

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT, SWAT**  
Service Appeal No.589/2019

Date of Institution ... 06.05.2019  
Date of Decision ... 07.04.2022

Shah Riaz (Junior Stenographer) son of Shah Nazar Resident of Amankot, Sahheed Abad, Mingora, Tehsil Babozai, District Swat.

... (Appellant)

**VERSUS**

Commissioner Malakand Division at Saidu Sharif, Swat and three others.

... (Respondents)

Muhammad Mushtaq Khan,  
Advocate

... For appellant.

Muhammad Riaz Khan Paindakhel,  
Assistant Advocate General

... For respondents.

Salah-Ud-Din

... Member (J)

Rozina Rehman

... Member (J)

**JUDGMENT**

Rozina Rehman, Member(J): The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

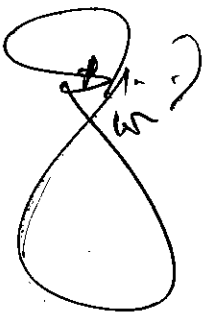
“On acceptance of this appeal the order passed by respondent No.2 be declared as illegal, against law, void ab-initio by setting aside the same and the previous service of the appellant may kindly be considered/counted toward pay, allowance, pension, seniority, gratuity and all back benefits as per law & regulation.”



2. Brief facts of the case are that appellant served as Sub Assistant in BPS-09 with Election Commission of Pakistan. During service, he applied for the post of Junior Scale Stenographer duly advertised by Deputy Commissioner, Swat. He was appointed against the said post as per recommendation of Departmental Selection Committee. He submitted an application for NOC to Election Commission of Pakistan in order to join his newly appointed office. He resigned from the previous office on 23.04.2018 and joined the current service without any break on 23.04.2018. After joining the current service, he moved an application to respondent for grant of back benefits towards pay & pension which was turned down. He, therefore, preferred departmental appeal which was not responded to, hence, the present service appeal.

3. We have heard Muhammad Mushtaq Khan Advocate learned counsel for appellant and Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Mushtaq Khan Advocate learned counsel for appellant in support of appeal contended with vehemence that the impugned orders are illegal, against law and without lawful authority. He contended that the impugned order rather the denial of the respondents to back benefits towards pay & pension etc. is arbitrary, illegal and void ab-initio as there was no break in the service of appellant, therefore, as per rules & regulation he is entitled to all back benefits of his previous service towards pay, allowance and pension etc.

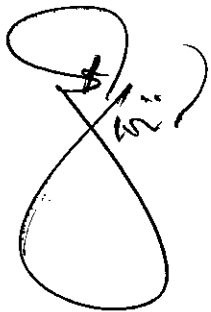


5. Conversely, learned AAG submitted that the appellant served as Sub Assistant in BPS-09 with ECP from 04.03.2013 to 03.05.2018 where-after he got resigned upon his own application seeking resignation from service with ECP. He contended that the appellant did not bother to apply through proper channel from the parent Department, therefore, he is not entitled to back benefits of his previous service.

6. From the record it is evident that appellant Mr. Shah Riaz was selected for appointment as Sub Assistant (BPS-08) in the office of District Election Commissioner, Swat on 27<sup>th</sup> February, 2013. During service, he applied for the post of Junior Scale Stenographer duly advertised by Deputy Commissioner, Swat. The application form is available on file vide which he applied for the post of Junior Scale Stenographer, wherein, in column No.17, the appellant has given full details of his employment i.e. previous employment in the office of Election commission of Pakistan (Swat) as Sub Assistant from 4<sup>th</sup> March, 2013 till date when he submitted his application for second job. He has also mentioned therein his job experience as four years, nine months and four days which means that he did not keep secret his previous job, however, he failed to get NOC from the parent Department before applying for the post of Junior Scale Stenographer. As per recommendation of Departmental Selection/Promotion Committee, appellant Shah Riaz was appointed against the post of Junior Scale Stenographer in BPS-14 vide office order dated 30.03.2018. He then submitted an application for grant of No Objection Certificate which application was properly forwarded by District Election Commissioner Swat to the Provincial Election Commissioner, Khyber Pakhtunkhwa, Peshawar but to no avail. The



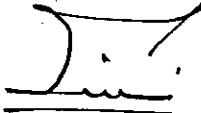
appellant submitted an application seeking resignation from service on 23<sup>rd</sup> April, 2018. The competent authority was pleased to accept the resignation tendered by the appellant w.e.f 3<sup>rd</sup> May, 2018 (forenoon). He submitted his arrival report against the post of Junior Scale Stenographer on 23.04.2018, where-after, he filed his application/appeal before Deputy Commissioner, Swat for grant of back benefits of his previous service towards pay & pension etc. as there was no break in the service of the appellant which was turned down vide office order dated 19.12.2018 on the ground that he had not provided any information of previous service, therefore, his application could not be considered at that stage. He then filed appeal before the Commissioner, Swat which was not responded to. However, a letter addressed to the Deputy Director Provincial Election Commissioner Peshawar dated 01.02.2019 clearly shows that parent Department was requested to look into the matter and to resolve the grievances of the appellant but to no avail. Now, the question before this Bench is as to whether after tendering resignation from his previous service for joining the new service against the post of Junior Scale Stenographer whether appellant is entitled to the back benefits of previous service for counting towards pension etc. It is alleged that having voluntarily resigned, the appellant happened to lose all his rights if at all arising out of his service with Election Commission. The resignation which arise from misconduct or inefficiency entails forfeiture of past service, whereas, resignation of an appointment to take up another appointment is not a resignation of public service. As the public service continues and as service in both appointments counts, this principle of common sense declare in unequivocal words that such resignation is not a resignation of the public service and

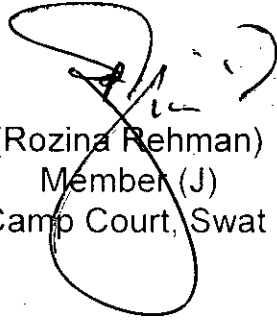


hence, the consequences of resignation to take up another appointment are not similar to the consequences of resignation which arise from misconduct. His application for grant of previous service back benefits was turned down by Deputy Commissioner Swat merely on the ground that the appellant had not provided any information/service record of previous service, whereas, application form submitted by appellant for appointment as Junior Scale Stenographer clearly shows in Column No.17 the detail of his previous employment.

7. Consequently, it is held that the appellant is entitled to the pensionary benefits qua his service rendered in the office of Provincial Election Commissioner as Sub Assistant (BPS-08). Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
07.04.2022

  
(Salah-Ud-Din)  
Member(J)  
Camp Court, Swat

  
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

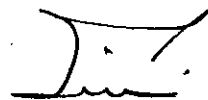
ORDER  
07.04.2022

Appellant alongwith his counsel present.

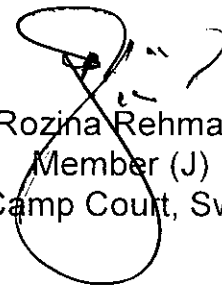
Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Rizwan Khan, Law Officer for respondents present.

Vide our judgment of today of this Tribunal placed on file, it is held that the appellant is entitled to the pensionary benefits qua his service rendered in the office of Provincial Election Commissioner as Sub Assistant (BPS-08). Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
07.04.2022



(Salah-Ud-Din)  
Member (J)  
Camp Court, Swat

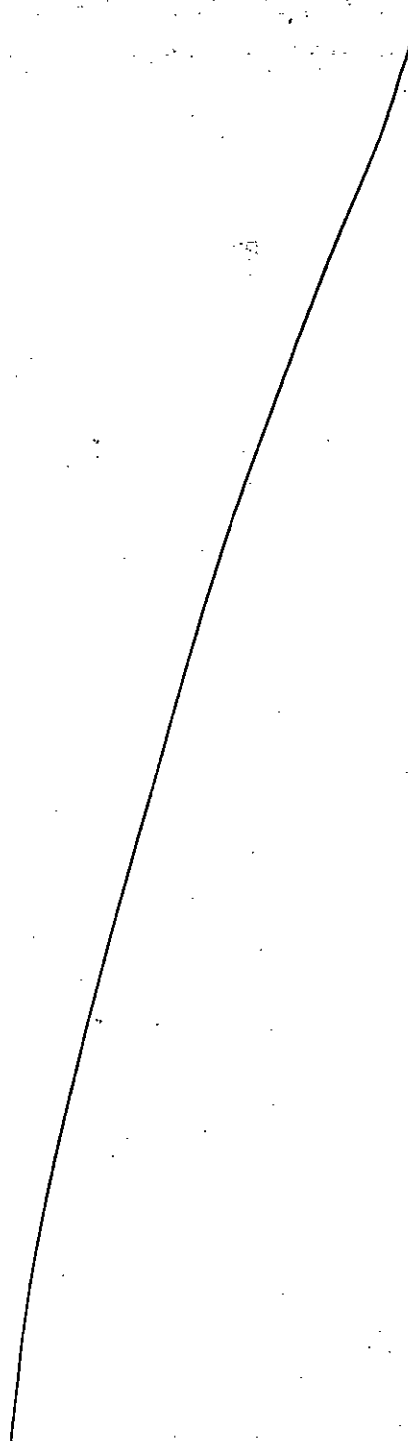


(Rozina Rehman)  
Member (J)  
Camp Court, Swat

10.02.2022

Tour is hereby canceled .Therefore, the case is adjourned to 07.04.2022 for the same as before at Camp Court Swat.

