

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. 524/2019

Date of Institution ... 24.04.2019

Date of Decision ... 31.08.2021

Wali Shah, Ex-Constable, CCP Peshawar.

... (Appellant)

**VERSUS**

Provincial Police Officer, Central Police Office Khyber Pakhtunkhwa  
Peshawar and three others.

... (Respondents)

Mr. TAIMUR ALI KHAN,  
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,  
Additional Advocate General

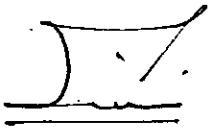
--- For respondents.

MR. SALAH-UD-DIN  
MR. ATIQ-UR-REHMAN WAZIR

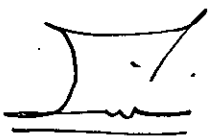
--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-**

  
Precise facts forming the background of the instant service appeal are that the appellant was appointed as Constable on 22-06-1994. During the course of his service, the appellant was proceeded against on the charges of absence from duty, however the competent authority, while taking a lenient view, awarded him the major penalty of compulsory retirement from service vide order dated 07-03-

2005. In view of his poor financial status, his period of absence was also treated as leave of the kind due. The appellant accepted the said penalty and the respondents processed his case, which lingered for quite some time amongst the respondents but his pension case could not materialize as he was considered not entitled for condonation of deficiency in qualifying service for pension, as the appellant was having total qualifying service as 9 years 7 months and 5 days. The appellant filed Writ Petition No. 1879-P 2018 before the august Peshawar High Court, however the same was dismissed vide judgment dated 02-04-2019 on the point of jurisdiction. The appellant has now approached this Tribunal through filing of the instant service appeal for redressal of his grievance.



2. Notices were issued to the respondents, who contested the appeal by way of filing reply.

03. We have heard learned counsel for the parties and have perused the record. Learned Additional Advocate General stated that the pension case of the appellant was processed with zeal and zest, however the same could not be materialized as he was not held entitled for condonation of deficiency in qualifying service for pension in light of Finance Department letter dated 14-07-2017.

04. A perusal of the record would show that the appellant rendered a total service of 10 years 8 months and 15 day, whereas the respondents calculated his qualifying

service as 9 years 7 months and 05 days as the appellant availed extraordinary leave without pay for 01 year 01 month and 10 days, which was excluded from his service. Record reveals that the appellant availed such leave on full pay, half pay and leave without pay only for 194 days. As per law, leave availed on full and half pay is countable towards continuous service of the appellant and as such his qualifying service comes to 10 years, 2 months and 01 day, which needs no condonation. Even if the plea of the respondent is considered correct, CSR-423(1) is very clear which provides that a deficiency of a period not exceeding six months in the qualifying service of an employee shall be deemed to have been condoned automatically. What created a mess was wrong advice of Finance Department tendered vide letter dated 14-07-2017 by referring section-13(1) of Civil Servant Act, 1973, which does not relate to the instant case and is totally irrelevant as the said section of law relates to normal retirement and not compulsory retirement. August Peshawar High Court in its judgment reported as 2016 PLC (C.S) 308 has held that deficiency not exceeding six months in qualifying service for pensionary benefit of an official should be deemed to have been condoned automatically. We have noted with concern that case of the appellant was not properly examined by the respondents, hence he suffered both financially as well as gone through mental agony.

05. In view of the foregoing discussion, the instant appeal is accepted with directions to the respondents to

ORDER  
02.09.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Mehtab Gul, Law Officer alongwith Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

In ~~view~~ <sup>vide</sup> of our detailed judgment of today passed in Service Appeal bearing No. 1374/2019 titled "Zahoor Khan Versus Chairman Public Service Commission, Khyber Pakhtunkhwa, Peshawar and two others", the appeal in hand is allowed by setting aside the impugned order of dismissal of appellant and he is re-instated into service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.


ANNOUNCED  
02.09.2021

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

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

positively release pension of the appellant within 30 days of the receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
31.08.2021



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)




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

ORDER  
31.08.2021

Mr. Taimur Ali Khan, Advocate, for the appellant present.  
Mr. Muhammad Raziq, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted with directions to the respondents to positively release pension of the appellant within 30 days of the receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to record room.


ANNOUNCED  
31.08.2021

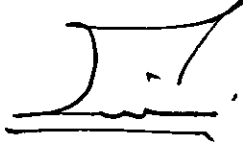
  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

02.07.2021 Appellant alongwith Mr. Taimur Ali Khan, Advocate, present.  
Mr. Kabiurllah Khattak, Additional Advocate General for the  
respondents present.

Learned Additional Advocate General sought adjournment on  
the ground that due to his engagement in other appeals, he has not  
met preparation for arguments. Adjourned. To come up for  
arguments before the D.B on 31.08.2021.

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)

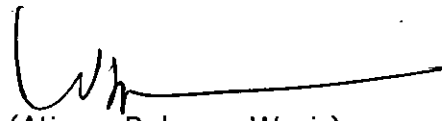
  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

16.11.2020

Appellant in person present.

Zara Tajwar learned Deputy District Attorney alongwith  
Muhammad Raziq H.C for respondents present.

Former made a request for adjournment as his counsel is  
not available. Adjourned. To come up for arguments on  
15.01.2021 before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



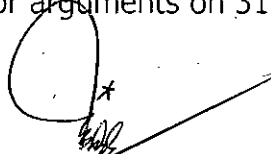
(Rozina Rehman)  
Member (J)

15.01.2021

Appellant present through counsel.

Muhammad Rasheed learned Deputy District Attorney  
alongwith Aziz Shah Reader for respondents present.

Learned counsel produced certain case laws and is ready  
for arguments but learned D.D.A made a request for a short  
adjournment in order to go through the reported judgments  
relied upon by the learned counsel for appellant; granted. To  
come up for arguments on 31.03.2021 before D.B.



(Mian Muhammad)  
Member (E)



(Rozina Rehman)  
Member (J)

31.03.2021

Due to non-availability of the  
concerned D.B. the case is adjourned  
to 2/07/2021 for the same as before



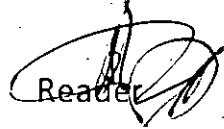
Reader.



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

Due to COVID19, the case is adjourned to

12/8/2020 for the same as before.

  
Reader

12.08.2020

Due to summer vacations case to come up for the same on  
14.10.2020 before D.B.

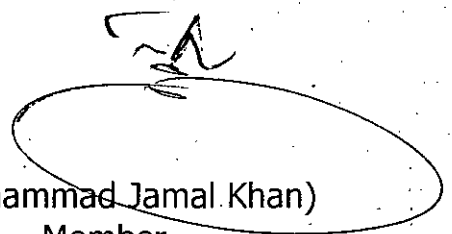
  
Reader

14.10.2020

Appellant in person present. Mr. Muhammad Jan  
learned Deputy District Attorney for respondents  
present.

Former requests for adjournment that his counsel is  
busy before Hon'ble Peshawar High Court, Peshawar.  
Adjourned. To come up for arguments on 16.11.2020  
before D.B.

  
(Atiq-Ur-Rehman Wazir)  
Member


  
(Muhammad Jamal Khan)  
Member

03.02.2020

Counsel for the appellant present. Addl: AG alongwith Mr. Zakiullah, Senior Auditor and Mr. M. Raziq, H.C for respondents present. Written reply on behalf of respondents no. 1,2 and 3 submitted which is placed on file. Case to come up for arguments on 18.03.2020 before D.B.

  
Member

18.03.2020

  
Counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Raziq, H.C for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.05.2020 before D.B.

  
(MAIN MUHAMMAD)  
MEMBER

  
(M.AMIN KHAN KUNDI)  
MEMBER

524/2019

11.10.2019

Counsel for the appellant and Addl. AG alongwith Zakiullah, Senior Auditor for the respondents.

Representative of the respondents requests for further time. Adjourned to 15.11.2019 for submission of written reply/comments before S.B

  
Chairman

15.11.2019

Counsel for the appellant and Addl. AG alongwith Aziz Shah, H.C for the respondents present.

The Worthy Chairman is on leave, therefore, the matter is adjourned to 19.12.2019 for the same.

  
Reader

19.12.2019

Junior to counsel for the appellant and Addl. AG alongwith Zakiullah, Senior Auditor and Muhammad Raziq, Reader for the respondents present.

Representative of respondent No. 4 has furnished reply/comments. Placed on record. Representative of respondents No. 1 to 3 still needs time despite repeated opportunities. Last opportunity is granted to the respondents No. 1 to 3 for submission of requisite reply/comments on 03.02.2020 before S.B.

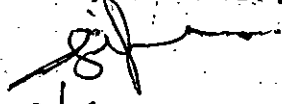
  
Chairman

29.07.2019

Counsel for the appellant present.

Contends that the appellant was compulsorily retired through order dated 07.03.2005 as a result of departmental proceedings. Ever-since, the appellant has been running from pillar to post for release of his pension as he had put in more than ten years of service before his retirement. Learned counsel referred to the communication between Police Department and Accountant General, Peshawar wherein the former had clearly requested for finalization of pension claim of the appellant. Despite, he has not been paid the dues.

Appellant Deposited  
Security & Process Fee

  
29/7

In view of the arguments of learned counsel for the appellant and available record, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 13.09.2019 before S.B.

  
Chairman

13.09.2019


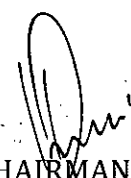


Counsel for the appellant and Addl. AG alongwith Habib Shah, Reader for the respondents present.

Representative of the respondents requests for time to submit written reply. Adjourned to 11.10.2019 on which date the requisite reply shall positively be submitted.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Case No. 524/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/04/2019	<p>The appeal of Mr. Wali Shah presented today by Mr. Taimur Ali Khan 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 24/4/19</p>
2-	25/04/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	16.05.2019	<p>Junior to counsel for the appellant present and seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 28.06.2019 before S.B.</p> <p style="text-align: right;"> Member</p>
	28.06.2019	<p>Learned counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for preliminary hearing on 29.07.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 524 /2019

Wali Shah

V/S


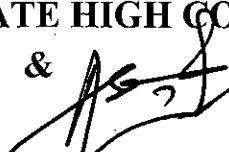
PPO & Other

**INDEX**

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-03
	condonation application	-----	04-05
2.	Copy of Pension Papers	A	06-20
3.	Copies of Retirement Order, LPC & Service Roll	B&C	21-37
4.	Copies of letter dated 23.08.2017 and 24.10.2017	D&E	38-40
5.	Copies of departmental appeal and judgment dated 02.04.2015	F&G	41-50
6.	Vakalat Nama	-----	51

**APPELLANT**

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,  
&  
  
ASAD MAHMOOD  
ADVOCATE HIGH COURT

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 524 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 657

Dated 24-4-2019

Wali Shah, Ex-Constable,  
CCP Peshawar.

