



23rd May, 2023

1. Mr. Mir Zaman Safi, Advocate present and submitted Vakalatnama on behalf of the appellant. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

2. Learned counsel for appellant requested for adjournment being newly engaged in the instant case. Adjourned. To come up for arguments on 16.08.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

Kaleem ullah

16.08.2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Due to summer vacations D.B is not available, therefore, case is adjourned. To come up for arguments on 06.12.2023 before D.B. P.P given to parties.


(Rashida Bano)
Member (J)

KaleemUllah

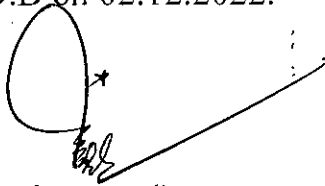
SCANNED
KPST
Peshawar

27.10.2022

Appellant alongwith junior of his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is indisposed of today. Adjourned. To come up for arguments before the D.B on 02.12.2022.

SCANNED
KFST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

7-12-22

Deleted from the list to come up on the next date 29-2-23



20.02.2023

Appellant present through counsel. Naseer Ud Din Shah, Learned Assistant Advocate General for the respondents present.

SCANNED
KFST
Peshawar

Mrs. Rozina Rehman, Learned Member (Judicial) is on leave, therefore, case is adjourned to 23.05.2023 for arguments before D.B.

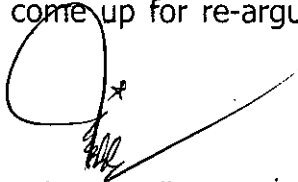


(Muhammad Akbar Khan)
Member (E)

16.09.2022

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

Further legal assistance on certain points is needed, therefore, to come up for re-arguments on 21.09.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

21.09.2022

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

Learned counsel for the appellant requested that as connected Service Appeal bearing No. 7799/2021 titled "Dr. Muhammad Ali Versus Government of Khyber Pakhtunkhwa through Secretary Health Department Peshawar and others" is fixed for arguments on 27.10.2022, therefore, the appeal in hand may also be fixed for arguments on the said date. Adjourned. To come up for arguments on 27.10.2022 before the D.B.



(Mian Muhammad)
Member (Executive)

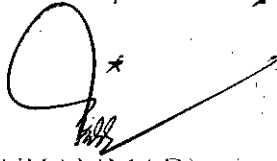


(Salah-Ud-Din)
Member (Judicial)

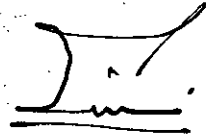
22.06.2022

Mr. Fazal Shah Mohmand, Advocate for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Arguments heard. Order could not be announced due to rush of work Adjourned. To come up for order ^{on} 24.06.2022 before the D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

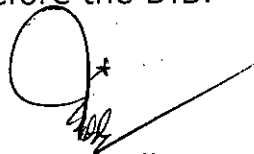


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

24.06.2022

Mr. Fazal Shah Mohmand, Advocate for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Further arguments heard. To come up for order on 08.07.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

8-7-2022

*Due to Holidays of Eid Ul Azha
the case is adjourned to 6-9-2022*

Reader

06.09.2022

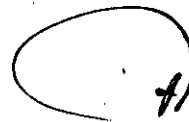
Appellant present through counsel.

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

File to come up alongwith connected Service Appeal No.7590/2021 titled "Dr. Muhammad Taimoor Shah Vs. Government of Khyber Pakhtunkhwa" on 16.09.2022 before D.B.




(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member(J)

25.01.2022 Appellant in person present. Mr. Muhammad Adeel Butt,
Addl. AG for respondents present.

File to come up alongwith connected service appeal No.
7590/2021 titled Dr. S.M Taimoor Shah Versus Secretary
health, before the S.B on 23.02.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)

23.02.2022 Due to retirement of the Hon'able Chairman, the case is
adjourned to 10.05.2022 for the same before D.B.


Reader

10.05.2022 Appellant present through counsel.

Muhammad Adeel Butt, learned Additional
Advocate General alongwith Jaffar Ali Assistant for
respondents present.

Representative of respondents submitted
reply/comments. Copy of the same is handed over to
learned counsel for appellant. To come up for rejoinder,
if any, and arguments on 22.06.2022 before D.B.


(Rozina Rehman)
Member (J)

15.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant contended that the instant service appeal has been filed against the non-counting of previous contractual service of the appellant w.e.f 27.11.1995 to 31.06.2001 and no response given or decision made on his departmental appeal so far despite lapse of the statutory period of 90 days. Background and brief facts, as per arguments of the learned counsel for the appellant, are that the appellant was initially appointed as Medical Women Median Officer/~~dated~~ Dental Surgeon (BS-17) on contract basis vide order of appointment dated 26.11.1995, his contract appointment had to be extended on yearly basis. He was appointed as Medical Officer on regular basis subsequent to the recommendation of Public Service Commission, vide notification 07.09.2007. He filed Writ Petition No.1510/2007 in Peshawar High Court, Peshawar which was allowed vide its judgement dated 18.11.2008. The respondent-department did not regularize his services and the appellant again approached the Peshawar High Court in writ petition No. 1647-P/2013 which was disposed of on 09.02.2017 by remitting the case. His services were regularized with effect from 21.07.2001 instead of the date of his initial contractual appointment (1995) vide notification dated 17.10.2017. It was vehemently argued that the appellant is entitled to be given the benefits of previous service for the purpose of pay protection and pension etc. His departmental appeal dated 28.06.2021 was not responded within statutory period hence, the instant service appeal instituted in the Service Tribunal on 14.10.2021.

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 25.01.2022 before S.B.


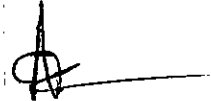
Appellant Deposited
Security & Process Fee


(Mian Muhammad)
Member(E)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 7592 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/10/2021	<p>The appeal of Dr. Syed Luqman Shoaib presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>17/12/21</u>.</p> <p> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 7592/2021

Dr. Syed Luqman ShoabAppellant.

V E R S U S

Govt. & others.....Respondents

I N D E X

S. No	Description of documents	Annexures	Pages
1.	Service Appeal with affidavit		1-4
2.	Copy of Appointment Order & judgment dated 18-11-2008.	A & B	5-24
3.	Copy of Judgment dated 09-02-2017, Notification dated 17-10-2017 & Order dated 26-09-2019	C, D & E	25-37
4.	Copy of Departmental Appeal	F	38-40
5.	Copy of Judgment dated 01-03-2018 passed in Writ Petition No 3221-P/2013, Judgment dated 03-02-2016 passed in Civil Petition No 1536/2013 and Judgment dated 01-08-2011 passed in Service Appeal No 38/2011	G	41-52
6.	Wakalat Nama		53

Dated:-06-10-2021


Appellant

Through


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

&


RABIA MUZAFFAR
ADVOCATE, PESHAWAR

OFFICE:-
Cantonment Plaza Flat# 3/B
Khyber Bazar Peshawar.
Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2021

Dr. Syed Luqman Shoaib S/O Muhammad Shoaib,
Lecturer/Demonstrator, Khyber Medical College, Peshawar.

.....Appellant.

V E R S U S

1. Govt. of Khyber Pakhtunkhwa through Secretary, Health Department Peshawar.
2. Director, General Health Services Khyber Pakhtunkhwa Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Secretary, Finance Department Peshawar.
4. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE NON-COUNTING OF THE PERVIOUS CONTRACT SERVICE OF THE APPELLANT W.E.F 27-11-1995 TO 31-06-2001 AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal the respondents may kindly be directed to count the previous contract service of the appellant w.e.f 27-11-1995 to 31-06-2001 rendered by him for the purpose of pay protection and pension etc. with all back benefits.

Respectfully Submitted:-

1. That the appellant was appointed after the posts were duly advertised, the appellant passed through the recruitment process and finally upon the recommendation of Departmental Selection Committee, the appellant was appointed as Medical Officer (BPS-17) in Health Department KP vide Order dated 26-11-1995, which contract was extended from time to time till the KP Civil Servants Act was amended on 23-07-2005, after which the services of the appellant stood regularized however the appellant was not extended the benefits, after which the appellant along with others was forced to approach the honorable Peshawar High Court Peshawar by filing Writ Petition No 1510-P/2007 which was allowed vide Judgment dated 18-11-2008. **(Copy of Appointment Order & Judgment is enclosed as Annexure A & B).**

2. That respondents even then were not ready to regularize the appellant, so he along with others again approached the Peshawar High Court by filing Writ Petition No 1647-P/2013 which was disposed of on 09-02-2017 remitting the case to the Committee for consideration and finally the services of the appellant along with others were regularized vide Notification dated 17-10-2017 w.e.f 01-07-2001 instead from the date of their initial appointment, against which the appellant along with others again filed Writ Petition No 851-P/2018 which was dismissed on 26-09-2019, and against which the appellant has approached the Apex Court. **(Copy of Judgment dated 09-02-2017, Notification dated 17-10-2017 & Order dated 26-09-2019 is enclosed as Annexure C, D & E).**
3. That the appellant is entitled to be given the benefit of previous service for the purpose of Pay Protection & Pension and for which purpose the appellant along with other approached the Peshawar High Court by filing Writ petition No 3337-P/2020 but as the matter related to the terms and conditions of service so the same was withdrawn on 27-05-2021.
4. That the department is reluctant to count the contract service of the appellant for the purpose of pay protection and pension etc. which is violation of the law, rules and numerous Judgments of this honorable tribunal, the honorable High Court as well as the Apex Court of the Country. Even the appellant filed a departmental appeal on 28-06-2021 for the purpose which was duly forwarded however the same has not been responded so far despite the lapse of more than ninety days and to no avail till date. **(Copy of Departmental Appeal is enclosed as Annexure G).**
5. That this action of the department of not counting the contract service of the appellant w.e.f 27-11-1995 to 31-06-2001 for the purpose of pay protection and pension etc. is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUND:-

- A. That the omissions and commissions of the respondents are illegal and void ab initio.
- B. That mandatory provisions of law are badly violated by the respondents who are not ready to treat the appellant according to law and rules being his fundamental right

guaranteed in the Article 4 and 25 of the Constitution of Pakistan.

- C. That the Pension Rules 1963 as well as the Civil Service Regulations are very much clear on the point which gives protection to such contract service for the purpose of pay protection and pension etc.
- D. That the appellant is entitled to be given the benefit of previous contract service rendered by the appellant as per the CSR-371-A and pension rules.
- E. That in the recent Judgment dated 08-02-2021 passed in Civil Petition No 1641-L/2018 it has been held by the Apex Court that regularization is a step up and must provide better terms of service and cannot make the employee worse. Even the law and rules are very much clear on the subject which also allows such benefits. A number of Judgments rendered by the honorable Tribunal, honorable Peshawar High Court as well as the Apex Court of the Country have also given protection to such service to be counted for the purpose of pay protection and pension. **(Copy of Judgment dated 01-03-2018 passed in Writ Petition No 3221-P/2013, Judgment dated 03-02-2016 passed in Civil Petition No 1536/2013 and Judgment dated 01-08-2011 passed in Service Appeal No 38/2011 is enclosed as Annexure G).**
- F. That even otherwise not giving the appellant the benefit of service rendered by him amounts to exploitation in violation of the Constitution and law of the land.
- G. That the Appellant has been deprived of his due rights without any omission or commission on his part in violation of the principles of natural justice.
- H. That accrued rights of the appellant has been snatched sane without any fault on his part.
- I. That the appellant has more than 25 years of service career with unblemished service record.
- J. That the appellant seeks the permission of this honorable Court for additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not asked for may also be granted in favour of the appellant.

Dated:-06-10-2021

[Signature]
Appellant

Through

[Signature]
FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

&

[Signature]
RABIA MUZAFFAR
ADVOCATE, PESHAWAR

LIST OF BOOKS

- 1. Constitution 1973
- 2. Service laws.
- 3. Other Books as per need

Certificate

Certified that as per instructions of my clients, no appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Court.

