08th May, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohamand, Additional Advocate General for the respondents present.

2. Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 11.07.2023 before D.B. P.P given to the parties.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Kaleem Ullah

11.07.2023

Learned counsel for the appellant present. Mr. Gulzar Mehmood, Deputy Director (Admin) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 13.11.2023before the D.B. Parcha Peshi given to the parties.

(Rashida Bano)
Member (J)

(Salah-ud-Din)
Member (J)

Naeem Amin

16th Dec. 2022 Junior to counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General alongwith Rasheed Hussain, Deputy Director for the respondents present. Mrs. Rozina Rehman, learned Member (J) is on leave, therefore, D.B is incomplete. The case is adjourned to 09.03.2023 for arguments before the D.B.

(Fareeha Paul)
Member(E)

09th March, 2023 Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment being not prepared for arguments today. Adjourned. To come up for arguments on 08.05.2023 before the D.B. Parcha Peshi given to the parties.

(Salah-ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman

31.05.2022 Junior to counsel for appellant present.

Naseer Ud Din Shah learned Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel for appellant is busy in august Supreme Court of Pakistan. Adjourned. To come up for arguments on 10/08/2022 before D.B.

(Fareeha Paul)
Member(E)

(Rozina Rehman)
Member (J)

10-8-2022

Due Proper DB not available the case is adjourned to 2-11-2022

Reader

2nd Nov., 2022 Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 16.12.2022 before the D.B.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

21.06.2021 Appellant present through counsel.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 20.10.2021 before D.B.

(Rozina Rehman)
Member(J)

Chairman

20.10.2021 Junior to learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Request is accorded. Case to come up for arguments on 21.02.2022 before D.B.

(Salah-Ud-Din)
Member (Judicial)

Chairman

21.02.2022 Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 31.05.2022 for the same as before.

Reader

18.08.2020 Due to summer vacations, the case is adjourned to 20.10.2020 for the same.

Reader

20.10.2020 Junior to counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Muhammad Faizan, Junior Clerk for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 21.12.2020 for hearing before the D.B.

(Mian Muhammad)
Member

Chairman

21.12.2020 Junior to counsel for the appellant present. Addl: AG for respondents present.

Due to pandemic of Covid-19, the case is adjourned to 22.03.2021 for the same.

Reader

22.03.2021 Junior to counsel for the appellant and Asif Masood, DDA for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is suffering from Pandemic of COVID, 19. Adjourned to 21.06.2021 for hearing before the D.B.

(Atiq-ur-Rehman)
Member(E)

Chairman

13.02.2020 Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 13.03.2020 before D.B.

Member Member

13.03.2020 None present on behalf of appellant. Mr. Zia Ullah learned Deputy District Attorney present. Adjourn. To come up for arguments on 15.05.2020 before D.B. Appellant be put to notice for the date fixed.

Member Member

15.05.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.08.2020 before D.B.

Reader

16.07.2019 Mr. Abdul Mateen, Special Attorney for appellant and Asstt. AG alongwith Gulzar Mahmood AD for the respondents present.

Parawise reply/comments/written statement on behalf of respondents submitted which are placed on record. The appeal is assigned to D.B for arguments on 02.10.2019. The appellant may submit rejoinder, if any, within a fortnight.

Chairman

02.10.2019 Noor Muhammad Advocate present and submitted wakalat nama in favor of the appellant. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment being freshly engaged. Adjourn. To come up for arguments on 10.12.2019 before D.B.

Member Member

10.12.2019 Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 13.02.2020 before D.B.

Member Member

08.05.2019

Appellant Samar Naseem in person present. Preliminary arguments heard. It was contended by the appellant that he was initially appointed as Electrician in Project of Fishery Department vide order dated 18.04.1992, later on he was regularized vide order dated 17.101992. It was further contended that he was terminated by the department vide order dated 09.06.1996. It was further contended that he was again fresh appointed as Electrician in Fishery Department vide order dated 13.11.2000. It was further contended that he submitted application to the respondent-department to count his earlier service period with effect from 18.04.1992 to 30.06.1996 towards qualifying service for the purpose of pensionary benefits and condoning the intervening period with effect from 01.07.1996 to 12.11.2000 but his application was rejected by the respondent-department and in this respect passed an order dated 22.02.2019. It was further contended there are judgment of superior court that the respondent-department was required to count the period of earlier service and condone the period with effect from termination to fresh appointment but the respondent-department has illegally passed the impugned order dated 22.02.2019 therefore, the said order is illegal and liable to be set-aside.

The contention raised by the the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 16.07.2019 before S.B.

Appellant Deposited Security & Process Fee 8/5/19

(Muhammad Amin Khan Kundi)
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 370/**2019**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/03/2019	The appeal of Mr. Samar Naseem presented today by him may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR 15/3/19.
2-	18/03/19	This case is entrusted to S. Bench for preliminary hearing to be put up there on 05/04/19. CHAIRMAN
	08.04.2019	Mr. Abdul Mateen present submitted Power of Attorney on behalf of the appellant and seeks adjournment as he has not prepared the case. Adjourned to 08.05.2019 for preliminary hearing before S.B. (Ahmad Hassan) Member

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Service Appeal No: 370 /2019

Samar Naseem, Electrician o/o the Assistant Director Fisheries, Carp Hatchery & Training Centre, Sher Abad, Peshawar.

.....Appellant

Versus

(1) Secretary to the Government of Khyber Pakhtunkhwa, Agriculture Department, Civil Secretariat, Peshawar.

(2) Director General, Fisheries Department, Khyber Pakhtunkhwa , Shami Road, Peshawar.

.....Respondents

Index

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2	Addresses of the Parties	-	5
3	Order of Appointment Dated 18/04/1992	A	6
4	Order of regulariazation Dated 17/10/1992	B	7
5	Order of Termination Dated 9/6/1996	C	8
6	Appointment Order Dated 13/11/2000	D	9
7	Application Dated 17/12/2018, for counting of previous service and condoning intervening period.	E	10-11
8	Judgment given by the Senior Member Board of Revenue Dated 31/3/2010,in case of Muhammad Riaz Kanungo.	F	12-13
9	Impugned Order Dated 22/2/2019.	G	14

Complete and Correct.

Dated: 03/2019

Appellant
(in person)

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Service Appeal No: /2019

Samar Naseem, Electrician o/o the Assistant Director Fisheries, Carp Hatchery & Training Centre, Sher Abad, Peshawar.

.....Appellant

Versus

(1) Secretary to the Government of Khyber Pakhtunkhwa, Agriculture Department, Civil Secretariat, Peshawar.

(2) Director General, Fisheries Department, Khyber Pakhtunkhwa , Shami Road, Peshawar.

.....Respondents

Appeal under Section 4, of the Khyber Pakhtunkhwa, Service Tribunal Act 1974, against the Impugned Order of the Respondent No:1, dated:22-02-2019, whereby the application of the Appellant for counting of his service w.e.f. 18-04-1992 to 30-06-1996, has not been counted towards qualifying service and the intervening period w.e.f. 01-07-1996 to 12-11-2000, has not been condoned and treated as leave without pay to bridge the gap between the previous and present service for the purpose of pension.

Payer In Appeal : Setting aside the Impugned Order dated: 22-02-2019, the Respondents may be directed to count the previous service of Appellant w.e.f. 18-04-1992 to 30-06-1996, towards qualifying service and condone the intervening period w.e.f. 01-07-1996 to 12-11-2000, by treating the said period as leave without pay to bridge the gap for the purpose of pension.

Sir,

The Appellant respectfully submits as under

(1) That Appellant joined a project of Fisheries Department as an Electricain vide endorsement order of the Project Director of Fisheries, Khyber Pakhtunkhwa Peshawar No: 348-51/C-75/DF, dated 18-04-1992. (Copy of the Order annexed as A)

(2) That the services of the Appellant were regularized vide Endorsement Order No: 685-89/PMO/PD, dated 17-10-1992. (Copy of the Order annexed as B)

(3) That the services of the Appellant were terminated vide Endorsement Order No: 1244-45 dated 09-06-1996. (Copy of the Order annexed as C)

(4) That the Appellant was appointed again in Fisheries Department as Electrician vide Endorsement Order of the Director Fisheries (Respondent No: 2) No: 4016-20/DF, dated: 13-11-2000, and posted at Carp Hatchery & Training Centre Peshawar. The Appellant took over the charge of his post on the same day. Since then till date the Appellant has been working in the Fisheries Department (Copy of the Appointment Order annexed as D).

(5) That the Appellant submitted an application on 17-12-2018, to the Respondents for counting of his previous service rendered by him in the Fisheries Department with effect from 18-04-1992 to 30-06-1996, towards qualifying service and condoning the intervening period w.e.f. 01-07-1996 to 12-11-2000, and to treat the said period as leave without pay to bridge the gap between the previous and present service for the purpose of pension. (Copy of the application annexed as E)

(6) That the above said application of the Appellant dated: 17-12-2018, was supported by a judgment dated: 31-03-2010, given by the Court of Senior Member Board of Revenue Khyber Pakhtunkhwa, in case of Muhammad Riaz Kanungo of Upper Dir whereby not only the previous service of Muhammad Riaz Kanungo was counted towards his qualifying service but the intervening period of more than ten years was also condoned and treated as extra ordinary leave without pay to bridge the gap between his previous and present services. (Copy of the judgment annexed as F)

(7) That the Respondent No: 1,wrote a letter on 08-01-2019, to the Respondent No: 02, for his comments on the application of the Appellant dated: 17-12-2018. As the Respondent No: 2, delayed the matter, therefore, the Respondent No: 1, issued a reminder on 14-02-2019, to the Respondent No: 2, for submission of his comments on top priority basis.

(8) That the Respondent No: 1, after having received the comments of the Respondent No: 2, has rejected the application of the Appellant dated: 17-12-2018, vide Impugned Order dated: 22-02-2019.(Copy annexed as G)

(9) As the case of the Appellant has not been properly considered by the Respondents without taking into consideration the documents on the basis of which the Appellant had submitted his application, therefore, after unlawful rejection of his application, he has no other option open to him but to file this Appeal before the Honourable Tribunal for the redress of his grievance on the following amongst the other grounds.

GROUNDS

(A) That the Impugned Order dated: 22-02-2019, is unlawful, void, arbitrary, discriminatory, illegal, malafide and as such without lawful authority.

(B) That the Impugned Order dated: 22-02-2019, has been passed in the colourful exercise of power for collateral purposes without contemplated by law and as such of no consequences what so ever being malafide out and out.