(APPELLANT)

**VERSUS**

1. The Provincial Police Officer, Central Police Office Khyber Pakhtunkhwa Peshawar.
2. The Capital City Police officer, Central Police Office Khyber Pakhtunkhwa Peshawar.
- ✓3. The Senior Superintendent of Police, Head Quarter, Peshawar.
4. The Accountant General of Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

-----

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 FOR DIRECTING THE RESPONDENT THE FINALIZE AND RELEASE THE PENSION TO THE APPELLANT PENDING SINCE 2005 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Filed to-day  
Registrar  
24/4/19

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY PLEASE BE DIRECTED FINALIZE AND RELEASE THE PENSION TO THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL ARREARS WITHOUT FURTHER DELAY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was initially appointed as Constable No. 125 on 22.06.1994 and have about 11 year service on his credit, which is evident from the pension papers. **(Copy of Pension Papers is attached as Annexure-A)**
2. That the appellant was compulsory retired from the service vide order dated 07.03.2005 on the basis of absence and his absence period was treated as leave of kind due and he has paid salary upto 31.03.2005 which is evident from the LPC of the appellant. **(Copies of Retirement Order, LPC and service roll are attached as Annexure-B&C)**
3. That the appellant had put in more than 10 years service, therefore, he submitted pension case, which is still under consideration and has not been finalized so-far.
4. That the appellant also filed application for his grievance to Provincial Ombudsman, but no fruit full result was received by the appellant.
5. That the appellant also filed application for finalization of his pension on which correspondence was made between respondent No.2 and Respondent No.4 which is evident from the letter dated 23.08.2017 and 24.10.2017 despite that his case of pension was not finalized. **(Copies of letter dated 23.08.2017 and 24.10.2017 are attached as Annexure-D&E)**
6. That the appellant then filed departmental appeal to respondent No.1, but no action has been taken on his departmental appeal within the statutory period of ninety days, then he filed writ petition in the Honourable Peshawar High Court Peshawar, in which the Honourable observed that the exercise of jurisdiction by way of suit and Constitution petition filed by a civil servant with the terms and condition of service is violative of Article 175, 212 and 240 and the law and the basis of observation the writ petition of the appellant was dismissed being not maintainable by the august High Court on 02.04.2019 **(Copies of departmental appeal and judgment dated 02.04.2015 is attached as annexure-F&G)**
7. That the appellant has no other remedy except to file the instant appeal for redressal of grievance on the following grounds amongst others.



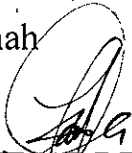
**GROUNDS:**


- A. That not taking action on the departmental appeal of the appellant and action of the respondents not to finalize and release the pension of the appellant are against the law, facts and norms of justice, therefore such delay is totally not sustainable in yes of law.
- B. That there are clear directions of the Honorable Supreme Court of Pakistan to finalize the pension cases within 15 days, but the respondents are not fulfilling their legal duties which is also the violation of Supreme Court of Pakistan directives given in cases reported as PLD 2007 (S.C) 35.
- C. That the appellant had more than than 10 years service (pensionable) and as such the appellant are fully entitled to the family pension as per rules.
- D. That the inaction/delay in releasing/payment of pension on the part of respondents is actually amounting to refusal, which is against the spirit of Article 2A, 4, 9 of the Constitution.
- E. That the respondents are legally bound to release and pay the pension to the appellant under the law and pension rules, but the respondents are fulfilling their legal duty.
- F. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

  
**APPELLANT**  
Wali Shah

THROUGH:

  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT,**

  
**ASAD MAHMOOD**  
**ADVOCATE HIGH COURT**

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2019

Wali Shah

V/S

PPO & Other

**APPLICATION OF CONDONATION OF DELAY IN THE  
INSTANT APPEAL IF ANY.**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal for directing the respondents to finalize and release the pension of the appellant in this august Service Tribunal in which no date is fixed so far.
2. That the appellant was compulsory retired from service in 2005 but his pension has not finalized till date and as the issue is related to pension therefore no limitation is running in such like issue.
3. That the appellant has filed departmental appeal in the year 2018 which is not responded within the statutory period of ninety days and after that he filed writ petition in Honourable Peshawar High Court Peshawar for redressal of his grievance which was dismissed on the basis on jurisdiction and as per Supreme Court judgment the time has spent in wrong will be condonable.
4. That the appellant has good prime facie case and may be decide on merit rather than technicalities.

It is therefore most humbly prayed that on the basis of above submission the delay may kindly be condoned by accepting the instant application and the appeal may kindly be decided on merit.

**APPELLANT**

Wali Shah

THROUGH:

  
**(TAIMUR ALI KHAN)**

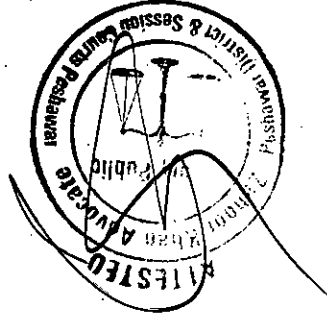
**ADVOCATE HIGH COURT,**

**AFFIDAVIT**

It is solemnly affirmed that the contents of the application is true and correct and nothing has been concealed from this august Tribunal.

*[Handwritten Signature]*

**DEPONENT**



~~2017-18~~

A B

OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR  
Dated

No. Pension-1/ W-12(2017-18)  
To

The Officer Incharge,  
Pay Roll Section Local.

Subject: PAY FIXATION ON 01.07.2011 IN RESPECT OF  
MR. Wali Shah EX: Constable DEPARTMENT  
CCPO Peshawar RETIRED ON 07-03-2005  
P.NO 9444

The service book/Service Roll in respect of the above named ex-government servant is sent herewith for fixation of pay.

Pay stoppage certificate on the attached L.P.C may also be recorded under proper attestation.

Encl: Service book/Roll & L.P.C

SPS  
24/1/18

*[Signature]*  
Assistant Accounts Officer  
Pension-1

Copy for information forwarded to P.A to D.A.G Pension.

OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR  
Dated

No. Pension-1/  
To

The Officer Incharge,  
Pay Roll Section Local.

Subject: PAY FIXATION ON 01.07.2011 IN RESPECT OF  
MR. Wali Shah EX: Constable DEPARTMENT  
CCPO Peshawar RETIRED ON 07-03-2005  
P.NO 9444

The service book/Service Roll in respect of the above named ex-government servant is sent herewith for fixation of pay.

Pay stoppage certificate on the attached L.P.C may also be recorded under proper attestation.

Encl: Service book/Roll & L.P.C

*[Signature]*  
Assistant Accounts Officer  
Pension-1

Copy for information forwarded to P.A to D.A.G Pension.

*42*  
*11/15*

N. H. Please read carefully the relevant rules, instructions and orders.  
In the case of family pension for death while in service, page 2 will not be filled in and  
page 3 will be applicable.

*MT/MS/MS*  
*WCL. No. 125*  
*WCL. No. 8, White City*  
*Police Force*

PENSION PAPERS  
OF

*7*

*(4)*



8

FORM 3 (PEN)

PART - I

(To be filled in and signed by the applicant himself/herself)

APPLICATION FOR PENSION AND/OR GRATUITY.

To

The Capital City Police  
Office  
for

Sir,

I have the honour to say that I ~~have retired~~ ~~have been permitted to retire from service on~~  
(date) 23-2015 ~~am due to retire~~

I, therefore, request that the pension/gratuity admissible under the rules may kindly be sanctioned to me.

2. I declare that I have neither applied for nor received any pension or gratuity for any portion of this service, nor shall I submit any application hereafter without quoting a reference to the application and to the orders which may be passed on.

3. Should the amount of the pension and/or gratuity granted to me be afterwards found to be in excess of that to which I am entitled under the rules, I hereby undertake to refund any such excess.

4. I wish to draw/do not wish to draw gratuity in lieu of one fourth of my pension.

5. I wish to commute my pension to the extent of Rs.....

6. I wish to draw my pension from the District Accounts Office/Treasury/  
~~Sub-treasury/National Bank of Pakistan Branch at~~ Rawalpindi (Place).

7. The following documents, duly attested, are enclosed:

- (a) Three specimen signatures of mine/two sets of my thumb and finger impressions on the prescribed form.
- (b) Three photographs of mine.

*[Signature]*  
Your Obedient Servant,

Signature.....  
S/O..... *[Signature]*  
W/O.....  
D/O.....  
Post held on the date of retirement..... *[Signature]*

Date.....

\*Delete in-applicable alternative.

ATTACHED

*[Signature]*

(To be filled and signed by the applicant himself/herself)

9

## APPLICATION FOR FAMILY PENSION

To

The.....  
.....  
.....

Dear Sir,

1. I have the honour to say that my husband/wife/\*.....  
has expired on (date)..... I, therefore, request that the family  
pension admissible under the rules may kindly be sanctioned to me.

2. I declare that I have neither applied for nor received any family pension.

3. Should the amount of the family pension granted to me be afterwards found  
to be in excess of that to which I am entitled under the rules, I hereby undertake to refund  
any such excess.

4. I wish to draw my pension from the District Accounts Office  
Government Treasury/Sub-treasury  
National Bank of Pakistan Branch

at (Place) .....

5. The following documents, duly attested, are enclosed:-

- (i) Three specimen signature of mine duly attested/two sets of my thumb  
and finger impressions on the prescribed form.
- (ii) Three photographs of mine\*\*
- (iii) List and particulars of family members.
- (iv) Descriptive Roll.
- (v) Death Certificate.
- (vi) Non-marriage and non-separation certificates.

Yours faithfully,

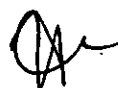
Signature.....

Widow/Husband/entitled  
member of the family.....

Postal Address.....

Date.....

- \* Indicated relationship with the deceased Government servant.
- \*\* Not applicable in the case of parda - observing lady.





10

PART - II

(To be completed by the Office/Department receiving the application for pension)

SECTION (I) - PARTICULARS OF APPLICANT

- \*1. Name of civil servant..... Nabi Shah
- \*2. Father's name..... Nabi Gul
- \*3. Nationality..... Pakistan
- \*4. Postal address..... Village Umar Miana Distt. Rawan
- 5. Post held on the date of retirement/death and BPS no. 5 constable
- 6. Date of birth..... 1-3-1926
- 7. Date of
  - Commencement of service..... 22-6-1994
  - Retirement/death..... 7-3-2005
  - Application for Pension.....

8. Length of service

	Y	M	D
From <u>22-6-1994</u> to <u>7-3-2005</u>	10	8	15
Total:- <u>10-8-15</u>			

9. Date of commencement and ending of each spell of military service, if any:
- | From             | to       | Y | M | D |
|------------------|----------|---|---|---|
| <u>/</u>         | <u>/</u> |   |   |   |
| Total:- <u>/</u> |          |   |   |   |

10. Government under which service has been rendered in chronological order:
- Government of N.W.F.P. from 22-6-1994 to 6-3-2005 i.e. 10 yrs 8 months + 15 days
  - Government of..... from..... to..... i.e.....
  - Government of..... from..... to..... i.e.....
- Total:- 10 yrs 8 months + 15 days

- 11. Class of pension or gratuity applied for..... contribution based
- 12. Average Emoluments/emoluments last drawn..... Rs 3000/-
- 13. Proposed gross pension/gratuity..... Rs 27000/-
- 14. Proposed family pension.....
- 15. Proposed gratuity in lieu of 1/4th pension of.....
- 16. Proposed value of commutation.....
- 17. Proposed net pension.....

