical college Kohat road, Peshawar EX pipe fitter B-07 provincial building maintenance C&W Department, Bacha khan chowk peshawar do hereby solemnly affirm and declare 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

9

To,

The Superintendent Engineer,
Provincial Building Maintenance Cell,
C&W Department, Bacha Khan Chowk,
KP, Peshawar.

Annexure A

SUBJECT:- APPEAL AGAINST OFFICE ORDER NO. 1110/GEC, DATED 02.06.2016 OF EXECUTIVE ENGINEER, C&W DEPARTMENT, PESHAWAR WHEREBY APPELLANT WAS RETIRED FROM SERVICE PRE MATURELY WITH EFFECT FROM 28.02.2014 INSTEAD OF THE YEAR, 2018.

Respected Sir,

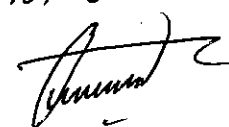
1. That appellant is quite illiterate and joined service in the department on 03.11.1975 as Pipe Fitter.
2. That the date of birth of appellant was recorded in the Service Book as 01.03.1954 presumptively.
3. That in the CNIC, the date of birth of appellant was recorded as 1958 in all the CNICs issued from time to time.
4. That appellant came to know about the date of birth when he was retired from service on 02.06.2016, being illiterate.
5. That actual date of birth in other documents was recorded as 1958 and the department was legally bound to retire him from service in the year, 2018.
6. That if the department has some reservation about the date of birth of appellant, he can be referred to Govt. hospital for verification of the same to ascertain the same.

It is, therefore, most humbly requested that order dated 02.06.2016 be set aside/ modified and appellant be retired from service with effect from 28.02.2018.

Thanking you, sir.

Applicant.

Dated:- 30.06.2016

Attested

A.M.

Abdul Manan S/o Adam Khan,
Near Technical Collage,
Kohat Road, Peshawar.
Ex-Pipe Fitter B-07
Provincial Building Maintenance
C&W Department, Bacha Khan Chowk,
Peshawar.

(10)

PROVINCIAL BUILDING MAINTENANCE CELL
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA

Phone No. 0919211373 Fax No.0919212104

No. 1471-13 Ec Dated 24/08/2016.

Annexure B

To,

Mr. Abdul Manan,
Ex-Pipe Fitter BPS-07

Subject: - APPEAL AGAINST OFFICE ORDER NO.1110/GEC, DATED 02.06.2016 OF EXECUTIVE ENGINEER C&W DEPARTMENT PESHAWAR WHEREBY APPEALLANT WAS RETIRED FROM SERVICE PREMATURE WITH EFFECT FROM 28.02.2016.

Ref:- Your appeal dated: 29.07.2016.

Enclosed is a copy of the self explanatory letter No.933/2-SDO-IV dated 23/08/2016 of SDO-IV PBMC for your information.

DA/As above.

EXECUTIVE ENGINEER

Copy to SDO-IV PBMC for information w/r to above.

EXECUTIVE ENGINEER

Attd

[Signature]

Ad's

11
OFFICE OF THE SUB DIVISIONAL OFFICER
Provincial Building Maintenance Cell C&W

No. 933/2-SDO-IV Dated 23-08-2016

To

The Executive Engineer
PBMC C&W Department
Peshawar.

Subject:- APPEAL AGAINST OFFICE ORDER NO.1110/GEC, DATED 02.06.2016 OF EXECUTIVE ENGINEER c&w DEPARTMENT PESHAWAR WHEREBY APPELLANT WAS RETIRED FROM SERVICE PREMATURE WITH EFFECT FROM 28.02.2016.

Reference: Your letter No.1443/3EC dated 08.08.2016.

Enclosed please find herewith parawise detail report on the subject noted above for favour of further necessary action please.

1. It is correct that the official has join the Service in the Department on 03.11.1975.
2. Para-2 Correct.
3. It is correct that Date of Birth of the official recorded 1958 in CNIC, but in Service Book the Date of Birth of the official was recorded 01.03.1954, and the official cannot raised the point in whole service. It is further stated that as per Accountant General Khyber Pakhtunkhwa instruction any official may be retired from Government Service on the Date of Birth recorded in the Service Book and not on CNIC.
4. No need Reply.
5. Para-5 correct, but the office not bound to retire any official on the Date of Birth recoded in CNIC, the office is bound to retire any official / officer on the Date of Birth recorded in the Service Book.
6. No need Reply.

In view of the above circumstances, It is further to state that the official is further examine by the Forensic Department Khyber Medical College, Peshawar, as per opinion of Khyber Medical College age of the official is Fifty Six to Sixty (56-60 Years) (Copy of Medical Certificate Attached).

Report submitted for further necessary action please.

Attested
[Signature]
Adv

[Signature]
SUB DIVISION OFFICER-IV

Entry No.	342
Date	23/8/16
Executed by	<i>[Signature]</i>
Head Office	
D.A.O	
S.D.O	
D.H.D	

(15) Annexure D

PROVINCIAL BUILDING MAINTENANCE CELL
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA

Phone No. 0919211373

Fax No. 0919212104

No. 1110 / 1982 Dated 02/06/2016.

OFFICE ORDER.

As per recorded date of birth in the Service Book of **Mr. Abdul Manan S/O Adam Khan Pipe Fitter (BPS-07 viz 01.03.1954)**, the official has been stand retired from service w.e.f 28.02.2014 (After-noon).

Sanction to the encashment of 365 days pay in lieu of L.P.R amounting to **Rs.256800/- (Rupees Two Hundred Fifty Six Thousand & Eight Hundred only)** out of the leave available at his credit of the above named official is hereby also accorded under Finance Department Notification No.SO(FR)FD/5-92/05-Vol-V dated 13-12-2012.

EXECUTIVE ENGINEER

Copy to the: -

1. ✓ Accountant General Khyber Pakhtunkhwa Peshawar.
2. ✓ Sub Divisional Officer-IV PBMC C&W Deptt: Peshawar w/r to his letter No.912/2-SDO-w dated 21.05.2016 Service Book the Official returned herewith for further necessary action.
3. Divisional Account Officer PBMC.
4. Mr. Abdul Manan S/O Mr.Adam Khan (Pipe Fitter) R/O Daray Khan Khyel, Shahbaz Khyel Teh: & District Laki Marwat. (NIC No.11201-0373245-9).

EXECUTIVE ENGINEER

Attended
Amman
Advs

SE NO 94/29-E

dt: 2/8/2016

(20)

Annexure C

3

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

1. Name.. Abdul Manam

2. Race .. S/O Adam Khan

3. Residence ... Distt Bannu
Banna

4. Father's name and residence A.S. Above

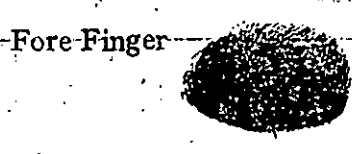
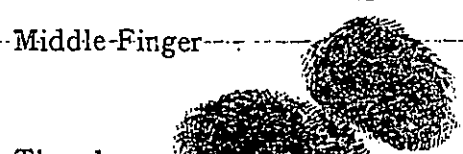
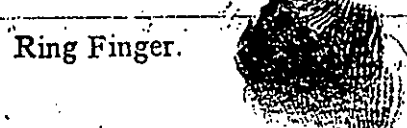
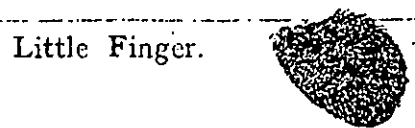
5. Date of birth by Christian era as 1-3-54
nearly-as-can-be-ascertained

6. Exact height by measurement 5'-5"
9/10/69

7. Personal marks for identification ?

Date

8. Left hand thumb and Finger impression of (non-gazetted) officer Cut mark on Forefinger



9. Signature of Government servant



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

Sub Divisional Officer
E & M Sub Division No 1
Peshawar

Attested

[Signature]

Advo

(18)

Amended : F

**MEDICAL SUPERINTENDANT
SERVICES HOSPITAL, PESHAWAR**

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

No: 3879 /MS/Admn/KMC/FM/Agc/2015-16

Dated: 08/08/2016

The Head of Department
Forensic Medicine,
Khyber Medical College, Peshawar.