(C) That the previous service of the Appellant was also a regularized service as evident from annexure B of Appeal. But the Respondents shut their eyes to this fact. Moreover, the judgment of the Senior Member Board of Revenue, provided by the Appellant to the Respondents in support of his application dated: 17-12-2018, was also not given proper and due consideration by the Respondents and the application was rejected unlawfully. It is further submitted that the Director Fisheries Department was also Project Director of the work. So it was not a private project but the project of Government where the Appellant was employed by the Government and his service was also regularized vide Order dated: 17-10-1992.

(D) That in order to get condoned the intervening period of four year, the Appellant provided the judgment of Muhammad Riaz Kanungo to the Respondents for availing the benefit of that judgment but the Respondents badly failed to decide the case properly.

(E) That the Appellant has filed a case in the Peshawar High Court in which he has challenged the Recruitment and Promotion Rules of the Department for the post of Electric Supervisor. The case is under consideration of the Court. So the Respondents, especially the office of the Respondent No: 2, are already annoyed. The rejection of the application is a chain of their annoyance.

(F) That it is clearly evident from the perusal of the Impugned Order dated: 22-02-2019, that Respondent No: 1, has not decided the case from proper angle of justice rather he has followed the view point of the Respondent No: 2. So this decision is not a legal and valid decision. It is nullity in eye of law. The Respondent No: 1, could seek the advice of the Finance Department or Law Department to decide the case properly but without considering all the necessary aspects of the case he has rejected the case on the basis of the comments of the lower office (Respondent No: 2). Therefore, the application of the Appellant has unlawfully been rejected.

(G) That the cases of Appellant and that of Muhammad Riaz Kanungo are completely identical, one and the same. That is why the Appellant submitted the application on 17-12-2018, for availing the benefit of counting of his previous service and condoning of intervening period on the analogy of Muhammad Riaz's case. But all the facts and figures were totally ignored by the Respondents.

(H) That the Impugned Order dated: 22-02-2019, represents malafide intentions on the part of the Respondents who are not ready to grant the Appellant his due benefits.

(I) That the Appellant shall also rely on the additional grounds after filing the written statement by the Respondents.

(J) That under the circumstances as mentioned above the Impugned Order dated: 22-02-2019, is liable to be set aside.

It is humbly prayed that setting aside the Impugned Order dated:22-02-2019, the Respondents may kindly be ordered to count the previous service of the Appellant w.e.f. 18-04-1992 to 30-06-1996 towards qualifying service of the Appellant and condone the intervening period w.e.f. 01-07-1996 to 12-11-2000 and treat the said period as leave without pay to bridge the gab between the previous and present service for the purpose of pension. And this Appeal may please be accepted in favour of the Appellant and against the Respondents with cost.

DATED:____/03/2019

Appellant
(in person)

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Service Appeal No:_____/2019

Addresses of the Parties

Samar Naseem, Electrician o/o the Assistant Director Fisheries, Carp Hatchery & Training Centre, Sher Abad, Peshawar.

.....Appellant

Versus

(1) Secretary to the Government of Khyber Pakhtunkhwa, Agriculture Department, Civil Secretariat, Peshawar.

(2) Director General, Fisheries Department, Khyber Pakhtunkhwa , Shami Road, Peshawar.

.....Respondents

Dated:____/03/2019

Appellant
(in person)

A
6

OFFICE ORDER.

Mr.Samar Naseem S/O Fida Mohammad R/O Mohallah Kechi Khan P/O Namak Mandi Peshawar City Teh:Distt:Peshawar is hereby appointed as Electrician in the BPS of Rs.975-37-1530 (B-3) with usual allowances as admissible under the rules against the existing vacant post in the office of Project Manager, Second Aquaculture Development Project,NWFP,Peshawar with effect from the date he reports for duty.

This appointment is purely temporary for a period of six months in the first instance and his service can be terminated on fourteen days notice without assigning any reason at any time, irrespective of the facts that he is holding a post other than one to which he is originally recruited or on the payment of fourteen days salary in lieu of the notice. This appointments is further subject to the following conditions:-

1. His service would be liable to termination on the expiry of the Project period of "Pak Second Aquaculture Development Project in NWFP".

2. On the expiry/completion of the project SADP in N.W.F.P his service will stand terminated and shall not confer on him any right of absorption elsewhere or regularization of his services.

3. He will join duty at his own expenses.

4. He can be transferred throughout in NWFP.

5. This appointment is subject to the production of necessary medical fitness certificate, verification of character/anticedents and original documents.etc.

6. He will be governed by such rules and order relating to service, leave, travelling allowances, medical attendance and pay etc as may be issued by the Government from time to time.

Sd/-
(SHAN AHMAD NAVEED)
PROJECT/ DIRECTOR OF FISHERIES
NWFP,PESHAWAR

NO. 348-51 /C-75/DF Dated Peshawar,the 18/4/1992.

Copy forwarded for information and n/action to:-

1. The Accountant General,N.W.F.P,Peshawar.
2. The Project Manager/SADP,NWFP,Peshawar.
3. The Assistant Director Fisheries,Training Centre, Peshawar.
4. Official concerned.

PROJECT/DIRECTOR OF FISHERIES
NWFP,PESHAWAR

B

7

OFFICE ORDER.

In continuation of this office order No.348-51/PMO/92 dated 18.4.92, the Services of Mr.Samar Naseem Electrician BPS-5 is hereby regularized w.e.f. the date he report for duty on the same terms and condition as laid down before.

Sd/-
(SHAH AHMAD NAVEED)
PROJECT DIRECTOR/DF,
SECOND AQUACULTURE DEV:PROJECT
NWFP, PESHAWAR.

.....

No.685-89 /PMO/FD, Dated Peshawar, the 17 /10/92.

Copy forwarded for information to:-

1. The Accountant General, N.W.F.P,Peshawar.
2. The Project Manager, 2nd Aquaculture Dev:Project N.W.F.P,Peshawar.
3. The Asstt:Director Fisheries,Peshawar Carp Hatchery and Training Centre, JADP,Peshawar.
4. ✓ Mr.Samar Naseem (Electrician), S.A.D.P,Peshawar.
5. Office Order/P/File.

Attested

PROJECT DIRECTOR/DF,
NWFP, PESHAWAR.
14/2

C
8

OFFICE ORDER.

Since the period of "2nd Aquaculture Development Project in NWFP" stands expired on 30.6.96, therefore the service of Mr. Samar Naseem, Electriction s/o Fida Muhammad is hereby terminated with effect from 30.6.1996 (AN). This is with reference to the notice No. 979 dated 16/5/1996 already served upon him.

In the light of the Govt of NWFP, Finance Department letter No. B.X/KC/10-37/96/FD, dated 30.5.96, the date mentioned in the notice may be read as 30.6.96 (AN) instead of 31.5.96.

Sd/-
(DR.MUHAMMAD HAYAT)
PROJECT DIRECTOR/DIRECTOR OF
FISHERIES, NWFP. PESHAWAR.

No. 1255-57 Dated Peshawar, the 8/6/96

Copy forwarded for information and n/a to:-

1. The Accountant General, NWFP, Peshawar.
2. Official concerned.

Attested

PROJECT DIRECTOR/
DIRECTOR OF FISHERIES
NWFP. PESHAWAR.
8/6

OFFICE ORDER.

D/9

On the recommendation of the Departmental Selection Committee No.Depar Admin 2/0 Fish Farms and S/S Ashraf Khan Roger No.1000, Dabgari, Peshawar City is hereby appointed as Electrician in Basic Pay Scale of Rs.1120-30-2020 (BPS-05) with usual allowances as admissible under the rules against the existing vacant post in the office of Assistant Director Fisheries Carp Hatchery & Training Centre at Dheri-Abad District Peshawar with effect from the date he joins duty.

This appointment is purely on temporary basis and his services can be terminated on fourteen days notice without assigning any reasons for or the payment of fourteen days salary in lieu of the notice. It is subject to the following conditions:-

1. He will be on probation for a period of two years.
2. His services are liable to termination in the event of retrenchment/termination of post by the Government at any time without giving any notice.
3. He will have to produce necessary medical fitness certificate and verification of character and antecedents by concerned authorities.
4. He will have to produce a certificate of character from two other responsible persons not being his relative.
5. He will be transferred throughout NWFP.

He will be governed by such rules and orders relating to service, leave, travelling allowance, medical attendance and pay etc may be issued by Government from time to time.

Sd/-
(ABDUL RASHEED)
DIRECTOR OF FISHERIES
NWFP, PESHAWAR

No. 4016-20/DF Dated Peshawar, the 13/11/2000.

Copy forwarded for information and n/action to:-

1. The Accountant General, NWFP, Peshawar.
2. The Section Officer (G/A) Government of NWFP, F.P. Wildlife Department with reference to their No.SO(G/A)FF&D/ 1-577/2K/34826, dated 8/11/2000.
3. The Accountant General, NWFP, Peshawar.
4. The A.D. Fisheries, PCMTC, Peshawar.
5. The Superintendent, EAA H/Qtr, Peshawar.
6. Official concerned.

DIRECTOR OF FISHERIES
NWFP, PESHAWAR
13/11

E
10

To

1. The Secretary to Govt: of Khyber Pakhtunkhwa,
   Agriculture Department, Peshawar.

2. The Director General,
   Fisheries Department, Khyber Pakhtunkhwa,
   Peshawar.

Through: Proper Channel

SUBJECT **APPLICATION FOR COUNTING OF SERVICE W.E.F. 18-04-1992 TO 30-06-1996 TOWARDS QUALIFYING SERVICE AND CONDONING THE INTERVENING PERIOD W.E.F. 01-07-1996 TO 12-11-2000 AND TO TREAT THE SAID PERIOD AS LEAVE WITHOUT PAY FOR THE PURPOSE OF PENSION.**

Sir,

The Applicant respectfully submits as under:-

1. That the applicant joined a Project of Fisheries Department vide endorsement order of the Project Director of Fisheries, Khyber Pakhtunkhwa, Peshawar No 348-51/C-75/DF, dated 18-04-1992, as an Electrician (Copy of the order annexed as "A").
2. That the services of the applicant were regularized in the said Project vide endorsement No 685-89/PMO/PD, dated 17-10-1992 (Copy of the order annexed as "B").
3. That the services of the applicant were terminated vide endorsement order No 1244-45, dated 09-06-1996 (Copy of the order annexed as "C").
4. That the applicant was regularly appointed in Fisheries Department as Electrician vide order of the Director Fisheries endorsement No 4016-20/DF, dated 13-11-2000 and the applicant assumed the charges of his post on the same day. Since then till date the applicant has been working in the Fisheries Department (Copy of the order annexed as "D").
5. That the applicant requires that his service of more than four year rendered by him in the Project of the Fisheries Department w.e.f. 18-04-1992 to 30-06-1996 be counted towards qualifying service and condonation of intervening period from 01-07-1996 to 12-11-2000 and treatment of the said period as leave without pay be made for the purpose of pension.
6. That the applicant for the above said purpose shall rely of the following grounds.