- \*18. Place of District Accounts Office Treasury/Sub-Treasury..... Rawan
- 19. Date from which pension is to commence..... 7-3-2005

Signature [Signature]  
 SUPERINTENDENT OF POLICE  
 HQS, Rawan, Police Post Rawan

\* Entries No. 1,2,3,4 and 18 should be made in capital letters.



**SECTION (2) CALCULATION OF QUALIFYING SERVICE**

Total length of service as per Col. 10 of Section (1)

Y 10  
N 8  
D 15

Non-qualifying Service from

- (i) Extraordinary leave
- (ii) Unauthorised absence
- (iii) Spell of service not qualifying for Pension

Y 0  
N 6  
D 14

Total (i), (ii) & (iii):

1-1-10

Net qualifying service

19/11/2007 to 25/07/2009

Add from

Y  
N  
D

Periods, if any, Military service or War Service allowed to count for pension

(ii) Benefit of condonation of deficiency in total qualifying service

Total (i) & (ii):

19/11/2007 to 25/07/2009

**SECTION (3) (a) CALCULATION OF "AVERAGE EMPLOYMENTS"**

Statement of employments during the last 36/12 months in case the post has not been held on regular basis

Period	Duration		Monthly Rate of Emoluments	Amount Drawn
	M	D		
From			RS.	RS.
To			PS.	PS.

The total emoluments for 36/12 months are therefore "Average Emoluments" work out to RS.

P.M.

36/12-RS.

**SECTION (3) (b) STATEMENT OF PAY/EMOLUMENTS LAST DRAWN IN CASE THE POST IS HELD ON REGULAR BASIS**

- (a) Pay: Senior Post Allowance
- (b) Senior Post Allowance
- (c) RS.
- (d) RS.
- (e) RS.

3000/-

Total

4300/-

**SECTION (4) CALCULATION OF PENSION/GRAVITY**

Length of total qualifying service

18/08/09

Emoluments/Average Emoluments

3000/-

Amount of gratuity (in case where qualifying service is 5 years or more but less than 10 years)

597000/-

Amount of gratuity on discharges from temporary service where qualifying service is 10 years or more but less than 25 years

Please see relevant rules/orders before filling in this section

11

12

Gross Pension.	Rs. ....
+ Benefit of extra service beyond 30 years.	Rs. ....
Total Pension	Rs. ....
Less 1/4th (in case of family pension for death while in service)	Rs. ....
or	
Less commuted portion of Pension.	Rs. ....
Net Pension.	Rs. ....

**SECTION (5) CALCULATION OF GRATUITY IN LIEU OF SURRENDERED PENSION (IN CASE OF FAMILY PENSION FOR DEATH WHILE IN SERVICE)**

Length of total qualifying service.	..... years.
Amount of pension surrendered.	Rs. ....
Rate of gratuity for every rupee surrendered (on age next birth day basis)	Rs. ....
Lump-sum gratuity admissible.	Rs. ....

**SECTION (6) COMMUTED VALUE OF PENSION.**

(i) Amount of pension to be commuted.	Rs. ....
(ii) Age next birth day.	..... years.
(iii) Rate of commuted value for every one rupee (on age next birth day basis).	Rs. ....
(iv) Commuted value of pension.	Rs. ....

**SECTION (7) ORDERS OF THE SANCTIONING AUTHORITY.**

1. The undersigned is satisfied that the service of Ex Capt. Moh. Shah has been satisfactory. The grant of full pension and/or gratuity which the Audit Officer may find to be admissible under the rules is hereby sanctioned. N-125

OR

The undersigned is satisfied that the service of..... has not been satisfactory and it has been decided that the full pension and/or gratuity found by the Audit Officer to be admissible under the rules should be reduced by the specific amount or percentage given below:-

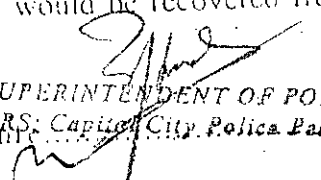
Amount or percentage of reduction in pension.....

Amount or percentage of reduction in gratuity.....

Sanction is hereby accorded to the grant of pension and/or gratuity as so reduced.

2. The payment of pension and/or gratuity may commence from 7.3.2005. Before issuing the pension payment order, the Audit Officer may kindly ascertain whether the Last Pay and No Demand Certificate have been received by him. In case the Last Pay Certificate and/or No Demand Certificate has not been received with the pension papers, the Audit Officer should issue P.P.O. subject to the production of the last pay certificate and/or an undertaking at the time of first payment of pension/gratuity, by the pensioner, or his family (in case of his death) to the effect that any demand coming to the notice within a period of one year after the issue of P.P.O. would be recovered from him/her.

RECEIVED  
 7.3.2005  
 BL

  
 SUPERINTENDENT OF POLICE  
 Signature: Ex Capt. Moh. Shah  
 Designation: Ex Capt. Moh. Shah


PART - III

(For use in the Accountant-General's Office)

- I. The calculations contained in the preceding pages have been checked.
- II. Length of qualifying service accepted in Audit..... Years.
- III. Reasons for difference, if any, between this and the length of qualifying service worked out by the Department.
- IV. Amount of pension / gratuity. Rs.....
- V. Reasons for discrepancy, if any, between this amount and that calculated by the Department.
- VI. Amount of family pension. Rs.....
- VII. Reasons for discrepancy, if any, between this amount and that calculated by the Department.
- VIII. Amount of gratuity in lieu of 1/4th of pension surrendered. Rs.....
- IX. Amount of commutation for the pension commuted. Rs.....
- X. Reasons for discrepancy, if any, between this amount and that calculated by the Department.
- XI. Amount of net pension payable. Rs.....
- XII. The pension will commence from .....
- XIII. Allocation of the pension and gratuity:
 

	Pension	Gratuity
Government of.....		
Government of.....		
Government of.....		
Defence Estimates.....		
Total:-		
- XIV. Anticipatory pension of Rs..... (Rupees.....) per month, granted with effect from..... vide P.P.O. No..... under rule..... to be adjusted in the final P.P.O.
- XV. Amount of pension surrendered for gratuity. Rs.....
- XVI. Amount of original pension commuted. Rs.....
- XVII. Checked with the L.P.C. and "No Demand Certificate"
- XVIII. P.P.O. issued vide No..... dated.....

Assistant Accountant General  
Assistant Accounts Officer.

ATTESTED  


*W*  
*DELETED*

In the case of family pension for death while in service, page 2 will not be filled in and page 3 will be applicable.

N. B. Please read carefully the relevant rules, instructions and orders.

*Mr. J. K. Singh*  
*Member of the Staff*

Mr./MRS./MISS

OF

PENSION PAPERS

*14*



(08)

15

FORM 3 (PEN)

PART - I

(To be filled in and signed by the applicant himself/herself)

APPLICATION FOR PENSION AND/OR GRATUITY.

To

The Capital City  
Police Officer  
for

Sir,

I have the honour to say that I am due to retire  
(date) 07-03-2005

\*have retired  
\*have been permitted to retire from service on  
\*am due to retire

Compliments

I, therefore, request that the pension/gratuity admissible under the rules may kindly be sanctioned to me.

2. I declare that I have neither applied for nor received any pension or gratuity for any portion of this service, nor shall I submit any application hereafter without quoting a reference to the application and to the orders which may be passed on.

3. Should the amount of the pension and/or gratuity granted to me be afterwards found to be in excess of that to which I am entitled under the rules, I hereby undertake to refund any such excess.

4. I wish to draw/do not wish to draw gratuity in lieu of one fourth of my pension.

5. I wish to commute my pension to the extent of Rs.....

6. I wish to draw my pension from the District Accounts Office/Treasury/  
Sub-treasury/National Bank of Pakistan Branch at for (Place).

7. The following documents, duly attested, are enclosed:

- (a) Three specimen signatures of mine/two sets of my thumb and finger impressions on the prescribed form.
- (b) Three photographs of mine.

for

Your Obedient Servant,

Signature Nalei Gul

S/O.....

W/O.....

D/O.....

Post held on the date of retirement 28/03/05

Date.....

\*Delete in-applicable alternative.

RECEIVED

CA

(To be filled and signed by the applicant himself/herself)

16

APPLICATION FOR FAMILY PENSION

Name: Gul Bahar

To

The .....  
.....  
.....

Dear Sir,

1. I have the honour to say that my husband/wife/\* .....  
has expired on (date)..... I, therefore, request that the family  
pension admissible under the rules may kindly be sanctioned to me.

2. I declare that I have neither applied for nor received any family pension.

3. Should the amount of the family pension granted to me be afterwards found  
to be in excess of that to which I am entitled under the rules, I hereby undertake to refund  
any such excess.

4. I wish to draw my pension from the District Accounts Office  
Government Treasury/Sub-treasury  
National Bank of Pakistan Branch

at (Place) .....

5. The following documents, duly attested, are enclosed:-

- (i) Three specimen signature of mine duly attested/two sets of my thumb  
and finger impressions on the prescribed form.
- (ii) Three photographs of mine\*\*
- (iii) List and particulars of family members.
- (iv) Descriptive Roll.
- (v) Death Certificate.
- (vi) Non-marriage and non-separation certificates.

Yours faithfully,

Signature.....

Widow/Husband/entitled  
member of the family.....

Postal Address.....

Date.....

\* Indicated relationship with the deceased Government servant.

\*\* Not applicable in the case of purdah - observing lady.

PART - II

(To be completed by the Office/Department receiving the application for pension)

SECTION (I) - PARTICULARS OF APPLICANT

- \*1. Name of civil servant..... Nali Shah
- \*2. Father's name..... Nali Gul
- \*3. Nationality..... Pakistan
- \*4. Postal address..... Village Armer Megina P.S. Saska
- 5. Post held on the date of retirement/death and BPS. AS 5 cont.
- 6. Date of birth..... 1-3-1926

- 7. Date of
  - Commencement of service..... 22-6-1994
  - Retirement/death..... 7-3-2005
  - Application for Pension.....

8. Length of service		Y	M	D
		10	8	15
From <u>22/6/1994</u>	to <u>6/3/2005</u>			
From	to			
From	to			

Total:- 10-8-15

- 9. Date of commencement and ending of each spell of military service, if any:
 

From	to	Y	M	D
<u>/</u>	<u>/</u>			
From	to			

Total:- /

- 10. Government under which service has been rendered in chronological order:
  - Government of NWFP from 22/6/1994 to 6/3/2005 i.e. 10 yrs 8 months 15 days
  - Government of..... from..... to..... i.e.....
  - Government of..... from..... to..... i.e.....