[Signature]
ADVOCATE

AFFIDAVIT

I, Dr. Syed Luqman Shoaib Son of Muhammad Shoaib, Lecturer/Demonstrator, Khyber Medical College, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

[Signature]
DEPONENT

DIRECTORATE GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

NO. 25845/E-I,

DATED: 26/11/1995.

4A
-7-5-

To,

Dr. Syed Farooq Shahid
S/O Shooch

SUBJECT:- OFFER OF APPOINTMENT ON CONTRACT BASIS.

MEMORANDUM:-

Reference your application on the above subject for the post of Medical Officer/ Women Medical Officer/ Dental Surgeon.

1. The Competent authority is hereby appoint you as Medical Officer/ Women Medical Officer/ Dental Surgeon in the Health Department, Govt. of NWFP, on contract basis in B-17 for a period of one year or till the availability of Public Service Commission selectee/ return of original incumbent from leave/deputation whichever is earlier, on the terms and conditions laid down in the attached Agreement Deed. You shall be posted to B.H.M. MIAN ISSA. This contract appointment is not transferable.

2. This contract appointment is subject to your physical fitness for which you will appear before the Medical Board constituted by the Government.

3. If you accept the offer of appointment as Medical Officer/ Women Medical Officer/ Dental Surgeon, the attached Agreement Deed should be filled in duly signed by you and should report at your own expense.

4. If you fail to report for duty at the station specified in para-3 above, within Ten (10) days, the offer of appointment on contract basis will be deemed to have been withdrawn automatically and no further correspondence shall be entertained in this respect.

Dr. Azmat Khan Afridi
(DR. AZMAT KHAN AFRIDI)
DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

/1995.

NO. 25845/E-I, Dated Peshawar, the 26 /11/1995.

Copy forwarded to the :-

1. Secretary to Govt. of NWFP, Health Deptt: Peshawar for information with reference to his letter No. SO(H)IV/3-16/93, dated 16th Nov. 1995.
2. Medical Supdt: _____ for information & n/action.
3. Divisional Director Health Services | Phahroy
4. District Health Officer/Agency Surgeon | Nardan
5. Account General, NWFP, Peshawar.
6. District/Agency Account Officer | Nardan for information and n/action please.

Dr. Azmat Khan Afridi
(DR. AZMAT KHAN AFRIDI)
DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

ATTESTED TO BE TRUE COPY

BETTER COPY OF THE PAGE NO. 5

DIRECTORATE GENERAL HEALTH
SERVICES, NWFP, PESHAWAR.
No. 29845/E-1,
Dated 26/11/1995

To,

Dr. Syed Luqman Shoaib
S/o Shoaib

SUBJECT: **OFFER OF APPOINTMENT ON CONTRACT BASIS**

NEMORANDUM:

Reference your application on the above subject for the post of Medical Officer/ Women Medical officer/ Dental Surgeon.

1. The Competent authority is hereby appoint you as Medical Women Median Officer/Dental Surgeon in the Health, Department, Govt. of NWFP, on contract basis in B-17 for a period of one year or till the availability of Public Service Commission Selectee/ return of original incumbent free leave/deputation was which even in earlier, on the terms and conditions laid down in the attached Agreement Deed. You shall be posted to BHM MIANISSA. This contract appointment is not transferable.
2. This contract appointment is subject to your physical fitness for which you will appear before the Medical Board constituted by the Government.
3. Medical Officer/Women Medical Officer/Dental Surgeon, the attached agreement deed should be filled in duly signed by you and should report at your own expense.
4. If you fail to report for duty at the station specified in para-3 above, within Ten (10) days, the offer of appointment on contract basis will be directed to have been withdrawn automatically and no further correspondence shall be entertained in this respect.

(DR. AZMAT KHAN AFRIDI)
DIRECTOR GENERAL HEALTH
SERVICES, NWFP, PESHAWAR

No. _____/E-I, Dated Peshawar, the _____/1995.

Copy forwarded to the :-

1. Secretary to Govt. of NWFP, Health Deptt: Peshawar for information with reference to his letter No. SO(S)IV/3-18/93, dated 16th Nov. 1995.
2. Medical Supdt: _____ for information & n/action.
3. Divisional Director Health Services Peshawar
4. District Health Officer/Agency Surgeon Mardan
5. Accountant General NWFP Peshawar
6. District/Agency Account Officer Mardan
For information and n/action please.

(DR. AZMAT KHAN AFRIDI)
DIRECTOR GENERAL HEALTH
SERVICES, NWFP, PESHAWAR

-6-

OFFICE ORDER

The Governor NWFP has been pleased to renew the contract appointment of Dr S. Luqman Shmsh S/O Mohammad Shouib for a further period of six months with effect from 17.11.1997 to 16.05.1998 on the same terms and conditions as laid down in agreement already executed at the time of he/her appointment.

02. On renewal of his/her contract appointment, he/she is hereby posted at BHU, Sherkera (Distt: Pesh.) from DHS, Mian Essa (Distt: Mardan).

03. The posting order is non transferable. Strict disciplinary action shall be taken against any contract employees who fails to be present at his/her place of contract appointment or bring about outside pressure for a transfer or attachment or violates the other terms and conditions of his/her original contract.

SD/XXXXXXXXXXXXXXXXXXXX
DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

NO. 30907-14 /E.I., DATED PESHAWAR THE 09/12 /1997.

Copy forwarded to the following for information & n/action:-

- 01. Secretary to Govt: of NWFP Health Department Peshawar.
- 02. Divisional Director Health Services Peshawar.
- 03. ~~Administrative Officer~~ Distt: Health Officer, Peshawar.
- 04. ~~Administrative Officer~~ Distt: Health Officer, Peshawar.
- 05. ~~Accountant General~~ Accountant General NWFP, Peshawar.
- 06. ~~Medical Officer Concerned~~ Medical Officer Concerned O/O DHO, Mardan.
- 07. ~~AE.IV, DGHS, Office, NWFP, Peshawar.~~
- 08. ~~Distt: Accounts Officer, Mardan.~~

DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

ABDUL ALEEM.
27.11.1997

ATTESTED TO BE TRUE COPY

**DIRECTORATE GENERAL HEALTH
SERVICES, NWFP, PESHAWAR.**

OFFICE ORDER

The Governor NWFP has been pleased to renew the contract/ appointment of Dr. S, Luqman Shoaib S/o Mohammad Shoaib for a further period of six months with effect from 12.11.1997 to 16.05.1998 on the same terms and conditions as laid down in agreement already executed at the time of he/her appointment.

02. On renewal of his/her contract appointment, he/she is hereby posted at BHU, Sherkera (distt: Pesh) from BHU, Mian Essa (Distt: Mardan) .

03. The posting order is non transferable. Strict disciplinary sector shall be taken against any contract employees who failed to be present at his/her place of contract appointment or bring about outside pressure for a transfer or attachment or violator the other terms and conditions of his/her original contract.

SD/XXX
DIRECTOR GENERAL HEALTH
SERVICES, NWFP PESHAWAR

No. 30907-14/E.I, Dated Peshawar The 03/12/1997

Copy forwarded to the following for information & /action:-

01. Secretary to Govt. of NWFP Health Department Peshawar.
02. Divisional Director Health Service Peshawar,
- 03.
04. Distt: Health Officer, Peshawar
05. Accountant General NWPP, Peshawar,
06. Medical Officer Concerned C/O DHO, Mardan.
07. AE.IV, DGHS, Officer, NWFP, Peshawar.
08. Distt: Accounts Officer, Mardan,

DIRECTOR GENERAL HEALTH
SERVICES, NWFP PESHAWAR

ABDUL ALEEM.
22.11.1997

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR

JUDICIAL DEPARTMENT

Writ Petition No.1510 of 1997.

JUDGMENT

Date of hearing.....18-11-2008.....

Petitioners (Dr. Rizwanullah and others) By M. Rehul Amin, Advocate

Respondents (Govt. etc.) By M/S. Basim Rashid, Adv. A.S., Dr. Alam
Dor, Asstt. Dir. in Health & Bug. Dept. Govt. NWFP

DOST MUHAMMAD KHAN, J.- This single S.O. Health,

judgment shall also decide the following connected writ petitions:-

(i) Writ Petition No. 1509/07,
Dr. Aziz Khan and others

Versus

Government of NWFP and others;

(ii) Writ Petition No. 1059/07,
Mohammad Khalid and another

Versus

Province of NWFP through Secretary Zakat
and others;

(iii) Writ Petition No. 1742/07,
Dr. Mumtaz Hussain and another

Versus

Government of NWFP and others;

(iv) Writ Petition No. 739/08,
Dr. Mansoor Ahmand and others

Versus

Government of NWFP and others;

"B"

- 35 -

(2)

- 46 -

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(v) Writ Petition No: 1741/07,
Dr. Ali Muhammad and others
Versus
Government of NWFP and others;

(vi) Writ Petition No. 1721/07,
Dr. Tehmina Jalil
Versus
Government of NWFP and others;

(vii) Writ Petition No. 1677/07,
Dr. Mustafa and others
Versus
Government of NWFP and others;

(viii) Writ Petition No. 1842/07,
Dr. Muhammad Jawad
Versus
Government of NWFP and others;

(ix) Writ Petition No. 1846/07
Dr. Farkhanda Jabeen
Versus
Government of NWFP and others;

(x) Writ Petition No. 2088/07,
Dr. Hamidullah
Versus
Government of NWFP and others;

(xi) Writ Petition No. 1682/07
Dr. Shah Wali Khan
Versus
Government of NWFP and others;

(xii) Writ Petition No. 27/2008,

Fida Muhammad Khan

Versus

Government of NWFP and others;

(xiii) Writ Petition No. 365/08,

Dr. Saleem Qasim and others

Versus

Government of NWFP and others;

(xiv) Writ Petition No. 460/08,

Abdur Rashid Pharmacist

Versus

Government of NWFP and others;

(xv) Writ Petition No. 908/08,

Dr. Aurangzeb

Versus

Government of NWFP and others;

(xvi) Writ Petition No. 2090/07;

Dr. Shahida Begum

Versus

Government of NWFP and others;

(xvii) Writ Petition No. 242/07.

Dr. Abdul Qasim

Versus

Government of NWFP and others;

(xviii) Writ Petition No. 2002/07,

Tauseef Ahmad

Versus

Government of NWFP and others;

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(2)

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because identical questions of law having decisive force are involved in all these petitions.

2. Before taking for discussion the law points involved herein, it is deemed proper to mention here that during hearing in the case of Dr. Farmanullah vs. Chief Secretary, Government of NWFP and others (Civil Appeal No. 504/2008) before the Honourable Supreme Court, the learned Additional Advocate General, NWFP made a statement that Writ Petition No. 1510/2007 (the present one) involving similar questions of law was pending before this Court, thus, made a prayer that as a rule of propriety, the above Civil Appeal No. 504/2008) shall be kept pending so that the ibid Writ Petition No. 1510/2007 (of the present petitioner) is disposed of and the Apex Court was pleased to order accordingly. The Registrar of this Court was directed to place the said Writ Petition No. 1510/2007 before the Honourable Chief Justice for expeditious disposal. After receipt of the said order, the Honourable Chief Justice directed listing of all these cases for early disposal.

3. Today preliminary arguments were heard and because 2 judgments of this Court delivered in the case of Miss Shagufta Saved and others vs. Government of N.W.F.P. Writ Petition No. 1731/2006 decided on 11.9.2007 and the other given in the case of Mst. Naveed Yousaf, PST and 21 others vs. E.D.O. and others Writ Petition No. 1648/07 dated 24.9.2008 was cited at the Bar, therefore, this petition along with the above connected writ petitions were admitted to full

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Hearing. The learned Additional Advocate General and the learned counsels representing the petitioners in the above petitions agreed that let all be decided today because of the directions given by the Apex Court and with the consent of the learned Additional Advocate General, the para-wise comments filed in this petition were treated as comments in all the above writ petitions because he did not want to add any thing to the already submitted comments in this case. The learned counsels were directed to address the Court after the break.