GROUNDS

A) That a similar case of one Muhammad Riaz Kanungo was decided by the Service Tribunal and then his intervening period as well as his previous service was also counted towards his qualifying service for the purpose of pension vide Judgment of the Senior Member Board of Revenue KPK dated 31-03-2010. (Copy of the Judgment annexed as "D-1").

B) That the Project on which the applicant worked for four years was the Project of Fisheries Department and the Director Fisheries had also been working as the Project Director. Moreover, the services of the applicant was also regularized in the Project vide order dated 17-10-1992.

C) That the applicant was regularly appointed as Electrician in the same Fisheries Department in 2000. Therefore, counting of his service rendered by him in the Project towards qualifying service is the demand of justice.

D) That the condonation of intervening period as mentioned in the subject of this application will effectively solve the problem of the applicant.

E) That the judgment of the Senior Member Board of Revenue given in case of Muhammad Riaz Kanungo, dated 31-03-2010, is a precedent on the basis of which your goodselves can accord sanction for counting of previous service of the applicant towards qualifying service of the applicant and can also condone the intervening period for conversation the same into leave without pay for the purpose of pension so that the applicant could be properly compensated.

It is humbly prayed that the prayer of the applicant may kindly be accepted as prayed for.

Yours Obediently,

Dated 17/12/2018

(SAMAR NASEEM)
Electrician
Office of the Assistant Director
Fisheries,
Carp Hatchery and Training
Centre Sherabad
Peshawar.

IN COURT OF AHSANULLAH KHAN, SENIOR MEMBER
BOARD OF REVENUE, NWFP.

Case No. 178/2009.
Date of Institution. 30/05/2009.
Date of Decision. 31/03/2010.

Muhammad Riaz S/o Haji Muhammad Umar Kanungo Upper Dir ----Appellant.

Versus

1. District Officer (Revenue & Estate)/Collector, Mardan.
2. District Officer, (Revenue & Estate)/Collector, Upper Dir. ----Respondents.

ORDER

This is a departmental appeal/representation preferred by Muhammad Riaz Kanungo, District Upper Dir for grant of back benefits from the date of termination from settlement service with effect from 31/12/1996 vide Settlement Officer, Mardan order No. 407-09/SO-Mardan/E, dated 10/03/1997 and till re-instatement/adjustment in service at District Upper Dir i.e 20/01/2006 and condonation of break up in service for pensionery benefits.

Brief facts of the case as mentioned in the appeal are that the appellant was appointed as settlement Patwari in the settlement operation, Mardan on 18/10/1986. He continued to serve as settlement Patwari up to 31/12/1996 but due to winding up the Settlement Operation Mardan he was relieved from duty. He contended that junior Patwar, candidates were adjusted in District Mardan but the appellant was ignored. Feeling aggrieved the appellants preferred an appeal before the NWFP Service Tribunal for re-instatement/restoration of his service, which was accepted by the learned Tribunal vide its judgment dated 14/06/2001. As a result thereof the appellant was adjusted as Patwari in District Upper Dir against the vacant post on 20/01/2006 but neither his previous service was counted nor back benefits given to the appellant.

Appellant present and heard. The case file perused, which reveals that the appellant has served as Patwari in the Settlement Operation, Mardan with effect from 18/10/1986 to 31/12/1996 and on abolition of settlement operation in Mardan, he was relieved from service with effect from 31/12/1996 and subsequently he was adjusted as Patwari in District Upper Dir with effect from 20/01/2006 on the basis of judgment of NWFP Service Tribunal, wherein the learned tribunal has order to adjust the appellants at Patwari against vacant post. Hence in order to save the appellant from financial losses and to count his service for the purpose of pensionery benefits, the intervening period w.e.f 31/12/1996 to 19/01/2006 is to be regularized by granting him 3307 days extra ordinary leave without pay as required under leave rules 1981.

Cont'd

In light of the above, the appeal is accepted with the direction that the service already rendered by the appellant in Settlement Operation Mardan shall be counted for pay and pensionery benefits only and the period of break in service w.e.f 31/12/1996 to 19/01/2006 is hereby condoned accordingly.

ANNOUNCED.
31/03/2010

(AHSANULLAH KHAN)
SENIOR MEMBER,
BOARD OF REVENUE, NWFP.

G
14

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVES
DEPARTMEN

No. SO(LFC)AD-DF-3(2)/2018/Vol.II
Dated Peshawar the 22nd February, 2019

To

Mr. Samar Naseem,
Electrician, O/O Assistant Director,
Fisheries Carp Hatchery and Training Centre,
Sherabad, Peshawar.

Subject: **APPLICATION FOR COUNTING OF SERVICE W.E.F 18.04.1992 TO 30.06.1996 TOWARDS QUALIFYING SERVICE AND CONDONING THE INTERVENING PERIOD W.E.F 01.07.1996 TO 12.11.2000 AND TO TREAT THE SAID PERIOD AS LEAVE WITHOUT PAY FOR THE PURPOSE OF PENSION.**

Kindly refer to your application dated 17.12.2018 on the subject cited above and to say that the case was referred to Director General (Fisheries) for views/ comments in the matter.

As per his remarks the gap of more than 4-years between your termination from Project service in 1996 and fresh recruitment as electrician on regular basis in 2000 cannot be treated as leave without pay because you were not an employee of the Department during that time.

Furthermore, the office order of your appointment in the Project was purely temporary with one of the clear conditions that the Project service shall not confer any right of absorption or regularization of services.

Hence in view of the above your application cannot be considered please.

22/2/19

SECTION OFFICER (LFC)

C.C

1. Director General, Fisheries, Khyber Pakhtunkhwa, Peshawar W/r to his letter No.7905/Director General Fisheries, Khyber Pakhtunkhwa, Peshawar /Estt. Dated 13.02.2019
2. PS to Secretary Agriculture, Livestock Fisheries and Cooperative Department Khyber Pakhtunkhwa Peshawar.
3. P.A to Dy. Secretary (Admn), Agriculture, Livestock Fisheries and Cooperative Department Khyber Pakhtunkhwa Peshawar.

128721

300 Rupees ۳۰۰ روپیہ

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 376 /2019.

Samar Naseem ----------Appellant

VS

Secretary to the Government of Khyber Pakhtunkhwa Agriculture Department and other----------Respondents

SPECIAL POWER OF ATTORNEY

I, Samar Naseem (Appellant) do hereby confer special power of attorney upon Mr. Abdul Matin S/O Abur Rauf, resident of House No 27 Street No 3, Quaid Abad Colony No 2, Kakshal, Peshawar City, to plead this case on my behalf and assist the Honourable Tribunal to decide the case on merit.

Dated: 05/04/2019.

DEPONENT
17301-1391466-7

ATTESTED
Mukhtar Ahmad Ghaznavi
NOTARY PUBLIC
District Courts Peshawar

District Comptroller of Accounts
28 MAR 2019
(Treasury Wing) Peshawar.

Peshawar Treasury
Licence No 23/1998
Date 21-9-1998
Akhtar ul Shahzad

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO.370/2019.

Mr. Samar Naseem, Electrician o/o Assistant Director Fisheries; Carp Hatchery & Training Centre, Sher Abad Peshawar.

VERSUS

Government of Khyber Pakhtunkhwa & Others.

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Dated.____/07/2019

RESPONDENT NO.2

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO.370/2019.

Mr. Samar Naseem, Electrician o/o Assistant Director Fisheries, Carp Hatchery & Training Centre, Sher Abad Peshawar.	VERSUS	Government of Khyber Pakhtunkhwa & Others.

Para wise reply/comments/written statement to the titled appeal, for & on behalf of respondents along with preliminary objections regarding maintainability.

Respectfully Sheweth,

Preliminary Objections: -

i) That the appellant has deliberately suppressed certain facts and bent upon to camouflage his wrong deeds under the shelter of instant episode in order to pave his way of illegal desires hence required to be discouraged.

ii) That due to concealment of material facts and misstatement, the appeal is liable to be dismissed.

iii) The appellant has got no locus standi to file the instant appeal.

iv) That the appellant is estopped by his own conduct to bring the appeal in his own hands.

v) That the appellant has got no cause of action.

vi) That the appellant has not come to the Hon'able court with clean hands.

vii) That the appellant has annexed an irrelevant document/judgment dated.13-03-2010 of the Senior Member, Board of Revenue Khyber Pakhtunkhwa for the reasons to be illegally benefited vide annexure-F of the instant service appeal.

Viii) That the appeal is badly time barred.

REPLY ON FACTS.

1) Correct to the extent that the appellant was appointed as "Electrician" in BPS-03 by the Project Director Fisheries, Khyber Pakhtunkhwa, Peshawar in the office of Project Manager, 2nd Aquaculture Development Project" vide office order dated.18-04-2018 but with certain conditions of the Project. The Hon'able court is referred to the condition No.2 of the appointment order of the appellant, which is reproduced here for perusal as "***On the expiry/completion of the project SADP (2nd Aquaculture Development Project), his service will stand terminated and shall not confer on him any right of absorption elsewhere or regularization of his service",*** therefore no contribution towards the pension benefits was collected from the said project.

2) Correct to the extent that service of the appellant was regularized for the project period, that too, with subject to the conditions as mentioned above in para-01 above.

3) Correct, as per terms & conditions of the appointment of the appellant, on the expiry of the said project, the service of the appellant was terminated with effect from 30-06-1996 vide office order dated.03-06-1996.

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4) Incorrect. The Fisheries Department, Khyber Pakhtunkhwa had made publication in various news papers for filling up of various positions on SNE side including the post "Electrician" & on the recommendations of the Departmental Selection Committee, the appellant was fresh recruited of Electrician BPS-03 on SNE side with two year probation period vide office order dated.13-11-2000.