Total:- 10 yrs 8 months 15 days

- 11. Class of pension or gratuity applied for..... Compulsory Retirement
- 12. ~~Average Emoluments/emoluments last drawn~~..... Rs. 3000/27
- 13. Proposed ~~gross pension/gratuity~~..... Rs. 27000-00
- 14. Proposed family pension.....
- 15. Proposed gratuity in lieu of 1/4th pension of.....
- 16. Proposed value of commutation.....
- 17. Proposed net pension.....

- \*18. Place of District Accounts Office  
Treasury/Sub Treasury..... Saska
- 19. Date from which pension is to commence..... 7-3-2005

Signature of [Signature]  
 CHIEF OF POLICE  
 District Police, Peshawar

\* Entries No. 1,2,3,4 and 18 should be made in capital letters.

18

**SECTION (2) CALCULATION OF QUALIFYING SERVICE**

Total length of service as per Col. 10 of Section (1) 10 Y 8 M 15 D

Non-qualifying Service from 1 to 1-1-10

(i) Extraordinary leave 6 Y 6 M 14 D

(ii) Unauthorised absence 6 Y 6 M 26 D

(iii) Spell of service not qualifying for Pension 1 Y 1 M 10 D

Total (i), (ii) & (iii): 1-1-10

Net qualifying service 9 months + 5 days from 1-1-10 to 1-1-10

(i) Periods, if any, Military service or War Service allowed to count for pension

(ii) Benefit of condonation of deficiency in total qualifying service

Total (i) & (ii): 9 months + 5 days

**SECTION (3) (a) CALCULATION OF "AVERAGE EMPLOYMENTS"**

Statement of employments during the last 36/12 months in case the post has not been held on regular basis.

Period	From	To	Duration Months and Days	Monthly Rate of Employments	Amount Drawn
				RS. PS.	RS. PS.

The total employments for 36/12 months are therefore "Average Employments" work out to RS. 36/12-RS. P.M.

**SECTION (3) (b) STATEMENT OF PAY/EMPLOYMENTS LAST DRAWN IN CASE THE POST IS HELD ON REGULAR BASIS**

(a) Pay 8000/- RS.

(b) Senior Post Allowance 8000/- RS.

(c) 8000/- RS.

(d) 8000/- RS.

(e) 8000/- RS.

Total: 8000/- RS.

**SECTION (4) CALCULATION OF PENSION/GRAVITY**

Length of total qualifying service 9 years

Employments/Average Employments 8000 RS.

Amount of gratuity (in case where qualifying service is 5 years or more but less than 10 years) 27000-0 RS.

Amount of gratuity on discharges from temporary service where qualifying service is 10 years or more but less than 25 years 27000-0 RS.

Case see relevant rules/orders before filling in this section.

*[Handwritten signature]*



Stamp: *Stamping Authority of Police*  
*2/15*

Stamp: *RECEIVED*

Before issuing the pension payment order, the Audit Officer may kindly ascertain whether the Last Pay and No Demand Certificate has been received by him. In case the Last Pay Certificate and/or No Demand Certificate has not been received with the pension papers, the Audit Officer should issue P.P.O. subject to the production of the last pay certificate and/or an undertaking at the time of first payment of pension/gratuity, by the pensioner, or his family (in case of his death) to the effect that any demand coming to the notice within a period of one year after the issue of P.P.O. would be recovered from him/her.

*2-3-2015*

2. The payment of pension and/or gratuity may commence from.....  
 Sanction is hereby accorded to the grant of pension and/or gratuity as so reduced.  
 Amount or percentage of reduction in gratuity.....  
 Amount or percentage of reduction in pension.....

The undersigned is satisfied that the service of..... has not been satisfactory and it has been decided that the full pension and/or gratuity found by the Audit Officer to be admissible under the rules should be reduced by the specific amount or percentage given below:

OR

1. The undersigned is satisfied that the service of..... has not been satisfactory. The grant of full pension and/or gratuity which the Audit Officer may find to be admissible under the rules is hereby sanctioned.

*2015*

**SECTION (7) ORDERS OF THE SANCTIONING AUTHORITY**

- (i) Amount of pension to be committed. RS. ....
- (ii) Age next birth day. .... years.
- (iii) Rate of committed value for every one rupee (on age next birth day basis). RS. ....
- (iv) Committed value of pension. RS. ....

**SECTION (6) COMMITTED VALUE OF PENSION**

Length of total qualifying service. .... years.  
 Amount of pension surrendered. RS. ....  
 Rate of gratuity for every rupee surrendered (on age next birth day basis). RS. ....  
 Lump-sum gratuity admissible. RS. ....

**SECTION (5) CALCULATION OF GRATUITY IN CASE OF FAMILY SURRENDERED PENSION ON DEATH WHILE IN SERVICE**

Gross Pension: RS. ....  
 + Benefit of extra service beyond 30 years. RS. ....  
 Less 1/4th (in case of family pension for death while in service) or Less committed portion of Pension. RS. ....  
 Total Pension. RS. ....  
 Net Pension. RS. ....

*(19)*

*(19)*

(Compulsory Retirement) (20)

PART - III

(For use in the Accountant-General's Office)

- I. The calculations contained in the preceding pages have been checked.
- II. Length of qualifying service accepted in Audit..... 9 years Years.
- III. Reasons for difference, if any, between this and the length of qualifying service worked out by the Department.
- IV. Amount of pension / gratuity. Rs. \_\_\_\_\_
- V. Reasons for discrepancy, if any, between this amount and that calculated by the Department.
- VI. Amount of family pension. Rs. \_\_\_\_\_
- VII. Reasons for discrepancy, if any, between this amount and that calculated by the Department.
- VIII. Amount of gratuity in lieu of 1/4th of pension surrendered. Rs. \_\_\_\_\_
- IX. Amount of commutation for the pension commuted. Rs.  $\frac{27000}{40500} =$
- X. Reasons for discrepancy, if any, between this amount and that calculated by the Department.
- XI. Amount of net pension payable. Rs. \_\_\_\_\_
- XII. The pension will commence from \_\_\_\_\_
- XIII. Allocation of the pension and gratuity:
 

	Pension	Gratuity
Government of.....		
Government of <i>N.W.F.P.</i> .....		
Government of.....		
Defence Estimates.....		
Total:-	_____	_____
- XIV. Anticipatory pension of Rs..... (Rupees.....) per month, granted with effect from..... vide P.P.O. No..... under rule..... to be adjusted in the final P.P.O.
- XV. Amount of pension surrendered for gratuity. Rs. \_\_\_\_\_
- XVI. Amount of original pension commuted. Rs. \_\_\_\_\_
- XVII. Checked with the L.P.C. and "No Demand Certificate"
- XVIII. P.P.O. issued vide No..... dated.....

Recovery overpayment of pay  
 Rs. 13138 may be recovered  
 to head Ac/c 26402

*AS*  
 Assistant Accountant General  
 Assistant Accounts Officer.

**ATTESTED**  
*AS*

ORDER

~~Amir Khan~~ (S) B (21)

Constable Wali Shah No.125 was proceeded against proper departmental proceedings under Removal from Service Ord:2000 on the grounds that he while posted to Police Lines, Peshawar had remained absent from lawful duty w.e.f. 14.10.03 to 12.4.04 and 12.4.04 to 23.7.04 without leave or permission.

As such, being found guilty for absence, he was issued charge sheet with statement of allegation and PI Attaullah Khan was appointed as Enquiry Officer.

Findings of the Enquiry Officer was received and perused. He was found guilty of the gross mis-conduct and the charges levelled against him was proved.

Upon the findings of the Enquiry Officer, he was issued Final Show Cause Notice, to which he replied but he was again failed to produce any cogent reason in his self defence.

Therefore, being found guilty, he is awarded the punishment of "Compulsory retirement from service with immediate effect. Keeping in view his poor financial status, his period of absence is treated as leave of the kind due. Order announced.

Amir Khan

OB/NO. 753 /  
DT: 7-3- /05.

SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR.

Copies to all concerned.

Amir Khan  
SUPERINTENDENT OF POLICE  
HQRS, PESHAWAR

Amir Khan

Designation: Asst. Commr.  
Signature: [Signature]

**RECEIVED**

387  
9/11/12

8. The details to the Income Tax recovered from him upto the date from the beginning of the current year are noted on the reverse.

7. He is also entitled to joining time for \_\_\_\_\_ days.

6. He is entitled to draw the following:

From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month

From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month

From \_\_\_\_\_ to \_\_\_\_\_ at Rs. \_\_\_\_\_ a month

He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

3. He made over charge of the Office of \_\_\_\_\_ on the \_\_\_\_\_ noon of \_\_\_\_\_

Deductions: Amount of 9,100/-  
made by G.P. & what 1813/- as at 18/10/12

- Bk. 3000/-
- TR 461/-
- CA 1707/-
- PF 310/-
- PA 681/-
- LA 50/-
- SA 350/-
- SP 450/-
- Ad 450/-

Particulars: \_\_\_\_\_ as the following rates: \_\_\_\_\_

Substantive Pay: \_\_\_\_\_

Officiating Pay: \_\_\_\_\_

Exchange Compensation Allowance: \_\_\_\_\_

He has been paid upto \_\_\_\_\_

proceeding to \_\_\_\_\_

the \_\_\_\_\_

Pay Certificate of \_\_\_\_\_

# LAST PAY CERTIFICATE

9444/1

22

(17)

Amur - C

Details of Recoveries

Name of recovery: Pay of ems payment at for this period

Amount Rs. From 31-3-2015 to 31-3-2015 at Rs. 4338/- may be

To be recovered in Period from his pension. instalments.

*[Handwritten signature and stamp]*

Deductions made from Leave Salary

From \_\_\_\_\_ to \_\_\_\_\_ on account of \_\_\_\_\_ Rs. \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_ on account of \_\_\_\_\_ Rs. \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_ on account of \_\_\_\_\_ Rs. \_\_\_\_\_

Name of months	Pay	Gratuity Fee, etc.	Fund and other deductions	Amount of Income-Tax recovered	Remarks
July, 19					
August, 19					
September, 19					
October, 19					
November, 19					
December, 19					
January, 19					
February, 19					
March, 19					
April, 19					
May, 19					
June, 19					

*[Large handwritten note and signature across the bottom of the table]*

**ATTACHED**

18

25

Police No. 86  
I.G.P. No. 52(2)

(FORM NO. 12.28)

No. 125/cep (Duplicate)

District Peshawar

214  
MDN

**CHARACTER AND SERVICE ROLL  
OF**

Const. Wali Shah s/o Nabi Gul

**CONTENTS**

PARAS		PAGES
1-5	General particulars	1
6	Appointments, Promotions, Reduction, Discharges, etc.	2
7	Transfers beyond the District.	2
8	Relatives in Government employ.	
9	Particulars of heirs.	
10	Educational qualifications.	
11	Professional attainments.	
12	Medals and decorations.	
13	Miscellaneous Particulars.	
14	Commendatory entries.	6-8
15	Censures and punishment.	9-12
16	Leave, absence and breaks in service.	13
17	Record of posting of inspectors, Sub-Inspectors, Assistant Sub-Inspectors.	
18	Statements of land held by Lower Sub-Ordinates Rules 14.23 (1).	
19	Progress reports of Probationary Inspectors, Sub-Inspectors and Assistant Sub-Inspectors.	
20	Medical History Sheet.	
21	Leave Account of Constables and Head Constables.	
22	Marking sheet in connection with promotions to the selection grade of Constables.	
23	Health Certificate.	