4. Arguments heard and available record/documents annexed with the said petitions were perused and the admitted position in all these cases on factual side is that all the petitioners in these petitions were initially appointed on contract basis by the departmental heads/departmental selection committees and their appointments were duly notified by the Government.

5. Some of the petitioners were appointed way back in 1995, others in 1999 and their contract period was duly renewed/extended from time to time through various notifications issued by the competent departmental authority. The last one in the series in some cases was issued in the year 2004 while in other cases, the last notifications were issued in the year 2007. Thus the learned Additional Advocate General did not dispute that the present petitioners were holding posts in the Health and other departments as employees appointed on contract basis when the NWFP Civil Servants (Amendment) Act (IX) of 2005 came

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into force on 23rd July, 2005. He also did not controvert that after the notification of the Act in the extra ordinary gazette of N.W.F.P., some of the petitioners were still kept as contract employees by their respective departments, extending the tenure of their contract employment vide different notifications issued from time to time. Thus, it is an established fact that the petitioners in this writ petition and all those in the connected writ petitions, were contract employees working on their respective posts at the time when the NWFP Civil Servants (Amendment) Act (IX) 2005 came into effect.

6. The learned counsel for the petitioners, in all these petitions, raised the following points of law which, may be summed up as follows:-

- (i) this Court in the case of Miss Shagufta Sayed and others vs. Government of N.W.F.P. and others, vide judgment given in Writ Petition No. 1731/2006 dated 11.9.2007 had conclusively decided all the law points involved herein. Thus a subsequent D.B. cannot hold a different opinion from the one already formed;
- (ii) that admittedly the petitioners in all these petitions were contract employees under the Government of NWFP and were serving in different departments when the Amendment Act (IX) of 2005 came into effect. Thus in view of the amendments introduced in S.19 of the NWFP Civil Servants Act XVIII of 1973 on the strength of subsection (2) of Section 2 of the Amendment Act 2005, the contract services of all the petitioners ipso facto stood regularized but the respondents, putting unreasonable and irrational construction on the above provision of law, have refused to regularize their services which is, an act ab initio void and coram non iudice;


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- (iii) that all these petitioners were duly selected and appointed in the prescribed manner on contract basis by the competent authority and all of them have successfully undergone written test/interview taken by the departmental selection committees/competent authorities; and
- (iv) The contract employment of the petitioners was extended from time to time till the date when they claimed the benefit of the provision of the Amendment Act (IX) 2005 and because the Provincial Government has regularized similar contract employees in different Provincial Departments simply through executive orders/notifications but the petitioners herein, are given discriminatory treatment which has been forbidden by the constitutional command contained in Articles 4, 8 and 25 of the Constitution, 1973.

7. The learned Additional Advocate General, raised three-fold contentions with regard to the legal propositions involved herein, which are briefly cited below:-

- (i) that all the petitioners were appointed on contract basis under a written agreement as stopgap arrangement and they were supposed to quit the posts they were holding, on the arrival of the selectees of the NWFP Public Service Commission;
- (ii) that the petitioners are estopped by their conduct because even after the promulgation/coming into force of the Civil Servants (Amendment) Act (IX) 2005, they sat quiet and did not agitate their grievance with regard to non-regularization of their services. Thus they cannot avail any relief from this Court.
- (iii) that rule (4) of the N.W.F.P. Public Service Commission (Functions) Rules, 1983 amended vide Notification No. SOR-1(E&AD)1-99/73 dated 2.11.2002 has impliedly brought the selection of civil servant on contract for BPS-11 and above, within jurisdiction/powers of Public Service Commission, therefore, the petitioners herein were not appointed in the "prescribed manner". Hence, they are not entitled to avail the beneficial provision of subsection (2) of Section 2 of the Amended Act (IX) 2005 because they were selected/appointed by the departmental heads/Selection committees and not by the Provincial Public Service Commission.

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8. The learned Additional Advocate General has laid considerable stress on the amended rule (4) *ibid*, therefore, we have to take up the same for discussion in the first instance as it has incisive and decisive role in determining the eligibility of all the petitioners under the provision of subsection (2) of Section 2 of the Amendment Act (IX) 2005.

9. Under the provision to Section 2 (1) (b) of NWFP Civil Servants Act 1973 civil servant has been defined and under clause (ii), those employed on contract, or on work charged basis, or those paid from contingencies are excluded from the said definition. Similarly Section 25 of the N.W.F.P. Civil Servant Act (NWFP Act No. XVIII of 1973), has conferred powers on the Governor of the Province or any person authorized by him to appoint persons on contract basis. The same is reproduced below:-

"25. Appointment of persons on contract etc: The Governor or any person authorized by the Governor in that behalf may, on such terms and conditions as he may specify in each case, appoint persons on contract basis, or on work charged basis or who are paid out of contingencies:

Provided that all such employees who were working in any such capacity immediately before the commencement of this Act shall continue to be so employed on the same terms and conditions on which they were appointed."

10. The plea of the learned Additional Advocate General that due to amendment in rule 4 of the NWFP Public Service Commission

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(Functions) Rules 1983, in 2002, the appointments of persons on contract basis has also been brought within the fold of NWFP Public Service Commission is absolutely untenable in law because firstly the said rule contained a non obstante clause and it has clarified in clauses (i) to (iii) that certain posts shall be outside the purview of the Commission. Even if it is construed in the way, the learned Additional Advocate General desires, it would come in conflict with the clear and explicit provisions of subsection (2) of Section 2 and Section 25 of the N.W.F.P. Civil Servant Act 1973 wherein appointment of persons on contract basis has been taken out of the purview of Provincial Public Service Commission being not regular civil servants and the Governor or a person authorized by him in this behalf shall be the authority for appointment of persons on contract basis.

11. It is an ironclad principle with regard to the interpretation of Statute that when any rule/regulation or executive order made/passed by any authority under delegated powers of legislation comes in conflict with the Statute made by the legislature, then it shall be void to that extent and shall give way to the parent Statute which shall have overriding and superimposing effect. In the case of GATRON (INDUSTRIES) LIMITED VS. GOVERNMENT OF PAKISTAN and others (1999 SCMR 1072), it was held by the Apex Court that rights created by a Statute cannot be taken away through executive order of rule making authority. The object of delegation of rule making powers is always aimed at to carry out and achieve the objects and purposes of an

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Act of legislature. Thus a rule making authority cannot enact a rule to override or render the main Statute ineffective. Therefore, the view of the learned Additional Advocate General being based on misconception, cannot prevail. Amended rule (4) even if construed the other way as was suggested, is ultra vires being in direct clash/conflict with the main Statute. Section 26 of the NWFP Civil Servants Act 1973 also clearly explains the above position which admits of no doubt nor it suffers from any ambiguity to be debated upon.

12. Under the provision of Section 25 of the NWFP Civil Servants Act, 1973, the Provincial Government, through different notifications/orders/circulars has authorized the administrative secretaries/heads of the attached departments as competent authority for the appointment of persons on contract basis and the table given there under, was not contested by the learned counsel for the Government.

13. The posts which the petitioners are/were holding on contract basis, were duly advertised in the prescribed manner by the competent authority, the petitioners applied for the same, they appeared before the Selection Committees/Departmental Authority in due course and have successfully undergone the tests and interviews thus, were selected on merits but on contract basis. Their contractual services were consistently renewed from time to time and they retained the said posts till the time when the NWFP Civil Servants (Amendment) Act (IX) 2005 came into force on 23rd July, 2005.

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14. To understand the relevant provisions i.e. subsection (2) of Section 2 of the Amendment Act (IX), the same is reproduced below:-

"Subsection (2). A person though selected for appointment in the prescribed manner to a service or post on or after the 1st day of July, 2001, till the commencement of the said Act but appointed on contract basis, shall, with effect from the commencement of the said Act, be deemed to have been appointed on a regular basis. All such persons and the persons appointed on regular basis to a service or post in the prescribed manner after the commencement of the said Act shall, for all intents and purposes be civil servant, except for the purpose of pension or gratuity. Such a civil servant shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by him towards the contributory provident fund, along with the contributions made by Government to his account in the said fund, in the prescribed manner."

15. The language of the above provision is plain and well conceivable, therefore, leave nothing in doubt with regard to the regularization of contractual services of the petitioners. The **deeming** phrase used therein has put a seal of endorsement on this view. Second part of the above provision has almost conclusively determined the matter in controversy because the two terms used therein i.e. "all such persons and the persons appointed on regular basis to a service or post in the prescribed manner" clearly lays down that the employees on contract basis now regularized and those appointed on regular basis (through Public Service Commission) for all intents and purposes be civil servant except for the purposes of pension and gratuity. A clear line of demarcation has been drawn by the legislature between the two categories of civil servants, the one who are taken on contract basis but regularized through the above provision and those appointed on regular

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basis through the Public Service Commission both have been referred to with clear intents but for the purposes of pensionary benefits. If the legislature intention was that only those persons appointed on regular basis shall be deemed to be a civil servant, then it would have never employed the words all such persons which has direct nexus with the petitioners. Thus the view of the learned counsel for the Government is absolutely misplaced and untenable in law.

16. A bare look at the history of legislation on this subject in the past further reinforced the above view that the petitioners' services have been duly regularized by the legislature and nothing has been left for the executive to notify their names in the official gazette or to pass any executive order. In this regard, the NWFP Adhoc Civil Servants (Regularization of Services) Act-II of 1987 is much relevant wherein a proviso was added to Section 3 thereof to the following effect:-

"Provided that—

- (i) the services of such civil servants shall be deemed to have been regularized under this Act only on the publication of their names in the official Gazette;"

In the NWFP Employees on contract basis (Regularization of Services) Act VIII of 1989, S.4 is coched in the following words:-

"S.Regulation of services of certain Civil Servants: (1) Notwithstanding anything in any law for the time being in force, any Civil Servant, who is or has been

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appointed or deemed to have been appointed against any post in any Government Department under Section 3 of this Act shall be deemed to have been regularly appointed from the date of his continuous officiation, subject to eligibility, according to the service rules applicable to the post, verified by the administrative Secretary of the department concerned."

17. Again the same language was used in Section 4 of the N.W.F.P. Employees on contract basis (Regularization of Services) (Amendment) Act-II of 1990.

18. The relevant provision of the Act (IX), 2005 has been worded almost in a totally different language wherein nothing has been left for the administrative secretaries or the heads of the attached department/competent authorities to issue notification with regard to the regularization of services of contract employees because the object has been clearly accomplished through the plainly understandable words used in S.2 (2) of the Act (IX) 2005. On this analogy all the petitioners stood regularized on coming into force of the Act under discussion and issuance of notification/executive order in this regard would be only a formality for the departmental heads/administrative secretaries. Thus authorities were under statutory obligation to do what is required by the law to do and the petitioners were not required under the said provision to approach them for issuance of such order/notification.

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19. The above discussion and the reproduction of different legislation made from time to time by the Provincial Assembly lead one to a definite conclusion which shall go without any fear of rebuttal that the petitioners' contractual services were duly regularized and the phrase "prescribed manner" so used in the former and for those who are regularly appointed (repeated) would lead to an inference that the Act (IX) has drawn a clear distinction between the petitioners and those who are appointed on regular basis otherwise there was no need to mention both the categories of employees tagged with the words "prescribed manner". Thus the impression given by the learned counsel for the Government is absolutely fallacious and does not stand to reason. As already discussed in the earlier para, the appointment of employees on contractual basis have been taken away from the purview and domain of NWFP Public Service Commission and for such appointments, the above statutory provision has authorized the Governor of the Province or those authorized/appointed by him to be the competent authorities for appointment of contract employees. Therefore, if the amended rule-4 of the NWFP Public Service Commission (Functions) Rules, 1983 is construed in the way adopted by the said counsel, then in that case the rule can be held to be ultra vires because it has been framed/issued by the Government under the delegated powers of legislation is for all intents and purposes must remain subordinate and subservient to the statutory law and the latest shall override the same for all purposes and intentions.