  
Reader

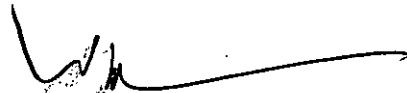


07.12.2021

Nemo for parties.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

On the preceding date, both the parties were put on notice for today but erroneously, the office issued notice to both the parties for 09.12.2021, therefore, case is adjourned to 09.12.2021 for arguments, before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Swat.



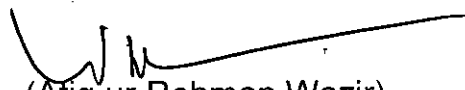
(Rozina Rehman)  
Member (J)  
Camp Court, Swat.

09.12.2021

Counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Rizwan Khan Law Officer for respondents present.

Request for adjournment was made on behalf of appellant in order to prepare the brief; granted. To come up for arguments on 10.02.2022 before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Swat.



(Rozina Rehman)  
Member (J)  
Camp Court, Swat.

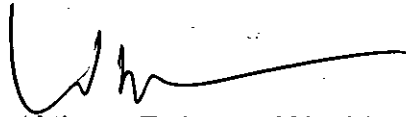


04.10.2021

Nemo for parties.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General present.

Preceding date was adjourned on a Reader's note, therefore, both the parties be put on notice for 07.12.2021 for arguments before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)  
Member(E)  
Camp Court, Swat



(Rozina Rehman)  
Member(J)  
Camp Court, Swat



5.01.2021

Due to COVID 19, the case is adjourned to  
02.03.2021 for the same as before.


  
Reader

02.03.2021

Appellant in person present.

Noor Zaman Khan Khattak learned District Attorney  
alongwith Fazal Hadi Assistant for respondents present.


Lawyers community is on strike, therefore, case is  
adjourned to 3/5/2021 for arguments before D.B at  
Camp Court, Swat.

  
(Mian Muhammad)  
Member (E)  
Camp Court, Swat

  
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

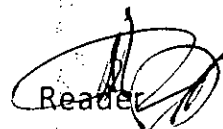
Due to COVID-19 therefore to  
come up for the same on

04/10/2021.

  
Reader

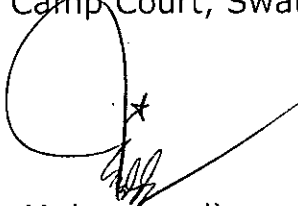
\_\_\_\_\_ .2020

Due to COVID19, the case is adjourned to  
05/10/2020 for the same as before.

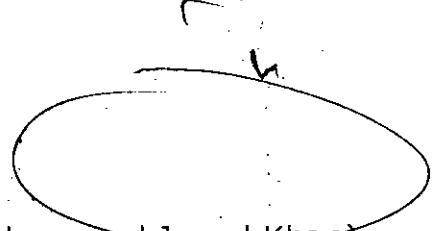
  
Reader

05.10.2020

Learned counsel for the appellant is present. Mr. Usman Ghani, District Attorney for the respondents is also present. Learned counsel for appellant is seeking adjournment that he has not prepared the brief of the instant appeal. Adjourned to 03.11.2020 on which to come up for arguments before D.B at Camp Court, Swat.



(Mian Muhammad)  
Member (Executive)  
Camp Court Swat



(Muhammad Jamal Khan)  
Member (Judicial)  
Camp Court Swat

03.11.2020

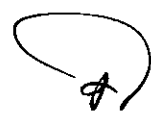
Appellant in person present.

Muhammad Jan learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 05.01.2021 before DB at Camp Court, Swat.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Swat

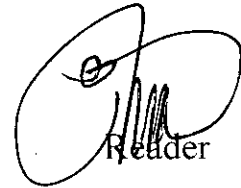


(Rozina Rehman)  
Member (J)  
Camp Court, Swat

Due to Corona virus  
tour to camp court Swat has  
been cancelled. To come up  
for the same on - 2/6/20

  
Reader

02.06.2020 Due to COVID-19, the case is adjourned. To come up for the  
same on 05.08.2020, at camp court Swat.

  
Reader

Service Appeal No. 589/2019

04.11.2019

Appellant in person present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith M/S Aleem Said, Assistant on behalf of respondents No. 1 & 2 and Riaz Ahmad, Law Officer on behalf of respondents 3 & 4 present. Representatives of respondents submitted written replies which are placed on record. Case to come up for rejoinder and arguments on 08.01.2020 before D.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

08.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Aleem Said, Assistant for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 03.03.2020 for rejoinder and arguments before D.B at Camp Court Swat.



(Hussain Shah)  
Member  
Camp Court Swat



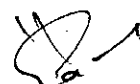
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

03.03.2020

Appellant in person present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Riaz Ahmad Khattak Law Officer (representative of respondents No.3 & 4) present. Appellant submitted application for adjournment. Adjourn. To come up for arguments on 07.04.2020 before D.B at Camp Court, Swat.



Member



Member  
Camp Court, Swat.

03.07.2019

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

Vide order dated 27.02.2013 the appellant was selected for appointment as Sub Assistant in the office of District Election Commissioner Swat. The appellant applied for the post of Junior Scale Stenographer in the office of Deputy Commissioner, Swat but without obtaining departmental permission. The appellant was appointed as Junior Scale Stenographer in the office of Deputy Commissioner Swat vide order dated 30.03.2018.

Through the present service appeal, the appellant seeks benefit of his previous service rendered in the office of District Election Commissioner Swat.

Points urged need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 07.10.2019 before S.B at Camp Court, Swat.



Member  
Camp Court, Swat.

07.10.2019

Appellant in person and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Alam Said, Assistant on behalf of respondents No. 1 & 2 and Riaz Ahmad Khattak, Law Officer on behalf of respondents No. 3 & 4 present. Written reply on behalf of respondents not submitted. Representatives of the respondents requested for adjournment. Adjourned to 04.11.2019 for written reply/comments before S.B at Camp Court Swat.




  
(Muhammad Amin Khan Kundi)

Member  
Camp Court Swat

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 589/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/05/2019	<p>The appeal of Mr. Shah Riaz presented today by Mr. Muhammad Mushtaq Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 6/5/19</p>
2-	10-5-19	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>12, 6-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	12.06.2019	<p>Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on 03.07.2019 before S.B at Camp Court, Swat.</p> <p style="text-align: right;"> Member Camp Court, Swat.</p>

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA AT PESHAWAR**

APPEAL No 589-M of 2019

Shah Riaz.. ..... (Appellant)

VERSUS

Commissioner Malakand Division and others..... (Respondents)

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Appellant

Shah Riaz



**MUHAMMAD MUSHTAQ KHAN**

Advocate, High Court  
(Counsel for appellant)

Office: Room No. 14, 3rd Floor, Sultan  
Tower, Makanbagh, Mingora, Swat  
Cell No: 0301-8066889



①

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA AT PESHAWAR**

Appeal No. 589 -M of 2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 708

Dated 6-5-2019

Shah Riaz (Junior Stenographer) son of Shah Nazar Resident  
of Amankot, Shaheed Abad, Mingora, Tehsil Babozai,  
District Swat. ....Appellant

VERSUS

1. Commissioner Malakand Division at Saidu Sharif, Swat.
2. Deputy Commissioner Swat at Gulkada, Swat.
3. The Provincial Election Commissioner Khyber Pakhtunkhwa  
at Peshawar.
4. The Regional Election Commissioner Malakand Division at  
District Swat. ....Respondents

SERVICE APPEAL UNDER SECTION 4, OF  
THE KPK SERVICE TRIBUNAL ACT, 1974,  
against the order dated 19-12-2018 passed by  
the respondent No. 2, whereby the  
application for grant of previous service back  
benefits toward pay, pension, seniority and  
gratuity etc was turn down and  
Department Appeal filed by the  
appellant, which is still pending before  
the Respondent No. 1, hence, the instant  
appeal.

**Filed to-day**

**Registrar**

6/5/19

### PRAYER IN APPEAL

On acceptance of this appeal the order passed by Respondent No. 2 be declared as illegal, against law, void ab-initio by setting aside the same and the previous service of the appellant may kindly be considered / counted toward pay, allowance, pension seniority gratuity and all back benefits as per law & regulation. Any other relief which this Honorable Court deems fit and proper in the circumstances of the case may also be granted.

Respectfully Sheweth,

- 1) That the appellant served as sub-assistant in (BPS-09) with Election Commission of Pakistan since 04-03-2013. (Copy of appointment order is attached as annexure "A")
- 2) That during service the appellant applied for the post of Junior Scale Stenographer (BPS-14) duly advertise by the respondent No. 2. (Copy of NTS application is attached as annexure "B")
- 3) That as per recommendation of Department selection / promotion committee appellant was appointed against the post of Junior Scale Stenographer in (BPS-14) vide order dated 30-03-2018. (Copy of the appointment order dated 30-03-2018 is attached as annexure "C")

- 4) That the appellant in order to join the newly appointed office submitted application for NOC to the previous department i.e., Election Commission of Pakistan. (Copy of the application is attached as annexure "D")
- 5) That on 23-04-2018 the appellant resigned from the previous service and joined the current service without any break on dated 23-04-2018. (Copy of the resignation order & joining report are attached as annexure "E")
- 6) That the appellant after joining the current service move an application to respondent No. 2 for grant for previous service (back benefits) toward pay, pension, seniority and gratuity etc, which was turn down vide impugned order dated 19-12-2018 on mere ground that appellant has not provided any information / service record of the previous service, despite that fact the detail of previous service was specifically mention in his application. (Copy of impugned order dated 19-12-2018 is attached as annexure "F")
- 7) That the appellant preferred Department appeal before the respondent No. 1, which is still pending before the forum after lapse of 90 days period, hence the instant appeal.