Compulsory Retired by SSP/2004  
OB No. 753  
07-03-2005

125  
cep

*[Signature]*

*AD*  
ATTACHED

*my name -  
fameer ur*

*long term address H.B.A./M.C.A*

*in form of S. R. K. ... obtained my*

*my name & never obtained Pension from*

*Govt. (DST) / my character letter with*

*certificates that the condition was not met*

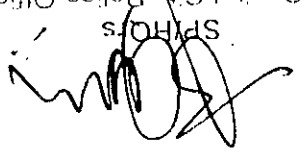
certificates

- 1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2. Pay officer, CCP/Peshawar
- 3. II-C, OASI & FMC.

Copies of above are forwarded for information to the:-

No. 14855-59 CRIC, dated Peshawar the 8 / 8 / 2017.

SP/HS  
For Capital City Police Officer,  
Peshawar.



- 1. He has not resigned during his service.
- 2. It is further certified that he has not been granted any pension of this service.

Sanction is hereby accorded for the maintenance of duplicate service roll in respect of Ex-Constable Wali Shah No. 125 of CCP, Peshawar, which was lost during transit.

ORDER

Phone No 091-9210641  
Fax: No 091-9212597

OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

26

8



30

Duplicate S-Roll sanctioned with  
w/cepo order exist: No. 14855-53/CP  
08/08/2017

CHARACTER AND SERVICE ROLL OF

CONSTABULARY NO. ( ) in  
CONSTABULARY NO. ( ) in  
CONSTABULARY NO. ( ) in

DISTRICT  
DISTRICT  
DISTRICT

1	Name	Father's Name	Tribe or Caste	Village or Town	Post and Telegraph Office	Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date of Enrolment	Age on Enrolment	Distinctive Marks
	Wahid Shah	Narbi Gul		Urmer Miang		Urmer Peshawar		P.P.K	01-03-1976	6'-0"	34" x 37 1/2"	22.06.1994	-	-

2. Verification Roll No. Dated Received back and attached to the Fauji Misal

3. Government Service prior to present employment, which is approved for pension service.

	Service or Department	Rank or Grade	Pay of last appointment	From	To	Period		
						Years	Month	Days

4. Cause of and character on discharge from above service. Reference to orders approving above service for pension service in the Police Department.

Agreement - I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purport of that section and the provisions of the Act and of the Rules issued under it and now in force, by which my discipline and conduct are governed have been explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful orders issued to me by my Superior Officers and undertake not to resign my appointment within three years from the date of my enrolment. I have received a certificate of appointment issued under section 8 of the Police Act (V of 1861).

Date \_\_\_\_\_ Signature \_\_\_\_\_  
Superintendent of Police,  
Capital City Police Peshawar

5. Rolled impression of fingers and thumb of left hand


Left Little	Left Ring	Left Middle	Left Index	Left Thumb




Duplicate S/1204

28

6. CHARACTER ROLL OF APPOINTMENTS, PROMOTIONS, REDUCTIONS, DISCHARGES, ETC. (Continued)

1 Appointment, promoted, suspended, reduced, discharged, dismissed, resigned or died.	2 To what grade and pay appointed, promoted or reduced.	3 Date	4 No. of District Order	5 Full Signature of Superintendent of Police
<p>Appointed as Constable in BPS-5 with order dt 22.06.1984 and pay fixed RS-1035/- pm w.e. from 22.06.1984. He received on Transfer from Mardan Distt with OR No. 2412 dt: 10.07.1985.</p> <p>Pay fixed in revised Basic Pay scale of 1994 in BPS-05 at Rs-1400/PM w.e. 1-7-1994</p> <p style="text-align: right;">               Superintendent of Police,              Hqrs: Capital City Police, Peshawar              P-15-8-17           </p> <p style="text-align: right;">             RS P/H-23              YR           </p>				

7. TRANSFERS BEYOND THE DISTRICT

1 Date	2 From	3 To	4 Authority for transfer
<p>ATTACHED</p> 			

(2)

CHARACTR ROLL OF

8. NAMES OF RELATIVES IN GOVERNMENT SERVICE.

1	2	3	4
Name	Relationship	Nature of employ	District

9. NAME, RESIDENCE AND OTHER PARTICULARS OF HEIRS:

Wife:

Father:

Mother:

Brother:

Sister:

ATTESTED  
 [Signature]

Note: - Under line in red ink their nominated (with not more than two alternatives) and fill in name and particulars necessary to trace.

## 10. EDUCATIONAL QUALIFICATIONS

## Educational Qualifications

## Knowledge of Languages

Un-Educated

English

Slightly Educated

Persian

Matriculation

10<sup>th</sup>

Urdu

First Arts

Punjabi

Degree

Pashto

Note: — Under line the qualifications possessed, and particulars where necessary and give date of entry.

## 11. PROFESSIONAL ATTAINMENTS AND SPECIAL QUALIFICATIONS:

## Professional attainments:

Passed Training School Upper Class:

- • Intermediate Class
- • Lower Course
- • Finger Print Course
- • Drill Instructor's Course.
- •
- •
- •

## Special Qualification

Clerical duties.

Accounts duties.

Orderly Head Constable's duties.

Moharrir's duties.

Detectives duties.

Traffic duties.

Prosecuting Inspector,  
Examinations,

Under line course passed and qualifications possessed.

98

31

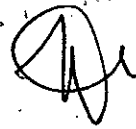
CHARACTER ROLL OF

(Continued)

Serial No.

15. CENSURES AND PUNISHMENTS - Contd.

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CHARACTER ROLL OF

(Continued)

Serial No.

15. CENSURES AND PUNISHMENTS -- Contd.

Duplicate S/POs

CHAPACTER ROLL OF

(Contd)

Serial No.

14. COMMENDATORY ENTRIES

Pay Entries

14000/-

- 1 Pi as Const @ Rs. (466/-) on 1/12/84
- 2 Pi \_\_\_\_\_ @ Rs. (532/-) on 1/12/85
- 3 Pi \_\_\_\_\_ @ Rs. (588/-) on 1/12/86
- 4 Pi \_\_\_\_\_ @ Rs. (664/-) on 1/12/87
- 5 Pi \_\_\_\_\_ @ Rs. (739/-) on 1/12/88
- 6 Pi \_\_\_\_\_ @ Rs. (796/-) on 1/12/89
- 7 Pi \_\_\_\_\_ @ Rs. (862/-) on 1/12/2000

8 Pay Band in RPS-2001 in RPS 5 at Rs. (2900/-) pm on 1-12-2001

9 Pi as Const: @ Rs. 3000/- on 1/12/2002

10 Pi \_\_\_\_\_ @ Rs. 3000/- on 1/12/03 Not due Rakus

11 Pi \_\_\_\_\_ @ Rs. 3000/- on 1/12/2004 Not due Dh. (Absent)

ATTESTED

*[Signature]*

Superintendent of Police,  
Hqs: Capital City Police, Peshawar

2-15-8-17

The official was  
Compulsory retired 28000/-  
on 7-3-2005.

Reason for  
late submission  
may be noted.

2001  
SUPERINTENDENT OF POLICE  
PESHAWAR  
RECEIVED BY THE R & P S 17-07

2100-100-5100

2800/-

2001

OFFICER

ATTESTED

*[Signature]*

12. Miscellaneous particulars.

War Medals and Descraties.-

Note: - Enter designation of award and date only - Gazette Notification in case of Quaid-i-Azam Police Medal and the Pakistan Police Medal. Other special decoration to be entered full under commendatory entries.

13. Miscellaneous particulars including awards other than those accompanied by Commendation Certificates, admission to removal from promotion lists.

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CHARACTER ROLL OF

Duplicate Bill

14. COMMENDATORY ENTRIES - Cond.

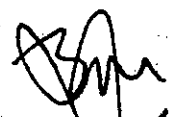
Serial No.


ORDER / Notification

Const: Wahi. Sheet No. 125 is hereby granted 73-days leave ex-Pakistan by W/O.P with eps notification No. 2251-52 dt. 12/15/2001, with the Revised leave Rules 1981 as under:-

Leave on full pay =	120 days
Leave on Half pay =	416 days
Leave without pay =	194 days
	<hr/>
Total	730 days

OB No. 2081 ✓  
12-55-2001

  
Superintendent of Police,  
Hqrs: Capital City Police, Peshawar  
2 15-8-17

ATTENDED  




8

36

(Continued)

Serial No.

14. COMMENDATORY ENTRIES - Contd.

ATTESTED  
[Signature]



*Duplicate 4/roll*  
13

37

16. LEAVE, ABSENCE AND BREAKS IN SERVICE

All periods not counting as "approved service" to be entered in red ink.

1 DATE		2 EXTENT			3 No. of District Order	4 Description of leave, i.e. Privilege, hospital, sick leave, or furlough of or of absence, or forfeiture of approved service. All entries to be initialed by Superintendent of Police.
From	To	Years	Months	Days		
12-5-2001		2	-	-	OB No. 208) 12-5-01 by w/10cp order 140 & 7 out No. 7251-52 12-5-2001	2 year leave Ex-Pay granted as in dr:- Full pay = 120 days Half pay = 416 L.W.O pay = 194 Total 730

ATTESTED

From: The Capital City Police Officer,  
Peshawar

To: The Accountant General,  
Khyber Pakhtunkhwa, Peshawar.

No. 15568 /II-C dated Peshawar the 23-8 /2017

Subject: **PENSION PAPER IN RESPECT OF WALI SHAH EX-CONSTABLE.**

Memo:

Please refer to your memo no. Pen-I/W-1/05-6/1372 dated 13.01.2007 on the subject noted above.

Reply of observation is as under:-

The observation made by your good office has been completed and the para No. 05 Section No. 04 of Form (Pen) has already been completed and sent to your office with the request for early finalization of the case. Later on pensioner have received the Service Roll alongwith pension claim papers of unknown reason in the pension section of A.G office.

His Service Roll was sent to CRC Branch vide this office RC Book dated 10/02/2007. Copy enclosed. Now the official has filed an appeal in the provincial ombudsmen and the quarter concerned is seeking for progress.

Therefore the Service Roll has been searched out in CRC Branch, the same is untraced. Therefore a duplicate Service Roll has been prepared after completing of all codal formalities.

It is therefore requested that his pension claim paper may kindly be examined and finalized at the earliest please.