Subject: AGE ASSESSMENT CERTIFICATE

Memo:

Mr. Abdul Manan S/O Adam Khan submitted application for correction in his age (date of birth). He is hereby referred to your department for age assessment certificate with the request that certificate and report may please be submitted to undersigned immediately to proceed further.

Mark of identification: Nil

Am Manan
08/08/2016
Medical Superintendent
Services Hospital
Peshawar
Medical Superintendent
Police & Services Hospital
Peshawar.
08/08/16

Attested
Amman
Adm



(19) Annexure : F1

**OFFICE OF THE
MEDICAL SUPERINTENDANT
SERVICES HOSPITAL, PESHAWAR**

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

No: 3893 /MS/Admn/KMC/FM/Age/2015-16

Dated: 09/08/2016

AGE ASSESSMENT CERTIFICATE

Certified that Mr. Abdul Manan S/O Adam Khan R/O: District: Lakki Marwat appeared before me for his age assessment.

He was referred to Forensic Department of Khyber Medical College Peshawar, for age assessments vide this officer letter No: 3879/MS/Admn/KMC/FM/Age/2015-16 dated: 08.08.2016.

According to the opinion of Forensic Department, Khyber Medical College, Peshawar his age is Fifty Six ~~to Sixty (56-60) years~~ as per their letter No: 456/FM/KMC/2016 dated: 09-08-2016.

This office agrees with the opinion given by the Forensic Department, Khyber Medical College, Peshawar.

Mark of identification: a black mole on (Lt) Check.

*Attested
Amund
Advo*

*Amund
09/08/2016*

Medical Superintendent
Services Hospital
Peshawar
Medical Superintendent
Police & Services Hospital
Peshawar

09/08/16

(2)

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under Art. 371, C. S. R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emoluments falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant	9 Signature designation of the other atty/ceer in att of columns
Abdul Manam P. Pote			280/-			3 ¹¹ / ₇₅		
35-28-8-3529-415								
264 110 268 400 550			288/-			12 1/76 FN		
"			296/-			12 1/77 FN		
"			304/-			12 1/78 FN		
Pipe Filter 280-8-3529-415	Regular EST.		312/-			12 1/79 FN		
Regular			280/-			15/31/80		
"			320/-			12 1/80 FN		
Attested [Signature] Ad To			288					

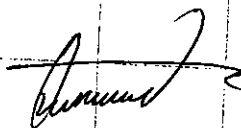
9	10	11	12	13 Leave		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Allocation of periods of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
				Period	Government to which debitable		
Appointed vide Gen B.M.D. No 1325/9E dated 3/11/75.							
<p style="text-align: center;"><i>AD</i></p> <p style="text-align: center;">Sub Divisional Officer E & M Sub Division No. 1 Peshawar</p>							
<p>30/76 AN Annual increments</p> <p>30/77 AN</p> <p>30/78 AN</p> <p>30/79 AN Annual increment</p> <p>30/80 AN Annual increments</p>							
<p style="text-align: center;">Sub Divisional Officer E & M Sub Division No. 1 Peshawar</p>							
<p style="text-align: center;">Sub Divisional Officer E & M Sub Division No. 1 Peshawar</p>							
<p style="text-align: center;">Sub Divisional Officer E & M Sub Division No. 1 Peshawar</p>							

ON
Department - Pay fixed
on 1-5-77 was left
made *[Signature]*
North West Frontier Province
E & M Sub Division No. 1
Peshawar
21/7

Converted into Regular
as pipe fitter W.E.F. 1-6-79
by Redesignation vide
S.E. B Lef Pick Peshawar
No 4/95-98/E dated 15/3/80
Sub Divisional Officer
E & M Sub Division No. 1
Peshawar.

Attested
[Signature]
Advo

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under Art. 371. C. S. R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emoluments falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant	9 Signature and designation of head of the office other than four in attest of columns 1
Sape Filter								
280-8-352/9-41-12-425								
-11-	Regdm.		286 Rs. (328) P.M.			1 ⁷ / ₈₁ (F.N)		30 ⁶ / ₈₁
-11-	11		304 Rs. (336) P.M.			1 ¹² / ₈₁ (F.N)		

Attest

 Adm

OK
 B & A
 P
 ✓

OK
 B & A

24

	9	10	11	12	13	14	15
	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government					Government to which debitable		

30⁶/₈₁ (A.N)

Granted one stage increment, vide P.D. Notification No. FDP(R) 1-8/76, dated 6-5-81 and scale revised.

[Signature]
Sub-Division Officer
E & M Sub-Division No. 1
P. W. P. Chowar.

[Signature]
Sub-Division Officer
E & M Sub-Division No. 1
P. W. P. Chowar.

30¹¹/₈₁ (A.N) Annual Increment

[Signature]
Sub-Division Officer
E & M Sub-Division No. 1
P. W. P. Chowar.

[Signature]
Sub-Division Officer
E & M Sub-Division No. 1
P. W. P. Chowar.

1982
RECEIVED
EQUITY
PAID 1/887
ADMITTED FOR PAYMENT
DURING THE MONTH 1/82
UNDERTAKEN 4937
DATED 17-7-81

Attested

[Signature]

Adv'd

[Signature]
Assistant Account Officer
Assistant Accountant General
N.W.R.P.

25

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under Art. 37, C.S.R.	4 Pay in substantive post	5 Additional pay for Officiating	6 Other employment falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant	9 Signature and designation of head of the office other attesting officer in attesta- tion of columns 1 to
Pipe-fitter 280-8-352/9-415-12-475								
" "	Regular		Rs. ³¹² (344) P.M.			1 ¹² / ₈₂ C.F.N.		
do B.P.S. NO. 4. 500-16-820	" "		Attested <i>[Signature]</i> Advo					
do	" "		220 (628) 564			1 ⁷ / ₈₃ P.N.		
do	" "		580 (644) P.M.			1 ¹² / ₈₃ C.F.N.		

8 Signature of Government servant	9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion transfer, dismissal etc.)	12 Signature of the head of the office or other attesting officer	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government Nature and duration of leave taken period Government to which debitable	14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government servant
--------------------------------------	--	--	--	--	---	--	--

30¹¹ (CAN)
82

Annual Increment

Sub Divisional Officer,
E & M Sub-Division No. 1
Peshawar

Sub Divisional Officer,
E & M Sub-Division No. 1
Peshawar.

Attested

Amount
Advd

1983
RECREATION ALLOWANCE
RECREATION ALLOWANCE
EQUA TO MONTH
PAY 192/-
ADMITTED PERCENT
DURING THE MONTH
UNDERTAKEN 2/83
DATED 3/2/83

Assistant Accountant
Assistant Accountant General
N.W.F.P.

Pay Fixed at Rs 628/- Per Month
With Effect from 1.7.82 in the
Basic Pay Scale Rs 500-16-820

.....
Secy to Govt of NWFP Finance
Department (SR-1)
14-67/82
1983.

Executive Engineer,
Soubhagpur Division.

30-11-83
(CAN)

Sub Divisional Officer,
E & M Sub-Division No. 1
Peshawar.

Service upto 30-11-83
Verified

Sub Divisional Officer
E & M Sub-Division No. 1
P. W. P. Peshawar.

Annual Increment

27

1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---

no of post
34071
Fitter
-16-820
Sub-Master
No 4.