**GROUND:-**

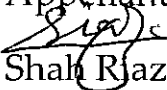
- a. That the impugned order is illegal, against the law, void ab-initio, without lawful authority.

- b. That the impinged order / action rather denial of the respondents to back benefits toward pay, pension seniority and gratuity etc is arbitrary, perverse, illegal, beyond the scope of its powers and authority and void ab-initio.
  
- c. That as there is no break in the service of the appellant, so as per rules and regulation the appellant is entitled for all back benefits of his previous service toward pay, pension, seniority and gratuity etc.
  
- d. That, the impugned order, passed by the respondent No. 2 is illegal, against the service law, rules and shariah, hence liable to be set aside.
  
- e. That the impugned order is worst example of colorable exercise of power by the respondent and also against the principle of natural justice, fair play and equity.
  
- f. That the impugned office order is arbitrary, unilateral, and whimsical.
  
- g. That the appellant has not been treated in accordance with law nor equal protection of law has not been extended to appellant.
  
- h. That the impugned order / action of the respondents is not only suffering from law, regulation, rules

governing the subject matters but also in violation of principles laid down in various judgments of august Supreme Court of Pakistan on subject matter.

- i. That further grounds, with leave of this Honorable Court, would be raised at the time of arguments before this Honorable Court.

Therefore in view of the above submissions, it is most humbly prayed that On acceptance of this appeal the order passed by Respondent No. 2 be declared as illegal, against law, void ab-initio by setting aside the same and the previous service of the appellant may kindly be considered / counted toward pay, allowance, pension seniority gratuity and all back benefits as per law & regulation. Any other relief which this Honorable Court deems fit and proper in the circumstances of the case may also be granted.

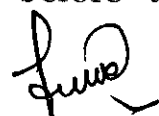
Appellant  
  
 Shah Riaz



MUHAMMAD MUSHTAQ KHAN  
 Advocate, High Court  
 (Counsel for appellant)

CERTIFICATE:

(As per directions of my client) No such like Appeal earlier has been filed by the appellants on the subject matter before this Honorable Court.

  
 ADVOCATE

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA AT PESHAWAR**

APPEAL No \_\_\_\_\_ -M of 2019

Shah Riaz..... (Appellant)

VERSUS

Commissioner Malakand Division and others..... (Respondents)

**ADDRESSES OF THE PARTIES**

**APPELLANT**

Shah Riaz (Junior Stenographer) son of Shah Nazar Resident  
of Amankot, Shaheed Abad, Mingora, Tehsil Babozai,  
District Swat.

CNIC No: 15602-6581445 - 3

Cell No: 03361533016

**RESPONDENTS**

1. Commissioner Malakand Division at Saidu Sharif, Swat.
2. Deputy Commissioner Swat at Gulkada, Swat.
3. The Provincial Election Commissioner Khyber Pakhtunkhwa  
at Peshawar.
1. The Regional Election Commissioner Malakand Division at  
District Swat.

Appellant

Shah Riaz



MUHAMMAD MUSHTAQ KHAN  
Advocate, High Court  
(Counsel for appellant)

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA AT PESHAWAR

APPEAL No \_\_\_\_\_-M of 2019

Shah Riaz..... (Appellant)

VERSUS

Commissioner Malakand Division and others..... (Respondents)

AFFIDAVIT

I, Shah Riaz (appellant), do hereby solemnly affirm and declare on oath that the contents of the above titled Appeal is true and correct to the best of my knowledge and belief.

*Shah Riaz*  
DEPONENT



Annex "A"

8

No. F. 1(5)/2007-Estt (PEG)  
OFFICE OF THE  
PROVINCIAL ELECTION COMMISSIONER  
KHYBER PAKHTUNKHWA

PESHAWAR  
February 27, 2013

MEMORANDUM

Subject: - APPOINTMENT OF SUB-ASSISTANT (BPS-08) UNDER THE  
PROVINCIAL ELECTION COMMISSIONER, KHYBER  
PAKHTUNKHWA, PESHAWAR.

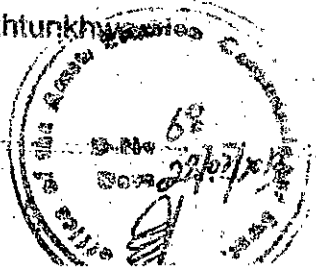
With reference to his application Mr. Shah Riaz S/o  
Shah Nazar Khan is informed that he has been selected for appointment as Sub  
Assistant (BPS-08) in the office of District Election Commissioner, Swat on the  
following terms and conditions: -

- a. He will be entitled to draw pay in (BPS-08) viz Rs. 6000-350-16500 and other allowances as admissible under the rules.
- b. He will be required to produce a medical certificate from District Headquarter Hospital, Swat, declaring him fit for Govt. Service.
- c. He will be required to sign and return the enclosed undertaking and also to produce two character certificates from different two Class-I Officers on the form enclosed herewith.
- d. His appointment will be provisional pending verification of his character and antecedents from the police authorities.
- e. His appointment is purely temporary and will not confer upon him any right or claim for permanent retention in the service of Election Commission.
- f. He will be on probation for a period of one year, if no order is issued on the expiry of the first year of probation, the period of probation shall be deemed to have been extended to another year, if no order is issued by the day following the termination of the extended period of probation, the appointment shall be deemed to be held by him until further orders.
- g. His services will be liable to be terminated, at any time, without assigning any reason, by giving a notice for a period of 14 days or payment in lieu thereof, of a sum equivalent to his 14 days pay or for the period by which the notice falls short of 14 days. If he wishes to terminate his service at any time, he shall resign in writing and continue in service until his resignation is accepted.
- h. He will be liable to transfer anywhere in Khyber Pakhtunkhwa.
- i. No TA/DA will be admissible for joining the post.

Seen  
28/2/13  
Shah Riaz, DEC Swat

m. Ramzan Gul

Attested  
[Signature]





2. If the Offer of Appointment is acceptable to Mr. Shah Riaz S/O Shah Nazar Khan on these terms and conditions, he should report for duty immediately in the office of District Election Commissioner, Swat, in any case before 14<sup>th</sup> March, 2013, otherwise this offer of appointment shall automatically stand cancelled.

Mr. Shah Riaz S/O Shah Nazar Khan,  
R/o Mohammad Shabir Stenotypist,  
Wafaqi Mohtaria Secretariat,  
1<sup>st</sup> Floor Benevolent Fund Building,  
Regional Office,  
Peshawar.

(SHARIFULLAH)  
Deputy Director (Estt)

✓ Copy forwarded for information to the District Election Commissioner, Swat.

(SHARIFULLAH)  
Deputy Director (Estt)

NTS

# DEPUTY COMMISSIONER SWAT

APPLICATION FORM



9

Project ID: N-17-4377

Screening Test for various Posts

### Eligibility Criteria:

A. Is your Age according to the desired Post at the date of 02/01/2016?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. Is your Qualification according to the requirements of the post?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
C. Are you Domiciled in District Swat?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If your reply is "Yes" to A, B & C above only then please proceed further. Otherwise you are not eligible to apply.

### 01. Bank Online Deposit of Rs: 500/- from Designated Bank Branches

Bank Code	1276	Deposit Date	21-12-17
-----------	------	--------------	----------

Note: Application Form will not be entertained without Original Deposit Slip (NTS Copy)

### 02. Desired Post: Fill the Box for Desired Post. (Mark desired) To apply for more than one posts, please use separate form. This form will be considered valid only for the first selected post in the sequence.

01. <input checked="" type="checkbox"/> Junior Scale Stenographer (BPS-14)	02. <input type="checkbox"/> Junior Clerk (BPS-11)	03. <input type="checkbox"/> Reader (BPS-07)
04. <input type="checkbox"/> Record Keeper (BPS-07)	05. <input type="checkbox"/> Alhamd (BPS-05)	

03. Test City: **Swat**

### Personal Information: Use CAPITAL letters and leave spaces between words.

04. Name in Full: S H A H R I A Z I

05. Father's Name: S H A H M A Z I A R K H A N

06. Candidate CNIC #: 15602-7-21495-0

07. Gender:  Male  Female

08. Date of Birth: 01-04-1989

09. Postal Address: Iftikhar Computer Reader of District Election Commissioner  
Anwar Kot, Shalkeed Abad City: \_\_\_\_\_ District: Swat