5) The appellant is trying to conceal real picture to get his own motive. As explained above in para-01 that the appellant was appointed as "Electrician" in BPS-03 by the Project Director Fisheries, Khyber Pakhtunkhwa Peshawar in the office of Project Manager, 2nd Aquaculture Development Project" vide office order dated.18-04-1992 ***but with certain conditions of the Project***. Here the Hon'able court is referred to the condition No.2 of the appointment order of the appellant, which is reproduced again for perusal as "***On the expiry/completion of the project SADP (2nd Aquaculture Development Project), his service will stand terminated and shall not confer on him any right of absorption elsewhere or regularization of his service"*** therefore no contribution toward the pension benefits was collected from the said project.

It was also further explained in para-04 above that The Fisheries Department, Khyber Pakhtunkhwa was made publication in various news papers for filling up of various positions on SNE side including the post "Electrician" & on the recommendations of the Departmental Selection Committee, the appellant was fresh recruited as Electrician BPS-03 on SNE side with two year probation period vide office order dated.13-11-2000.

Keeping in view of the said position, the service period in a project which was wind up on 30-06-1996 has not any relevancy with his fresh recruitment on 13-11-2000, because both the positions have separate terms & conditions, therefore neither his service during project period is countable nor the gap of four (4) years & four (4) months can be condoned.

6) Incorrect, the appellant has annexed an irrelevant decision of the SMBR, Khyber Pakhtunkhwa with the application for ulterior motive and mala-fide intentions to get sympathy of this Hon'able court. The whole story of the decision was "***that a patwari with his other colleagues were appointed in revenue department and terminated due to abolition of settlement operation. Subsequently his other colleagues were adjusted & their previous service was also counted for the pension purpose, therefore as per decision of the Khyber Pakhtunkhwa, Service Tribunal, Peshawar, the said patwari was also adjusted and his earlier service already rendered was considered to be counted for pay & pensionery benefits & the period of break was condoned.***"

In the instant matter that the appellant was appointed in a project till its completion/ wind up on 30-06-1996 as well explained in para-01 above, subsequently that he was fresh recruited on the recommendation of selection committee on SNE side in the year, 2000, then how it was possible to count the service period in the project toward qualifying service for the purpose of pension and

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condone the gap after termination from project service in 1996 & fresh recruitment of the appellant on regular basis in 2000 on SNE side, therefore his application was regretted by the Competent Authority.

It is pertinent to mention here that a post of Electrical Supervisor BPS-11 has been created in Fisheries Department, for which service rules has also been approved by the relevant forum. The appellant desired to jump over the shoulders of his seniors to spoil their future carrier & to promote him as Electrical Supervisor BPS-11. For this illegal desire, the appellant has then challenged the minimum qualification criteria for the said post before the Hon'able Peshawar High Court Peshawar vide Appeal No.4222/2018 titled "Samar Naseem verses Government of Khyber Pakhtunkhwa & Other" (Annexure-A page 07 to 11) & when the appellant knew the comment of respondents (Annexure B page 12 to 60) & affirmed that he will not be successed in his illegal aim of out of turn promotion from Peshawar High Court Peshawar, then the appellant consider to lodge the instant service appeal to reach to the post of Electrical Supervisor through this Hon'able court which is requested to be discouraged in the larger interest of justice.

7) Needs no comments.

8) In correct. The factual position has been well explained in para-6 above.

9) In correct. The appellant has tried to conceal real facts from this Hon'able Court, just to kill the precious time of the court of law. Actually the application of the appellant was disposed of & rejected on merit in light of factual position, because it was not possible to count the service period in the project toward qualifying service for the purpose of pension & condone the gap after termination from project service in 1996 & fresh recruited on regular basis in 2000 on SNE side as already been explained in detailed above in para-05 & 06

GROUNDS.

A. Incorrect. As explained above in para-09, that the application of appellant was disposed of & rejected on merit in light of factual position. However, the repeated statement of appellant clearly denotes his malafide intentions just to get his aim.

B. No need to explain further, as explained above in para-"9" & "A" as well.

C. In correct. The appellant was regularized up to the completion/wind up of the project period ***on the terms & conditions as laid down for the employees in the project*** & if he presumed him as regular employee in a project, then the appellant was supposed to make representation/appeal in light of Khyber Pakhtunkhwa, Appeal Rule, 1989, when he was terminated on the expiry of the project period on 30-06-1996. Similarly comment on the decision of Senior Member Board of Revenue, Khyber Pakhtunkhwa has been well explained in para-06 above.

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D. Incorrect, comment on the decision of Senior Member Board of Revenue, Khyber Pakhtunkhwa has already been well explained in para-06 above. Moreover it is further added that the application of the appellant was disposed of & rejected on merit in light of factual position, because it was not possible to count the service period in the project toward qualifying service for the purpose of pension & condone the gap after termination from project service in 1996 & fresh recruited on regular basis in 2000 on SNE side as already been explained in detailed above in para-05 & 06. Inspite of the knowing the factual position, the appellant has tried to conceal real facts from this Hon'able Court, deliberately waste the precious time of the court of law to get his illegal desires.

E. The factual regarding the creation of post of Electrical Supervisor BPS-11 has been created in Fisheries Department, for which service rules has also been approved by the relevant forum as explained above in pare-06. The appellant has challenged ***the minimum qualification criteria for the said post*** before the Hon'able Peshawar High Court Peshawar just to jump over the shoulders of his seniors to spoil their future carrier & to promote him as Electrical Supervisor BPS-11 vide Appeal No.4222/2018 titled "Samar Naseem verses Government of Khyber Pakhtunkhwa & Other" & when the appellant realized that he will never get his goal from the said appeal as a result of submitting the factual position in the comment of respondents, then the appellant consider to lodge the instant service appeal to reach to the post of Electrical Supervisor through this Hon'able court which is requested to be discouraged in the larger interest of justice.

F. Repeatedly the appellant is challenging the competency of the Competent Authority how to process a case & to whom may send, beside the facts the his application was disposed of as explained above in para-"06", "09", "D" & "E".

G. No need to be commented further for repetition of the episode by the appellant in the appeal as already been well explained above in para-06.

H. No need to be commented further for repetition of the episode by the appellant in the appeal as already been well explained above in para-"06", "09", "D" & "E". The appellant has desired to be benefited illegally.

I. No comments.

J. No need to be commented further for repetition of the episode by the appellant in the as already been well explained above in para-"06", "09", "D" & "E". The mandate of the appellant is to be benefited illegally in every situation which is requested to be discouraged.

Keeping in view of the preliminary objections and facts of the case, this Hon'able Court is prayed to kindly dismiss the titled service appeal with exemplary heavy costs throughout in the best interest of Justice to avoid unnecessary filling of such like illegal presentations not only waste the precious time of the court of law but also open ways for others to demand their illegal desires.

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK &
COOPERATIVE DEPARTMENT.
Respondent No.1

DIRECTOR GENERAL FISHERIES,
KHYBER PAKHTUNKHWA
PESHAWAR
(Respondent No.2)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO.370/2019.

Mr. Samar Naseem, Electrician o/o Assistant Director Fisheries, Carp Hatchery & Training Centre, Sher Abad Peshawar.	VERSUS	Government of Khyber Pakhtunkhwa & Others.

AFFIDAVIT.

I Mr. Gulzar Mahmood, Assistant Director Fisheries (L&S) (BPS-17), Directorate General Fisheries, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare that the contents of the accompanying para wise comments submitted by the Respondents are true to the best of my knowledge & belief & that nothing has been concealed from this Hon'able Court.

(GULZAR MAHMOOD),
NIC NO. 17301-1383259-9
CELL NO.0313-9111615
0333-9111615.
Deponent

AUTHORITY LETTER.

Mr. Gulzar Mahmood, Assistant Director Fisheries, (L&S) BPS-17, Directorate General Fisheries, 2-Shami Road Peshawar Cantt; is hereby authorized to submit affidavit & attend Khyber Pakhtunkhwa, Peshawar in a service appear No.370-P/2019 titled "Samar Naseem versus Government of Khyber Pakhtunkhwa & Others on behalf of respondents on each & every date of hearing till the decision of the case.

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK &
COOPERATIVE DEPARTMENT.
Respondent No.1

DIRECTOR GENERAL FISHERIES,
KHYBER PAKHTUNKHWA
PESHAWAR
(Respondent No.2)

(7)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

WRIT PETITION NO. 4222-P /2018

Samar Naseem s/o Fida Muhammad, Electrician (BPS-01),
Peshawar Carp Hatchery Sher Abad, Peshawar.

..... PETITIONER

VERSUS

1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2- The Secretary Establishment, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
3- The Secretary Finance Department, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
4- The Secretary, Agriculture, Live Stock & Cooperative Development, Khyber Pakhtunkhwa, Peshawar.
5- The Director General Fisheries Department, Khyber Pakhtunkhwa Shami Road, Peshawar.
6- The Assistant Director, CH&TC, Peshawar

..... RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP TO DATE

R/SHEWETH:
ON FACTS:

1- That, petitioner is the bonafide & Law abiding citizens of Pakistan and hailing from a respectable family of District Peshawar. Copy of the CNIC is attached as annexure ..... A.

2- That petitioner is the employee of Respondent no. 5 and working as electrician quite efficiently whole heartedly and upto the entire satisfaction of his high ups since from the date of his appointment i.e. dated 13-11-2000.

3- That petitioner is a highly qualified person having Bachelor Degree in Arts from University of Peshawar along with this the petitioner has also acquired Diploma in Information Technology from Board of Technical Education Khyber Pakhtunkhwa and other training certificates from different governmental and non-governmental organizations of the country pertaining to his job description. Copy of Educational Testimonials & certificates are attached as annexure ..... B.

Drawing & Disbursing Officer
PR4885, O/o Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

4- That respondent No.5 asked from the Districts of its concerned Department for furnishing information regarding the Class-IV employees who have passed Matric Examination and as such a tentative seniority list of Matric Passed Class-IV were prepared in which the petitioner stood at Serial No. 5 of the list. Copy of Seniority List is attached as annexure ..... C.

5- That, during the respondent no. 6 submitted proposed rules for the post of Electric Supervisor (BPS-11) before the respondent no. 5 for necessary action, wherein the for recruitment for the post of Electric Supervisor has been mentioned as by promotion with the following qualification:

FA/FSc: at least 2nd Division with a certificate in Electric Supervisor course of one year from Government Polytechnic Institute of Government College of Technology, issued by the Board of Technical Education".