	Whether substan- tive 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 enrolments falling under the term "Pay"	Date of appointment	Signature of Government servant	Signature a designation c read of the of other attes ficer in attes of columns 1
	Regular	Officiating	596 660/ P.M.			1-12-84 F.N.		

060
Pipe

			612 676/ P.M.			1-12-85 F.N.		
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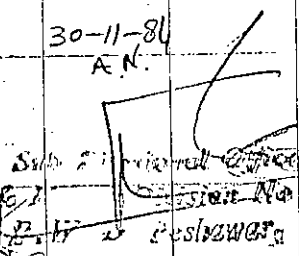
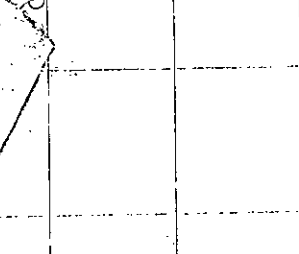
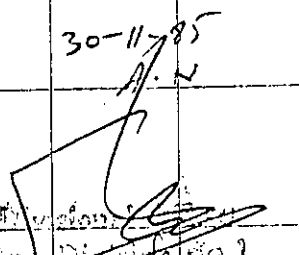
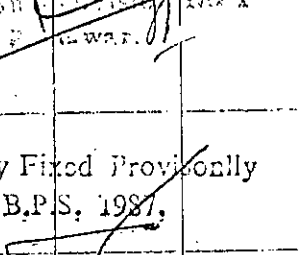
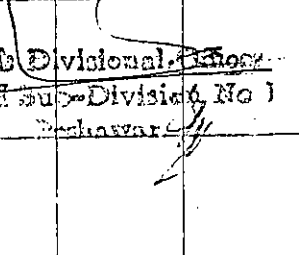
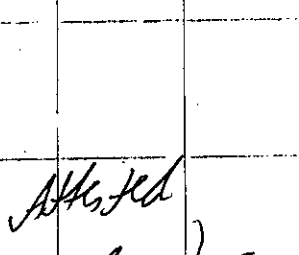
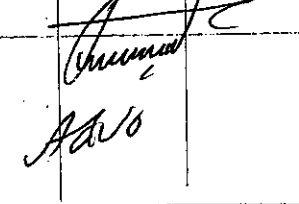
de
Pipe Fitter
BPS 100 (14)
675-22-1115

			628 692/ P.M.			1/12 86		
			851 917/ P.M.			1/2 87		

			660 873 939/ P.M.			1/12 87		
--	--	--	----------------------------	--	--	------------	--	--

Attested
[Signature]
Adv

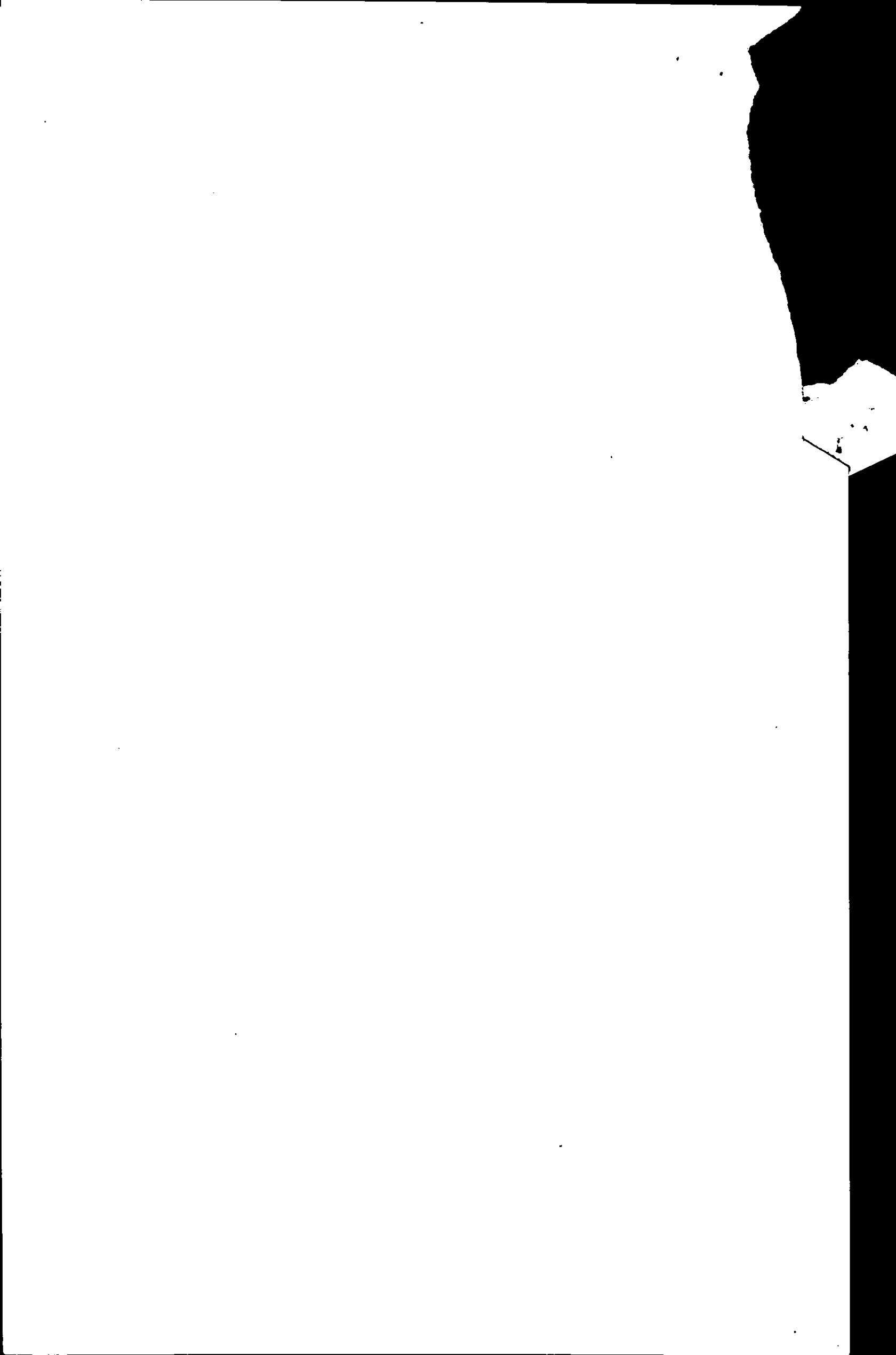
28

9	10	11	12	13	14	15	
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government period: Government to which debitable		
	30-11-84 A.N.			Annual Increment Granted			
				Sub Divisional Officer E&M Sub-Division No 1 Peshawar.			
				Annual Increment	Services for the period from 1/12/83 to 31/11/85 verified from the Office maintained in this Office		
	30-11-85 A.N.			Sub Divisional Officer E&M Sub-Division No 1 Peshawar.			
				Annual Increment	Services for the period from 1/12/85 to 31/11/87 verified from the Office copies of the ERs maintained in this Office		
Pay Fixed Provisionally in B.P.S. 1987.				Sub Divisional Officer E&M Sub-Division No 1 Peshawar.			
				Sub Divisional Officer E&M Sub-Division No 1 Peshawar.			
				Annual Increment			
				Sub Divisional Officer E&M Sub-Division No 1 Peshawar.			