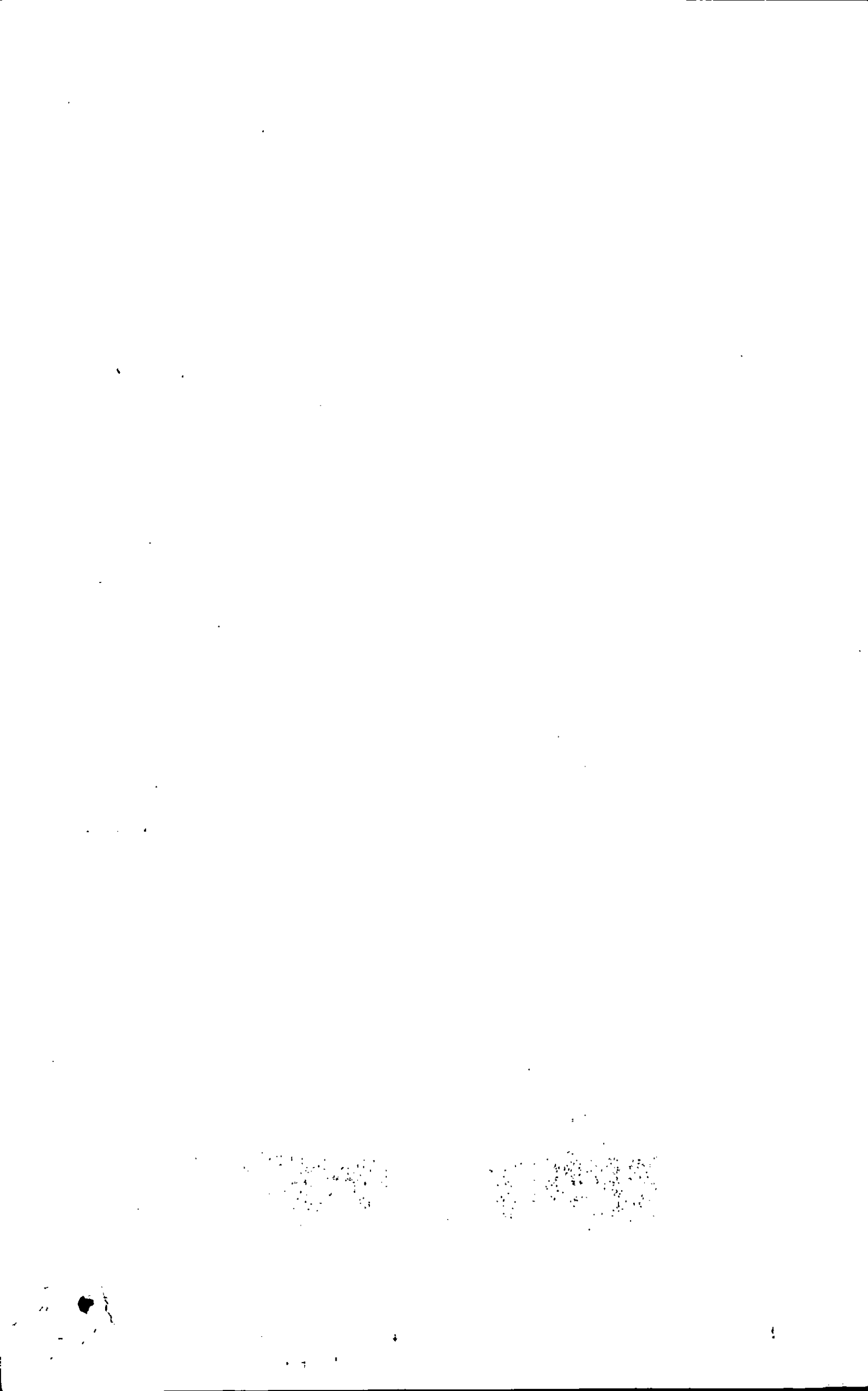
10. Permanent Address: Moh Shahi Matillan P/O Kachura Dist, Swat  
Tehsil Bahria City: \_\_\_\_\_ District: 01. Bt Swat

11. Phone No: (OFF) \_\_\_\_\_ (RES.) \_\_\_\_\_ (Mobile) 0346-2347763

12. Are you a Government Servant?  Yes  No  
If Yes then total years of continuous Experience: \_\_\_\_\_

13. Are you a Disabled Person?  Yes  No  
If yes, state nature of your disability: \_\_\_\_\_

Attested  
Signature



14. Religion:  Muslim  Non Muslim. If Non Muslim, Please Specify: \_\_\_\_\_

15. Are you well versed with MS Word and MS Excel?  Yes  No

10

16. Academic Information: (Please attach attested copies of your academic certificates.)

- Note: 1. NTS will not issue Roll or Slip to those who have not filled in their academic record properly.
- 2. Candidates should convert their grades / GPA into marks.
- 3. Write exact degree name & major subject mention in certificate / transcript.
- 4. Pass out awaiting candidates are not eligible.

Certificate / Degree Name	Degree Title	Year of Passing	Obtained Marks	Total Marks	Board / University / Institute
Metric / O-Level / A-Level	<input checked="" type="checkbox"/> Metric <input type="checkbox"/> Other: _____	2009	466	900	EISE, Peshawar
Intermediate	<input checked="" type="checkbox"/> FA <input type="checkbox"/> FSc <input type="checkbox"/> Other: _____	2011	845	1100	- do -
Bachelor's Degree	<input checked="" type="checkbox"/> _____	2014	889	550	University of Peshawar
Qualification for M.Phil / M.A / M.Sc / M.Tech / M.Des / M.Arch	<input checked="" type="checkbox"/> _____	2017	708	1100	- do -
M.Phil / M.A / M.Sc / M.Tech / M.Des / M.Arch					
Research Diploma					

17. Employment Record: (Please attach copies of your experience certificates)

Sl. No.	Organization / Employer Name	Job Title	Job Duration	
			From	To
01	Election Commission <del>Swat</del>	Sub - ASST. Supt	4 March 2018	
02	OF Peshawar (Swat)			MS P is still out
03				

18. Total Job Experience as on closing date of application: Days: 47 - Months: 9 - Years: 4

19. District of Domicile: Fill the box for Desired District of Domicile. (Mandatory)

01  Swat

20. Age Relaxation Claim: Proof to be provided before selection. (Only 1 will be entertained)

A. Are you Govt. Employee and have completed 2 years continuous service on the closing date for receipt of applications? (10 years)  Yes  No

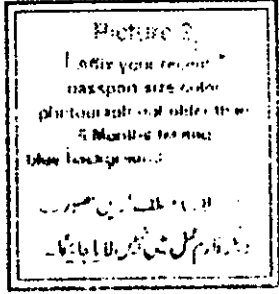
B. Are you a disabled person / \*\*Divorced Woman / Widow? (10 years)  Yes  No

Attested  
Suerfa




**Undertaking By The Applicant:**

I, Shahid Ali d/s/w of Shah Wali Khan do hereby solemnly declare and affirm that I have read and understood the instructions and conditions for appearing in the NTS Test, and I have filled-up the application form as per criteria according. In case of any information contained herein is found at any stage to be missing, untrue, false or forged, my candidature can be cancelled at any stage (even after employment, if so revealed later), and I shall be liable to legal action.



11

Date: 22/12/17 Thumb Impression  Candidate's Signature Shahid Ali

**GENERAL INSTRUCTIONS / توجہ دہانی:**

- Please fill the Application Form properly with complete and correct information / answers.
- Please DO NOT leave any field blank, otherwise your application may not be considered.
- Incorrect, false or forged information may result in cancellation of your candidature at any stage, even after employment and also proceeding of a legal action.
- Attach your Two recent Passport Size Photographs, Attested copies of CNIC, Domicile Certificate, Academic Certificates Experience Certificates (If Any) and Original Bank Deposit Slip (210 Copy)
- By Hand submission of Application Form is not allowed.
- Mobile Phones or any Electronic Gadgets are not allowed in the examination centres.
- Use separate envelop and separate application form for each post also use application fee
- **Last date for submission of Application Form is Today 2<sup>nd</sup> January, 2017.**

**HELP LINE:**

UAN : +92-51-844-444-1

Website: [www.nts.org.pk](http://www.nts.org.pk)

**Keep Visiting NTS Website**

**Please Send Application Forms to:**

**NATIONAL TESTING SERVICE (HQ)**

DC Swat (Project)

Plot 96, Street # 4 H-8/1, Islamabad

Attested  
Signature





**OFFICE OF THE DEPUTY COMMISSIONER, SWAT.**

12

*Amended C1*

Office of the Deputy Commissioner, Swat  
E-mail: [deputycommissionerswat1@gmail.com](mailto:deputycommissionerswat1@gmail.com)

No. 19/DC/Estt

Dated: 30-03-2018

**ORDER.**

As per recommendations of the Departmental Selection/Promotion Committee in its meeting held on 12/03/2018, Mr. Shah Riaz s/o Shah Nazar son of Marifan Kalam Tehsil Bahrain Swat is hereby appointed/selected against the post of Junior Scale Stenographer In (BPS-14) plus usual allowances with immediate effect in the public interest with the following terms and conditions:-

**TERMS AND CONDITIONS**

- 1- His service will be for one year probation as provided under the Rule-6(2) of Civil Servants Act, 1973.
- 2- His service will be liable to termination on one month's notice from either side. In case of resignation, one month's pay/allowances if any shall be forfeited to Government.
- 3- His service can be terminated at any time in case his performance is found unsatisfactory and he will be proceeded against under the Government Servants Efficiency & Discipline Rules, 2011.
- 4- The selectee should join duties within 15 days of the issuance of this order.
- 5- He will produce fitness certificate from the Medical Superintendent/Civil Surgeon.
- 6- Age should not exceed 30 years or below 18 years.

*Attested  
Signature*

  
**DEPUTY COMMISSIONER, SWAT.**

No. 19/DC/Estt

Copy forwarded to:-

- 1- The Commissioner, Malakand Division, Saidu Sharif.
- 2- The District Election Commissioner, Swat for information and necessary action.
- 3- The Comptroller of Accounts, Swat
- 4- The office for necessary action.





*Amal e D*

No. F.I(12)/2013-Estt-DEC-Swat  
OFFICE OF THE  
DISTRICT ELECTION COMMISSIONER  
SWAT

*9/5/18 Check/CA*

13

SWAT.  
3<sup>rd</sup> April, 2018.