Copy of the letter along with proposed rules is attached as annexure ..... D.

6- That, astonishingly vide impugned notification dated 22-05-2018 the respondents deleted the eligibility criteria for the post of Electric Supervisor (BPS-11) and as such the method of recruitment for the said post has been mentioned as purely seniority-cum-fitness from amongst the electrician having five years experience. Copy of the impugned notification dated 22-05-2018 is attached as annexure ..... E.

7- That, petitioner feeling aggrieved from the notification dated 22-05-2018 filed Departmental Appeal which was proper forwarded to the appellate authority i.e. respondent no. 5 but no reply has been received so for. Copy of Departmental Appeal & forwarding letter is attached as annexure ..... F&G.

8- That petitioner having no other adequate remedy but to file the instant writ petition on the following grounds amongst the others.

GROUNDS:

A- That the impugned notification/service Rules issued vide dated 22-05-2018 for the post of Electric Supervisor is Ultra Vires against the facts, Law, norms of natural justice and materials on the record hence not tenable and liable to be modified/amended.

Drawing & Disbursing Officer
PR4885, O/o Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

B- That petitioner have not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

C- That the treatment meted out to the petitioners is a clear violation of the Fundamental Rights of the petitioners as enshrined in the Constitution of Pakistan 1973.

D- That, the petitioners has been discriminated by the respondents on the subject noted above and as such the respondents violated the Principle of Natural Justice.

E- That not inserting the eligibility criteria for the post of Electric Supervisor (BPS-11) the respondents violated the existing rules and regulations there under.

F- That, the impugned service Rules/notification dated 22-05-2018 by the respondents is against Article 37 of the Constitution of the Islamic Republic of Pakistan 1973.

G- That according to Article-38 (e) of the Constitution of Pakistan 1973 ***"state is bound to reduce disparity in the income and earnings of individuals including persons in the services of the Federation"***. That in light of the mentioned Article the petitioner is entitle to be promoted against the post Electric Supervisor having the requisite qualification as mentioned in the proposed rules.

H- That, the post of Electric Supervisor (BPS-11) is of technical in nature and for the same the eligibility is must but the respondents vide impugned notification dated 22-05-2018 deleted the said eligibility by declaring the technical post of Electric Supervisor (BPS-11) as a general post.

I- That not inserting the eligibility criteria for the post of Electric Supervisor (BPS-11) in the impugned service Rules/notification dated 22-05-2018 the respondents violated Section-9 of the Civil Servant Act, 1973 read with Rule-7 of the Appointment, Promotion & Transfer Rules, 1989.

Drawing & Disbursing Officer
PR4885, O/o Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

J- That the petitioner seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of this writ petition the impugned service rules/notification dated 22-05-2018 for the post of Electric Supervisor (BPS-11) may kindly be declared as Ultra Vires, illegal, unconstitutional and ineffective upon the rights of the petitioner. That the respondents may kindly be directed to include/insert the eligibility criteria for the post of Electric Supervisor (BPS-11) in the impugned Service Rules/notification dated 22-05-2018 and as such eligible employee fulfilling the eligibility criteria be considered for promotion to the post of Electric Supervisor (BPS-11) from amongst the cadre of Electrician. Any other remedy which this august Court deems fit that may also be awarded in favor of the petitioner.

INTERIM RELIEF:

By way of Interim Relief, the respondents may kindly be restrained from promotion against the post of Electric Supervisor (BPS-11) till the disposal of the instant writ petition.

Dated: 09-08-2018

PETITIONER

SAMAR NASEEM

Through:

NOOR MOHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI
Advocate, High Court,
Peshawar

Drawing & Disbursing Officer
PR4885, O/o Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

VERIFICATION:

It is verified that no other earlier writ petition was filed between the parties.

DEPONENT

LIST OF BOOKS:

1. Constitution of Pakistan.
2. Any other Case law as per need.

(11)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

WRIT PETITION NO._____/2018

SAMAR NASEEM VS GOVT. OF KP & OTHERS

AFFIDAVIT

I, Samar Naseem s/o Fida Muhammad (Late) r/o House No. 1000 Mohallah Kochi Khan androon SardChah Gate Dabgari Peshawar, Peshawar (petitioner) do hereby solemnly affirm that the contents of this writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

SAMAR NASEEM
s/o FIDA MUHAMMAD (LATE)
CNIC NO. 17301-9391466-7

IDENTIFIED BY:
NOOR MOHAMMAD KHATTAK
ADVOCATE
HIGH COURT, PESHAWAR

No. 4584
Certified that the above was verified on solemnly affirmation before me this 5th day of Aug 18 by Samar Naseem s/o Fida Muhammad Peshawar who was identified by Noor Muhammad Who is personally known to me.
Oath Commissioner 5/8/2018
Peshawar High Court

Drawing & Disbursing Officer
PR4885, O/o Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

(12)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

WRIT PETITION NO.4222-P/2018.

Mr. Samar Naseem S/O Fida Muhammad, Resident of H#1000 Mohallah Kachi Androon Sardchah Dabgari Khan Peshawar.	VERSUS	Government of Khyber Pakhtunkhwa & Others.

Para wise reply/comments/written statement to the titled writ petition, for & on behalf of respondent No.1 to 6 along with preliminary objections regarding maintainability.

Respectfully Sheweth,

Preliminary Objections: -

i) That the Petitioner has deliberately suppressed certain facts and bent upon to camouflage his wrong deed under the shelter of instant episode in order to pave his way of illegal desires by spoiling the carrier of his senior/junior colleagues of the same post & grade, hence required to be discouraged.

ii) That this Hon'able court has no jurisdiction/ adjudicates the instant petition.

iii) That the Writ petition is liable to be dismissed in limit related to service Tribunal.

iv) That due to concealment of material facts and misstatement, the petition is liable to be dismissed.

v) The Petitioner has got no locus standi to file the instant writ petition.

vi) That the petitioner is stopped by his own conduct to bring the writ petition in his own hands.

vii) That the Petitioner has got no cause of action.

viii) That the Petitioner has not come to the Hon'able court with clean hands.

ix) That the Petitioner has no right to press the Government to amend/change the Service Rules for the interest of him.

REPLY ON FACTS.

1) No comments.

2) No comments.

3) Incorrect. The basic required qualification for the post of Electrician is/was ***"At least 2nd division SSC from a recognized board with One year Electrician Certificate from a recognized Technical Training Board; and having proficiency in the trade"*** & the petitioner along with other employees of the Fisheries Department were recruited/appointed on the same prescribed qualification. The below detail of employees working against the post of ***Electricians*** in Fisheries

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Drawing & Disbursing Officer
PR4885, O/o Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

Department & their seniority position in the province is brought before this Hon'able Peshawar High Court, Peshawar for ready reference.

Sr #	Name of the Electrician	Date of Birth	Date of Appointment	Place of Present posting.
I.	Mr. Muhammad Bilal	14-04-1968	17-10-1993	Office of District Officer Fisheries Mardan
II.	Mr. Samer Naseem	18-11-1968	13-11-2000	Office of Deputy Director Fisheries, CH&TC, Peshawar
III.	Mr. Iftah-ud-Din	17-03-1982	26-11-2008	Office of Deputy Director Fisheries, TCTC, Swat at Madyan
IV.	Vacant	--	--	Office of Deputy Director Fisheries, Malakand Agency

It is further clarified that neither the petitioner was given proper NOC by the Competent Authority for continuing his further education after joining the Fisheries Department nor his so called high qualification is mandatory for the job description of the post of electrician & the promotion of the petitioner, therefore the irrelevant skill beyond the prescribed qualification cannot be permitted the petitioner to jump over on the shoulders of his senior colleague/s to spoil their carrier, which is clear cut violation of Article-04 & 25 of the constitution of Islamic Republic of Pakistan, 1973. A copy of the seniority list of Electricians working in Khyber Pakhtunkhwa, Fisheries Department is also enclosed herewith for information **(Annexed-I).**

Moreover it is further added minimum qualification have been prescribed for promotion to the post of Electrical Supervisor as per provision mentioned in Section-09 of the Civil Servants Act, 1973 due to which every Electrician of the department including the petitioner will be promoted on their turn.

4) In correct, the appellant has deliberately suppressed certain facts from this Hon'able Court just to get sympathy for his own desires. Actually, there were exists no departmental service rules in Fisheries Department for promotion from Class-IV to the post of **Junior Clerk** ***(BPS-11)*** & On the request of all cadre of Class-IV employees of the Fisheries Department, a Tentative Seniority of all Class-IV employees i-e **(Daftaries, Gestetner, Qasids, Naib Qasids including holders of other equivalent posts in the Secretariat with two years service as such, who have passed SSC Examination)** was prepared on humanitarian basis **(Annexed-II** in light of Government of Khyber Pakhtunkhwa, Establishment & Administration Department (Establishment Wing) vide notification endorsement No. SOE-IV (E&AD)/1-35/2012 dated.06-12-2012 **(Annexed-III),** but the said service rules were not considered by the DPC for the promotion of Class-IV employees to the post of **Junior Clerk** ***(BPS-11)*** in the attached departments.

Subsequently it was felt necessary to draft service rules for the class-IV employees of the Fisheries Department. Later on, it was pointed out in the SSRC meeting while framing service rules for the promotion from the class-IV employees that all the ***technical posts*** such as, Electrician, Tube Well Operator, Plumber & Motor Boat Operator / Boatman may be exclud in the proposed draft for the promotion to the post of ***Junior Clerk.*** While the eligibility criteria for the said post was declared as

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Drawing & Disbursing Officer
PR4885, O/o Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

"Naib Qasids, Chowkidars, Malis, Sweepers, Behishits & Attendants with reference to the date of their acquiring the Secondary School Certificate". Accordingly, Fisheries Department Khyber Pakhtunkhwa has notified Service Rules from the Competent Forum vide notification No.SO(LFC)AD-DF-E-3(37)2015 dated.26-04-2017 **(Annex-IV)**, therefore the claim of the seniority of the petitioner for promotion to the post of ***Junior Clerk(BPS-11)*** has not any relevancy with the promotion of the petitioner against the post of ***Electric Supervisor (BPS-11).***

5) In correct. The appellant has the courage of giving false and contradictory statement in his writ for getting undue benefit from this Hon'able Peshawar High Court Peshawar. Although a post of Electrical Supervisor BPS-11 was created in Carp Hatchery & Training Centre, Peshawar during the year, 2017-18 **(Annex-V)**, while the petitioner is also working in Carp Hatchery & Training Centre, Peshawar, therefore the proposed draft service rules by the then officer working against the post mentioned as respondent No.06 was just to oblige the petitioner as evident ***that the qualification of the petitioner was proposed for the post of Electrical Supervisor BPS-11*** beside the fact that respondent No.06 was neither competent for submission of such proposal nor he was asked by head of his office or head of the Fisheries Department for the same **(Annex-VI)**.

Moreover, it is further added that a head of the department can propose service rules for a post before the Competent Forum i-e Khyber Pakhtunkhwa, Standard Service Rules Committee on need basis as per provisions delegated in Sub-Rule-2 of Rule-03 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

6) The Competent Forum i-e Khyber Pakhtunkhwa, Standard Service Rules Committee agreed with the proposal of the department & approved **minimum eligibility criteria** for the post of Electrical Supervisor (BPS-11) i-e ***"By promotion on the basis of seniority cum-fitness from amongst the Electrician having (05) years service as such"*** vide Notification No.SO(LFC)AD-DF-E-3(37)/2015, dated 22/05/2018 **(Annexed-VII).** As a result the petitioner is also eligible for promotion to the post of Electrical Supervisor (BPS-11) on his turn. Strange to pointed out from the instant writ that the petitioner wants to promote him out of turn, due to which the Petitioner might be shocked to know that he will never defraud in jumping over on the shoulders of his other colleague electricians, spoiling their future carrier & to occupy the post of Electrical Supervisor BPS-11 out of turn, hence the petitioner challenged the Competency of the Competent Authority.

7) In correct. As explained above that minimum eligibility criteria have been prescribed for the post of Electrical Supervisor BPS-11, which will never suffer the promotion of the petitioner , therefore, his application/appeal for amendment in Service Rules as per his extra & irrelevant skill & qualification was not considerable, hence filed.

Contd; P/4

Drawing & Disbursing Officer
PR4885, O/o Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

8) As explained above that ***the petitioner is eligible for promotion to the post of Electrical Supervisor (BPS-11) & will also be promoted on his turn but unfortunately the petitioner has desired to promote him out of turn***, for which he has tried to conceal real facts from this Hon'able Court, just to kill the precious time of the court of law, therefore the petition is liable to be dismissed with heavy cost.

GROUNDS.

A. Incorrect. As explained above in para-05, that a head of the the department can propose service rules for a post before the Competent Forum i-e Khyber Pakhtunkhwa, Standard Service Rules Committee on need basis as per provisions delegated in Sub-Rule-2 of Rule-03 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

In the instant case, amendment in service rules if proposed for an individual, that will ***ultimately spoil the carrier of other Electrician colleagues of the petitioner, which will neither effect the seniority of other employees working against the same post but will also be violation of Article-04 & 25 of the constitution of Islamic Republic of Pakistan, 1973.***

B. In Correct. The petitioner has no right to force the department for making amendment in the Service Rules for personal benefit. The petitioner may not create hurdles in the ***due promotion of his senior colleague/s and should wait for his own turn***, so as to implement law in letter & spirit as per Article-04 & 25 of the constitution of Islamic Republic of Pakistan, 1973.

C. In correct. The existing Service Rules for the post of Electrical Supervisor (BS-11) vide No. SO(LFC)AD-DF-E-3(37)2015 dated.22-05-2018. will never violate Fundamental Rights of the petitioner but the pray of the petitioner will directly deprive his other senior colleague from the legal right of his/their promotion which itself violation of principle of Natural Justice as enshrine Article-04 & 25 of the constitution of Islamic Republic of Pakistan, 1973.

D & E. In correct. As explain above in para-6, that **minimum eligibility criteria** has been prescribed in the existing Service Rules for promotion to the post of Electrical Supervisor (BS-11) vide No. SO(LFC)AD-DF-E-3(37)2015 dated.22-05-2018 but the petitioner tried in the instant writ to hide the real fact just to achieve goals of his own interest, challenging the competency of the Competent Authority already delegated in Sub-Rule-2 of Rule-03 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, ignoring the fact that the pray of the petitioner will grab the right of promotion of employees senior to him. ***Resultantly other employee/s will also knock the court of justice for remedy & claim their rights in light of Article-04 & 25 of the constitution of Islamic Republic of Pakistan, 1973.***

Drawing & Disbursing Officer
PR4885, O/o Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

Contd; P/5

F & G. In correct. The petition itself is against Article-37 & 38 of the Constitution of Islamic Republic of Pakistan, 1973. The whole episode of the petitioner clearly denotes that other employees can't claim protection under Article-04, 25, 37 & 38 of the Constitution of Islamic Republic of Pakistan, 1973. Instead of wasting the precious time of this Hon'able Court, the petitioner can be heard in person to explain how & why the existing Service Rules is suffering his right of promotion.

H & I. The petitioner is eligible for promotion to the post of Electrical Supervisor (BPS-11) because of minimum eligibility criteria prescribed for promotion. But unfortunately, the petitioner deliberately misapprehended (1) Article-04, 25, 37 & 38 of the constitution of Islamic Republic of Pakistan, 1973 (2) Section-09 of the Civil Servants Act, 1973 & (3) Rule-07 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, just to jump over on the shoulders of his senior colleague employees & to deprive them from their right of promotion.

Keeping in view of the preliminary objections and facts of the case, this Hon'able Court is prayed to kindly dismiss the titled writ petition with heavy costs throughout in the best interest of Justice

SECRETARY ESTABLISHMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA
Respondent No.2

SECRETARY ESTABLISHMENT
Establishment & Administration
Department.

SECRETARY FINANCE
GOVERNMENT OF KHYBER PAKHTUNKHWA
Respondent No.3

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVE
DEPARTMENT.
Respondent No.4

Drawing & Disbursing Officer
PR4885, O/o Director Fisheries,
Khyber Pakhtunkhwa Peshawar.

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

_____ OF 2019

Samar Naseem (APPELLANT) (PLAINTIFF) (PETITIONER)

VERSUS

Sec: Agriculture Deptt: (RESPONDENT) (DEFENDANT)

I/We Samar Naseem

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

Dated. 02 / 10 /2019

CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

KAMRAN KHAN
&
MIR ZAMAN SAFI
ADVOCATES

OFFICE:
Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Mobile No.0345-9383141

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Service Appeal No:_____/2019

Samar Naseem, Electrician o/o the Assistant Director Fisheries, Carp Hatchery & Training Centre, Sher Abad, Peshawar.

.....Appellant

Versus

(1) Secretary to the Government of Khyber Pakhtunkhwa, Agriculture Department, Civil Secretariat, Peshawar.

(2) Director General, Fisheries Department, Khyber Pakhtunkhwa, Shami Road, Peshawar.

.....Respondents

Rejoinder on behalf of the Appellant to the comments of the Respondents .

Sir,

The Rejoinder on behalf of the Appellant to the comments of the Respondents is as under.

Answers to the Preliminary Objections.

1. Incorrect and false. The Respondents have not pointed out what facts have been kept secret or concealed from the notice of the Honourable Tribunal by the Appellant. The case of the Appellant is a prima facie case supported by a judgment given by the Senior Member Board of Revenue given in a similar case. The previous project service of Muhammad Riaz, Kanungo was counted towards qualifying service by condoning the intervening period of nine years and treating the same as leave without pay under Revised Leave Rules 1981, for the purpose of pension. The Appellant has knocked at the door of Honourable Tribunal for the redress of his grievance. If the Impugned Order dated 22-02-2019, is given proper perusal it will reveal that the Respondent No: 1, has not given any comments on the application of the Appellant rather he has endorsed the decision of the Respondent No:2. So the application of the Appellant dated 17-12-2018, was not decided from proper angle of justice.
2. Incorrect and false. The Appeal is based on facts and supported by documents which cannot be negated. The entire Reply of the Respondents is based on malafide intentions in order to conceal their guilt. The Respondents have given an irrelevant Reply. It seems as if the Respondents have not properly examined the case of the Appellant or they are not ready to extend any benefit to the Appellant. The language used by the Respondents represents their biased attitude towards the Appellant.

3. Incorrect and baseless. The Appellant has got locus standi. The case of the Appellant is a prima facie case supported by documents. When the application of the Appellant dated: 17-12-2018, was unlawfully rejected by the Respondents, the Appellant was compelled to knock at the door of the Tribunal for the redress of his grievance. So there is cause and effect relationship.
4. Incorrect, false and biased. The Appellant is not estopped by his conduct to bring this Appeal while the Respondents are estopped by their own conduct to bring their defence.
5. Totally incorrect and false. The Appellant has cause of action. The Appellant submitted an application on 17-12-2018 to the Respondents for counting of his previous service towards his qualifying service by condoning the intervening period as leave without pay on the analogy of the case of Muhammad Riaz Kanungo but the said application was turned down by the Respondents without any lawful authority. Therefore, the Appellant had to bring the instant Appeal before the Honourable Tribunal for the redress of his grievance. So there is cause of action.
6. Incorrect, biased and based on malafide intentions. The Appellant has come to the Honourable Tribunal with clean hands while the Respondents have not come to the Tribunal with clean hands. Their Reply is irrelevant, biased and product of diseased mind.
7. Incorrect and false. It reflects either the Respondents could not understand the case of the Appellant or they intentionally shut their eyes to the facts. if the case of the Appellant is compared with the case of Muhammad Riaz Kanungo, the similarity and identical position will come to light. It is clearly evident that the case of the Respondents has been prepared by somebody who has negative approach and ill-disposition.
8. Incorrect, biased and false. When the application of the Appellant was unlawfully rejected by the Respondents, the Appellant filed the Appeal before the Tribunal well in time.

Rejoinder to the comments on facts.

1. In this regard it is submitted that the service of the Appellant was regularized vide order Dated 17-10-1992. Moreover, the case of the Appellant is that of counting of his previous service towards qualifying service for the purpose of pension and the case is identical to the case of Muhammad Riaz Kanungo. The Respondents rejected the application of the Appellant Dated 17-12-2018, without any lawful authority.
2. Although the Respondents have admitted Para 2, as correct but without giving proper consideration to the case of the Appellant they rejected his application Dated 17-12-2018. Therefore, malafide intentions on the part of the Respondents are evident.
3. In this regard it is submitted if the previous project service of Muhammad Riaz Kanungo is counted towards his qualifying service and the intervening period is condoned and treated as leave without pay under the Revised Leave Rules 1981 than why the Appellant cannot take the advantage of that case? The Respondents without giving proper attention to the case have rejected his genuine case. So injustice and discrimination on the part of the Respondent Department are evident.

4. In this regard it is once again submitted that the Respondents either failed to understand the case of the Appellant or they intentionally paid no proper attention to the case of the Appellant so that he could not avail the benefit of the judgment given in case of Muhammad Riaz Kanungo. It is further added that it was a Project of the Government and the Director Fisheries Department was also the Project Director of that Project which later on was regularized and the Appellant was again appointed as Electrician in the Fisheries Department. Unfortunately the Respondents badly failed to examine the case of the Appellant from proper angle of justice. Furthermore, the Appellant drew his salary through audit and GP Fund was regularly deducted from his monthly pay. (Copies of pay rolls are annexed as A). It confirms that it was not a private project but a Government project which was later on regularized as Fisheries Department.
5. In this respect it is submitted that the Respondents are not ready to solve the problem of the Appellant, therefore, they are harping the same song again and again. They do not want to follow the right path. The negative attitude of the Respondents is evident. It is further submitted that the comments have been prepared by some persons who possess negative approach and they have vomited their poison against the Appellant throughout.
6. The Respondents have intentionally shut their eyes to all the facts and figures. Their aim is to keep the Appellant deprived of his right. The case of the Appellant is identical to the case of Muhammad Riaz Kanungo but without any lawful authority, they are making difference between these cases. Ill-will, biased attitude and malafide intentions on the part of the Respondents are reflected. It is further added that the Respondents in order to satiate their insatiable souls and to achieve their ill motives have added the documents relating to the case of High Court. The Appellant has challenged the ultra vires Rules for the post of Electric Supervisor before the High Court which is a proper legal forum to decide this case. The Service Tribunal has its own jurisdiction to decide the cases like the instant case of the Appellant. But in order to strengthening their case, the Respondents have tried to divert the attention of the Honourable Tribunal towards the Appellant's Writ Petition which shall be decided by the Honourable High Court. So there are two different cases which have been filed in different legal forums.
7. The Respondents have not commented upon Para 7, of the facts of the Appeal. Therefore, Para 7, of the Appeal is correct.
8. Incorrect. The Appellant has given sufficient detail in above Paras1 to 6.
9. Incorrect, baseless and totally false. All the facts and figures have been presented by the Appellant as crystal clear. The callous attitude of the Respondents is coming across Appellant's way. The Respondents are badly annoyed why the Appellant has challenged the Rules before the High Court and why he has come to the Tribunal for counting of previous project service towards qualifying service for the purpose of pension. Therefore, the Respondents have belched out their venom against the Appellant in their comments.

Rejoinder to the comments on Grounds.

A. Incorrect and false. The Respondents have not commented upon Ground A, of the Appeal properly rather they have tried to conceal their inefficiency by giving irresponsible statement.

B. The statement of the respondents is not proper and to the point. The Respondents are not ready to solve the problem of the Appellant so they are giving misstatement again and again. As they are annoyed on filing two different cases by the Appellant against them in different legal forums so they are reluctant to extend any benefit to the Appellant. The Impugned Order date: 22-02-2019, is the result of annoyance of the Respondents.

C. The comments of the Respondents are indifferent to the facts and figures. The cases of the Appellant and Muhammad Riaz Kanungo are identical but the negative and biased attitude of the Respondents is not ready to accept the reality which is as clear as day light. Some foes of the Appellant present in the office of the Respondent No. 2, do not want to see the well being of the Appellant. So they are creating hurdles and bottlenecks in the case of the Appellant. The Reply of the Respondents is the product of negative approach and biased attitude.

D. Incorrect and false. Sufficient details have been given above by the Appellant. The Respondents are not ready to examine the case from proper angle of justice. From the entire statement of the Respondents it is evident that they are pouring their poison against the Appellant by giving irrelevant statements.

E. In this regard once again it is submitted that there are two cases, one relates to the High Court and the other relates to the Service Tribunal but in order to strengthen their false case the Respondents are trying to divert the attention of the Tribunal to the other side to achieve their unlawful motives. Behind their Reply personal grudge is clearly evident.

F. Incorrect, false and biased. From the perusal of the Impugned Order dated: 22-02-2019, the statement of the Appellant is proved true and correct. The Respondent No. 1, has not felt his responsibility to examine the case by himself from proper angle of justice rather he has endorsed the decision of the subordinate office. So the Impugned Order is invalid and nullity in eye of law.

G. The Respondents have not properly commented upon Ground G, of the Appeal so their response is not valid.

H. The comments of the Respondents are not authentic and valid rather they represent malafide intentions on the part of Respondents.

I. The Respondents have not commented upon Ground I, of the Appeal. So Ground I, of the Appeal is correct.

J. Incorrect and false. The Respondents have not properly commented upon Ground J, of the Appeal. Their Reply is based on personal grudge and malafide intentions.

It is humbly prayed that setting aside the entire defence of the Respondents the Appeal may kindly be accepted as prayed for.

Dated: 02-10-2019

Appellant

Through:

Noor Mohammad Khattak
Advocate

Prepared by Habib Bank Limited Computer Division

PERSONNEL NO.	NAME	CADER/DESIGNATION	GRADE	STATUS	IDCARD-NO	CASH-LOC	DEPARTMENT
1931493	SAMARNASEEM S/W/D/O	0662/ELECTRICTION	B-03	T			A.D/MGR 2ND PAK-AQUA

EARNINGS	AMOUNT
001-SUBSTANTIVE PAY	975.00
131-CONVEYANCE ALLOWANCE	96.00
134-HOUSE ALLOWANCE	438.75
136-MEDICAL ALLOWANCE	60.00
GROSS EARNINGS	1569.75

DEDUCTIONS	AMOUNT
10 -1503 PROV FUND (AGRI)	45.00
381-BENEVOLENT FUND	10.00
TOTAL DEDUCTIONS	55.00

FUND/PLI ACCOUNT NO.		INSTALMENT	BALANCE
4AGRI	10847	45.00	180.00

BANK ACCOUNT DETAILS

PAY PERIOD: 01-08-92 TO 31-08-92

SERVICE

NET PAY: 1514.75

Prepared by Habib Bank Limited Computer Division

PERSONNEL NO.	NAME	CADER/DESIGNATION	GRADE	MINISTRY	STATUS	IDCARD-NO	DIVISION	CASH-LOC	DEPARTMENT
1931493	SAMARNASEEM S/W/D/O	0662/ELECTRICTION	B-03		T				A.D/MGR 2ND PAK-AQUA

EARNINGS	AMOUNT
001-SUBSTANTIVE PAY	975.00
131-CONVEYANCE ALLOWANCE	96.00
134-HOUSE ALLOWANCE	438.75
141-COMPENSATRY ALLOWANCE	100.00
136-MEDICAL ALLOWANCE	60.00
241-ADJ COMPENSATRY ALLOWANCE	200.00
GROSS EARNINGS	1869.75

DEDUCTIONS	AMOUNT
10 -1503 PROV FUND (AGRI)	45.00
381-BENEVOLENT FUND	10.00
TOTAL DEDUCTIONS	55.00

FUND/PLI ACCOUNT NO.		INSTALMENT	BALANCE
4AGRI	10847	45.00	225.00

BANK ACCOUNT DETAILS

PAY PERIOD: 01-09-92 TO 30-09-92

SERVICE

NET PAY: 1814.75

5

Habib Bank Limited
Computer Division

Prepared by

PERSONNEL NO.	NAME	CADER/DESIGNATION	GRADE	STATUS	IDCARD-NO	CASH-LOC	DEPARTMENT
1931493	SAMARNASEEM S/W/O/O	0662/ELECTRICTION	B-03	T			A.D/MGR 2ND PAK-AQUA

EARNINGS	AMOUNT
001-SUBSTANTIVE PAY	975.00
131-CONVEYANCE ALLOWANCE	96.00
134-HOUSE ALLOWANCE	438.75
141-COMPENSATRY ALLOWANCE	100.00
136-MEDICAL ALLOWANCE	60.00

DEDUCTIONS	AMOUNT
10 -1503 PROV FUND (AGRI)	45.00
381-BENEVOLENT FUND	10.00

FUND/PLI ACCOUNT NO.	INSTALMENT	BALANCE
4AGRI	10847 45.00	316.00

PAY PERIOD: 01-11-92 TO 30-11-92

SERVICE

NET PAY: 1614.75

GROSS EARNINGS: 1669.75

TOTAL DEDUCTIONS: 55.00

BANK ASSOUNT DETAILS

Habib Bank Limited
Computer Division

Prepared by

PERSONNEL NO.	NAME	CADER/DESIGNATION	GRADE	STATUS	IDCARD-NO	CASH-LOC	DEPARTMENT
1931493	SAMARNASEEM S/W/O/O	0662/ELECTRICTION	B-03	T			A.D/MGR 2ND PAK-AQUA

EARNINGS	AMOUNT
001-SUBSTANTIVE PAY	1012.00
131-CONVEYANCE ALLOWANCE	96.00
134-HOUSE ALLOWANCE	438.75
141-COMPENSATRY ALLOWANCE	100.00
136-MEDICAL ALLOWANCE	60.00

DEDUCTIONS	AMOUNT
10 -1503 PROV FUND (AGRI)	65.00
381-BENEVOLENT FUND	10.00

FUND/PLI ACCOUNT NO.	INSTALMENT	BALANCE
4AGRI	10847 65.00	381.00

PAY PERIOD: 01-12-92 TO 31-12-92

SERVICE

NET PAY: 1631.75

GROSS EARNINGS: 1706.75

TOTAL DEDUCTIONS: 75.00

BANK ACCOUNT DETAILS

PAY ROLL MONTH-DECEMBER,1992 A/C CODES 5180081/5421/2 PAY ROLL REGISTER PESHAWAR (N W F P)

DEPARTMENT-A.D/MGR 2ND PAK-AQUA RUN DATE 92122I

PAGE NO. 1857

NON-GAZETTED

PAY ROLL MONTH= M A Y ,1993 A G (N W F P) PESHAWAR P A Y R O L L
DEPARTMENT A/C CODES 51800811/5421/2 PAY ROLL REGISTER

PAGE NO. 742
RUN DATE 930523
DEPARTMENT=A.D/MGR 2ND PAK=AQUA NON=GAZETTED

Prepared by Habib Bank Limited Computer Division

EVERNEW PRINTERS, Lahore

PERSONNEL NO.	NAME	CADER/DESIGNATION	GRADE	MINISTRY	STATUS	IDCARD=NO	DIVISION	CASH=LOC	DEPARTMENT
1931493 S/W/D/O	SAMARNASEEM	0662/ELECTRICTION	B=04	******	T				A.D/MGR 2ND PAK=AQUA