Signature of Government servant

8

3/11



39

0684071

1	2	3	4	5	6	7	8
Grade 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 emoluments falling under the term "Pay"	Date of appointment	Signature of Government servant
<u>Fitter</u>							
<u>APR no (7)</u>							
<u>750-31-1370</u>	<u>Regular</u>		<u>Rs. 967/- pm</u>			<u>1/1/88</u>	
<u>do</u>	<u>do</u>		<u>Rs. 998/- pm</u>			<u>1/12/88 (FN)</u>	
<u>do</u>	<u>do</u>		<u>Rs. 1029/-</u>			<u>1/12/89 (FN)</u>	
<u>do</u>	<u>do</u>		<u>Rs. 999/- pm</u>			<u>1/12/90 (FN)</u>	
<u>(4) 500-16-820</u>			<u>Rs. 612/-</u>			<u>1-12-85</u>	
<u>(7) 560-23-1020</u>			<u>Rs. 652/-</u>			<u>1-9-86</u>	
<u>do</u>			<u>Rs. 652/-</u>			<u>1-12-86</u>	
<u>do</u>			<u>Rs. 698/-</u>			<u>30-6-87</u>	
<u>(7) 750-31-1370</u>			<u>Rs. 874</u>			<u>1-7-87</u>	
<u>do</u>			<u>Rs. 905</u>			<u>1-12-87</u>	
<u>do</u>			<u>Rs. 936</u>			<u>1-12-88</u>	
<u>do</u>			<u>Rs. 967</u>			<u>1-12-89</u>	
<u>do</u>			<u>Rs. 998</u>			<u>1-1-90</u>	
<u>do</u>			<u>Rs. 1060/-</u>				

Certified Attested

Sub 100
Sub 100
Sub 100

100

Attested
(Signature)
Adl

Signature of Government servant	Signature and designation of the head of the office or other officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of periods of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
						Leave		
						Period	Government to which debitable	
	<p><i>[Signature]</i> Sub Divisional Officer E&M Sub Division No.1 Peshawar</p>							<p>Promoted as letter in BPS no (7) 750-31-1370 with Superintending Engineer, Peshawar, Peshawar 070 no. 984/S-E dated 1-9-86</p>
	<p><i>[Signature]</i> Sub Divisional Officer E&M Sub Division No.1 Peshawar</p>	30/11/89	Annual Increment					Annual Increment granted
	<p><i>[Signature]</i> Sub Divisional Officer E&M Sub Division No.1 Peshawar</p>							<p>Sub Divisional Officer E&M Sub Division No. (1) PESHAWAR.</p>
								<p>Due to promotion pay fixed provisionally w.e.f. 1-9-86 as per orders.</p>
								<p>Sub Divisional Officer E&M Sub Division No. (1) PESHAWAR.</p>
								<p>Returned that qualification and experience required as per S.F. Rules for the Post of Fitter BPS-7 may be recorded in the S.F. Book.</p>
	<p><i>[Signature]</i> Sub Divisional Officer E&M Sub Division No.1 Peshawar</p>							<p><i>[Signature]</i></p>

Attested
[Signature]
Attd

[Signature]

0689071

31

1 Name of Fulle RPS-19 1095-60-95	2 Whether substan- tive or officiating and whether permanent or temporary	3 If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under Art. 371, C.S.R.	4 Pay in substantive post	5 Additional pay for Officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant per col
Fulle RPS-19 (7) 1095-60-95	Regular F&H		1575 1575 - pm	1575		1/6/91 (FN)	
do	do		1575 1635 - pm	1575		1/12/91 (FN)	
do	do		1635 1695 - pm	1635		1/12/91 (FN)	
do	do		1635 1755 - pm	1635		1/12/93 (FN)	

Attested

Adi's

0684071

33

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under Art. 371, C.S.R.	4 Pay in substantive post	5 Additional pay for Officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Governmen servant	9 Signature and Designation of Head of the office other attesting Officer in attestat of columns 1 to
<p>Attou</p> <p>(7) 1480-81-2695</p> <p>MS-1994</p>	<p>Offg/Hy</p>	<p>Rs. 2290</p> <p>(2371)</p>	<p>per</p>	<p>1/6/94</p>	<p>(FN)</p>			<p>Revised F.D.P.R. Pay Fixed on</p> <p>SUBD GAM 8</p>
<p>do</p>		<p>Rs. 2571</p> <p>(2652)</p>	<p>per</p>	<p>1/12/94</p>	<p>(FN)</p>			<p>G2</p>
<p>do</p>		<p>Rs. 2482</p> <p>(2533)</p>	<p>P.M.</p>	<p>1-12-95</p>	<p>(FN)</p>			<p>G1</p>
<p>do</p>		<p>Rs. 2557</p> <p>(2614)</p>		<p>1-12-96</p>	<p>(FN)</p>			
<p>Attended</p> <p><i>[Signature]</i></p> <p>Adv's</p>								

8	9	10	11	12	13	14	
	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
					Leave		
					Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					period: Government to which debitable		

Revised Pay Scale - 1994
 F.D/P.R.C/1-1/84 dated 29.6.88
 Pay Fixed in Scale No 70.2.1-0.00

[Signature]
 SUB DIVISIONAL OFFICER
 S&M SUB DIVISION NO. 1
 PESHAWAR

Service for the period from
 1/12/93 to 30/11/94
 verified from Pay bills/
 Acquittance Rolls.

[Signature]
 Sub Divisional Officer,
 S&M Sub Division No. (1)
 PESHAWAR

Granted Annual increment

[Signature]
 Sub Divisional Officer,
 S&M Sub Division No. 1
 PESHAWAR

Granted Annual increment

[Signature]
 SUB DIVISIONAL OFFICER
 S&M SUB DIVISION NO. 1
 PESHAWAR

Service for the period from
 1-12-94 to 30-11-95 (0.01)
 verified from the Pay Bills/
 Acquittance Roll.

[Signature]
 SUB DIVISIONAL OFFICER
 S&M SUB DIVISION NO. 1
 PESHAWAR

Granted Annual increment

[Signature]
 SUB DIVISIONAL OFFICER
 S&M SUB DIVISION NO. 1
 PESHAWAR

Service for the period
 from 1-12-95 to 30-11-96
 (A.N) verified from the
 Pay Bills/Acquittance
 Rolls.

[Signature]
 SUB DIVISIONAL OFFICER
 S&M SUB DIVISION NO. 1
 PESHAWAR

Accepted
 Amount
 Adv'd

0684071
7/5/1989

1480-81-2695
BPS-7

Whether substan-
tive or officiating
and whether
permanent or
temporary

If officiating,
state—
(i) substantive
appointment or
(ii) whether
service counts
for pension
under Art. 371,
C.S.R.

Pay in
substantive
post

Additional
pay for
Officiating

Other
emolument
falling
under the
term "Pay"

Date of
appointment

Signature and
designation of the
Government servant
or in attesta-
column 1 to

2614/

Rs: 9695/

1-12-97
(1/11)

Office of The Accountant General
N. W. F. P.

Pay fixed in the revised scale of Rs. 500-16-820 with next increment on 1.12.1983

Accountant General
Secretary
Panchajanya

A

1983

1983

1983

1987

Domestic 11/8/86

Office of The Accountant General
N. W. F. P.

Pay fixed in the revised scale of Rs. 750-31-1372 with next increment on 1.12.1987

Accountant General
Secretary
Panchajanya

1987

1987

1987

Office of The Accountant General
N. W. F. P.

Pay fixed in the revised scale of Rs. 675-22-1105 with next increment on 1.12.1987

Accountant General
Secretary
Panchajanya

A

1987

Office of The Accountant General
N. W. F. P.

Pay fixed in the revised scale of Rs. 1025-60-1385 with next increment on 1.12.1991

Accountant General
Secretary
Panchajanya

A

Attested

Accountant
Advo

8	9	10	11	12	13		14	15	
Signature of Government servant	Signature and designation of the officer or other attesting officer in attestation columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
						Allocation of periods of leave on average pay upto four months for which leave salary is debitable to another Government	Period to which debitable		

Granted Annual Increment Service for the period From 1-12-96 to 30-11-97 verified from pay Bills/ Acquittance Rolls

Mary
 and District Officer
 District Peshawar
 PESHAWAR

Mary
 District Officer
 District Peshawar
 PESHAWAR
 Office of The Accountant General
 N.W.F.P. Peshawar
 1488-81-285
 2290 P.M.W.E.F. 1-8-1997
 Peshawar

areas from 16-3-99
 District Officer
 Peshawar
 general grant of promotion will be included!