Pension papers & Service Roll received with your above quoted memo: is resubmitted herewith for further necessary action.

**FOR CAPITAL CITY POLICE OFFICER,  
PESHAWAR**

No. 15569 /II-C,

Copy of above is forwarded to The Investigation Officer, Provincial Ombudsman, Khyber Pakhtunkhwa w/r to his letter No. PO/Complaint/0378/04/2017/7427 dated 08/08/2017

**FOR CAPITAL CITY POLICE OFFICER,  
PESHAWAR**



E (39)

From:- The Capital City Police Officer,  
Peshawar.

To :- The Accountant General,  
Khyber Pakhtunkhwa, Peshawar.

No. 19099 /II-C, dated Peshawar the, 24/10/2017.

Subject: PENSION PAPER IN R/O WALI SHAH EX-CONSTABLE.  
Memo:

Reference to your letter No. Pen-I/W-I/2005-06/1388,  
dated 21-09-2017.

1. The case was returned vide your letter No. Pen/M/W-I/05-06/1372, dated 13-01-2007(photo copy enclosed).

2. On the reply by this office the pension case was again re-submitted to your office vide letter No. 494/II-C, dated 24-01-2007. The case has been diaries vide No. 743 and No. 608, dated 24-01-2007 (original copy enclosed) for ready reference which revealed the case original pension case alongwith service roll handed over to Mr. Wali Shah by the concerned auditor in those period without any action by your office.

3. Original service roll was handed over by the official to CRC section by this office, later on a letter received from the Inspector General of Police KPK, Peshawar vide No. 2163/E-II, dated 08-02-2007 which was handed over to CRC section on 10-02-2007 by this section in which he mercy to petition to Inspector General of Police, KPK, Peshawar for re-instatement in service upto this date the service roll was not returned from CRC section to this section.

4. After lapse of ten years he complaint to provincial ombudsman KPK, Peshawar, his complaint was sent to CRC from asked his original service roll but original service roll was not submitted to this office under the direction of the competent authority, a duplicate service roll has been prepared and attached with the case.

*Amil S. Rabb  
Pension Officer*

FOR CAPITAL CITY POLICE OFFICER,  
PESHAWAR

*4000  
30/10/17  
S/Roll of Pen Paper*

*533*

*739*

Attested  
Dated 20-10-2017 EC-1

*A*



40

From: The Capital City Police Officer,  
Peshawar.  
To: The Accountant General,  
Khyber Pakhtunkhwa, Peshawar.

No. 1365 /II-C, dated Peshawar the 15/11 /2018

Subject: **PENSION PAPER.**

Memo:

Please refer to your memo No.I(M)/2061 dated Nil on the subject noted above.


1. Reply of observation is as under:-

The Case was sent to pay fixation party but they refused the same in case of retired personals pay roll section has already been authorized to fix the pay for the purpose of pension.

Pension papers & Service Rolls received with your above quoted memo: is resubmitted herewith for further necessary action.

SIR-11 C  
LPC -  
P-papers

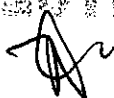
  
For Capital City Police Officer,  
Peshawar

  
Pun (M)  
S/11/20/11/18 P.A.

72  
22/01/18  
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کراچی

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18-11-2011

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Mahar

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9 (93)

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

Writ Petition No. \_\_\_\_\_/2018

Mr: Wali Shah Ex-Constable,  
CCP Peshawar.



**PETITIONER**

VERSUS

1. The Inspector General of Police, KPK, Peshawar.
2. The Superintendent of Police, Operations Peshawar.
3. The Accountant General of KPK Peshawar.

**RESPONDENTS**

**WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF THE ISMLAIC REPUBLIC OF  
PAKISTAN FOR ISSUING APPROPRIATE WRIT TO  
THE RESPONDENTS TO FINALIZE AND RELEASE  
PENSION TO THE PETITIONER, PENDING SINCE  
2005 AND DECLARING THE DELAY ON THE PART  
OF RESPONDENTS AS ILLEGAL, UNLAWFUL,  
UNCONSTITUTIONAL, AND INEFFECTIVE UPON  
THE RIGHTS OF THE PETITIONER.**

**RESPECTFULLY SHAWETH:**

**FACTS**

Brief facts giving rise to present petition are as under:-

1. That the petitioner is the citizen of Pakistan and has every legal and Constitutional right duly protected under the Law of Land.
2. That the petitioner was initially appointed as constable NO. 125 in on 22.06.1994 and have about 11<sup>th</sup> year service on his credit, which is evident from the pension papers. Copies of pension papers is attached as Annexure-A.

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EXAMINER  
Peshawar High Court

**ATTESTED**



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**PESHAWAR HIGH COURT, PESHAWAR.**

**FORM 'A'**  
**FORM OF ORDER SHEET**



Date of order.	Order or other proceedings with the order of the Judge
02.04.2019	<p data-bbox="603 543 979 587"><b><u>W.P.No.1879-P of 2018</u></b></p> <p data-bbox="603 625 1390 705">Present: Ms. Uzma Syed, Advocate, for the petitioner.</p> <p data-bbox="762 749 1390 829">Mr. Mujahid Ali Khan, AAG, for the official respondents.</p> <p data-bbox="587 896 1390 1347"><b><u>ABDUL SHAKOOR, J.-</u></b> This petition is with the prayer to declare the inaction and delay on the part of respondents in releasing the pension to petitioner as illegal and unlawful; and accordingly be directed to finalize and release the pension to the petitioner without any further loss of time.</p> <p data-bbox="587 1385 1390 1591">2. Comments were called from respondent No.3, which have been received, wherein, issuance of the writ is opposed.</p> <p data-bbox="587 1630 1390 1836">3. Arguments heard and record gone through with the valuable assistant of the learned counsel for the parties.</p> <p data-bbox="587 1875 1390 2171">4. Without touching the merits of the case, a cursory look at the record shows that petitioner was appointed as Constable in the Police Department on 22.06.1994. As a consequence of disciplinary</p>

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Peshawar High Court

proceedings, he was awarded a punishment of compulsory retirement from service vide order dated 07.03.2005. Now, through the instant petition, he seeks grant of pensionary benefits in his favour. As per comments furnished by the respondent No.3, petitioner has rendered 10 years 08 months and 15 days service, out of which, petitioner has already availed 01 year 01 month and 10 days extra ordinary leave, thus, he has rendered only 09 years 07 months and 05 days service for the purpose of pension. As he was compulsory retired from service by the Administrative Department, therefore, he is not entitled for condonation of deficiency in qualifying service for pension in light of Finance Department's letter No.FD(SOR-II)/4-44/2016 dated 14.07.2017 where in it clearly mentioned that:-

***"In case of compulsory retirement in terms of section 13(i) of Civil servant Act, 1973, the condonation is not admissible if qualifying service is less than 20 years".***

5. Admittedly, petitioner was a Civil Servant, so as to grant of pensionary benefits to him, is concerned, the same is one of the terms and conditions of his service. It is well settled that if any matter relating to terms and conditions of civil

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Peshawar High Court

servant is violated, then he can approach the Federal/Provincial Services Tribunal, as the case may be, as the same has been constituted for that purpose. Under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, the jurisdiction of this Court is barred to entertain any matter relating to the terms and conditions of service of a civil servant, therefore, this petition is not maintainable before this Court. The Apex Court, in its celebrated judgment rendered in "*Ali Azhar Khan Baloch case (2015 SCMR Page 456)*", has already declared that the High Court has got no jurisdiction to entertain and decide the matters of civil servants/Government servants relating to the terms and conditions of their service. For the ready reference, we would like to reproduce the following paragraphs of the aforesaid judgment as under:

*142. The High Court of Sindh, overlooking the aforesaid observations, has continuously entertained the Civil Suits and Constitutional Petitions in defiance of Article 189 of the Constitution. We did communicate to the High Court of Sindh through the Registrar that the High Court of Sindh does not have jurisdiction over the aforementioned issues and that a Civil Servant can only approach the Services Tribunal for redress of his grievances, but this direction has not been cared about by some of the learned Judges, overlooking the provisions of Articles 175, 189 and 212 of the Constitution.*

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Peshawar High Court

143. Section 9 of Civil Procedure Code confers general jurisdiction upon Courts to try all suits of civil nature. In order to appreciate the scope of section 9 of C.P.C., the same is reproduced herein under:—

"(9) Courts to try all Civil Suits unless barred.—

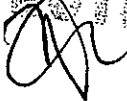
The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred.

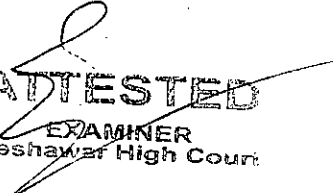
Explanation: A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies."

144. Civil Courts are Courts of ultimate jurisdiction with regard to a civil right, duty or obligation, unless their jurisdiction is either expressly or impliedly barred. Section 9 of the Code only confers jurisdiction upon Courts and does not grant a substantive right of action. The right of action is to be established by reference to the substantive law. After the promulgation of the Constitution of 1973, the jurisdiction of civil courts has been restricted in respect of the matters of Civil Servants relating to their terms and conditions of service. Article 240 of the Constitution in Part XII, Chapter-I deals with structure of Civil Services. Pursuant to Articles 240 and 242 of the Constitution, the Sindh Assembly promulgated Sindh Civil Servants Act, 1973, on 5th December 1973, to regulate the appointment of persons to, and the terms and conditions of service of persons in the service of Pakistan in connection with the affairs of the province of Sindh. The language of the preamble is reproduced hereunder:—

"To regulate the appointment of persons to, and the terms and conditions of service of persons in,

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 EXAMINER  
 Peshawar High Court  


*the service of Pakistan in connection with the affairs of the Province of Sindh.*

*WHEREAS it is expedient to regulate by law, the appointment of persons, to, and the terms and conditions of service of persons in, the service of Pakistan in connection with the affairs of the Province of Sindh and provide for matters connected therewith or ancillary thereto:"*

*145. The Preamble to the Civil Servants Act, in fact, reflects the language of Article 240 of the Constitution. On the 5th December, 1973, the Sindh Assembly also promulgated the Sindh Service Tribunals Act, 1973 by which Service Tribunal was established to exercise jurisdiction in respect of matters relating to the terms and conditions of service of Civil Servants. The Preamble to the Sindh Service Tribunals Act is reproduced herein under:—*

*"Whereas, it is expedient to provide for the establishment of Administrative Tribunals, to be called Service Tribunals, to exercise exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, and for matters connected therewith or ancillary thereto:"*

*146. Section 3(2) of the Service Tribunal Act provides that the Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of Civil Servants, including the disciplinary matters. In other words, the jurisdiction of all other Courts is barred by the provisions of the Sindh Service Tribunals Act, 1973, read with Article 212 of the Constitution.*

*147. Section 4 of the Service Tribunals Act provides Civil Servant with the right of filing an Appeal before the Tribunal, subject to the qualifications provided therein.*

*148. In this background, all the Civil Courts,*

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*[Signature]*

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EXAMINER  
Peshawar High Court

including a Judge (in Chambers) of High Court of Sindh, exercising jurisdiction on the original side as a civil court under C.P.C. cannot entertain a civil suit of a civil Servant relating to the terms and conditions of his service. The exercise of jurisdiction by the High Courts is conferred under Article 175(2) which reads as under:—

"175(2) No Court shall have any jurisdiction save as is or may be conferred on it by the Constitution or by or under any law."