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20. The two categories of employees i.e. contract employees and regularly appointed employees are thus placed under the domain of two different authorities i.e. the Governor or persons authorized by him and the Provincial Public Service Commission. Thus the statutory law has provided two different channels for appointment of the above two categories of employees. Hence, the appointment of contract employees by the authorities/departmental heads/selection committees etc. authorized by the Governor is an appointment in the "prescribed manner" and similarly for regular appointment of civil servants through Public Service Commission to a post in civil service of the Province is another mode of appointment in the "prescribed manner". Both the matters/channels on no yardstick or legal basis can be intermingled for the purpose of holding the contrary view because both have been placed by the statutory law poles apart. Both the authorities i.e. the one authorized/appointed by the Provincial Government and the Provincial Public Service Commission, under the statutory law have domain over the appointment/selection of two different types/categories of employees. However, to be more clear the appointments of the petitioners were made by the above referred authorities in the "prescribed manner" by the departmental authorities/administrative secretaries in the manner prescribed by the statutory law i.e. in the "prescribed manner". Therefore, the petitioners on the strength of subsection (2) of Section 2 of the Act (IX) 2005 are undoubtedly entitled to regularization of their services and they have been duly regularized under the above provision of law and no executive authority

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within the Province has been left with any powers or authority to undo what is intended by the legislature. They have no role to play in the matter except to determine the inter se seniority of such contractual employees/the petitioners on the strength of length of their service.

21. The above discussion and findings would also answer the points raised by the learned Additional Advocate General shown as (i) and (ii) because it is a century old principle of law that no estoppel shall operate against a Statute which aspect is otherwise not established in view of the admitted facts on record. Government and the Authorities concerned can be held responsible in this regard for not complying with the requirements of the Amendment Act (IX) 2005 and the petitioners cannot be blamed for the inaction of the former.

22. This Bench cannot form a different opinion on the law point from the one which has already been enunciated by the former Division Bench of this Court in the earlier cited two cases as the Honourable Supreme Court has consistently held that a subsequent Division Bench cannot differ with the opinion of the earlier Bench on the same point of law and in case it wishes to do so, it may ask the Chief Justice to constitute a larger Bench or to leave the matter for the decision of the Honourable Supreme Court. On this point, the following case law of the Apex Court is relied upon.

- (a) The Province of East Pakistan vs. Dr. Azizul Islam
(PLD 1963 Supreme Court 296 at page-308);
- (b) The Province of East Pakistan vs. Sirajul Haq Patwari
(PLD 1966 Supreme Court 854 at page-920).



- © Multiline Associates vs. Ardeshir Cowasjee and others
(1995 SCMR 423);
- (d) Haji Ali Khan and Company, Abbottabad vs. M/s Allied Bank of Pakistan Limited
(PLD 1995 Supreme Court 362)

and the other view held by the Supreme Court of India in the case of Sidheswar Ganguly vs. State of West Bengal (PLD 1958 Supreme Court (India) 337).

23. During the course of hearing, the Court was informed that amongst the petitioners many have appeared in the screening tests/interview held by the NWFP Public Service commission for the same posts they are holding and have remained successful but could not be appointed either for insufficient zonal quota seats or other reason. This assertion was not controverted/disloged by the learned Additional Advocate General at the Bar.

24. The Court has gone through the comments and the other documents annexed therewith and there is nothing on record to show that the petitioners at any stage were found inefficient or were complained against by their superiors in office almost majority of the petitioners have rendered services in the field for 4 to 10 years continuously. Thus, in all probabilities the petitioners have acquired rich experience in the relevant field and may deliver significant services on this score. Therefore, they would be of much worth in their respective field as compared to the new entrants/selectees of the Provincial Public Service Commission not possessed of such long experience. Therefore;

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This factor is an additional ground, worth consideration in favour of the petitioners.

25. For what has been discussed above and in view of the conclusions drawn after interpreting all the provisions of law relevant to the subject, it is held that all the petitioners have been duly regularized in view of the provision of Section 2 subsection (2) of the NWFP Civil Servants (Amendment) Act (IX) 2005, all these petitions are allowed in the above terms and as a mere formality and for the purpose of preparing their service books/record, the appointing authorities/administrative secretaries of the petitioners may issue formal order/orders with regard to their inter se seniority and other relevant particulars required to be entered therein. The needful be done by all concerned by keeping in view the two dates i.e. terminus ad quem and terminus a quo, within a period of a month positively. The authorities/administrative Secretaries/departmental heads of the petitioners shall also create a contributory funds and gratuity funds as is required by the above provision of law and the petitioners shall be directed to contribute towards that besides the Government own share/liability of contribution towards the said fund.

All petitions are allowed.

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**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT**

Writ Petition No.1647-P/2013 with I.R

JUDGMENT

Date of hearing: 09.02.2017

Petitioner: (Dr. Syed Luqman Shoaib, etc) By Mian Muhibullah Kakakhel, Advocate

Respondent(s): (Govt. of KPK, etc) By Syed Qaisar Ali Shah, A.A.G.

MUSARRAT HILALI, J.- By way of this single judgment recorded in Writ Petition No.1647-P/2013, we intend to also dispose of identical connected Contempt Petition No.242-P/2015 in WP No.1647-P/2013, Writ Petition No.1673-P/2016 and Contempt Petition No.471-P/2014 in WP No.1986-P/2009 because similar questions of law and facts are involved therein.

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2. Compendium of facts leading to filing of all these petitions is as under:-

WP No.1647-P/2013:-

Petitioners in this writ petition seek issuance of an appropriate writ directing the respondents to

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regularize their services from the date of their initial appointments with all back benefits of seniority, etc.

COC No.242-P/2015 in WP No.1647-P/2013:-

Petitioners seek therein initiation of contempt proceedings against the respondents for violation and disobedience of the interim status-quo order of this court dated 24.6.2013 passed in WP No.1647-P/2013.

Writ Petition No.1673-P/2016:-

Petitioner in this case seeks issuance of an appropriate writ directing the respondents to allow him similar treatment by regularizing his service w.e.f. 4.9.2002 in terms of KPK Civil Servants (Amendment Act) 2013 and to place his name at his correct position in the upcoming final seniority list.

COC No.471-P/2014 in WP No.1986-P/2009:-

This contempt petition is directed against the respondents for non-compliance of order of this court dated 28.10.2009 passed in WP. No.1986-P/2009.

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3. During course of arguments, learned A.A.G produced a copy of unreported judgment of this Court dated 20.12.2016 passed in WP No.3960-P/2014, wherein, similar nature cases have been

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disposed of with the direction that respondents shall constitute a Committee in light of clause-5 of the Substituted Section 19 of KPK Civil Servants Act, 1973 within fifteen days with further direction to petitioners to file their departmental appeals before the said Committee for resolution of their grievances and the Committee shall dispose of their appeals within next one month by giving explicit reasons.

4. Learned counsel for petitioners after going through the aforesaid judgment, conceded that let these petitions be sent to the Committee constituted for the said purpose. However, learned counsel for the petitioners in WP No.1647-P/2013 submitted that his case be sent to the Committee to decide the same, particularly, in light of unreported judgment of this Court dated 18.11.2008 passed in WP No.1510 of 1997 and the dictum laid down by the august Supreme Court in case titled Muhammad Aslam Awan, Advocate Supreme Court Versus Federation of Pakistan and others, reported as 2014 SCMR 1289.

4. In view of this new development in the matter, we without touching other legal and factual aspects of the case, direct the respondents to constitute a Committee, if not already constituted in

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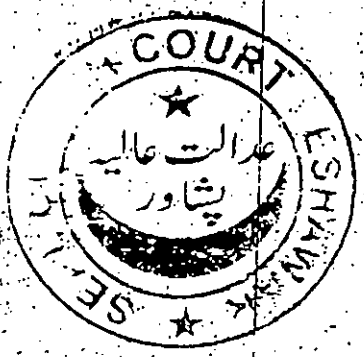
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light of direction given by this court in WP No.3960-P/2014 referred hereinabove, in light of Clause-5 of the Substituted Section 19 of Khyber Pakhtunkhwa Civil Servants Act, 1973 within fifteen days and except COC No.242-P/2015, all these petitions be placed before the said Committee, who shall consider the same as appeals of the petitioners and decide the same in light of aforementioned un-reported judgments of this court as well as judgment of august Supreme Court within next one month by giving explicit reasons. Office is directed to retain copies of these petitions for record. Accordingly, these petitions are disposed of in the above terms.

5. So far as COC No.242-P/2015 is concerned, suffice it to say, that it is directed against an interim status-quo order passed in WP No.1647-P/2013. Since the main writ petition has been disposed of, as such, this petition having become redundant stands dismissed.

Handwritten signature

Announced.
Dated: 09.02.2017



1677
Date of Presentation of Application: 18/7/17
No of Pages: 12
Copying fee
Urgent Fee
Total: 42--
Date of Preparation of Copy: 20/7/17
Date Given For Delivery: 20/7/17
Date of Delivery of Copy: 20/7/17
Approved by: *[Signature]*



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Examiner
Peshawar High Court, Peshawar
Authorized under Article 87 of
The Constitution of the Order 1984

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 17th October, 2017

NOTIFICATION

NO. SO(E)H-II/3-18/2016: In pursuance of Judgment of Peshawar High Court Peshawar dated 18-11-2008 in Writ Petition No. 1510 of 2007; read with sub-section 2 of Section 2 of the Khyber Pakhtunkhwa Civil Servant (Amendment) Act, 2005 (Khyber Pakhtunkhwa Act no. IX of 2005) and provision under sub-section 4 of section 19 of Civil Servant (Amendment) Act 2013 coupled with the regularization order of appellants and similarly placed w-e-l 2005, the services of following doctors (appellents as well as similarly placed) are hereby regularized with effect from dates as mentioned against each:

S. #	Name of Doctor	D.O.B / Domicile	Date of Initial Appointment on contract basis	Date of Regularization under Act 2005
1	Dr. Bakht Zada S/O Gul Muhammad, MBBS	01.01.1959 / Swat	23.11.1995	01-07-2001
2	Dr. Dawat Khan S/O Badshah Khan, MBBS	01.08.1951 / Swat	23.11.1995	01-07-2001
3	Dr. Haroon Nasir Khattak S/O Rah Nawaz, MBBS	Karak / 1.3.1966	23.11.1995	01-07-2001
4	Dr. Yousaf Khan S/O Said Rehman, MBBS	Mardan / 14.3.1968	23.11.1995	01-07-2001
5	Dr. Riaz Ahmed S/O Rehmatullah, MBBS	Mohmand / 15.8.1951	23.11.1995	01-07-2001
6	Dr. Alamgir Khan S/O Darwesh Khan, MBBS	Mohmand / 16.04.1962	23.11.1995	01-07-2001
7	Dr. Muhammad Ajmal Khan S/O Zaid Khan, MBBS	Mohmand / 10.04.67	23.11.1995	01-07-2001
8	Dr. Fazal Rehman S/O Muhammad Amir Khan, MBBS/MPH	Mohmand Agency / 28.04.1966	23.11.1995	01-07-2001
9	Dr. Mustafa S/O Behramand, MD	Swat / 01.03.1961	24.11.1995	01-07-2001