Payment made is Gentle and

4186-10-4830	32 pm x 40 = Rs. 1280/-
7183-10-8186	@ 64 pm x 38 = Rs. 2432/-
9186-10-6187	@ 46 pm x 10 = Rs. 460/-
7187-10-5191	@ 62 pm x 36 = Rs. 2214/-
6191-10-5194	@ 60 pm x 36 = Rs. 2160/-
6194-10-1188	@ 81 pm x 54 = Rs. 4374/-

Total Rs. 13620/-

Attended
[Signature]
 Addo

[Signature]
 Accountant General
 Peshawar

37

0684071
N. Srinivas

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 emoluments falling under the term "Pay"	Date of appointment	Signature and qualification of the Government servant or in attestation columns 1 to 8
1480-81-2695 BPS-7	— " —		Rs. 2695/- P.M.			1-12-98 (F.N.)	G. Srinivas
(1540-88-2860) BPS-8	— " —		Rs. 2772/P.M.			1-12-99 (F.N.)	M. B. Srinivas officer clerk Rs.
do.			Rs. 2860/- P.M.			1-12-2000	TR N. Srinivas of M. S. 31-7 G. Srinivas

Attested
Srinivas
Adv.

TR N. Srinivas
of M. S.
31-7

G. Srinivas

8	9	10	11	12	13	14	15		
Signature of the Government servant	Signature and designation of the head of the office or other attesting officer in attestation columns 1 to 8.	Date of termination of appointment	Reason of termination (such as promotion transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of periods of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant
						Period	Government to which debitable		

Consist Annual Increment.

M. A. S.

Service for the period from 1-12-98 to 30-11-99 verified from pay Bills/acquittance Rolls.

M. A. S.

Move-over to BPS-8 vide No. Bulet. Mainte. Divn. Peshawar officer order no 2118/9-E, dated 11-03-2000. Pay fixed Rs. 2772/- p.m w.e.f. 1-12-99.

M. A. S.

TR No. 350 dt 4/7/2000 Advice on A/c of M/accr to BPS 7 to 8 w.e.f 1/12/99 to 31-7-2000 Rs=490/-

M. A. S.
17/8 2000
21/8/2000

Granted Annual Increment

Attested
M. A. S.

Service from 1-12-99 to 1-12-2000 is verified.

Sub Divisional Officer
Eg. M. Sub Division
Peshawar.

A.S.O.

Sub Divisional Officer
Eg. M. Sub Division
Peshawar.

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under Art. 371, C. S. R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emoluments falling under the term "Pay"	7 Date of appointment	8 Signature and designation of Government servant 9 Signature of the officer in attestation of the other attestation in column 8
Pay Remission 1-12-2001 2220-120-5820	(DPS-7)			Rs. 4380/-		1-12-2001	
— do —				Rs. 4500/-		1-12-2002	
<u>Entries Revised due to raise over 1-12-2001</u>							
1605-97-3060 DPS-9				Rs. 2866/-		1-12-2001 (FN)	
DPS-7 original scale 2220-120-5820				Rs. 4380/-		1-12-2001 (FN)	
— do —				Rs. 4500/-		1-12-2002 (FN)	
		Attested Signature Addo					

8 Signature of Government servant	9 Signature and designation of the office or other attesting officer in attestation columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion transfer, dismissal etc.)	12 Signature of the head of the office or other attesting officer	13 Leave Allocation of periods of leave on average pay upto four months for which leave salary is debitable to another Government Nature and duration of leave taken Period to which debitable	14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government servant
--------------------------------------	---	--	--	--	--	--	--

Pay fixed in the Revised Pay Scale No. (7) at Rs. 4380 P.M.W.E. From 1.12.2001 vide Govt. of NWFP, Finance Deptt. No. FD (PRC) 1-1/2001 dated 27.10.2001

Service verified from 1.12.2001 To 31.12.2001 from office copy of pay bill/Acquittance Rolls.

ASSISTANT DIRECTOR-1
PRMC Admin. Department
Peshawar

ASSISTANT DIRECTOR-1
PRMC Admin. Department
Peshawar

Approved by *[Signature]* 12/12/01
Resoln - AR no 531 dt 18/12/01
Asstt. Accountant General
NWFP, Peshawar

Granted Annual Increment

2001

ASSISTANT DIRECTOR-1
PRMC Admin. Department
Peshawar

Granted Move over - SPS 8 & SPS 6 & P. from 1-12-2001
Sanction vide Dy. Dir. PRMC Admin. Deptt. Pesh. 010 no. No. 2246/19 dt. 16-9-2003

(Fn)

Pay fixed in the R.B. pay scale No. 7 and pay fixed @ Rs 4380 P.M.W.E. vide Finance Deptt. Peshawar No. FD (PRC) 1-1/2001 dt. 27/10/2001

(Fn)

Attested
Chief
Advt

ASSISTANT DIRECTOR-1
PRMC Admin. Department
Peshawar

Granted Annual increment

(Fn)

ASSISTANT DIRECTOR-1
PRMC Admin. Department
Peshawar

43

The entries in this page should be renewed or reconstituted at least every five years and the Signature in line 9 and 10 should be dated.

Name: Abdul Manan

Race: S/O

Residence: Adam Khan

Father's name and residence:

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

Exact height by measurement:

Personal marks for identification:

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

Little Finger: Ring Finger:

Middle Finger: Fore Finger:

Thumb:

Signature of Government Servant: Abdul Manan

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

Assistant Director
P.B. & C. Admn. Department
Feshawar.

44

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument (falling under the term "Pay"	Date of Appointment	Signature of Government Servant
BPS-7 2220-120-5820			Rs. 4620/- P.M.			12/2005	
11-			Rs. 5740/- P.M.			12/2005 (F.W)	
BPS-05							
2005-145-							
BPS-07 P. Pithu			Rs. 5495/- P.M.			7/2005	
(2555-140-6755)							
do	A.K. Mehta						
do	A.K. Mehta		Rs. 5635/- P.M.			12/2005	

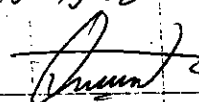
Signature of the head or other authority in attached column

45

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer.	15 Reference to any punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabie to another Government		
				Period	Government to which debitabie		
<i>Granted Annual Increment</i>							
<i>5</i>						<i>Service verified from 1-12-02 to 30-11-03</i>	
<i>P.B.M.C. Admin. Department Peshawar</i>						<i>Pay bill/Acq. Roll</i>	
<i>Assistant Director-I P.B.M.C. Admin. Department Peshawar</i>						<i>Assistant Director-I P.B.M.C. Admin. Department Peshawar</i>	
<i>Grant of Annual Increment</i>							
<i>5</i>						<i>Service verified from 1-12-03 to 30-11-2004 from office copies of pay bill/Acq. Roll</i>	
<i>Assistant Director-I P.B.M.C. Admin. Department Peshawar</i>						<i>Assistant Director-I P.B.M.C. Admin. Department Peshawar</i>	
<i>Pay fixed in the Revised pay Scale No. 107 and pay fixed at 5495/- w.e.f. 1-7-2005. Vide Govt. N.O. Services Deptt. No. FD (PSC) 1-7-2005 dated 05-07-2005.</i>							
<i>Assistant Director-I P.B.M.C. Admin. Department Peshawar</i>						<i>Service verified from 1-12-2003 to 30-11-2005 from office copy of Pay bill/Acquittance Rolls</i>	
<i>Assistant Director-I P.B.M.C. Admin. Department Peshawar</i>						<i>Assistant Director-I P.B.M.C. Admin. Department Peshawar</i>	
<i>Granted Annual Increment</i>							
<i>5</i>						<i>Attested</i>	
<i>Assistant Director-I P.B.M.C. Admin. Department Peshawar</i>						<i>Advo</i>	