149. Article 212 of the Constitution ousts the jurisdiction of High Courts and civil Courts in respect of the matters pertaining to terms and conditions of civil servants. In other words, the provisions of Article 212 do not confer a concurrent jurisdiction to civil Courts, High Courts and Tribunals. The ouster contemplated under the said Article is a Constitutional command, and, therefore, of necessity restricts the jurisdiction of civil courts and High Courts on the subject, which squarely falls within the exclusive domain of Tribunals.

150. The High Court of Sindh has completely overlooked the intent and spirit of the Constitutional provisions relating to the terms and conditions of service, while entertaining Civil Suits and constitution petitions filed by the civil servants, which are explicitly barred by Article 212. The expression 'Terms and Conditions' includes transfer, posting, absorption, seniority and eligibility to promotion but excludes fitness or otherwise of a person, to be appointed to or hold a particular post or to be promoted to a higher post or grade as provided under section 4(b) of the Sindh Service Tribunals Act, 1973. Surprisingly, it has been ignored that it is, by now, a settled principle of law that the civil and writ jurisdictions would not lie in respect of the suits or petitions filed with regard to the terms and conditions

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Peshawar High Court

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of Civil Servants, and yet some of the learned Judges of High Court of Sindh have erroneously exercised both civil and writ jurisdictions with regard to the terms and conditions of civil servants.

151. We, for the aforesaid reasons, conclude that the exercise of jurisdiction by way of suit and Constitution petition filed by a civil Servant with regard to his terms and conditions of service is violative of Articles 175, 212 and 240 and the law".

6. For what has been discussed above, this writ petition being not maintainable is dismissed.

**Announced**  
Dt:02.04.2019

JUDGE

JUDGE

CERTIFIED TO BE TRUE  
EXAMINER  
Peshawar High Court  
Sulaiman Road, Under A.C.  
No. Gulshan-e-Shahadat Group, 1994

09 APR 2019

(No. 13843)  
Date of Presentation 03/04/19  
No of Pages 108  
Copying Fee  
Urgent Fee  
Total  
Date of Presentation of 09/04/19  
Date of Delivery of copy 09/04/19  
Received By

(Muhammadullah)

(DB) (Hon'ble Mr. Justice Syed Afsar Shah and Hon'ble Mr. Justice Abdul Shakoor)

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محمد علی

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Accepted  
for  
Attestation

<b>بابت تحریر آج</b>	
نام: _____ پتہ: _____ محلہ: _____ تحصیل: _____ ضلع: _____	محمد علی محمد علی محمد علی

محمد علی

<b>پشاور بار ایسوسی ایشن، جیٹو پٹیو جیٹو ہاؤس</b>	تاریخ: _____ پشاور بار ایسوسی ایشن جیٹو پٹیو جیٹو ہاؤس: _____ پشاور: _____
  	10555 50



**Before the Service Tribunal Khyber Pakhtunkhwa  
Peshawar**

**Appeal No. 524/2019**

Mr. Wali Shah.....Petitioner

V/S

Provincial Police Officer, Khyber Pakhtunkhwa,  
Central Police Office,.....Respondents

**(Reply on Behalf of Respondent No. 4 )**

**INDEX**

S.NO.	PARTICULAR.	ANNEXURE.	PAGE.
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2.	Pension Payment Authority	A	3
3.	Department Pension Papers Submitted by Deptt.	B	4,5
4.	Finance Deptt. Letter Dated.14.07.2017	C	6
5.	Cheque issued by A.G office on account of Pension Payment	D	7

P-1

**Before the Service Tribunal Khyber Pakhtunkhwa  
Peshawar**

**Appeal No. 524/2019**

Wali Shah.....Appellant

V/S

The Provincial Police Officer, Central Police Office  
Khyber Pakhtunkhwa Peshawar and others.....Respondents

**(Para wise comments on Behalf of Respondent No. 4)**

**Preliminary Objections:-**

- 1) That the appellant has no cause of action.
- 2) That the appellant has no locus standi.
- 3) That the appeal in hand is not maintainable.
- 4) That the appeal in hand is time barred.
- 5) That Respondent No.4 has already been redressed the grievances of the appellant by issuing Pension claim for amounting to 22,662/- (Annex-A).

**Respectfully Sheweth:-**

1. Incorrect. The appellant has rendered 10 years 8 months and 15 days service out of which the appellant has already availed 01 year 01 month and 10 days extraordinary leave; meaning thereby that the appellant has rendered qualifying service only for 09 years 07 months and 05 days as evident from the pension papers submitted by the Administrative Department of the appellant to Respondent No. 4 (Annex-B).
2. That the appellant was compulsory retired from his service by his Administrative Department. Therefore, he is not entitled for the condonation of deficiency in qualifying service for pension in light of Finance Department's letter No.FD(SOR-II)/4-44/2016, dated 14/07/2017 (Annex-C), wherein it is clearly mentioned that:-

“In case of compulsory retirement in terms of section 13 (i) of civil servant Act 1973, the condonation is not admissible if qualifying service is less than 20 years”.

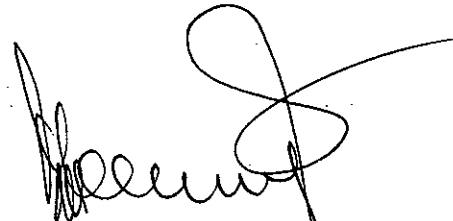
In the instant case, the qualifying service is less than 20 years; therefore, he is not entitled for commutation and monthly pension rather he is entitled only for gratuity as per Pension Rules.

- P-2
3. That the gratuity claim submitted by the Administrative Department of the appellant to Respondent No.4 has already been processed/finalized vide Authority No.Pen-I/W-7/2018-19/9041-42 dated 24.10.2018 (**Annex-D**) and issued a cheque No.1719728 dated 25.10.2018 for Rs. 22,662/- (**Annex-A**) to the appellant.
  4. No comments.
  5. That by submitting the Pension claim of the appllant through Respondent No.2 to Respondent No.4 has already been processed and finalized well in time.
  6. Relates to Respondent No.1 and they are in better position to show the status of the case. Hence no comments.
  7. No comments.

**Grounds :-**

- A. As mentioned in Para "3" above, the gratuity case has already been processed/finalized by Respondent No. 4, and not delyed.
- B. As mentioned in Para "3" above, Respondent No.4 has not violated any rule or law.
- C. Incorrect , As mentioned in Para "1 & 2" above.
- D. That Respondent No.4 is bound to follow the rules and instructions issued by the Provincial Government of Khyber Pakhtunkhwa from time to time.
- E. Correct to the extent as mentioned in Para "3" above.
- F. No Comments.

Keeping in view the above mentioned facts it is humbly prayed that the gratuity claim of the appellant as submitted by the Administrative Department to Respondent No. 4 has already been entertained/ finalized in accordance with the rules and payment has also been made. Hence the appeal in hand having no merits may be dismissed with cost.

  
**ACCOUNTANT GENERAL  
KHYBER PAKHTUNKHWA**

OFFICE OF THE  
ACCOUNTANT GENERAL  
KHYBER PAKHTUNKHWA, PESHAWAR.

No.PN- PEN-1/ W -7 /2018-19 19041-42

Dated 24/10/2018

To

The Drawing & Disbursing Officer,  
THE CAPITAL CITY POLICE OFFICER PESHAWAR  
CAPITAL CITY POLICE OFFICER PESHAWAR

Sub:- SEALED COMMUTATION AUTHORITY IN R/O  
WALI SHAH S/O NABI GUL

Please refer to your letter No. NO.19825/II/C  
Dated 19.10.2018 forwarding there in pension case in respect  
of above named officer / official.

2.You are hereby authorized to submit a bill for Rs.27000.00  
(Rupees: TWENTY-SEVEN THOUSAND)  
at the counter of this office for issuance of cross cheque in favour  
of Mr. Mrs. Miss. Mst. WALI SHAH S/O NABI GUL (Per.No : 00094441 )  
NIC.NO on account of Commutation of pension.

Bank Name :  
A/c No :

3. The amount involved in charged / other than charged  
and debitable to the Federal Govt. under the following head  
of accounts:-

01	- General Administration.	A04	- Transfer payment.
0112	- Fiscal administration.	A041	- Pensionary benefits.
011210	- Pension.	A04102	- Commuted value of pension.
		A04103	- Gratuity value of pension.

Withheld amount

Amount Payable:	27,000.00
Amount With Held:	0.00
Amount Paid:	27,000.00

Recoveries RECOVERY OF O/P OF PAY & ALLOWNCES RS;4338/-

Note:- This authority letter may please be attached with the bill in original  
along with the Office order/notification of retirement. Vendor No, Name of Bank  
and A/c No of payee may also be recorded on the bill

Remarks:-

Copy for information to :-

Mr. Mrs. Mst. Miss. WALI SHAH S/O NABI GUL  
VILL URMAR MIAN KALI TEH & DIST PESH

ACCOUNTS OFFICER (PENSION)

ACCOUNTS OFFICER (PENSION)

*Handwritten notes:*  
Approved  
24/10/2018  
WALI SHAH S/O NABI GUL  
AAO  
AG office

(10)

(17)

P-4

PART - II

(To be completed by the Office/Department receiving the application for pension)

SECTION (I) - PARTICULARS OF APPLICANT

- \*1. Name of civil servant..... Nabi Gul
- \*2. Father's name..... Nabi Gul
- \*3. Nationality..... Pakistan
- \*4. Postal address..... Village Armer Muzra Dist. Rawalpindi
- 5. Post held on the date of retirement/death and BPS..... 5 cont.
- 6. Date of birth..... 1-3-1926

- 7. Date of
  - Commencement of service..... 22-6-1954
  - Retirement/death..... 7-3-2005
  - Application for Pension.....

8. Length of service

	Y	M	D
From <u>22-6-1954</u> to <u>7-3-2005</u>	10	8	15
Total:- <u>10-8-15</u>			

- 9. Date of commencement and ending of each spell of military service, if any:
- | From     | to       | Y | M | D |
|----------|----------|---|---|---|
| <u>/</u> | <u>/</u> |   |   |   |
| Total:-  |          |   |   |   |

- 10. Government under which service has been rendered in chronological order:
- |  |  |                                     |
|--|--|-------------------------------------|
| Government of <u>NWFP</u>              | from <u>22-6-1954</u> to <u>6-3-2005</u> | i.e. <u>10 yrs 8 months 15 days</u> |
| Government of.....                     | from..... to.....                        | i.e.....                            |
| Government of.....                     | from..... to.....                        | i.e.....                            |
| Total:- <u>10 yrs 8 months 15 days</u> |  |                                     |

- 11. Class of pension or gratuity applied for..... Com. bul. v. g. Retirement
- 12. Average Emoluments/emoluments last drawn..... Rs. 3000/-
- 13. Proposed gross pension/gratuity..... Rs. 27000-00
- 14. Proposed family pension.....
- 15. Proposed gratuity in lieu of 1/4th pension of.....
- 16. Proposed value of commutation.....
- 17. Proposed net pension.....