EARNINGS	AMOUNT
001=SUBSTANTIVE PAY	1048.00
131=CONVEYANCE ALLOWANCE	96.00
134=HOUSE ALLOWANCE	452.25
141=ADHOC RELIEF	100.00
136=MEDICAL ALLOWANCE	60.00

DEDUCTIONS	AMOUNT
10 =1503 PROV FUND (AGRI)	65.00
381=BENEVOLENT FUND	10.00

FUND/PLI ACCOUNT NO.		INSTALMENT	BALANCE
4AGRI	10847	65.00	706.00

PAY PERIOD: 01=05=93 TO 31=05=93

SERVICE

NET PAY: 1681.25

GROSS EARNINGS: 1756.25

TOTAL DEDUCTIONS: 75.00

BANK ACCOUNT DETAILS

PAY ROLL MONTH= J U N E,1993 A G (N W F P) PESHAWAR P A Y R O L L
DEPARTMENT A/C CODES 51800811/5421/2 PAY ROLL REGISTER

PAGE NO. 737
RUN DATE 930622
DEPARTMENT=A.D/MGR 2ND PAK=AQUA NON=GAZETTED

Prepared by Bank Limited uter Division

PERSONNEL NO.	NAME	CADER/DESIGNATION	GRADE	MINISTRY	STATUS	IDCARD=NO	DIVISION	CASH=LOC	DEPARTMENT
1931493 S/W/D/O	SAMARNASEEM	0662/ELECTRICTION	B=04	******	T				A.D/MGR 2ND PAK=AQUA

EARNINGS	AMOUNT
001=SUBSTANTIVE PAY	1048.00
131=CONVEYANCE ALLOWANCE	96.00
134=HOUSE ALLOWANCE	452.25
141=ADHOC RELIEF	100.00
136=MEDICAL ALLOWANCE	60.00

DEDUCTIONS	AMOUNT
10 =1503 PROV FUND (AGRI)	65.00
381=BENEVOLENT FUND	10.00

FUND/PLI ACCOUNT NO.		INSTALMENT	BALANCE
4AGRI	10847	65.00	771.00

PAY PERIOD: 01=06=93 TO 30=06=93

SERVICE

NET PAY: 1681.25

1756.25

TOTAL DEDUCTIONS: 75.00

BANK ACCOUNT DETAILS

Prepared by: Habib Bank Limited, Computer Division

PERSONNEL NO.	NAME	CADER/DESIGNATION	GRADE	STATUS	IDCARD-NO	CASH-LOC	DEPARTMENT
1931493	SAMARNASEEM S/W/D/O	0662/ELECTRICTION	B-04	T			A.D/MGR 2ND PAK-AQUA

EARNINGS	AMOUNT	DEDUCTIONS	AMOUNT	FUND/PLI ACCOUNT NO.	INSTALMENT	BALANCE
001-SUBSTANTIVE PAY	1048.00	10 -1503 PROV FUND (AGRI)	65.00	4AGRI	10847	65.00	1096.00
131-CONVEYANCE ALLOWANCE	96.00	381-BENEVOLENT FUND	10.00				
133-SP. COMPENSATIVE ALL	100.00						
134-HOUSE ALLOWANCE	452.25						
141-COMPENSATRY ALLOWANCE	100.00						
136-MEDICAL ALLOWANCE	60.00						
GROSS EARNINGS	1856.25	TOTAL DEDUCTIONS	75.00	BANK ACCOUNT DETAILS			

PAY PERIOD: 01-12-93 TO 31-12-93

SERVICE

NET PAY: 1781.25

Prepared by: Habib Bank Limited, Computer Division

PERSONNEL NO.	NAME	CADER/DESIGNATION	GRADE	STATUS	IDCARD-NO	CASH-LOC	DEPARTMENT
1931493	SAMARNASEEM S/W/D/O	0662/ELECTRICTION	B-04	T			A.D/MGR 2ND PAK-AQUA

EARNINGS	AMOUNT	DEDUCTIONS	AMOUNT	FUND/PLI ACCOUNT NO.	INSTALMENT	BALANCE
001-SUBSTANTIVE PAY	1091.00	10 -1503 PROV FUND (AGRI)	70.00	4AGRI	10847	70.00	1166.00
131-CONVEYANCE ALLOWANCE	96.00	381-BENEVOLENT FUND	10.00				
133-SP. COMPENSATIVE ALL	100.00						
134-HOUSE ALLOWANCE	452.25						
141-COMPENSATRY ALLOWANCE	100.00						
136-MEDICAL ALLOWANCE	60.00						
GROSS EARNINGS	1899.25	TOTAL DEDUCTIONS	80.00	BANK ACCOUNT DETAILS			

PAY PERIOD: 01-12-93 TO 31-12-93

SERVICE

NET PAY: 1819.25

9

Prepared by
Habib Bank Limited
Computer Division

PERSONNEL NO.	NAME	CADER/ DESIGNATION	GRADE	********RY STATUS	IDCARD-NO******CASH-LOC	DEPARTMENT
1931493 S/W/D/O	SAMARNASEEM	0662/ELECTRICTION	B-04	T		A.D/MGR 2ND PAK-AQUA

EARNINGS	AMOUNT
001-SUBSTANTIVE PAY	1476.00
131-CONVEYANCE ALLOWANCE	96.00
134-HOUSE ALLOWANCE	452.25
136-MEDICAL ALLOWANCE	60.00
201-ADJ SUBSTANTIVE PAY	108.00
GROSS EARNINGS	2192.25

DEDUCTIONS	AMOUNT
10 -1503 PROV FUND (AGRI)	70.00
381-BENEVOLENT FUND	10.00
TOTAL DEDUCTIONS	80.00

FUND/PLI ACCOUNT NO.		INSTALMENT	BALANCE
4AGRI	10847	70.00	1726.00

BANK ACCOUNT DETAILS

PAY PERIOD
01-09-94
TO
30-09-94

SERVICE

NET PAY
2112.25

Prepared by
Habib Bank Limited
Computer Division

PERSONNEL NO.	NAME	CADER/ DESIGNATION	GRADE	******** STATUS	IDCARD NO******CASH LOC	DEPARTMENT
1931493 S/W/D/O	SAMARNASEEM	0662/ELECTRICTION	B-04	T		A.D/MGR 2ND PAK-AQUA

EARNINGS	AMOUNT
001-SUBSTANTIVE PAY	1091.00
131-CONVEYANCE ALLOWANCE	96.00
133-SP. COMPENSATIVE ALL	100.00
134-HOUSE ALLOWANCE	452.25
141-COMPENSATRY ALLOWANCE	100.00
136-MEDICAL ALLOWANCE	60.00
ADHOC RELIEF	50.00
ADJ ADHOC RELIEF	50.00
NINGS	1999.25

DEDUCTIONS	AMOUNT
10 -1503 PROV FUND (AGRI)	70.00
381-BENEVOLENT FUND	10.00
361-GROUP INSURANCE	27.66
461-ADJ GROUP INSURANCE	44.25
TOTAL DEDUCTIONS	151.91

FUND/PLI ACCOUNT NO.		INSTALMENT	BALANCE
4AGRI	10847	70.00	1514.00

BANK ACCOUNT DETAILS

PAY PERIOD
TO
01-05-94

SERVICE
30-05-94

NET PAY
1847.34

(9)

PAY ROLL MONTH- NOVEMBER,1994 A G (N W F P) PESHAWAR P A Y R O L L
DEPARTMENT A/C CODES 51800811/5421/2/08 PAY ROLL REGISTER

PAGE NO. 754
RUN DATE 941125
DEPARTMENT--A.D/MGR 2ND PAK-AQUA NON-GAZETTED

Prepared by Habib Bank Limited Computer Division

PERSONNEL NO	NAME	CADER/DESIGNATION	GRADE	***** STATUS	IDCARD-NO*****	CASH-LOC	DEPARTMENT
1931493 S/W/D/O	SAMARNASEEM	0662/ELECTRICTION	B-04	T			A.D/MGR 2ND PAK-AQUA

EARNINGS	AMOUNT
001-SUBSTANTIVE PAY	1476.00
131-CONVEYANCE ALLOWANCE	96.00
134-HOUSE ALLOWANCE	452.25
136-MEDICAL ALLOWANCE	60.00
GROSS EARNINGS	2084.25

DEDUCTIONS	AMOUNT
10 -1503 PROV FUND (AGRI)	70.00
381-BENEVOLENT FUND	10.00
TOTAL DEDUCTIONS	80.00

FUND/PLI ACCOUNT NO.		INSTALMENT	BALANCE
4AGRI	10847	70.00	1866.00

BANK ACCOUNT DETAILS

PAY PERIOD: 01-11-94 TO 30-11-94

SERVICE

NET PAY: 2004.25

PAY ROLL MONTH- DECEMBER,1994 A G (N W F P) PESHAWAR P A Y R O L L
DEPARTMENT A/C CODES 51800811/5421/2/08 PAY ROLL REGISTER

PAGE NO. 757
RUN DATE 941221
DEPARTMENT=A.D/MGR 2ND PAK-AQUA NON-GAZETTED

Prepared by Habib Bank Limited Computer Division

PERSONNEL NO.	NAME	CADER/ DESIGNATION	GRADE	***** STATUS	IDCARD-NO*****	CASH-LOC	DEPARTMENT
1931493 S/W/D/O	SAMARNASEEM	0662/ELECTRICTION	B-04	T			A.D/MGR 2ND PAK-AQUA

EARNINGS	AMOUNT
001-SUBSTANTIVE PAY	1534.00
131-CONVEYANCE ALLOWANCE	96.00
134-HOUSE ALLOWANCE	452.25
136-MEDICAL ALLOWANCE	60.00
	2142.25

DEDUCTIONS	AMOUNT
10 -1503 PROV FUND (AGRI)	70.00
381-BENEVOLENT FUND	10.00
TOTAL DEDUCTIONS	80.00

FUND/PLI ACCOUNT NO.		INSTALMENT	BALANCE
4AGRI	10847	70.00	1936.00

BANK ACCOUNT DETAILS

PAY PERIOD: 01-12-94 TO 31-12-94

SERVICE

NET PAY: 2062.25

[redacted]