48

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive 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 ernolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
BPS-07 3570-190-9230			Rs. 8090/- P.M.			17/08 (F.N)	
— " —			Rs. 8280/- P.M.			12/08 (F.N)	
— " —			Rs. 8470/- P.M.			12/09 (F.N)	
— " —			Rs. 8660/-			12/2010 (F.N)	

Attested

 Advs

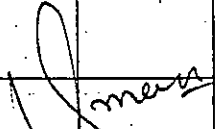
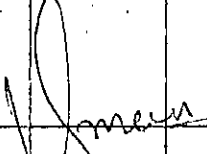
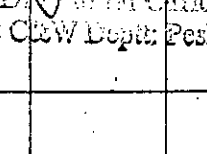
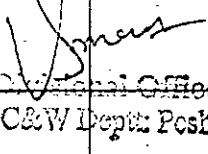
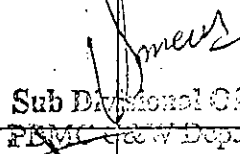
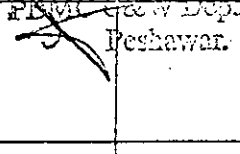
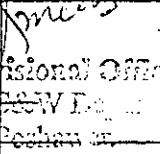
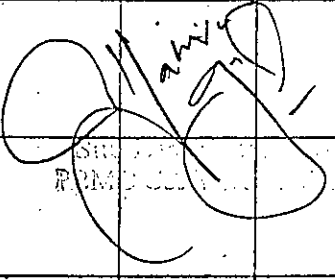
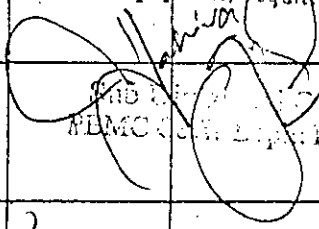
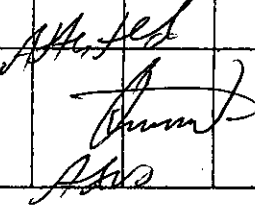
50

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
BPS-07							
5800-320-15400			RS. 14440/-			17/2011 (F.N)	
do						12/2011 (F.N)	
do						12/2011 (F.N)	
8097/07							
14440/11							
do							
<p>Order of the Accounts Officer Hyder Pakhchan Khwa Peshawa.</p> <p>Pay Fixed to the Revised Basic Pay Scales</p> <p>R.B.P.S. B</p> <p>Pay Fixed to Rs. 3520/- w.e.f. 01-07-2007</p> <p>R.B.P.S. B</p> <p>Pay Fixed to Rs. 5800/- w.e.f. 01-07-2007</p> <p>R.B.P.S. B</p> <p>Pay Fixed to Rs. 14440/- w.e.f. 01-07-2011</p> <p>Date of Next increment is on 01-07-2011</p>						12/2013	
						<p>Attested</p> <p><i>[Signature]</i></p> <p>Accounts Officer Pay Fixation Party</p>	

28.02.2014

57

1-3-1954
60
2014

9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Service.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Pay Reviser with 15% Increase w.e.f 1-7-2011 vide F D Peshawar Notification No. F-D/PRO/1-1/2011 dated 14-7-2011.				Period	Government to which debitable		
 Sub Divisional Officer-I PBMC C&W Dept: Peshawar							
Granted Annual Increment							
 Sub Divisional Officer-I PBMC C&W Dept: Peshawar						Service Verified for The Period from 1-12-2010 to 30-11-2011 from the Office Copy of Pay Bill / Acqu. Roll / Pay Roll	
 Sub Divisional Officer-I PBMC C&W Dept: Peshawar						 Sub Divisional Officer-I PBMC C&W Dept: Peshawar	
Granted Annual Increment							
 Sub Divisional Officer-I PBMC C&W Dept: Peshawar						Service for the period Verified 1-12-2011 to 30-11-2012 from the copy of pay bills/Acquittance Roll.	
 Sub Divisional Officer-I PBMC C&W Dept: Peshawar						 Sub Divisional Officer-I PBMC C&W Dept: Peshawar	
Grant Annual Increment							
 Sub Divisional Officer-I PBMC C&W Dept: Peshawar						Service for the period Verified 1-12-2012 to 30-11-2013 from the copy of pay bill/Acquittance Roll.	
 Sub Divisional Officer-I PBMC C&W Dept: Peshawar							
 Attested [Signature] Add							

P. No. 18752

52

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
5800-320-15400 B.P.S-07			R. 15400/P.M. + P.P. 380/P.M.			1 ¹² / ₂₀₁₄	
7490-415-19940 B.P.S-07			R. 19960/P.M. + P.P. 415/P.M.			1 ⁷ / ₂₀₁₅	
—/—/—			R. 19960/P.M. + P.P. 830/P.M.			1 ¹² / ₂₀₁₅	
7750-455-21400 B.P.S-08			R. 21400/P.M.			2 ¹² / ₂₀₁₅	
				Attested [Signature] Addo			

Signature of the holder or other authority in attendance column

30

30

1
2
3
4
5
6
7
8
9
10
11
12

53

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any punishment or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
30/11/14		Annual Increment				Service for the period Verified 1-12-2013 to 30-11-2014 copy of pay bills/quitances Roll.		
			Sub Divisional Officer-IV PBMC C&W Dept: peshawar.			Sub Divisional Officer-IV PBMC C&W Dept: peshawar.		
				Pay Fixed in the Revised Pay Scale No. 07 dated 1-1-2015 vide L.F. No. 199/407/M 415/15 letter No. FD (P.R.) 1-1/2015 dt 27-7-2015				
			Sub Divisional Officer-IV PBMC C&W Dept: peshawar.					
30/11/15		Annual Increment				Service for the period Verified 1-12-2014 to 30-11-2015 copy of pay bills/Acquitances Roll.		
			Sub Divisional Officer-IV PBMC C&W Dept: peshawar.			Sub Divisional Officer-IV PBMC C&W Dept: peshawar.		
				Granted on 10/3/16 to P.M.S. 08 (Reg No. 7-20-2015) Promotion No. FD/S.O FR/ 19-8-2015 w.e.f. 4-7-2015				
			Sub Divisional Officer-IV PBMC C&W Dept: peshawar.			Attested 		

SB
10791
On a/c
1-12-14
19-2-16
10/3/16
10791
1-12-14
19-2-16

MEDICAL CERTIFICATE

Name of official Abdul Manan
 Caste or race Afghan
 Father's name Adam Khan
 Residence Village & P.O. Sharbaz khil
District. Ramu Tehsil, Laki Mawwal
 Date of birth 1958
 Exact height by measurement _____
 Personal mark of identification Mark of green mole on right hand
 Signature of the official _____
 Signature of head of office _____

Seal of office _____

Sub-Divisional Officer
E & M Sub-Division No. 1
Peshawar

5.11.1975

I do hereby certify that I have examined Mr. Abdul Manan a candidate
 for employment in the Office of the C. P. W. Depot Peshawar
 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 As above
 His age according to his own statement 17 years & 11 Months year and by appearance about
 year 17 years & 11 Months

[Signature]
 MEDICAL SUPERINTENDENT
 Police & Security Hospital
 Peshawar
 CIVIL HOSPITAL _____

5.11.1975

LEFT HAND THUMB AND FINGER IMPRESSIONS

Asks. Feb
Thuman
Asks

10



65601

ایڈووکیٹ اور محکمہ:
بار کونسل ابار ایسوسی ایشن پشاور
رابطہ نمبر: 0333-9117513

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ٹریڈنگ مع صاحب شیشاہ

منجانب: ایبلرینڈ	دعویٰ: سروس ٹریڈنگ
	علت نمبر:
	موضوع:
	جرم:
	تھانہ:

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 ان مقام شیشاہ کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر جالت و فیصلہ برطین دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں ہد دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظریاتی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ جدا اختہ منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و منول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

شیشاہ کے اقرار کیا جاتا ہے

المرقوم: 26
 الع بد گواہ شد الع بد
 مقام شیشاہ کے لئے منظور ہے۔

نوٹ: اس بابت ہر کسی کو کوئی بھی تا قابل قبول ہوگی

Accepted
 Shishah

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No.924/2016

Mr. Abdul Manan S/O Adam Khan
R/O Near Technical Collage Kohat Road Peshawar
(Ex-Pipe Fitter (PBMC).