1. Health Officer, Peshawar
 2. Health Officer, Peshawar
 3. Health Officer, Peshawar

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10.	Dr. Jamil Ahmad S/O Abdullah MD	24.04.1967 Swat	24.11.1995	01-07-2001
11.	Dr. Rizwanullah s/o Amanullah Khan MBBS	20.12.1962 Peshawar	25.11.1995	01-07-2001
12.	Dr. Munir Hussain S/O Manzoor Hussain	28.06.1968 Peshawar	25.11.1995	01-07-2001
13.	Dr. Zaffar Iqbal S/O Muhammad Amin	26.02.1964 Peshawar	25.11.1995	01-07-2001
14.	Dr. Nazir Ahmad Khalil S/O Jan Muhammad Khan	08.04.1960 Peshawar	25.11.1995	01-07-2001
15.	Dr. Javed Iqbal S/O Muhammad Qasim	01.03.1964 Kohat	26.11.1995	01-07-2001
16.	Dr. Muhammad Zahid s/o Qaiser Ahmad MBBS	18.5.1964 Charsadda	26.11.1995	01-07-2001
17.	Dr. Rafiqullah S/O Haji Khan Zada	31.12.1960 Charsadda	26.11.1995	01-07-2001
18.	Dr. Anwar Saeed S/O Noor Muhammad	27.05.1968 Charsadda	26.11.1995	01-07-2001
19.	Dr. Muhammad Ikram S/O Haji Abdul Hanif		26.11.1995	01-07-2001
20.	Dr. Zarshad Ahmad S/O Pir Muhammad	24.03.1966 Charsadda	26.11.1995	01-07-2001
21.	Dr. Imtiaz Ahmad S/O Fazal Karim	23.12.1965 Charsadda	26.11.1995	01-07-2001
22.	Dr. Shakir Ullah S/O Faqir Hussain M.D	Peshawar/ 11.02.1959	24.12.1995	01-07-2001
23.	Dr. Ali Shah S/O Fazil Ghaloor	01.04.1962 Charsadda	26.11.1995	01-07-2001
24.	Dr. Amjad Ali Shah S/O Mian Muhammad Ali Shah	06.05.1960 Charsadda	26.11.1995	01-07-2001
25.	Dr. Shabir Ahmad S/O Juma Khan	01.04.1963 Kohat	26.11.1995	01-07-2001
26.	Dr. Habibullah Khan S/O Hamidullah Khan	10.06.1963 Kohat	26.11.1995	01-07-2001

Section Officer-II
Govt. of Khyber Pakhtunkhwa
Health Department

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27	Dr. Abdul Hameed Khan S/O Abdul Majeed Khan	08.05.1959 / Kohat	26.11.1995	01-07-2001
28	Dr. Muhammad Islam Khan S/O Hawaida Gulab Noor	Karak / 12.05.1957	26.11.1995	01-07-2001
29	Dr. Masood Jalal S/O Khushlim Khan	28.04.1963 / Karak	26.11.1995	01-07-2001
30	Dr. Shabir Ahmad S/O Gulistan Khan	08.01.1968 / Moh Ag	26.11.1995	01-07-2001
31	Dr. Wazir Akbar S/O Gul Akbar	03.04.1968 / Kohat	26.11.1995	01-07-2001
32	Dr. Afif Khan S/O Sajjan Khan, MBBS	01.01.1957 / Orakzai A	26.11.1995	01-07-2001
33	Dr. Jehanzeb Khan S/O Inayatullah		26.11.1995	01-07-2001
34	Dr. Syed Riaz Hussain S/O Syed Sajjad Hussain	12.12.1957 / Orakzai Ag	26.11.1995	01-07-2001
35	Dr. Muhammad Karim S/O Samiullah Khan, MBBS	01.06.1965 / Bajaur Agy	27.11.1995	01-07-2001
36	Dr. Kamran Yousaf s/o Yousaf Khan, MBBS	20.4.1960 / Nowshera	27.11.1995	01-07-2001
37	Dr. Mumnoon Elahi S/O Muhammad Khershid	Pesh./ 10.03.1965	27.11.1995	01-07-2001
38	Dr. Abdul Wahab S/O Abdul Ghafoor, MBBS	UDA, Hazar / 26-11-69	27.11.1995	01-07-2001
39	Dr. Spin Gul S/O Hajj Lal Baz, MBBS	20.01.1961 / FR Kohat	27.11.1995	01-07-2001
40	Dr. Zaffar Ali Shah s/o Saif Badshah, MBBS	20.4.1961 / Mardan	27.11.1995	01-07-2001
41	Dr. Shahab Khan S/O Wali Khan	10.01.1966 / FR Kohat	27.11.1995	01-07-2001
42	Dr. S. Luqman Shuaib s/o Muhammad Shuaib, MBBS	13.6.1965 / Mardan	27.11.1995	01-07-2001
43	Dr. S. Luqman Shuaib s/o Muhammad Shuaib, MBBS	13.6.1965 / Mardan	27.11.1995	01-07-2001

Application

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 Section Officer,
 Govt. Cyber Pakhuan
 Health Department

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Appt Regular

44	Dr. S.M. Taimur Shah s/o Pir Feroz Shah MBBS	25.10.1962 / Mardan	27.11.1995	01-07-2001
45	Dr. Misbah Ul Haq S/O Isfar Uddin MBBS	Charsadda 11.03.1968	27.11.1995	01-07-2001
46	Dr. Bin Yamin Khan Afridi S/O Khalista Khan MBBS	Khyber Ag. 1.1.1967	27.11.1995	01-07-2001
47	Dr. Taza Khan S/O Said Rahman	Bajour Agency	27.11.1995	01-07-2001
48	Dr. Abdul Wahab S/O Gula Khan MBBS	Mardan 02.04.1959	27.11.1995	01-07-2001
49	Dr. Muhammad Quresh S/O Mehraban Shah	/ Mardan 04.02.1957	27.11.1995	01-07-2001
50	Dr. Muhammad Ali S/O Khalif Muhammad MBBS	/ Swabi 01.05.1956	27.11.1995	01-07-2001
51	Dr. Muhammad Rehman S/O Bacha Khan	/ Bajaur Ag 01.01.1968	27.11.1995	01-07-2001
52	Dr. Fazal Subhan S/O Ghulam Nabi MBBS	Bajaur Ag / Bajaur 04.06.1959	27.11.1995	01-07-2001
53	Dr. Hanif Afzal S/O Sher Afzal MD	/ Dir 15.04.1965	27.11.1995	01-07-2001
54	Dr. Ghulam Hazrat S/O Ghulam Sadig	Upper Dir	21.12.1995	01-07-2001
55	Dr. Sajjad Ahmad S/O Waheedullah	/ Mardan 06.04.1962	27.11.1995	01-07-2001
56	Dr. Zahir Shah S/O Sarwar Khan	/ Mardan 08.05.1963	27.11.1995	01-07-2001
57	Dr. Muhammad Abid S/O Abdul Karim MBBS	/ FR Kohat 01.05.1954	27.11.1995	01-07-2001
58	Dr. Alif Jan S/O Amir Jan MBBS	/ FR Pesh / 02.04.196 / 0	27.11.1995	01-07-2001
59	Dr. Muhammad Farid Afridi s/o Ghazi Khan MBBS	/ FR Kohat / 4.7.1955	27.11.1995	01-07-2001
60	Dr. Muhammad Ayub Khan s/o Badshah Gul MBBS	/ Bajaur Agy 1.5.1965	28.11.1995	01-07-2001
61	Dr. Muhammad Tariq S/O Wazir Jang MBBS	/ Bajaur Agy 01.01.1961	28.11.1995	01-07-2001

158/2008-0856/111
 Govt. of Khyber Pakhtunkhwa
 Health Department

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666	Dr. Muhammad Fayyaz S/O Muhammad Ayaz	15.04.1978 Swat	08.03.2005	08.03.2005
667	Dr. Jehanzeb s/o Abdul Samad Jan MBBS	Dir(L) 3.12.1973	08.03.2005	08.03.2005
668	Dr. Adil Khan s/o Fazil Subhan MBBS	30.12.1978/ Charsadda	08.03.2005	08.03.2005
669	Dr. Ajab Khan s/o Ismail Khan MBBS	Charsadda/ 25.02.1979	08.03.2005	08.03.2005
670	Dr. Farhana d/o Hussain Ahmad MBBS	Dir/ 07.08.1978	08.03.2005	08.03.2005
671	Dr. Muhammad Zubair s/o Muhammad Bashir M.D	Swat/ 01.04.1976	08.03.2005	08.03.2005
672	Dr. Raz Muhammad s/o Badshah Muhammad M.D	Dir(L) 15.3.1977	08.03.2005	08.03.2005
673	Dr. Mushtaq Ahmad s/o Badshahul Mulk M.D	Dir(L)/ 24.10.1978	08.03.2005	08.03.2005
674	Dr. Fazal Wahid S/O Khana Gul MD	11.02.1971/ Dir	08.03.2005	08.03.2005
675	Dr. Nizamud Din s/o Qatandar Khan MBBS	Dir(L)/ 10.3.1971	08.03.2005	08.03.2005
676	Dr. Umar Hakeem s/o Abdul Karim Khan MBBS	Bajaur/ 28.4.1971	08.03.2005	08.03.2005
677	Dr. Nisar Ahmad s/o Amir Muhammad M.D	Dir(L)/ 1.2.1971	08.03.2005	08.03.2005
678	Dr. Sher Muhammad s/o Sakhi Murad MBBS	NW Agency/ 08.08.1976	08.03.2005	08.03.2005
679	Dr. Naemullah s/o Abdullah MBBS	01.02.1981/ Swat	08.03.2005	08.03.2005
680	Dr. Akhtar Ali s/o Sarfaraz Khan MBBS	Swat/ 25.10.1977	08.03.2005	08.03.2005


 Sanjiv Kumar
 Gen. Secy. Health Department
 Govt. of Khyber Pakhtunkhwa

Note: Any omission/error will be rectified after verification.

SECRETARY HEALTH

Endt No of even and date.

1. Registrar, Peshawar High Court Peshawar.
2. Accountant General, Khyber Pakhtunkhwa.
3. Director General, Health Services, Khyber Pakhtunkhwa.
4. PSO to Chief Secretary, Khyber Pakhtunkhwa.
5. Coordinator PMRU, O/O Chief Secretary, Khyber Pakhtunkhwa.
6. All District Health Officers in Khyber Pakhtunkhwa.

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT.

JUDGMENT

W.P. No. 851-P/2018.

Date of hearing 26.09.2019.

Dr. Syed Luqman Shoaib versus Abid Saeed.

Petitioner by Mr. Mian Nadeem Durrani
Respondents by Mr. Abid Saeed

WAQAR AHMAD SETH CJ:- Vide our detailed consolidated judgment in connected **COC 421-P/2017** in **COC No. 242-P/2015** in **W.P. No. 1647-P/2013** titled **Dr. Syed Luqman Shoaib**, instant petition is hereby dismissed, with cost of Rs. 10,000/-

CHIEF JUSTICE

JUDGE

ANNOUNCED.
26.09.2019

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Examiner
Peshawar High Court, Peshawar
Authorised Under Article 8.7 01
The Qanun-e-Shahadat Order 1984

14/11/19

(OB), Hon'ble Mr. Justice Waqar Ahmad Seth, Chief Justice and Mr. Justice Muhammad Nazeem Anwar, JJ.
Asim Bashir Awan, Senior Court Secretary.

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT.

JUDGMENT



COC No. 421-P/2017 in COC No. 242-P/2015 in W.P. No. 1647-P/2013.

Date of hearing 26.09.2019.

Dr. Syed Luqman Shoaib versus Abid Saeed.

Petitioner by Mr. Mian Mohibullah Ishaq Ishaq - Shaukat
Respondents by Mr. Syed Qasim Ali Shah DSI.

WAQAR AHMAD SETH CJ:- Through this consolidated judgment this Court will disposed of **COC 421-P/2017 in COC No. 242-P/2015 in W.P. No. 1647-P/2013** titled **Dr. Syed Luqman Shoaib versus Abid** as well as **W.P. No. 851-P/2018** titled **Dr. Syed Luqman Shoaib versus Government of Khyber Pakhtunkhwa**, being out come of the same matter/reasons.

a. This instant contempt petition under Article 204 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners have made a prayer that:-

"On acceptance of this application, this Honourable Court may initiate contempt of Court proceedings against the above mentioned contemnors and he be punished severely in accordance with law.

This Honourable Court may also initiate contempt of Court proceedings against any other person found involved in committing contempt of the orders of this Honourable Court.

Any other order deemed appropriate in the circumstances of the case, may also be passed. The petitioner may be allowed put forward any other arguments/document at the time of hearing of this application."

b. On acceptance of this writ petition this Honourable Court may direct that the services of the petitioners shall be

(DB). Hon'ble Mr. Justice Waqar Ahmad Seth, Chief Justice and Mr. Justice Muhammad Naeem Anwar, H.J.
Aamir Bashir Awan, Senior Court Secretary.

ATTESTED
EXAMINER
Peshawar High Court

regularized from the year 1995 with all back benefits of seniority, pay and privileges.

Any other order deemed appropriate in the circumstances of the case may also be passed. The petitioners may be allowed to put forward any other argument/document at the time of hearing of this writ petition.

2. Brief but relevant facts of the instant contempt petition are that in first round of litigation, petitioners alongwith other writ petitions have also filed W.P. No. 1510/2007 titled **Dr. Rizwanullah and other versus Government of N-W.F.P through Chief Secretary, Peshawar**, for their regularization. In due course of process all the writ petitions were allowed vide consolidated judgment dated 18.11.2008. Thereafter petitioners approached the respondents for its implementation, but failed to get any premium in their favour. Thus they filed contempt petition No. 242-P/2015, wherein they questioned the very act of the respondents. In due course of process this Court granted interim status quo vide order dated 24.06.2013. Consequently W.P. No. 1647-P/2013, with I.R, was decided on 09.02.2017, with the "remarks" that "So far as COC No. 242-P/2015, is concerned, suffice it to say, that it is directed against an interim status-quo order passed in W.P. No. 1647-P/2013. Since the main writ petition has been disposed of, as such, this petition having become redundant stands dismissed."

3. It is pertinent to mention that vide above referred order dated 09.02.2017, time frame was given to the contemnors, but, they failed to comply with the instructions of this Court. Hence the instant contempt petition.

4. Arguments heard and record perused anxiously.

5. Perusal of record reveals that petitioners joined the service with the respondents/departments as **Medical Officer in 1995**, on contract basis through Departmental Selection Committee. It is pertinent to mention that it was stopgap arrangement. There services were renewed time to time till the promulgation of **Khyber Pakhtunkhwa Civil Servants**

(Amendment), Act, 2005, (N-W.F.P Act No IX of 2005). Thereafter, relevant law with regard to appointments on contract basis was adopted throughout the Province; however, after the commencement of ibid law, the law of appointment on regular basis was restored w.e.f. 23.07.2005. Thereafter several non-regularized employees approached the Court of competent jurisdiction by filing W.P. No. 1510/2007, titled, Dr. Rizwanullah and others versus Government and others, which in due course of process was allowed and ultimately, services of the petitioners were regularized accordingly w.e.f. 23.07.2005 i.e. from the date of commencement of ibid act.

6. Record further suggests that earlier contempt petition No. 242-P/2015, was declared redundant vide this Court order dated 09.02.2017 in W.P. No. 1647-P/2013.

7. Thus what has been discussed above, contempt petition in hand is disposed of accordingly being not maintainable as the earlier contempt petition has already been declared redundant.

8. NOW coming to connected W.P. No. 851/2018 titled Dr. Syed Luqman Shoaib versus Government of Khyber Pakhtunkhwa and others, it is significant to note with great concern that petitioner of the instant constitutional petition has already filed another writ petition followed by contempt petition, then, why petitioner questioned the same set of agonies/same cause of action through another instant petition which amount to res-judicata.

9. In this view of the matter W.P. No. 851-P/2018 is hereby dismissed with cost of Rs. 10,000/-

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Examiner
Peshawar High Court, Peshawar
Authorised Under Article 8.7 01
The Qanun-e-Shahadat Order 1984

ANNOUNCED.
26.09.2019

CHIEF JUSTICE

JUDGE

ATTESTED
EXAMINER
Peshawar High Court



"F"

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NO # 249/AK
Date # 05/07/2021

To

THE CHIEF MINISTER KHYBER PAKHTUNKHWA PESHAWAR

ORDER NO. 3983
Dated 5/7/21

Through Proper channel,

Subject:- Departmental appeal for counting the previous contract service rendered by the appellant for the purpose of Pay Protection and Pension.

Respectfully Submitted:-

1. That the appellant was appointed after the posts were duly advertised, the appellant passed through the recruitment process and finally upon the recommendation of Departmental Selection Committee, the appellant was appointed as Medical Officer (BPS-17) in Health Department KP vide Order dated 26-11-1995, which contract was extended from time to time till the KP Civil Servants Act was amended on 23-07-2005, after which the services of the appellant stood regularized however the appellant was not extended the benefits, after which the appellant along with others was forced to approach the honorable Peshawar High Court Peshawar by filing Writ Petition No 1510-P/2007 which was allowed vide Judgment dated 18-11-2008. (Copy of Appointment Order Annexure A).
2. That respondents even then were not ready to regularize the appellant, so they again approached the Peshawar High Court by filing Writ Petition No 1647-P/2013 which was disposed of on 09-02-2017 remitting the case to the Committee for consideration and finally the services of the appellant along with others were regularized vide Notification dated 17-10-2017 w.e.f 01-07-2001 instead from the date of their initial appointment, against which the appellant along with others again filed Writ Petition No 851-P/2018 which was dismissed on 26-09-2019, and against which the appellant has approached the Apex Court.

1.

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3. That the appellant is entitled to be given the benefit of previous service for the purpose of Pay Protection & Pension and for which purpose the appellant along with other approached the Peshawar High Court by filing Writ petition No 3337-P/2020 but as the matter related to the terms and conditions of service so the same was withdrawn on 27-05-2021. **(Copy of Order dated 27-05-2021 is enclosed as Annexure B).**
4. That the appellant is entitled to be given the benefit of previous service for the purpose of Pay Protection & Pension however he is kept deprived of the same in violation of law, rules and principles of justice, on grounds inter-alia as follows:

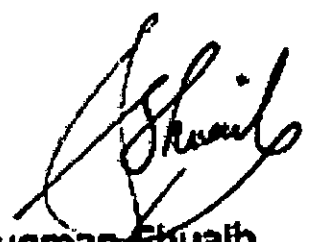
GRUNDS:-

- A. That the appellant is entitled to be given the benefit of previous contract service rendered by the appellant as per the CSR-371-A and pension rules.
- B. That the Apex Court, the Peshawar High Court Peshawar and even the honorable KP Service Tribunal, Peshawar has allowed the like cases and the appellant as such too is entitled to be given such benefit and should not be discriminated.
- C. That in the recent Judgment dated 08-02-2021 passed in Civil Petition No 1641-L/2018 it has been held by the Apex Court that regularization is a step up and must provide better terms of service and cannot make the employee worse. Even the law and rules are very much clear on the subject which also allows such benefits. Judgment?
- D. That even otherwise not giving the appellant the benefit of service rendered by him amounts to exploitation in violation of the Constitution and law of the land.

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It is therefore prayed that on acceptance of this appeal, the previous service rendered by the appellant on contract w.e.f. 27-11-1995 to 31-06-2001 may kindly be given protection for the purpose of pay, pension and seniority with all back benefits.

Dated:- 28-06-2021



**Dr Syed Luqman Shuaib,
Assistant Professor Pathology,
Khyber Medical College Peshawar.
Cell # 0300 5958929.**

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

WRIT PETITION NO. 3221-P/2013.



- 1- Sultan Muhammad, Principal,
Bajaur Public School Bajaur Agency.
- 2- Khalid Ahmed, SET,
Bajaur Public School Bajaur Agency.
- 3- Syed Jehanzeb, SET,
Bajaur Public School Bajaur Agency.
- 4- Liaqat Ali Khan, SET,
Bajaur Public School Bajaur Agency.
- 5- Nasrum Minallah, SET,
Bajaur Public School Bajaur Agency.
- 6- Muhammad Rahim Jan, SET,
Bajaur Public School Bajaur Agency.
- 7- M. Ashfaq Hassan, SET,
Bajaur Public School Bajaur Agency.
- 8- Ubaidur Rehman, SET,
Bajaur Public School Bajaur Agency.
- 9- Bahadur Khan, SET,
Bajaur Public School Bajaur Agency.
- 10- Muhammad Dawood, SET,
Bajaur Public School Bajaur Agency.
- 11- Purdil Khan, SET,
Bajaur Public School Bajaur Agency.
- 12- Raiz Hussain, CT,

FILED TODAY

Deputy Registrar

28 NOV 2013

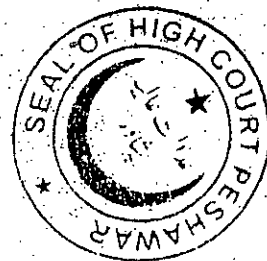
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EXAMINER
Peshawar High Court

WP3221P2013GROUND

-50-425-87-

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT



Writ Petition No. 3221-P/2013

JUDGMENT

Date of hearing: 01.03.2018

Petitioner(s): By *Muhammad Asif Joudafzal Advocate*

Respondent(s): By *Muhammad Amin Hamidullah Mansoor - FATA AGS*

IKRAMULLAH KHAN, J.:- Petitioners have

filed instant Constitutional petition for issuance of an appropriate writ with the following prayer:-

"On acceptance of this writ petition the non-counting of previous service of the petitioners towards pay protection and pensionary benefits by the respondents may be declared as illegal, unconstitutional, arbitrary and exploitation of the past good service of the petitioners. The respondents may further please be directed to give full pay protection with pensionary benefits of the past service rendered by the petitioners to meet the ends of justice and principles of equity. Any other remedy which this august court deems fit and not specifically prayed for that may also be awarded in favour of petitioners."

2. In essence, petitioners were appointed in the year 1990 and onwards by the Political Agent, Bajaur

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EXAMINER
Peshawar High Court

Agency as Principal, Teachers, Ministerial Staff and Class-IV employees, in the Bajaur Public School and College with the condition that they would be allowed pay scales and other allowances admissible to a Civil Servant in Bajaur Agency. Later on, the Bajaur Public School and College was taken into supervision and control by the Federal Government and services of all the employees appointed by the Political Agent, Bajaur Agency on contract basis were made regularized vide Notification issued by the Governor's Secretariat, Khyber Pakhtunkhwa, Peshawar on March 28, 2013. In para-4 of the Notification, it has been held that all the eligible incumbent teaching and non-teaching staff will be adjusted against the regular sanctioned posts on merit cum seniority in service in the respective scales and categories. As the petitioners were eligible to be regularized, as such, they were adjusted on regular newly created posts with immediate effect vide order dated 20.5.2013, however, the previous services rendered by the petitioners were not counted towards their pay and pension by the respondents, hence, the instant writ petition.

3. Learned counsel for petitioners contended that though the services of petitioners were regularized since 2013 but the respondents have denied

ATTESTED
EXAMINER
Peshawar High Court

the benefit of protection of pay and pensionary benefits to the petitioners on the sole ground that the previous services rendered by them were on contract basis, as such, it could not be counted towards the length of their service, which act of respondents is against law.

4. On the other hand, learned counsel for respondents contended that the services of petitioners were not either on contract or adhoc basis, but they were appointed by the Political Agent, therefore, the period of services rendered by the petitioners in the concerned School could not be counted towards their pay and pension, etc.

5. We have heard learned counsel for the parties in light of law and available record.

6. The first appointment orders of the petitioners reveal that though they were appointed by the Political Agent, Bajaur Agency, but on the condition that the petitioners will receive all the benefits and allowances admissible under the rules to a Civil Servant. The Notification issued by the worthy Governor, Khyber Pakhtunkhwa itself reveals rather admitted therein that petitioners were on contract basis and their services were regularized: Rule 2.1 of Chapter-II (Service Qualifying for Pension) of Civil

ATTESTED

EXAMINER
Peshawar High Court

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Servants Act, 1973, prescribes conditions of qualifications for pension, which read as:-

Rule 2.1. Conditions of Qualifications.-The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions:-

First:- The Service must be under Government.