To: The Provincial Election Commissioner,  
Khyber Pukhtunkhwa,  
Peshawar.

Through: The Regional Election Commissioner,  
Malakand Division,  
Swat.

Subject: - NO OBJECTION CERTIFICATE.

Dear Sir,

I have the honor to enclosed herewith an application (in original) submitted by Mr. Shah Riaz, Sub Assistant of this office, which is self-explanatory, for further favourable consideration, if agreed, please.

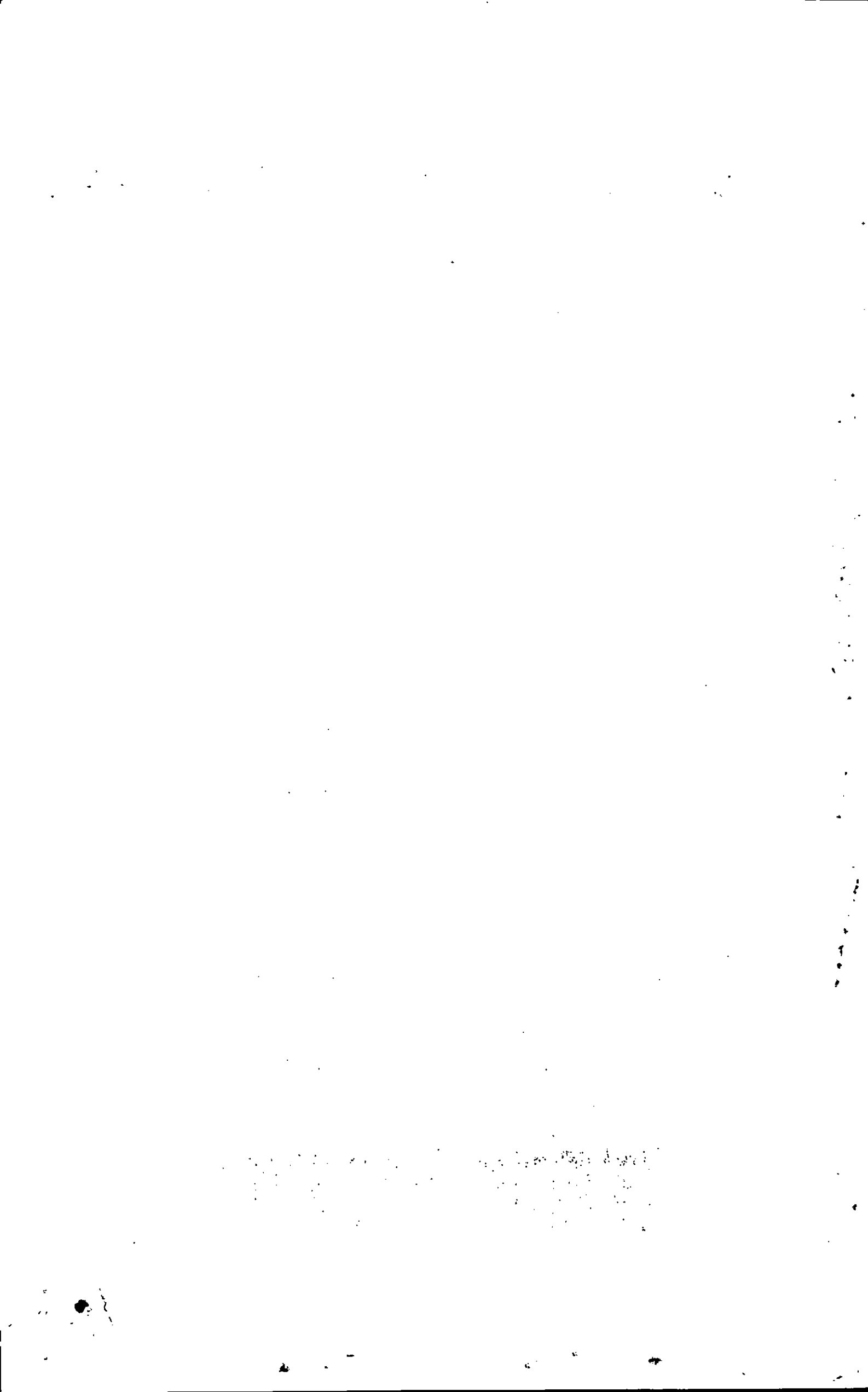
Yours faithfully

Encl: { 1. Application in original  
2. DC, Swat letter No. F.12/14795/DC/11/18  
dated 30<sup>th</sup> March, 2018. }

*g/c*  
\_\_\_\_\_  
(IJAZ AHMAD)  
District Election Commissioner,  
Swat

Issued By *532*  
Date *02/04/2018*

*Attested*  
*[Signature]*



The Provincial Election Commissioner,  
Khyber Pukhtunkhwa,  
Peshawar.

PROPER CHANNEL.

Subject: - NO OBJECTION CERTIFICATE

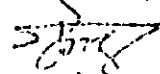
Dear Sir,

Respectfully, it is stated that I had applied for the post of Junior Scale

Stenographer (BPS-14) in the office of the Deputy Commissioner, Swat. Due to shortage of staff, I had not obtained any departmental permission and applied directly for the said post. Now, I have been selected as Junior Scale Stenographer (BPS-14) in the office of the Deputy Commissioner, Swat vide their office order bearing the No.F.12024/9/A/DC/758/P dated 30<sup>th</sup> March, 2018 (Copy enclosed), for which I required Departmental Permission No (Objection Certificate).

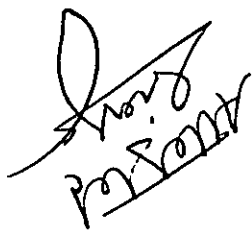
2. It is, therefore, requested that necessary No (Objection Certificate may kindly be issued to me, please and oblige.

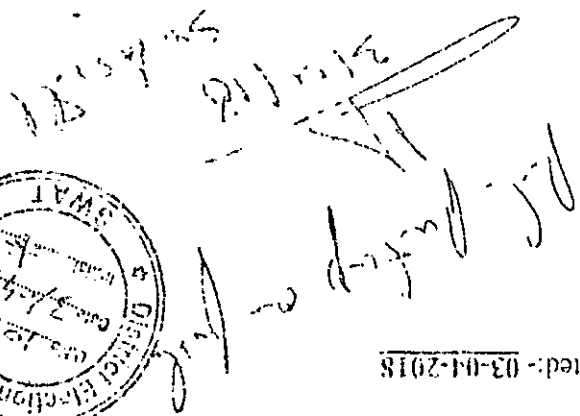
Yours faithfully,

  
(SHAH RAZA)  
Sub Assistant  
of District Election Commissioner,  
Swat

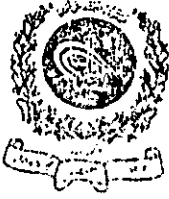


Dated:- 03-04-2018





14



No.F.2(18)/2013-Estt-REC-Swat  
OFFICE OF THE  
REGIONAL ELECTION COMMISSIONER  
MALAKAND DIVISION

REGISTERED

15

SWAT,  
3<sup>rd</sup> April, 2018

To

The Provincial Election Commissioner,  
Khyber Pakhtunkhwa,  
Peshawar.

SUBJECT: - NO OBJECTION CERTIFICATE.

Dear Sir,

I have the honour to forward herewith DEC, Swat office letter No.F.1(12)/2013-Estt-(DEC), dated the 3<sup>rd</sup> April, 2018 alongwith application of Mr. Shah Riaz, Sub Assistant. He has been appointed as Junior Scale Stenographer (BPS-14) in the office of Deputy Commissioner, Swat Vide Order No.12024/9/A/DC/Estt., dated 30-03-2018 (copy attached).

2. It may be remarkably pointed out that Mr. Shah Riaz had not applied for the said post through proper channel and as such he had obtained no departmental permission from the office. The case is accordingly submitted for such orders as may be deemed appropriate.

Yours faithfully,

Encl: (As above)

(JAVED IQBAL)  
Regional Election Commissioner  
Malakand Division

Copy forwarded for information to the District Election  
Commissioner, Swat


*Mushtaq Raza*

(JAVED IQBAL)  
Regional Election Commissioner,  
Malakand Division

**NO.OBJECTION CERTIFICATE**

Mr. Muhammad Ajmal, Sub-Assistant (BPS-08) of this office who has applied for the post of Office Management (BPS-05) in the Intelligence Bureau (IB) will, upon his selection, be permitted to join that organization against the post applied for.

Dated:- 22-04-2016

  
(MUHAMMAD AZAM KHAN)  
Deputy Director (Estt)  
O/o Provincial Election  
Commissioner, Khyber Pakhtunkhwa  
Peshawar.

Muhammad Ajmal, Sub-Assistant, NOC

*Attested*  


Amesha

بخدمت جناب صوبائی الیکشن کمشنر خیبر پختونخواہ پشاور

بوساطت:- ریجنل الیکشن کمشنر ملاکنڈ ڈویژن سوات

بذریعہ:- ڈسٹرکٹ الیکشن کمشنر سوات

17

عنوان:- درخواست بدیں مراد کہ سائل کے ڈپٹی کمشنر سوات کے دفتر میں تعیناتی بحثیت جو نیر سکیل سٹینو گرافر کے باعث

سائیل کے گزشتہ محکمہ الیکشن کمیشن سے بحثیت سب اسٹنٹ سکیل (9) استعفیٰ منظور فرمایا جاویں۔

جناب عالی!