_____ Appellant.

VS

1. Superintending Engineer Provincial Building Maintenance Cell Peshawar
2. Executive Engineer, Provincial Building Maintenance Cell Peshawar.
3. Secretary, to Govt. of KPK C&W Department Peshawar.
4. Sub Divisional Officer-IV, Provincial Building Maintenance Cell Peshawar

_____ Respondents

REPLY OF THE OFFICIAL RESPONDESNTS.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS

1. The instant appeal is incompetent before this Tribunal in present form.
2. The appellant has concealed the material facts and rules/ regulations of the Government from this Tribunal.
3. The appellant has not come to the Tribunal with clean hands.
4. The appeal is badly time barred.

FACTS:-


1. Need no comments.
2. Correct to the extent that appellant joined the service as Pipe Fitter on 03.11.1975.
3. Correct to the extent that when he was appointed in 11/1975, he stated/expressed his age, 21 year and in light of GFR-116 read with GFR-117, his date of birth was calculated / reckoned to be 01.03.1954, which's entries appear at the page-3 of the Service Book, since annexed with the appeal.
4. Under the Government rules, CNIC is not valid document for ascertaining the age or birth date. For entry in to Government Service, the department follows prevailing rules, hence under GFR-116 & 117 his date of birth is correctly recorded in the Service Book.
5. Under Section-13 of the Khyber Pakhtunkhwa Civil Servants Act,1973, a person when reaches to the age of superannuation, order of retirement in order to get pension benefits etc rest binding upon the authority.
6. If it is taken to be 1958 and the date of entry into Service i.e 03.11.1975, then he was of 17-years, so how one can say to consider his date of birth 1958 to be correct, being minor.
7. It is not necessary to refer the case of any medical opinion, once he is employed in 1975.
8. Correct, having no merit in appeal his request for the change in recorded date of birth can not be admitted at this stage.

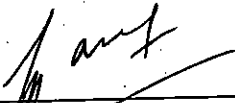
9. Not meet the merit and as such can not be recalled/ reversed the retirement order on the following replying grounds.

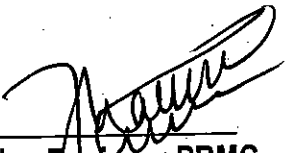
GROUNDS.

- A. Incorrect, the retirement order in light of the recorded date of birth in service book are issued under the prevailing laws/ rules of the Government.
- B. Incorrect, the Executive Engineer being competent authority have vested power to issue retirement order of his staff, who reaches the age of superannuation.
- C. No needs to comment.
- D. As stated in the above said parawise comments, the department is bound to follow the GFR-116 & 117 in all respect.
- E. Very very alarming, if the pay roll as stated depicts date of birth 01.05.1983, so at the time of his 1st entry into service viz 03.11.1975 he was of 08-years age?
- F. Incorrect the mere stance that appellant was illiterate can not give any advantage/weight age. The GFR-116 & 117 is ample, to assess the date of birth.
- G. Of course, but according to his service record, he has served for 39-years and there, is no hindrance for him to push his pension case in time in the longer interest of his family / dependants.
- H. Incorrect It is not the matter, that why his retirement order had passed on 02.06.2016. Actually on the scrutiny of Service Book of all Government Servants, it was detected that the formal orders should have to be passed in order to facilitate the appellant in the pension claim and other retiring benefits.
- I. Incorrect, orders have been passed under the law/rules and other ancillary instructions of the Government.
- J. Incorrect, to whom the appellant now states wrong entries, he should have to claim or called for the same within 2- years of his entry into Government Service as per the standing orders of the Government.
- K. In correct, the details have been fully explained in para-G & E of the facts and grounds.
- L. Irrelevant at this stage.
- M. The replying respondents also seek permission of the court to advance further comments thereto at the time of arguments.
- N. Incorrect drafted irrelevant and mollified.

In the wake of above submission the instant appeal is not meeting the merit hence liable to be dismissed.


Superintending Engineer PBMC
Respondent No.1.


Secretary, C&W Department
Respondent No.3


Executive Engineer PBMC
Respondent No.2


Sub Divisional Officer-IV
Respondent No.4

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

In SA No. 924/2016

ABDUL MANAN

.....APPELLANT

VERSUS.

THE SUPERINTENDENT ENGINEER & OTHERS

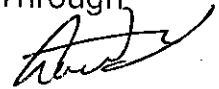
.....Respondents

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Appellant

Through



ASAD JAN

ADVOCATE SUPREME COURT OF PAKISTAN.

Office:

**ROOM NO. 2 AL-MUMTAZ HOTEL NEAR OLD GTS
ADDA HASHTNAGRI PESHAWAR.**

Cell No: 0333-9117513

(1)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

In SA 924/2016

ABDUL MANAN

.....APPELLANT

VERSUS.

THE SUPERINTENDENT ENGINEER & OTHERS

.....RESPONDENTS

**REJOINDER ON BEHALF OF APPELLANT
TO THE PARAWISE REPLY/ COMMENTNS
SUBMITTED BY REPONDENTS.**

RESPECTFULLY SHEWETH,

Reply to preliminary objections:

1. That preliminary objection of Para No.1 of the comments is incorrect, the appellant has good cause of action and locus standi to file instant appeal being aggrieved from the act of respondents, hence the petitioner is an aggrieved person and the present appeal is competent before this hon'able court.
2. That Para No. 2 of preliminary objection of the comments is incorrect, petitioner is aggrieved from the acts /omissions of respondents by not making correct entries in the service book and resultantly retiring the appellant 4 years before the actual date of his retirement and as such the appellant has not concealed any rules and regulations but the respondents are playing hide and seek with the appellant by making wrong entries in the service book as well as in the pay role of the appellant in which the date of birth of the appellant is mentioned as 1/05/1983 though the appellant has joined his service on 03/11/1975 which fact also shows the malafide on the part of the respondent and their in competency and the appellant should not be left to suffer for the act done and wrong entries recorded by the respondents.
3. That preliminary objection of Para No.3 of the comments is incorrect, appellant has come to this Hon,able court as no other remedy is available and the appellant is with clean hands as the appellant has been subjected to gross negligence.
4. That preliminary objection of Para No. 4 of the comments is incorrect; the instant appeal is filed well in time.