Second:- The Service must not be non-pensionable.

Third:- The service must be paid by Government from the Provincial Consolidated Fund.

Note- (1) For the previous service of displaced Government Servants which qualifies for pension see Chapter-VII.

Note- (2) Service rendered after retirement on superannuation pension / retiring pension shall not count for pension or gratuity.

7. The abovementioned rule admittedly shall be applied to the case of petitioners as they were appointed on the conditions applicable to the Civil Servants. This court in Writ Petition No:1188-P/2014 titled "Baghi Shah Versus The Govt. of KPK through Secretary Finance, Peshawar and two others, decided on 9.9.2014 has held that:-

"The Courts, being the custodian, are to safeguard the inalienable rights of the citizens as enshrined in

ATTESTED

EXAMINER
Peshawar High Court

- 45 -

the constitution. Whenever any such infringement of rights is brought to the notice of the court that is to be struck down. Here in the instant case, since respondents have not denied discrimination as averred in the petition, so their act of depriving the petitioner of his pensionary benefits is not condonable and is liable to be struck down."

8. Similarly, this court while resolving the identical proposition of law in case titled "Muhammad Arif Versus The Secretary to Government of KPK, Transport Department, Peshawar and other" decided on 24.11.2014 has held: "that the period served by a Government Servant on contract basis shall be counted towards his pensionary benefits, after regulation, in accordance with Rule 2.3 of the West Pakistan Civil Services Pension Rules, 1963."

9. Likewise, in case titled "Muhammad Farooq Versus Engineer in Chief, ENC Branch, General Headquarters (GHQ), Rawalpindi reported as (2012 CLJ 343), the Honourable Lahore High Court has held as follows:-

"Government Servant continuously remaining in service without break would after his regularization have

ATTESTED

EXAMINER
Peshawar High Court

the right that the period of his service before regularization be counted towards his pay, pension and promotion."



10. This Court has decided a number of Writ Petitions through its consolidated judgment dated 22.6.2017 delivered in WP No.3394-P/2016 has held: "that the person selected for appointment on contract basis and thereafter his regularization, the period served as a contract employee shall be counted towards his pension, pay and promotion, etc."

11. The facts as well as the legal proposition involved in this case is similar to the one already decided by this court in the above mentioned cases; therefore, this court could not take a different view, therefore, this writ petition is disposed of in the term that the services rendered by the petitioners as contract employees shall be considered towards their pay and pension.

Announced
Dated: 01.03.2018

JUDGE

JUDGE

No. 1944
Date of Presentation of Application 16/7/22
No of Pages 7 + 6
Copying fee 28 + 26 = 54
Date of Preparation of Copy 17/7/22
Date of Delivery of Copy 17/7/22
Received By *[Signature]*

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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 27 of
the Qanun-e-Shahadat Order 1984

17 JUL 2020

-73-47-
ANNEXURE
IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:
Mr. Justice Mushir Alam
Mr. Justice Maqbool Baqar

Civil Appeal No. 1536 of 2013
Against Judgment dated 09.5.2013 of
Islamabad High Court, Islamabad, passed in
Writ Petition No. 39 of 2013.

Ministry of Communication & another

Appellant(s)

VERSUS

Muhammad Waseem Khan & another

Respondent(s)

For the Appellant (s):

Mr. Abdul Rashid Awan, DAG
Malik Shakeel Ur Rehman, ASC

For Respondent No. 1:

In person

For Respondent No. 2:

Ex. Parte

Date of Hearing:

03.02.2016

JUDGMENT

Mushir Alam, J.- Through this appeal, the appellants have impugned the judgment dated 09.05.2013 passed by a learned Single Judge in Chambers in the High Court, whereby Writ Petition No. 39 of 2013 filed by respondent No. 1 Muhammad Waseem Khan was accepted to the extent that "the period spent on duty in any capacity with the respondent be counted for the purpose of pension".

2. The respondent Muhammad Waseem Khan while working as an Assistant Enumerator (BS-5) in National Transport Research Centre, Planning & Development Division, Government of Pakistan, Islamabad, along with others was sent on forced leave without pay by the department for delay in release of funds by NHA; vide letter dated 25.12.1993. Some of them were later on adjusted by the appellants in one way or the other, however, the respondent despite his request was not

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[Signature]
Counsel Associate
Supreme Court of Pakistan

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BETTER COPY OF THE PAGE NO. 59-47-
IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Mushir Alam

Mr. Justice Maqbool Baqar

Civil Apperl No.1536 of 2013

Against Judgment dated 09.5.2013 of Islamabad High Court, Islamabad, passed in Writ Petition No.39 of 2013.

Ministry of Communication & another

Appellant(s)

VERSUS

Muhammad Waseem Khan & another

Respondent(s)

For the Appellent (s):

Mr. Abdul Rashid Awan, DAG
Malik Shakeel Ur Rehman, ASC

For Respondent No.1:

In person

For Respondent No.2:

Ex. Parte

Date of Hearing:

03.02.2016

JUDGMENT

Mushir Alam J.- Through this appeal, the appellants have impugned the judgment dated 09.05.2013 passed by a learned Single Judge in Chambers in the High Court, whereby Writ Petition No.39 of 2013 filed by respondent No.1 Muhammad Waseem Khan was accepted to the extent that *"the period spent on duty in any capacity with the respondent be counted for the purpose of pension"*.

2. The respondent Muhammad Waseem Khan while working as an Assistant Enumerator (BS-5) in National Transport Research Centre, Planning & Development Division, Government of Pakistan, Islamabad, alongwith others, was sent on forced leave without pay by the department for delay in release of funds by NHA, vide letter dated 26.12.1993. Some of them were later on adjusted by the appellants in one way or the other, however, the respondent despite his request was not

Handwritten initials and a circular stamp.

He moved the learned High Court through Writ
Petition No. 3448 of 2011 and a learned Single Judge in
chambers in the High Court accepting his Writ Petition directed
the appellants to consider him for appointment in the light of
letter dated 11.8.2008, whereby certain officials were directed to
be reinstated into service in view of a judgment of this Court. In
compliance of the said order of the High Court, the appellants
issued letter dated 26.12.2012 appointing him afresh on regular
basis as an Assistant Enumerator (BS-5), however, with certain
terms and conditions. The respondent feeling dissatisfied with
clause (g) of the letter of appointment, dated 26.12.2012, which
provided that "the period spent on contract by you if any will not
count for any purpose like promotion, pension and seniority etc"
again moved the High Court through Writ Petition No. 39 of
2013, which was accepted to the extent that "the period spent
on duty in any capacity with the respondent be counted for the
purpose of pension" vide impugned judgment dated 9.05.2013.
Hence, this Appeal with leave of the Court.

3. We have heard the learned Law Officer as well as
respondent No.1 in person. We find that offer of appointment
was made pursuant to an order of the High Court, passed in
Writ Petition No. 3448 of 2011, dated 12.11.2012, which does
not provide for any term or condition injurious to the interest of
the respondent and clause (g) of the appointment letter, referred
to above, prima facie seems to be repugnant one. The learned
High Court did not commit any illegality or infirmity while
observing that "the period spent on duty in any capacity with the
respondent be counted for the purpose of pension" and instead it
was in consideration of Article 371-A of Civil Servants
Regulations, which inter alia provides that "any government
servant borne on temporary and officiating service followed by
confirmation which does not qualify for pension under the rules in
this section shall also count for pension or gratuity subject to the
exclusion of the broken periods of temporary or official service, if
any". We see that the learned Single Judge did not allow the
entire relief as claimed by the respondent through his prayer
clauses, but only to the extent of "the period spent on duty in

ATTESTED

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Court Associate
Supreme Court of Pakistan
Islamabad

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accommodated. He moved the learned High Court through Writ Petition No.3448 of 2011 and a learned Single Judge in Chambers in the High Court accepting his Writ Petition directed the appellants to consider him for appointment in the light of letter dated 11.8.2008, whereby certain officials were directed to be reinstated into service in view of a judgment of this Court. In compliance of the said order of the High Court, the appellants issued letter dated 26.12.2012 appointing him afresh on regular basis as an Assistant Enumerator (BS-5), however, with certain terms and conditions. The respondent feeling dissatisfied with clause (s) of the letter of appointment, dated 26.12.2012, which provided that the period spent on contract by you if any will not count for any purpose like promotion, pension and seniority etc" again moved the High Court through Writ Petition No.39 of 2013, which was accepted to the extent that "the period spent on duty in any capacity with the respondent be counted for the purpose of pension" vide impugned judgment dated 9.05.2013. Hence, this Appeal with leave of the Court.

3. We have heard the learned Law Officer as well as respondent No.1 in person. We find that offer of appointment was made pursuant to an order of the High Court, passed in Writ Petition No.3448 of 2011, dated 12.11.2012, which does not provide for any term or condition injurious to the interest of the respondent and clause (g) of the appointment letter, referred to above, prima facie seems to be repugnant one. The learned High Court did not commit any illegality or infirmity while observing that the period spent on duty in any capacity with the respondent be counted for the purpose of pension and instead it was in consideration of Article 371-A of Civil Servants Regulations, which inter alia provides that "any government servant borne on temporary and officiating service followed by confirmation which does not qualify for pension under the rules in this section shall also count for pension or gratuity subject to the exclusion of the broken periods of temporary or official service, if any". We see that the learned Single Judge did not allow the entire relief as claimed by the respondent through his prayer clauses, but only to the extent of the period spent on duty in

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3448 of 2011

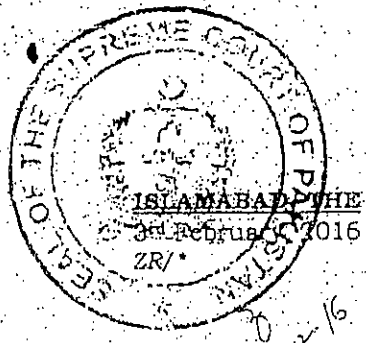
In the High Court of Sindh, Hyderabad Bench, Hyderabad, Sindh, Pakistan. In the matter of *...* vs *...* with the respondent be counted for the purpose of...

11.8.2008

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4. Furthermore, no substantial question of law of public importance within the meaning of Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973 has been raised. Accordingly, the appeal lacking in merits stands dismissed.

Sd/- Mushir Alam, J
Sd/- Maqbool Baqar, J
Certified to be True Copy

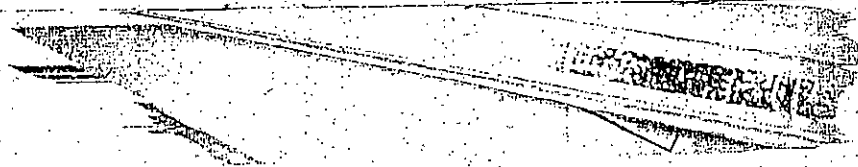


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Court Associate
Supreme Court of Pakistan
Islamabad

2652/16

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Date of Filing: *11-2-16*
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No. of Exhibits: *5*
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any capacity with the respondent be counted for the purpose of pension which does not call for any interference by this Court.

4. Furthermore, no substantial question of law public importance within the meaning of Article 212(3) of the of Constitution of Islamic Republic of Pakistan, 1973 has been raised. Accordingly, the appeal lacking in merits stands dismissed.

Sd/- Mushir Alam, J.
Sd/- Maqbool Baqar, J.