عرض رساں ہوں کہ:-

1. سائل کی تقرری آپ کے زیر سایہ 4 مارچ 2013 کو بحثیت سب اسٹنٹ ہو چکی تھی اور مورخہ 30-03-2018 کو دفتر ڈپٹی کمشنر سوات میں بحثیت جو نیر سکیل سٹینو گرافر تعیناتی ہو چکی ہے (نقل تقرر نامہ لف ہے)۔

2. سائل نے مورخہ 13 اپریل 2018 کو جناب سیکریٹری الیکشن کمیشن اسلام آباد کو محکمے سے NOC اور Through Proper Channel درخواست پر اس میں کروانے کیلئے باقاعدہ درخواست جمع کر رکھا ہے (نقل لف ہے)۔

3. چونکہ مذکورہ بالا درخواست کے پر اس میں کچھ وقت لگ سکتا ہے جبکہ میرے نئے محکمے (دفتر ڈپٹی کمشنر سوات) میں من سائل کے ذمہ داری سنبھالنے کی صرح ہدایت مل چکی ہے، جس ناگزیر مجبوری کے باعث میں اپنے مذکورہ بالا درخواست برائے پر ضروری کارروائی کیلئے مزید انتظار سے قاصر ہوں۔

بدیں وجہ ملتس ہوں کہ بحثیت سب اسٹنٹ آنجناب کے محکمے سے میرا استعفیٰ آج مورخہ 23 اپریل 2018 سے قبول فرمایا جائے تاکہ میں یکسوئی اور جانفشانی سے اپنے نئے فرائض منصبی پر توجہ مرکوز کر سکوں۔ دعا گور ہوں گا۔

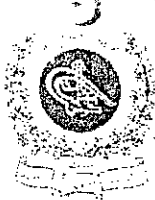
العارض

شاہد یاض سب اسٹنٹ

دفتر ڈسٹرکٹ الیکشن کمشنر، سوات

مورخہ:- 23 اپریل 2018

Attest  
Signature



No.F.3(22)/2013-Estt (PEC)  
OFFICE OF THE  
PROVINCIAL ELECTION COMMISSIONER  
KHYBER PAKHTUNKHWA

Registered/  
Email

18

PESHAWAR  
14<sup>th</sup> May, 2018

The District Election Commissioner,  
Swat.

Subject: - RESIGNATION FROM SERVICE.

I am directed to refer to your office letter No.F.1(12)/2013-Estt-DEC-Swat, dated the 24<sup>th</sup> April, 2018 on the subject noted above alongwith resignation tendered by Mr. Shah Riaz, Sub Assistant of your office. In this connection it is stated that as per terms & conditions embodied in his offer of appointment issued to him vide office Memorandum (copy attached), 14-days notice may be given by either side before the services of an official is terminated or payment in lieu thereof of a sum equivalent to his 14-days pay.

2 In view of the above, you are advised to inform the above named official to deposit his 14-days salary (Pay & Allowances) in Government Treasury from 10<sup>th</sup> to 23<sup>rd</sup> April, 2018.

Yours faithfully,

(HAMIDULLAH)  
Deputy Director (Estt)

Enc: As above

Copy forwarded for information the Regional Election Commissioner, Malakand Division at Swat.

(HAMIDULLAH)  
Deputy Director (Estt)

Attested  
As per  
[Signature]



No. F. 3(22)/2013-Estt (PEC)  
OFFICE OF THE  
PROVINCIAL ELECTION COMMISSIONER  
KHYBER PAKHTUNKHWA

PESHAWAR  
14<sup>th</sup> May, 2018

OFFICE ORDERS No. 42/2018

The Competent Authority has been pleased to accept the resignation tendered by Mr. Shah Riaz, Sub Assistant (BPS-09) in office of the District Election Commissioner, Swat w.e.f 3<sup>rd</sup> May, 2018 (forenoon). He has severed all connections with this organization.

2. The official concerned is required to deposit his 14-days salary (Pay & Allowances) in Government Treasury from 10<sup>th</sup> to 23<sup>rd</sup> April 2018.

*(Signature)*  
(HAMIDULLAH)  
Deputy Director Estt)

Copy forwarded for information and necessary action to the:-

- i. Regional Election Commissioner, Malakand Division at Swat
- ii. Deputy Commissioner, Office Swat.
- iii. District Election Commissioner, Swat.
- iv. District Accounts Officer, Swat.
- v. Mr. Shah Riaz.
- vi. Personal file.

*(Signature)*  
(HAMIDULLAH)  
Deputy Director Estt)

*Attested  
Signs*



20

ARRIVAL REPORT.

In compliance with Deputy Commissioner, Swat order bearing No. 12024/9/A/DC/Estt: dated: 30/03/2018, I, Shah Riaz hereby submit my arrival report for duty today on 23/04/2018 (Fore-Noon).

*Shah Riaz*

(SHAH RIAZ)  
JUNIOR SCALE STENOGRAPHER (BPS-14)  
DC OFFICE SWAT.  
DATED: 23/04/2018

*E.A*

*Shah Riaz*  
*24/4/18*

*Attested*  
*[Signature]*

Amended

21

BEFORE THE WORTHY DEPUTY COMMISSIONER SWAT

Subject: APPLICANT / APPEAL, TO GRANT PREVIOUS SERVICE (BACK BENEFITS)  
TOWARDS PAY PENSION, SENIORITY, GRATUITY ETC, WITH THE CURRENT  
SERVICE.

Respected Sir,

1. That the applicant served as sub-assistant with Election Commission of Pakistan since 04-03-2013. (appointment order attached herewith):
2. That during service, the applicant applied for the post of Junior Scale stenographer (BPS-14) duly advertised by your office. (NTS form attached)
3. That the applicant was selected for the aforementioned post. (Copy of appointment order attached)
4. That the applicant in order to join the newly appointed office submitted for NOC to the previous department i.e., Election Commission of Pakistan. (Copy attached)
5. That on 23<sup>rd</sup> April, 2018 the applicant resigned from the previous office and without any break joined the current office on dated 23-4-2018. (Copies attached)
6. That as there is no break in the service of the applicant, so as per rules and regulation the applicant is entitled for all back benefits of his previous service.

Prayer

It is therefore humbly prayed, that previous service of the applicant may kindly be considered / counted towards pay, allowance, pension, seniority, gratuity and all other back benefits as per rules and regulation.

Applicant

Shah Riaz

(Junior Scale Stenographer)

Date: 06<sup>th</sup> December, 2018.

Attested  
Signature



22

OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

Tel No: 0946-9240336  
Fax No: 0946-9240329

No. 40771 /9/DC/Estt:

E-mail: Deputycommissionerswat1@gmail.com

Dated: 19-12- /2018

To,

Mr. Shah Riaz,  
Junior Scale Stenographer, local office.

Subject:- APPLICATION/APPEAL FOR GRANT OF PREVIOUS SERVICE  
(BACK BENEFITS).

Memo:

Reference your application dated: 06/12/2018 on the above cited subject.

At the time of appointment as Stenographer (BPS-14) in this office, you have not provided any information/service record of previous service, therefore, your application cannot be considered at this stage.

*Oraindree*  
DEPUTY COMMISSIONER,  
SWAT.

*Attested*  
*[Signature]*

BEFORE THE WORTHY COMMISSIONER SWAT

Subject: APPEAL, TO GRANT PREVIOUS SERVICE (BACK BENEFITS)  
TOWARDS PAY, PENSION, SENIORITY, GRATUITY ETC, WITH  
THE CURRENT SERVICE.

Respected Sir,

- 1) That the appellant served as sub-assistant with Election Commission of Pakistan since 04-03-2013.  
(Appointment order attached herewith)
- 2) That during service, the appellant applied for the post of Junior Scale stenographer (BPS 14) duly advertised by the Office of Deputy Commissioner Swat.  
(NTS form Attached)
- 3) That the appellant was selected for the aforementioned post.  
(Copy of appointment order attached)
- 4) That the appellant in order to join the newly appointed office, submitted for NOC to the previous department i.e., Election Commission of Pakistan.  
(Copy attached)
- 5) That on 23<sup>rd</sup> April, 2018 the appellant resigned from the previous office and without any break joined the current office on dated 23-4-2018.  
(Copies Attached)

*Attested*  
*Signature*

- 6) That as there is no break in the service of the appellant, so as per rules and regulation the appellant is entitled for all back benefits of his previous service.
- 7) That for the above mentioned reasons the appellant submitted an application to the Deputy Commissioner Swat, which was dishonored.  
(Copies attached)

#### Prayer

It is therefore humbly prayed, that previous service of the appellant may kindly be considered/ counted towards pay, allowance, pension, seniority, gratuity and all other back benefits as per rules and regulation.

#### Appellant

Shah Riaz *Shah Riaz*  
(Junior Scale Stenographer)

Date: 08/01/2019

*Shah Riaz*  
*Shah Riaz*



OFFICE OF THE  
COMMISSIONER MALAKAND DIVISION  
SAIDU SHARIF SWAT

25

Tel# 0946-9240458  
Email: secretarytcmd@gmail.com

No. 446 /2/28/Estt:  
Dated 01 / 02 / 2019

To:

The Deputy Director (Estt),  
Provincial Election Commissioner,  
Khyber Pakhtunkhwa Peshawar.

Subject:- DEPARTMENTAL APPEAL OF MR. SHAH RIAZ, JUNIOR SCALE  
STENOGRAPHER.


Dear Sir,

I am directed to refer to your office Order No. 42/2018, dated 14.05.2018, on the subject noted above and to enclose herewith a copy of the Departmental Appeal, submitted by Mr. Shah Riaz, the then Sub Assistant, District Election Commissioner's Office, Swat, appointed as Junior Scale Stenographer in Deputy Commissioner's Office, Swat, the contents of which are self-explanatory.

I am further directed to request to look into the matter to resolve the grievances of the appellant please.

Encl: As above.

Yours faithfully,

  
ASSISTANT TO COMMISSIONER (REV/GEN),  
MALAKAND DIVISION

No. 447-49 /2/28/Estt:

Copy forwarded to:

1. The Deputy Commissioner, Swat, for information please.
2. Mr. Shah Riaz, Junior Scale Stenographer, Deputy Commissioner's Office, Swat with reference to his appeal quoted above, for information please.

  
ASSISTANT TO COMMISSIONER (REV/GEN),  
MALAKAND DIVISION



بار کونسل نمبر: BC-11-2303	 	بریل نمبر: 49540
بار ایسوسی ایشن نمبر: 257		ڈسٹرکٹ بار ایسوسی ایشن سوات
رابطہ نمبر: 03018066889		

بعدالت جناب: Service Tribunal KPK at Peshawar

منجانب: Appellant	دعویٰ اور خواست: service appeal
شاہ ریاضی بنام کمشنر ملائذ وغیرہ	علت نمبر: /
	مورخہ: /
	جرم: /
	تھانہ: /

باعت حیرانگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

پشاور  
آج مقام کلکتہ کیلئے محمد مشتاق خان ایڈووکیٹ ہائی کورٹ کو مقرر کر کے  
اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ  
کرنے و تقرر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ، اور درخواست برائے سرسبزی مقدمہ، منسوخی ڈگری  
یکطرفہ، اجراء پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ  
مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا  
اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران  
مقدمہ جو خرچہ و ہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی  
مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم  
پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،  
لہذا وکالت نامہ لکھ دیا کہ سندر ہے

مقام کلکتہ کے لئے منظور ہے۔

شاہ ریاضی  
ایڈووکیٹ

ایڈووکیٹ دستخط:  المرقوم: 30-4-2019

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA CAMP COURT SWAT**

**Appeal No. 589 /2019**

Shah Riaz.....Appellant

**Versus**

Commissioner Malakand Division & others.....Respondents

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S. No.	Description of Documents	Annexure	Pages
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2	Affidavit	-	4
3	Copy of Order dated 18.03.13.	A	5
4	Copy of Order dated 14.05.2018	B	6
5	Copy of application for resignation dated 23.04.2018	C	7
5	Copy of application, asking for NOC by the appellant	D	8
6	Copy of letter whereby grant of NOC turned down	E	9

Respondent No.3 & 4



**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA CAMP COURT SWAT**

**Appeal No. 589 /2019**

Shah Riaz.....Petitioner

**Versus**

Commissioner Malakand Division & others.....Respondents

**REPLY ON BEHALF OF RESPONDENTS NO. 3 & 4**

Respectfully Sheweth,

**Preliminary Objections:**

1. That the Appellant has got no cause of action against the answering Respondents.
2. That the Appeal of the appellant does not disclose any cause of action against the answering Respondents.
3. That the Appellant is estopped to file the instant appeal against the answering Respondents.
4. That the Hon'ble Tribunal lacks the jurisdiction to entertain the instant appeal against the answering Respondent being Federal Constitutional body.

**FACTS**

1. Correct to the extent that appellant served as sub assistant in BPS-9 with ECP. It is further clarified that appellant served from 04.03.13 to 03.05.18. In this regard Office Orders dated 18.03.2013 and dated 14.05.18 attached as Annex "A" and "B" and thereafter, got resigned upon his own application of

resignation, from service with the ECP. (copy of application is attached as Annex "C")

2. Para 2 is irrelevant to answering respondents however, It is further stated that in this regard appellant didn't bother to apply through proper channel from the parent department i.e. answering respondents.
3. Irrelevant to answering Respondents.
4. In this regard, it is submitted that after an alleged offer of appointment dated 30.03.18 from Respondent No. 1 & 2 , appellant applied subsequently for NOC vide his application dated 03.04.18 (copy annex as "D"), which was turned down by the answering Respondents vide Office Order dated 16.04.2019 (copy of the Order annexed "E") as his application for the job at the time of submission with N.T.S (National Testing Service) was not got routed through proper channel from the office of answering respondents
5. Correct to the extent that appellant resigned from the services of ECP vide his resignation dated 23.04.18 and accordingly got resigned on 03.05.18 vide answering Respondent Office Order No.42/18 dated 14.05.18 (copy already annexed as "B")  
Rest of the Para is irrelevant to answering Respondents.
6. Irrelevant to answering Respondents.
7. Irrelevant to answering Respondents.

**GROUND**

- A-H. Irrelevant to answering Respondents, however, there is no cause of action available to appellant against the answering Respondents, as the alleged impugned Order is not passed by the answering Respondents.
- I. Legal, anyhow appellant has got no cause of action against the answering Respondents.

**PRAYER:**

In view of the above submissions, it is humbly prayed that the appeal having no substance, may kindly be dismissed against the answering Respondents with costs.

Dated: \_\_\_\_\_

(PIR MAQBOOL AHMAD)  
Provincial Election Commissioner/  
Respondent No. 3 & *on behalf*  
*of* Respondent No. 4  
Regional Election Commissioner,  
Malakand Division at District Swat

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA CAMP COURT SWAT**

**Appeal No. 589 /2019**

Shah Riaz.....Petitioner

**Versus**

Commissioner Malakand Division & others.....Respondents

**AFFIDAVIT**

I, Riaz Ahmad Khattak, Law Officer o/o Provincial Election Commissioner, Khyber Pakhtunkhwa upon the instruction of answering respondents, do hereby solemnly declare on oath that the contents of the accompanying comments are true and correct to the best of my knowledge and belief and that nothing has been concealed intentionally from this Hon'ble Court.



**DEPONENT**

N.I.C.No: 14202-1337235-3

5

No. F. 3(22)/ 2013-Estt (PEC)  
OFFICE OF THE  
PROVINCIAL ELECTION COMMISSIONER  
KHYBER PAKHTUNKHWA

Annex A.

PESHAWAR  
March 18, 2013

OFFICE ORDER NO. 41 / 2013

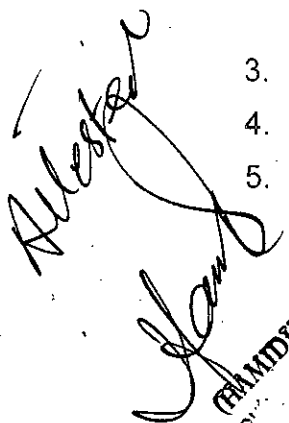
Mr. Shah Riaz son of Shah Nazar Khan is appointed to officiate against the vacant post of Sub Assistant in the office of the Assistant Election Commissioner, Swat in (BPS-08) i.e. Rs.6,000-350-16,500 plus usual allowances as admissible under the rules w.e.f 4<sup>th</sup> March, 2013 (forenoon) and until further orders as per terms and conditions embodied in the Offer of Appointment issued vide this O.M. No. F. 1(5)/2007-Estt (PEC), dated the 27<sup>th</sup> February, 2013.

2. He will be on probation for a period of one year. If no order is issued on the expiry of the first year of probation, the period of probation shall be deemed to have been extended to another year. If no order is issued by the day following the termination of the extended period of probation, the appointment shall be deemed to be held by him until further order.

  
(SHARIFULLAH)  
Deputy Director (Estt)

Copy forwarded for information & necessary action to the: -

1. Regional Election Commissioner, Malakand Division, Swat.
2. Assistant Election Commissioner, Swat, with reference to his letter No. F. 1(12)/2013-Estt-AEC-Swat, dated the 6<sup>th</sup> March, 2013. Three blank police verification forms are enclosed herewith with the direction that the same may be got filled and forwarded to Superintendent of Police Swat, D.I.G Special Branch Peshawar and Director Intelligence Bureau Islamabad for further necessary action.
3. Accounts Officer (H.O).
4. District Accounts Officer, Swat.
5. Official concerned.



  
SHAH RIAZ  
Sub Assistant Appointment Officer  
Provincial Election Commissioner  
Khyber Pakhtunkhwa

18/3/13

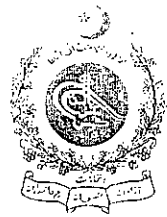
  
(SHARIFULLAH)  
Deputy Director (Estt)

6

2013-Estt (PEC)

U.I.I.S

Annex-B  
152



No. F. 3(22)/2013-Estt (PEC)  
OFFICE OF THE  
PROVINCIAL ELECTION COMMISSIONER  
KHYBER PAKHTUNKHWA

PESHAWAR  
14<sup>th</sup> May, 2018

OFFICE ORDERS No. 42/2018

The Competent Authority has been pleased to accept the resignation tendered by Mr. Shah Riaz, Sub Assistant (BPS-09) in office of the District Election Commissioner, Swat w.e.f 3<sup>rd</sup> May, 2018 (forenoon). He has severed all connections with this organization.