ON FACTS: -

1. Para No.1 of the appeal is correct while Para No.1 of the comments needs no comments.
2. Para No. 2 of the appeal is correct while Para No. 2 of the comments needs no comments, however the respondents have admitted in this para that the appellant had joined the service as pipe fitter on 03/11/1975, and here the question arises that if the appellant has joined the service on the above mentioned date then why is the pay role showing his date of birth as 01/05/1983, which clearly signifies the malafide on part of the respondents.
3. Para No. 3 of the appeal is correct while para no. 3 of the para wise comments is incorrect, it is evident from the para itself that the respondents have entered the date of birth of the appellant on presumptions and not in accordance with the one mentioned on appellant's medical certificate issued by medical superintendent police service hospital Peshawar annexed herewith, moreover the respondents cannot blame the appellant for the negligence and mistreatment committed by the respondents themselves.
4. Para No. 4 of the appeal is correct while Para No.4 of the comments is misleading. The respondents are concealing material facts from this hon'able court that at the time of joining the service the appellant was subjected to medical examination and according to the medical certificate which was provided to the appellant at the time of joining the services the date of birth of the appellant is 1958 instead of 01/03/1954.
5. Para No. 5 & 6 of the appeal are correct while Para No.5 & 6 of the parawise comments are replied that as evident from the medical certificate issued by the competent authority and also produced to the respondents at the time of appellants appointment bears appellant's date of birth as 1958 hence the date of retirement of the appellant under section 13 of Khyber Pakhtunkhwa civil servants Act 1973 is not the one on which illegally appellant was retired by the respondents, however the respondents by their own conducts are estopped by raising the plea of seventeen years age of the appellant at the time of appointment of the appellant. The respondents are relying on fictions and presumptions the actual date of birth of the appellant as is evident from the NICs already attached with the main appeal is 1958, moreover the appellant is also in possession of the medical certificate which is also available on file with the main appeal.
6. Para No. 7 of the appeal is correct while Para No. 7 is incorrect. The respondents are estopped to deny their own conduct.
7. Para No. 8 of the appeal is correct while Para No. 8 of the parawise reply is incorrect. The respondents are trying to conceal their own negligence hence

taking such like pleas which has no value in the eye of law.

- 8. Para No. 9 of the appeal is correct while Para No. 9 of the para wise comments is incorrect. That is why the appellant prefer instant appeal before this Hon, able Court.

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GROUNDS:-

- A. Para No A of the ground is correct, while Para no A of the ground of comments is incorrect; moreover the appellant is an illiterate person and can not be made to suffer due to the negligence and wrong entries recorded by the respondents.
- B. Para No B of the ground is correct, while Para No B of the ground of comments is incorrect; the orders of retirement of the appellant are being passed without taking proper care and caution.
- C. Para No C of the ground is correct, while Para No C of the ground of comments needs no comments.
- D. Para D of the grounds of appeal is correct while Para D of the grounds of comments is incorrect.
- E. Para E of the grounds of appeal is correct while Para E of the grounds of para wise comments is incorrect, Moreover the respondents are admitting the fact that respondents have made wrong entries in the record of the appellant because the entries in the pay roll are made by the respondents and not by the appellant which entries shows that in the pay roll the date of birth of the appellant is wrongly entered as 01/05/1983 and therefore it can be stated that in the service record also is wrongly mentioned as 1954 instead of 1958.
- F. Para F of the grounds of appeal is correct while Para F of the grounds of para wise reply is incorrect. The respondents are admitting in preceding ground of the para wise comments that the entries in the pay roll of the appellant are incorrect, hence the fact that the appellant is illiterate becomes totally relevant as he was having no knowledge about the entries made neither in the pay roll nor in the service book which was totally negligence on part of the respondents.
- G. Para G of the grounds of the appeal is correct while Para G of the grounds of para wise reply is incorrect, the respondents are trying to shift the responsibility upon the appellant by enticing the appellant to retire from services before the date of his actual retirement without taking into consideration the social and financial position of the appellant.
- H. Para H of the grounds of appeal is correct while para H of the grounds of the para wise comments is incorrect the impugned order bears dated 02/06/2016 while the appellant is retired from service with effect from 28/02/2014 which is totally illegal because if the appellant stands retire from 28/02/2014 then in what capacity the appellant was given salary, hence the respondents are trying to mislead this hon'able court by taking such like pleas which has no value in the eye of law.
- I. Para I of the grounds of the appeal is correct while para I of the grounds of the para wise comments is incorrect, moreover the impugned order is totally illegal against law and facts and in effective upon the rights of the appellant. The appellant has been made as escape goat by making incorrect entries in


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the record of the appellant i.e in the service book and pay role etc, moreover there is a chain of negligent acts and incorrect entries made by the respondents which could not be denied by the respondents, the respondents are bent upon to retire the appellant from service by calculating his age from a date which has been incorrectly recorded by the respondents and now the respondents should not be allowed to make the appellant an escape goat.

- J.** Para J of the grounds of appeal is correct while Para J of the grounds of para wise reply is incorrect. As per the judgment of the Supreme Court **SCMR 2008 page 255** **“it is not an absolute rule that entries in the service book once made could not be altered or changed”** Moreover the appellant being illiterate was unaware of the wrong entries made by the respondents.
- K.** Para K of the grounds of appeal is correct while Para K of the grounds of the para wise reply is incorrect the appellant received his pay till may 2016 which fact also supports that correct date of birth of the appellant is 1958 and not 01/03/1954, in respect of which the appellant has already attached his pay slip with the main appeal.
- L.** Para L of the grounds of the appeal is correct while Para L of the grounds of the para wise comments is incorrect. The fact that the age assessment certificate as is annexed with the main appeal supports the appellant version is totally relevant because at the time of joining of services by the appellant his medical check up was done and the entries in the service book should have been made in accordance with the age assessment certificate.
- M.** Para M of the grounds of the appeal is correct while Para M of the grounds is incorrect. The appeal is properly drafted and the appellant being an aggrieved person has every legal right to approach this hon'able court.

It is, therefore, requested that on acceptance of this rejoinder appellant's appeal as prayed for in the Service appeal may kindly be allowed.

 Appellant

 Through

ASAD JAN
ADVOCATE SUPREME COURT OF PAKISTAN.

6

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

In SA No. 924/2016

ABDUL MANAN

.....APPELLANT

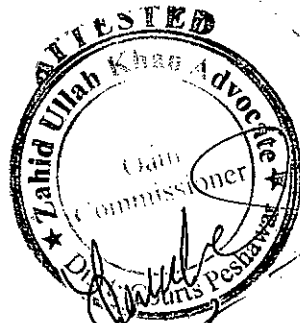
VERSUS.

THE SUPERINTENDENT ENGINEER & OTHERS

.....Respondents

AFFIDAVIT;

I, Abdul manan s/o Adam Khan r/o near technical college Kohat road, Peshawar EX pipe fitter B-07 provincial building maintenance C&W department, Bacha khan chowk Peshawar, do hereby solemnly affirm and declare on Oath that all contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon, able court.



DEPONENT



14

Amount: ~~100~~ 100.00

Attended

Sumner

Atto

156

2017

156

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Handwritten signature or name in Arabic script.

Director, Bank of ...



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL N.W.F.P.
DISTRICT AG NWFP PESH
PAY ROLL SYSTEM

Amended 3 E 1

P Sec: ~~005~~ PAYMENT ADVICE 2010
PR5225 - Deputy Director Provinc
Min: Administration & Estate
NTN: 0
GPF #: IRR 012232
Old #: 99990684071

LOCKIE 0
11/11/2009 12:00:1284

DEPTT CODE PR5225 -

(17)

LFP Interest Applied
BPS 07 Active Permanent
PAYS AND ALLOWANCES:

0001-Basic Pay	8,470.00
1001-House Rent Allowance 45%	1,588.00
1210-Convey Allowance 2005	920.00
1300-Medical Allowance	1,000.00
1770-Spl Additional allowance	401.00
1830-Special Relief All(2005)	711.00
1831-Adhoc Relief (2005)	711.00
1864-Dearnes Allowance (2006)	866.00
1908-Adhoc Relief-2009 (01-16)	1,694.00
Gross Pay and Allowances	20,596.00

DEDUCTIONS

GPF Balance 214,443 00	Subrc:	320.00
3501-Benevolent Fund		180.00
3511-Addl Group Insurance		7.00
3604-Group Insurance		67.00

*Amended
Amount
Adv.*

Total Deductions

574.00

NET AMOUNT PAYABLE

20,022 00

ING SERVICE MON ears 00 months 00	D O B 01.05.1983 Days	LFP Quota ABL KOHAT ROAD A/C NO. 4367-7	ABL KOHAT ROAD
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