ISLAMABAD THE
3rd February, 2016

~~Republic of Pakistan~~
~~Secretary of Law, Parliamentary Affairs~~

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BEFORE THE KHYBERPAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No 38/2011

Date of institution - 07.01.2011
Date of decision - 01.08.2011



Arshad Alam, Additional Government Pleader, Law Department, Khyber Pakhtunkhwa, Peshawar. Presently: Assistant Director (Legal), Anti Narcotics Force, Peshawar (on deputation)..... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Law, Parliamentary Affairs & Human Rights Department Civil Secretariat, Peshawar.
2. Secretary, Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.
3. Secretary, Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar..... (Respondent)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 FOR ISSUING APPROPRIATE DIRECTIONS TO THE RESPONDENTS TO COUNT THE SERVICE OF THE APPELLANT RENDERED IN PAKISTAN AIR FORCE TOWARDS THE PRESENT SERVICE AT LAW DEPARTMENT FOR THE PURPOSES OF PAY, PENSION/C.P FUND, GRATUITY AND OTHER ATTACHED SERVICE BENEFITS FOR WHICH APPELLANT FILED DEPARTMENTAL TO THE COMPETENT AUTHORITY ON 14.05.2010 BUT THE SAME WAS REJECTED AND COMMUNICATED TO APPELLANT VIDE LETTER DATED 08.12.2010.

Mr. Khalid Rehman Advocate..... For appellant
Mr. Sher Afgan Khattak, A.A.G..... For respondents

SYED MANZOOR ALI SHAH..... MEMBER.
MR. KHALID HUSSAIN..... MEMBER.

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER: This appeal has been filed by

the appellant for issuing directions to the respondents to count his service rendered in Pakistan Air Force towards the present service at Law Department for the purposes of pay, pension, C.P Fund, Gratuity and other attached service benefits.

Brief facts of the case are that the appellant joined the service of Law Department as Additional Government Pleader on adhoc basis on 1.12.2003.

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Khyber Pakhtunkhwa Service Tribunal

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Subsequently he was regularly appointed as such on 30.5.2009. He has served in Pakistan Air Force as Commissioned Officer (BPS-17) w.e.f. 28.7.2003 and retired on 30.9.2008. Under the law, the appellant is entitled for counting of his service performed in the Pakistan Air Force towards the present service in Law Department for service benefits. Therefore, the appellant preferred a departmental appeal but the same was rejected vide letter dated 8.12.2010. Hence, the instant appeal.

3. Arguments heard and file perused.

4. The learned counsel for the appellant argued that the respondents have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully refused to count the previous service of appellant rendered in the Pakistan Air Force for the purpose of service benefits towards the present service in the Law Department, which is unjust, unfair and hence not sustainable in the eye of Law. Before joining the Law Department, the Pakistan Air Force had issued proper NOC to the appellant which was received by the Law Department, therefore, legally Respondents were required to count the Air Force service towards the service in Law Department but the Respondents have unlawfully refused to extend the benefits of the PAF service which has adversely affected the service career of appellant. Under Article 356 (a) of Civil Service Regulations (C.S.R), service so rendered by a person is to be considered for the purposes of Pay, Pension/C.P. Fund and Gratuity after joining the new service of the Government but the respondents have unlawfully refused the same, which cannot be sustained under the law. In support of his arguments he relied on 2008-PLC-(C.S) 482.

5. The A.A.G argued that the appellant was appointed on as-hoc basis vide order dated 01-12-2008 and latter on was recommended by Khyber Pakhtunkhwa Public Service Commission vide Notification dated 30.05.2009. The appellant retired from Air Force and after retirement appointed on adhoc/contract basis as Addl. Government Pleader on 01-12-2008. The law provides continuity of service for reckoning the previous service for the purpose of financial benefits. Since appointment of the appellant lacks continuity, therefore he is not entitled to take advantage of his previous service.

ES. KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

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G. Keeping in view the facts and circumstances of the case the Tribunal while agreeing with the arguments put forth by the learned counsel for the appellant, accepts the appeal, sets aside the impugned order and directs the respondent department to count his PAF service with present service from 28.7.2003 for the purpose of pay, pension and other attached retirement benefits in light of Civil Service Regulation (C.S.R) No. 420 (h), 422 and 365 (a). The appellant will remit the amount of gratuity to the PAF, if received. The two months will be considered as leave without pay. The parties are, however, left to bear their own costs. File be consigned to the record.

ANNOUNCED:
01.08.2011

(KHALID HUSSAIN)
MEMBER

(SYED MANZOOR ALI SHAH)
MEMBER

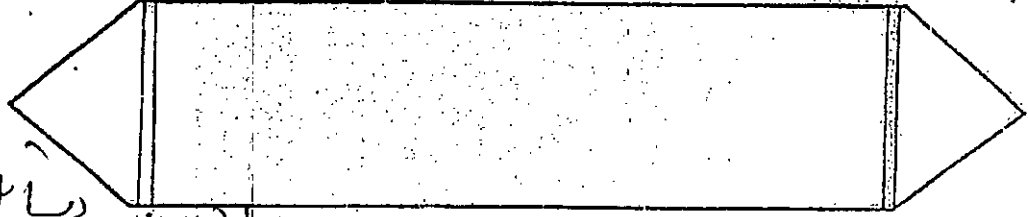
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Kh. [Signature]
Secretary, Tribunal,
Peshawar

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S. In

بعدالت سروسوں کے لئے درخواستیں



2005ء پنجاب (سال)

ڈاکٹر سید لغمان بنام لوگنڈ و غیرہ
شعبہ

موزخہ
مقدمہ
دعویٰ
پیم

باعث تحریر آئندہ

مستطرد الی

مقدمہ جلد راجہ عزیز اللہ میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کارروائی متعلقہ آئین مقام کے لئے حاصل کیا گیا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا۔ نیز وکیل صاحب کو رضی نامہ کرنے اور تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور باہرورت ڈگری کرنے اجراء اور وصولی چیک دروپہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق ذرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہائت پر داخنت منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

دعا
Shahid

المرتوم ۰۶ ۰۲۰۰۲

Accepted
[Signature]

دعا کے لئے منظور ہے۔

Alshel, Nepal

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

OF 2023

Dr. Syed Lugman Shoaib (APPELLANT)
(PLAINTIFF)
(PETITIONER)


VERSUS

Health Department (RESPONDENT)
(DEFENDANT)

I/We Dr. Syed Lugman Shoaib

Do hereby appoint and constitute **MIR ZAMAN SAFI, 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. 22 / 05 /2023


CLIENT


ACCEPTED
MIR ZAMAN SAFI
ADVOCATE

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0333-9991564
0317-9743003

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. 7592/2021

Dr. Syed Luqman Shah.....Appellant

Versus

Government of Khyber Pakhtunkhwa & others.....Respondents

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S. No.	Description	Annexure	Pages No.
1	Comments		1-2
2	Affidavit		3

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 757592/2021

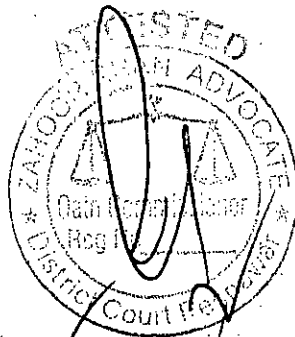
Dr. Syed Luqman Shah.....Appellant


Versus

Government of Khyber Pakhtunkhwa & othersRespondents.

Affidavit

I, Jaffar Ali, Assistant (Litigation Section) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.




Deponent

10/2/21

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 7592 OF 2021

Dr. Syed Luqman Shoaib.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 4

Respectfully Sheweth:

Preliminary Objections:-

1. That the appellant has got neither cause of action nor did locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
10. That the Honorable Service Tribunal has already dismissed similar nature appeals vide its judgment dated 12/11/2019 in Service Appeals Nos 318/18 titled Alif khan & others vs Govt. hence the instant appeal is hit by Rule 23 of the Khyber Pakhtunkhwa Service Tribunal Rules.

ON FACTS:

1. Pertains to record.
2. Pertains to record. However it is worth mentioning that the appellant was regularized according to the judgment of the Peshawar High court. However if he was aggrieved from the regularization Notification he should have filed COC before the court.

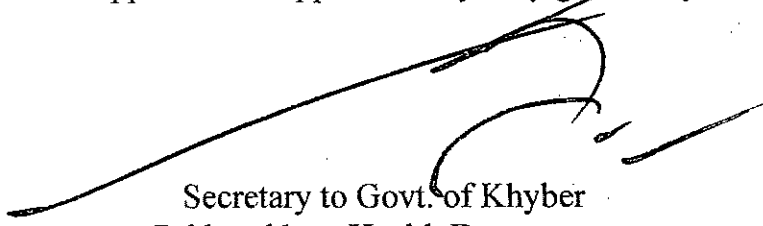
- 3. Pertains to record.
- 4. The appellant was appointed as Medical Officer (BPS-17) on contract basis on 26/11/1995. His services were regularized under Khyber Pakhtunkhwa Civil Servant (Amendment) Act, 2005 read with Act 2013 w.e.f. 01/07/2001. As regard his contract service from 26/11/1995 to 30/06/2001 is concerned it cannot be regularized for the purpose of pension / seniority, as per existing rules.
- 5. As in preceding para.

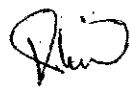
ON GROUNDS:


- A. Incorrect no illegal action has been taken by the replying respondents.
- B. Incorrect. No violation of Law and rules has been done in the instant case.
- C. As per paras Above.
- D. Incorrect. Already explained in para 4 above.
- E. Already replied in preceding para.
- F. Incorrect. No violation of the Constitution of Islamic Republic of Pakistan, 1973 and law of the land have been committed by the replying respondents.
- G. Incorrect as stated in above paras.
- H. Incorrect. No right of the appellant has been snatched.
- I. Incorrect. The services of the appellant has been regularized w.e.f. 01/07/2001 and not yet completed 25 years of regular services.
- J. Answering respondent also seek prior permission of this Honorable Court to adduce additional grounds at the time of arguments.

PRAYER:

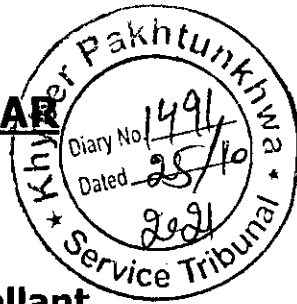
It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.


 Secretary to Govt. of Khyber
 Pakhtunkhwa Health Department
 Respondent No. 01 & 04


 Director General Health Services
 Khyber Pakhtunkhwa
 Respondent No. 02


 Secretary to Govt. of Khyber
 Pakhtunkhwa Finance Department
 Respondent No. 03

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR



S. A. No. 7592 /2021

Dr Syed Luqman ShoaibApplicant/Appellant.

VERSUS

Govt. of KP and othersRespondents.

APPLICATION FOR EARLY HEARING OF THE TITLED SERVICE APPEAL.

Put up to the monthly chairman with appeal
Respectfully Sheweth;

1. That the above titled service appeal is filed before this August Tribunal and is fixed for preliminary hearing on 25/10/21. 17.12.2021.

2. That case of the appellant is an old issue and the date fixed for hearing is too far.

3. That, appellant is at the verge of retirement and by fixing the hearing in a too far date would definitely effect the nature of the case

4. That fixing an early date is in interest of justice and there is no hurdle in fixing an early date in the above titled appeal, besides if any early date is not fixed in the titled appeal, the service appeal would lose its purpose and would become infructuous.

It is therefore, prayed, that on acceptance of this application, the above titled service appeal may kindly be fixed for an early date.

DATED: 25-10-2021

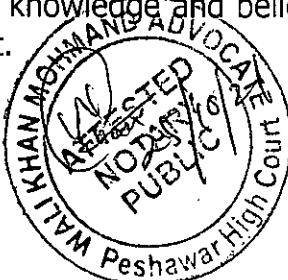
APPLICANT/ APPELLANT

THROUGH:

**FAZAL SHAH MOHMAND
ADVOCATE SUPREME COURT**

AFFIDIVAT

I, Dr Syed Luqman Shoaib (**applicant/ appellant**), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT

Fix in 2nd week of Nov, 2021

27/11/2021

Done