2. The official concerned is required to deposit his 14-days salary (Pay & Allowances) in Government Treasury from 10<sup>th</sup> to 23<sup>rd</sup> April, 2018.

*(Signature)*  
( HAMIDULLAH )  
Deputy Director Estt)

Copy forwarded for information and necessary action to the: -

- i. Regional Election Commissioner, Malakand Division at Swat.
- ii. Deputy Commissioner, Office Swat.
- iii. District Election Commissioner, Swat.
- iv. District Accounts Officer, Swat.
- v. Mr. Shah Riaz.
- vi. Personal file.

*(Signature)*

**(HAMIDULLAH)**  
Deputy Director (Estt.)  
Provincial Election Commissioner  
Khyber Pakhtunkhwa

79174-79  
ISSUED  
14-5-18

*(Signature)*  
( HAMIDULLAH )  
Deputy Director Estt)

بخدمت جناب صوبائی الیکشن کمشنر خیبر پختونخواہ پشاور

بوساطت:- ریجنل الیکشن کمشنر ملاکنڈ ڈویژن سوات

بذریعہ:- ڈسٹرکٹ الیکشن کمشنر سوات

عنوان:- درخواست بدیں مراد کہ سائل کے ڈپٹی کمشنر سوات کے دفتر میں تعیناتی بحثیت جو نیر سکریٹری سٹیٹو گرافر کے باعث سائیل کے گزشتہ محکمہ الیکشن کمیشن سے بحثیت سب اسٹنٹ سکریٹری (9) استعفیٰ منظور فرمایا جاوے۔

جناب عالی!

عرض رساں ہوں کہ:-

1. سائل کی تقرری آپ کے زیر سایہ 4 مارچ 2013 کو بحثیت سب اسٹنٹ ہو چکی تھی اور مورخہ 30-03-2018 کو دفتر ڈپٹی کمشنر سوات میں بحثیت جو نیر سکریٹری سٹیٹو گرافر تعیناتی ہو چکی ہے (نقل تقرر نامہ لف ہے)۔

2. سائل نے مورخہ 13 اپریل 2018 کو جناب سیکریٹری الیکشن کمیشن اسلام آباد کو محکمہ سے NOC اور Through Proper Channel درخواست پراسیس کروانے کیلئے باقاعدہ درخواست جمع کر رکھا ہے (نقل لف ہے)۔

3. چونکہ مذکورہ بالا درخواست کے پراسیس میں کچھ وقت لگ سکتا ہے جبکہ میرے نئے محکمہ (دفتر ڈپٹی کمشنر سوات) میں من سائل کے ذمہ داری سنبھالنے کی صریح ہدایت مل چکی ہے، جس ناگزیر مجبوری کے باعث میں اپنے مذکورہ بالا درخواست برائے پر ضروری کاروائی کیلئے مزید انتظار سے قاصر ہوں۔

بدیں وجہ ملتمس ہوں کہ بحثیت سب اسٹنٹ آنجناب کے محکمہ سے میرا استعفیٰ آج مورخہ 23 اپریل 2018 سے قبول فرمایا جائے تاکہ میں یکسوئی اور جانفشانی سے اپنے نئے فرائض منصبی پر توجہ مرکوز کر سکوں۔ دعا گور ہونگا۔

العارض

شاہ ریاض سب اسٹنٹ

دفتر ڈسٹرکٹ الیکشن کمشنر، سوات

مورخہ:- 23 اپریل 2018

Deputy Director (Estt.)  
Provincial Election Commissioner  
Khyber Pakhtunkhwa

8

Annex-D

To, The Provincial Election Commissioner,  
Khyber Pukhtunkhwa,  
Peshawar.

Through: - PROPER CHANNEL.

Subject: - NO OBEJCTION CERTIFICATE

Dear Sir,

Respectfully, it is stated that I had applied for the post of Junior Scale Stenographer (BPS-14) in the office of the Deputy Commissioner, Swat. Due to shortage of time, I had not obtained any departmental permission and applied directly for the said post. Now, I have been selected as Junior Scale Stenographer (BPS-14) in the office of the Deputy Commissioner, Swat vide their office order bearing file No.F.12024/9/A/DC/Estt: dated 30<sup>th</sup> March, 2018 (Copy enclosed), for which I required Departmental Permission/No Objection Certificate.

2. It is, therefore, requested that necessary No Objection Certificate may kindly be issued to me, please and oblige.

Dated:- 03-04-2018



(HAMIDULLAH)  
Deputy Director (Estt.)  
Provincial Election Commissioner,  
Khyber Pakhtunkhwa

Yours faithfully,



(SHAH RIAZ)  
Sub Assistant  
o/o District Election Commissioner,  
Swat.





(9)  
 No. F.3(22)/2013-Estt (PEC)  
 OFFICE OF THE  
 PROVINCIAL ELECTION COMMISSIONER  
 KHYBER PAKHTUNKHWA

E-mail

116  
Annex-E

**PESHAWAR**  
 16<sup>th</sup> April, 2018

The District Election Commissioner,  
Swat

Subject: - NO OBJECTION CERTIFICATE

Reference your office letter No.F.1(12)/2013-Admn-DEC-Swat dated the 3<sup>rd</sup> April, 2018 on the subject noted above.

2. It is to inform you that request for granting of NOC in respect of Mr. Shah Riaz, Sub Assistant of your office was considered in this office and the same has been found contrary to rules (extract of releveant rules are attached). Hence the official concerned may be informed accordingly.

Yours faithfully,

Encl: As above

*Fm*  
 16/4/2018  
**(FAQIR MUHAMMAD)**  
 Deputy Director (Admn)

Copy forwarded for information to the Regional Election Commissioner, Malakand Division at Swat w/r to his office letter No.F.2 (18)/2013-Estt-REC, Swat, dated the 3<sup>rd</sup> April, 2018

*Attested*  
*[Signature]*  
**(ABDULLAH)**  
 Deputy Election Commissioner (Estt.)  
 Provincial Election Commission  
 Khyber Pakhtunkhwa

4145-46  
 ISSUED  
 17/4/18

*Fm*  
 16/4/2018  
**(FAQIR MUHAMMAD)**  
 Deputy Director (Admn)

*[Signature]*  
 16/4/18

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

**Appeal No. 589/2019**

Mr. Shah Raiz (Junior Scale Stenographer)

S/o Shah Nazar R/o Shaheed Abad Amankot, Swat ..... APPELLANT

**VERSUS**

1. Commissioner, Malakand Division at Saidu Sharif Swat.
2. Deputy Commissioner Swat at Gulkada Swat.
3. Provincial Election Commissioner, Khyber Pakhtunkhwa at Peshawar.
4. Regional Election Commissioner Malakand Division at District Swat.

..... RESPONDENTS

**PRELIMINARY OBJECTIONS.**

- 1- The appellant is stopped by this conduct to file the present appeal.
- 2- The appellant has no cause of action.
- 3- The appellant has no locus standi to bring the present appeal.
- 4- The appellant has no legal grounds in support of his appeal.
- 5- That due to laches appeal is liable to be dismissed.

**JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2**

Respectfully Sheweth,

- 1- Related to Election Commission of Pakistan.
- 2- Related to record, however, the appellant applied to the post without any NOC, hence was appointed as a fresh.
- 3- Correct
- 4- Related to Election Commission of Pakistan.
- 5- Correct to the extent that the official joined his duties in the office of Deputy Commissioner, Swat on 23/04/2018 (copy of arrival report as Annexure-A) however the rest of the para is denied.
- 6- In-correct. At the time of appointment as Junior Scale Stenographer, the official had not produced any information/service record of his previous service. However, the appellant has applied for resignation from his previous service which was accepted vide order dated: 14/05/2018 (Annex-B), hence the appellant is not entitled for any benefits.

7- Correct. Departmental appeal of the appellant was forwarded to the Provincial Election Commissioner, Khyber Pakhtunkhwa for resolution of the grievances of the appellant.

**GROUND.**

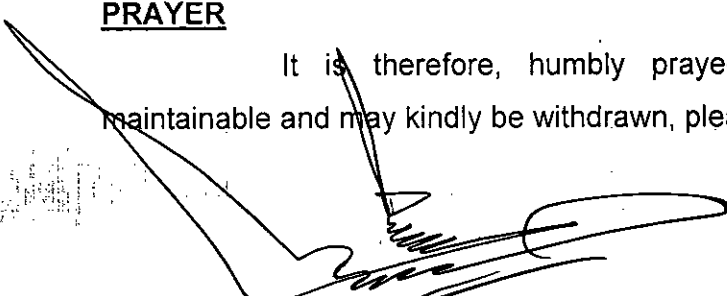
Incorrect. Paras A, B, C, D, E, F, are repetition of words and give/reflects the same stance of the appellant, therefore, the same are collectively denied. In this regard reply has been given to the appellant upon his application as he could not produce any departmental documents/NOC from his previous office/department i.e Election Commission of Pakistan, rather resigning from his previous service, therefore not entitled for any relief.

G. Incorrect. The appellant has been treated in accordance with law and rules and all possible protection of law has been extended to the appellant.


H. Incorrect. Para H also is repetition of words as explained above.

**PRAYER**

It is therefore, humbly prayed that the instant appeal is not maintainable and may kindly be withdrawn, please.



**Commissioner, Malakand Division**  
**RESPONDENT NO. 1**  
**Commissioner, Malakand Division.**



**Deputy Commissioner, Swat**  
**RESPONDENT NO. 2**  
**Deputy Commissioner**  
**Swat. X**