- \*18. Place of District Accounts Office  
Treasury/Sub Treasury..... Rawalpindi
- 19. Date from which pension is to commence..... 7-3-2005

Signature of [Signature]  
 Office/Department..... Police Postmaster

\* Entries No. 1,2,3,4 and 18 should be made in capital letters.

Case relevant info/notes before filling in this section

Amount of gratuity on discharges from temporary service where qualifying service is 10 years or more but less than 25 years.

Amount of gratuity in case where qualifying service is 5 years or more but less than 10 years.

Length of total qualifying service.

**SECTION (A) CALCULATION OF PENSION/GRAATIVITY**

RS. 30000  
 RS. 27000-0

(a) Pay ..... RS. 8000  
 (b) Senior Post Allowance ..... RS. 1000  
 (c) ..... RS.  
 (d) ..... RS.  
 (e) ..... RS.  
 Total: RS. 9000

**SECTION (3) (b) STATEMENT OF PAYMENT/AMOUNTS LAST DRAWN IN CASE THE POST IS HELD ON REGULAR BASIS**

The total emoluments for 36/12 months are therefore "Average Emoluments" work out to RS.

36/12-RS. P.M.

Period	From	To	Duration Months and Days	Monthly Rate of Emoluments	Amount Drawn

Statement of emoluments during the last 36/12 months in case the post has not been held on regular basis.

**SECTION (3) (a) CALCULATION OF "AVERAGE EMOLUMENTS"**

(i) Periods, if any, Military service or War Service allowed to count for pension.  
 (ii) Benefit of condonation of deficiency in total qualifying service.  
 Total (i) & (ii):

Total qualifying service: 9 Months + 5 days

Period: X M, Y D

Net qualifying service: 9 Months + 5 days

Total (i), (ii) & (iii):

1 - 1 - 10

(i) Extraordinary leave  
 (ii) Unauthorised absence  
 (iii) Spell of service not qualifying for Pension

Period	Y	M	D
	2	6	26
	2	6	14
	1	8	15

Total length of service as per Col. 10 of Section (1)

Y 10, M 8, D 15

**SECTION (2) CALCULATION OF QUALIFYING SERVICE**

18



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

3/5/17  
66  
Amir P-6  
Amir C

NO.FD(SOSR-II)/4-44/2016  
Dated Peshawar the 14/07/2017

To  
Accountant General  
Khyber Pakhtunkhwa

Subject:- **CONDONATION OF DEFICIENCY IN QUALIFYING SERVICE FOR PENSION / GRATUITY**

Dear sir,

I am directed to refer to your letter No.H-24(74)/Pension/Vol-III/2015-17/200 dated 21-04-2017 on the subject noted above and to state that Finance Department has already clarified the position as under vide letter No.FD(SOSR-II)/1-44/2009 dated 27-03-2009 and endorses the clarification made by Finance Division Islamabad regarding the subject matter as per the details given below.

Queries raised by AGPR	Clarification made by Finance Division
<p>a) In voluntary retirement after completion of 25 years qualifying service:</p> <p>i) If a person has rendered service of 24 years and six months whether his service cannot be condoned to 25 years under CSR-423(I).</p> <p>ii) If a person has rendered service 25 years and six months whether his service could be considered as 26 years or not under CSR-423.</p>	<p>a) i) The application of CSR-423 is not applicable here as 25 years qualifying service is mandatory in terms of CSR-485(B)(I).</p> <p>ii) Yes, under CSR-423 the service can be calculated as 26 years, if the service of an employee is 25 years and 06 months.</p>
<p>b) Whether condonation is admissible in case of death during service, compulsory retirement and abolition of a permanent post and in such cases after rendering qualifying service of nine years and six months would be condoned automatically and pension benefits would be allowed for ten years service, under CSR-423.</p>	<p>b) i) Automatic condonation is admissible in cases of death during service, abolition of a post and nine years six months qualifying service as per provision of CSR-423(1).</p> <p>ii) In case of compulsory retirement in terms of section 13(I) of civil servant Act, 1973, the condonation is not admissible if qualifying service is less than 20 years.</p>
<p>c) Whether the benefit of increment in the year of retirement on completion of six months service would be admissible in the case of voluntary retirement or not, as the deficiency of six months qualifying service is not admissible in voluntary retirement in the light of above referred O.M.</p>	<p>c) In continuation of this Department letter No.FD(PRC)/1-1/2007 dated 26/04/2008 it is clarified that the benefit of increment in the year of retirement on completion of six months service would be admissible in the case of voluntary retirement after 25 years continuous service.</p>

HAD  
23/7/17

Amir C  
Amir P-6  
A A O  
AG office

Yours faithfully

(MIAZZAM KHAN)  
SECTION OFFICER (SR.II)

Pension  
24/7/17



Accountant General Khyber Pakhtunkhwa Peshawar  
Phone: 091 9211250-54

No: H-24/ Pension /Circular No/Vol-III/2016-17/252  
Copy for information & Compliance to:

DATE: 21/07/2017

- All DAOs/AOs in Khyber Pakhtunkhwa.
- Pension -I, II, III Sections (Local)
- AGPR Sub Office Peshawar.

Accounts Officer (I) [Signature]

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

**Service Appeal No.524/2019.**

Wali Shah Ex-Constable of CCP Peshawar.....**Appellant.**

**VERSUS.**

1. Capital City Police Officer, Peshawar.
2. Superintendent of Police HQrs., Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.... **Respondents.**

**Reply on behalf of Respondents No. 1, 2, & 3.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.

**FACTS:-**

1. Para No. 01 relates to record, hence needs no comments.
2. Para No. 02 also pertains to record, hence needs no comments.
3. Para No. 03 is incorrect and misleading. In fact, appellant deliberately absented himself from legal duty w.e.f. 14/10/2003 to 12/4/2004 and 12/4/2004 to 28/10/2004 without permission of his seniors. As such a detailed enquiry into the charges was carried out wherein, he was found guilty of such prolonged absence from duty however, in view of his poor financial status the competent authority took a lenient view and disposed of the enquiry by awarding him the punishment of compulsory retirement and the absence period was treated as leave of the kind due vide OB No. 453 dated 7/3/2005. So, in pursuance of instant order his pension case was prepared in light of pension rules and forwarded to AG office for further necessary action at their end, vide No. 6432 dated 05/8/2005 thereafter pension case of the appellant was delayed in the AG office till 24/1/2007 for want of certain observations placed by the AG office which were fulfilled by the pension clerk time to time. Report of pension clerk is annexed as "A"




4. Para No. 04 is incorrect. Infact the appellant has filed application/complained for receipt of pension benefit which was thoroughly probed into by the provincial ombudsman. During hearing the arguments of both the parties, the appellant could not produce any valid grounds in his defense, therefore his complaint was filed. (Copy annexed as "B")
5. Para No. 05 is incorrect. Appellant has also filed W.P No. 1879-P/2018 before the Peshawar High Court, wherein the Honorable Court also called comments from respondents, and after surfacing the real facts, the Honorable Court also disposed of the Writ Petition with the remarks that petition being not maintainable is dismissed. (Copy annexed as "C")
6. Para No. 06 is totally incorrect. In fact, appellant was awarded the major punishment of compulsory retirement and in view of his poor financial status his absence period was treated as leave of the kind due vide order dated 07/03/2005. In pursuant to that order his pension case was prepared in accordance with law/rules, but the appellant desire for undue favour for unlawful pension benefits made him reluctant to receive the same which led to in ordinate delay in the pension case, as explained in the above paras.
7. Para No. 07 is incorrect. The appellant is concealing and suppressing the real facts.

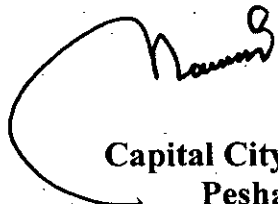
**Grounds.**

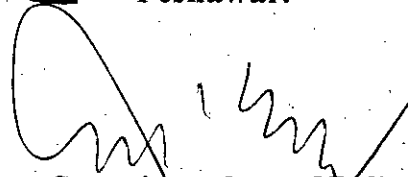
- A. Para is incorrect. Pension case of the appellant pertaining to his qualifying service as per prevailing law/rules has already been prepared by replying respondents and conveyed to AG office for the needful at their end.
- B. Para is Legal but the appellant personally avoiding to appear and collect his pension of qualifying service and intentionally doing delaying tactics to achieve his unlawful objective.
- C. Para is entirely incorrect and misleading. As per his service record appellant has qualified only nine years seven months and 05 days service and he is not entitled for condonation of deficiency in qualifying service for pension in light of finance department letter NO. FD (SOR-11) 14-44/2016 dated 14/7/2017 wherein it has clearly mentioned that in case of compulsory retirement in terms of section 13(1) of Civil Servant Act 1973, the condition is not admissible if qualifying service is less than 20 years.
- D. Para is incorrect, as explained in the Proceeding paras.
- E. Para is incorrect, his pension has already been prepared as is evident from the pension clerk report (attached as "D")
- F. Replying respondents also seek permission for advancing other grounds and proofs at the time of hearing.

**PRAYERS:-**

In view of the above, and keeping in view the gravity of slackness, willful negligence and misconduct of appellant, it is prayed that his appeal being devoid of any legal force may kindly be dismissed.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**

  
**Capital City Police Officer,  
Peshawar.**

  
**Superintendent of Police,  
HQrs, Peshawar.**

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

**Service Appeal No.524/2019.**


Wali Shah Ex-Constable of CCP Peshawar.....**Appellant.**

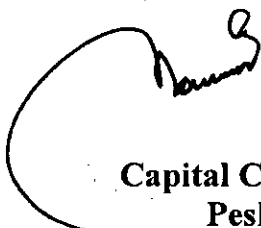
**VERSUS.**

1. Capital City Police Officer, Peshawar.
2. Superintendent of Police HQrs:, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar... ..**Respondents.**

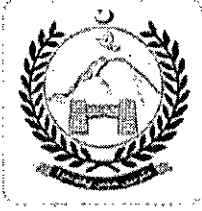
**AFFIDAVIT**

We respondents No. 1 ,2 and 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**

  
**Capital City Police Officer,  
Peshawar.**

  
**Superintendent of Police,  
HQrs, Peshawar.**



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1910 /ST

Dated: 24/09 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The Senior Superintendent of Police Headquarter,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 524/2019, MR. WALI SHAH.

I am directed to forward herewith a certified copy of Judgement dated 31.08.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR