

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1144/2019

Date of Institution ... 13.09.2019

Date of Decision ... 17.01.2022

Alif Gul S/o Farid Gul, Ex-Driver R/o Qasim P.O Tarnab Farm, Tehsil & District Nowshera. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Agriculture Livestock & Cooperative Department Peshawar and ~~two~~ others. ... (Respondents)

Aslam Khan Khattak,
Advocate

... For Appellant

Asif Masood Ali Shah,
Deputy District Attorney

... For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are

that the appellant was initially appointed as Driver in Agriculture Department vide order dated 19-09-1973. The appellant resigned from service, which was accepted vide order dated 03-10-1985. The appellant filed departmental appeal dated 10-04-2019 for grant of pension for 12 years service rendered by the appellant, which was rejected vide order dated 18-07-2019, hence the instant service appeal with prayers that the impugned order dated 18-07-2019 may be set aside and the appellant may be allowed pensionary benefits for service rendered for 12 years and 14 days in agriculture department including all benefits.


02. Learned counsel for the appellant has contended that the appellant has served for 12 years in Agriculture Department so he is fully entitled for pension from due date including all benefits; that pay and pension hold recurring cause of action, hence no limitation runs against it; that the impugned rejection order for not allowing the appellant his pensionary benefits is illegal and based on malafide.


03. Learned Deputy District Attorney for the respondents has contended that the appellant joined Agriculture Department on 19-09-1973 and resigned from service on 19-07-1985; that during the period, the appellant availed two years extraordinary leave, so his total service is 9 years and 10 months only; that the appellant submitted his departmental appeal after 33 years and six months after tendering resignation from service, which is too late and this is the most important reason for dismissal of his departmental appeal; that at such belated stage, the appellant is not entitled to pensionary benefits as per rule and law.

04. We have heard learned counsel for the parties and have perused the record.

05. The appellant submitted his departmental appeal after 33 year of his resignation from service, whereas the total length of service is less than ten years. The appellant died during the course of litigation and his legal heirs impleaded in the instant case. The case was examined from every angle but we could not find any merit in the instant appeal, hence we are constrained to dismiss the instant appeal. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
17.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQU-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

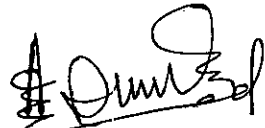
17.01.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

17.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



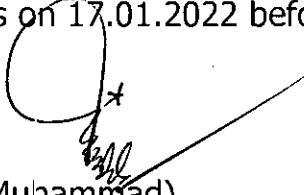
(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

12.11.2021 Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

An application had been filed on the preceding date seeking impleadment of the legal heirs of the deceased application which application was not objected to, hence, accepted. All the legal heirs of the appellant stand impleaded. Office is directed to make entries in the memo of appeal as well as in the relevant register.

Rejoinder was also submitted by the learned counsel with a request for adjournment. Adjourned. To come up for arguments on 17.01.2022 before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

05.01.2021

Appellant present through counsel.

Riaz Khan Paindakhel Assistant Advocate General for respondents present.

Former made a request for adjournment being indisposed; granted. To come up for arguments on 15.04.2021 before D.B.



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



(Rozina Rehman)
Member (J)

15.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 09.08.2021 for the same as before.



Reader

09.08.2021

Aslam Khan Khattak Advocate counsel present on behalf of appellant.

Javid Ullah learned Assistant Advocate General alongwith Noman Khalid Litigation Assistant for respondents present.

An application was filed seeking impleadment of legal heirs of the deceased appellant. Notice of the said application was served upon learned A.A.G. To come up for reply and arguments on 12.11.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

12th Nov 2021 - Appellant present through counsel

With counsel ~~Mr. Khan~~ ~~Paandakhe~~ learned assistant

Advocate General for respondents present

An application had been filed on the preceding date seeking

impediment of the legal heirs of the deceased application

which application was not objected to hence accepted. All

the legal heirs of the appellant stand impeded. Officers

directed to make entries in the name of appellas as well as

in the relevant register.

Register was also submitted by the learned counsel with a

request for adjournment. Adjournd. To some date for

arguments on 17.01.2022 before B.B.

(Member (a))
(Khanjhaning)

(Member (b))
(Kozina Rehana)

24.08.2020

Due to summer vacation case to come up for the same on 28.10.2020 before D.B.


Reader

28.10.2020

Junior to counsel for the appellant and Zara Tajwar, DDA alongwith Jalalud Din, Agronomist for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 05.01.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman

03.03.2020

Appellant with counsel and Addl. AG alongwith Noman, Junior Clerk for respondents No. 1 & 2 present and submitted written reply which is placed on file. Nemo for respondent No. 3. Fresh notice be issued to him. To come up for written reply/comments of respondent No. 3 on 09.04.2020.


Member

09.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 01.07.2020 for the same. To come up for the same as before S.B.

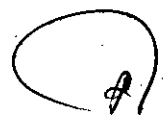

Reader

01.07.2020

Counsel for the appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Zaki Ullah Senior Auditor representative of respondent No.3 present.

Reply of respondents No.1 & 2 already submitted. Today, representative of respondent No.3 submitted written reply which is placed on record. To come up for rejoinder, if any, and arguments on 24.08.2020 before D.B.


Member (J)

04.12.2019

Counsel for the appellant present.

Contends that the appellant had rendered voluntary resignation on 19.07.1985 and at the relevant time he had already put in more than 10 years of service. In view of judgment reported as 2003-SCMR-686 the appellant was entitled for pension benefits which were denied to him by the respondents. Explaining the delay in submission of departmental appeal as well as the appeal in hand it was stated that right of pension of a civil servant was recurring in nature, therefore, the delay is to be disregarded.

Instant appeal is admitted for regular hearing subject to all just exceptions. 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 27.01.2020 before S.B.

Appellant Deposited
Security Process Fee


Chairman

27.01.2020

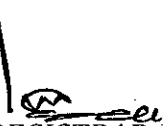


Clerk to counsel for the appellant present. Written reply not submitted. Muhammad Noman J.C representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 03.03.2020 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 1144/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/09/2019	<p>The appeal of Mr. Alif Gul presented today by Mr. Aslam Khan Khattak 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 13/9/19</p>
2-	16/09/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/10/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>23.10.2019</p> <p>Counsel for the appellant present.</p> <p>Learned counsel for the appellant requests for time to further prepare the brief on the point of admissibility of pension to a civil servant who had tendered a resignation after putting in about twelve (12) year service.</p> <p>Adjourned to 04.12.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No: 1144 /2019

Alif Gul S/o Farid Gul, Ex-Driver.

.....Appellant

VERSUS

Govt of KPK through Secretary, Agriculture, Livestock & Coop
Department, Peshawar & Others

.....Respondents

INDEX

S#	Description of Documents	Annexure	Page No's
1	Memo of Appeal with affidavit		1-4
2	An Extract from Appellant's Service book Showing his date of appointment	"A"	5
3	Letter dated 3/10/1985	"B"	6
4	Departmental Appeal dated 10/04/2019	"C"	7
5	Impugned order dated 18/07/2019	"D"	8
6	Wakalat Nama	-	-

Dated: 13 /09/2019

Alif Gul
Appellant

Through

Aslam Khan
Aslam Khan Khattak
Advocate, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No: 1144/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1247

Dated 13-9-2019

Alif Gul S/o Farid Gul, Ex- Driver R/o Qasim, P.O Tarnab-Farm,
Tehsil & District Nowshera.

.....Appellant

Versus

1. Government of KPK through Secretary Agriculture Livestock & Coop Department Peshawar.
2. Director General Agriculture (Extension) KPK, Peshawar.
3. Accountant General, KPK, Peshawar.

.....Respondents

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 18/07/2019 VIDE ANNEXURE "D" COMMUNICATED TO THE APPELLANT ON 22/08/2019 WHEREBY HIS DEPARTMENTAL APPEAL FOR GRANT OF PENSION FROM 09/07/1985 INCLUDING ARREARS HAS BEEN REJECTED.

PRAYER:

ON ACCEPTANCE OF APPEAL, THE IMPUGNED ORDER DATED 18/07/2019 MAY BE SET ASIDE AND THE PENSION MAY BE ALLOWED TO THE APPELLANT FOR RENDERING 12 YEARS & 14 DAYS SERVICE IN AGRICULTURE DEPARTMENT AS DRIVER FROM 19/09/1973 INCLUDING ALL BENEFITS.

Filed to-day

Registrar

13/9/19

Respectfully Sheweth:-

Brief facts leading to the instant appeal are as under:-

1. That the appellant having initially been inducted in service as Driver on 19/09/1973 in Agriculture Department vide annexure "A".
2. That the appellant has performed his duty for 12 years & 14 days in the aforesaid department with utmost of his capabilities and to the entire satisfaction of his superiors.
3. That the appellant due to some unavoidable circumstances could not continue his service in Agriculture department and thereafter he has resigned from service which has been accepted vide annexure "B" but no pension has been granted to him for rendering 12 years and 14 days service in Agriculture Department as Driver.
4. That the appellant has filed his departmental appeal on 10/04/2019 vide Annexure "C" for his aforesaid relief and which has been rejected vide impugned order dated 18/07/2019 at annexure "D" which has been communicated to him on 22/08/2019 and hence this appeal inter-alia on the following grounds.

GROUNDS:

- A. That the appellant has satisfactorily served as Driver in Agriculture Department for 12 years and 14 days and so he is fully entitled for pension from due date including all back benefits.

B. That the grant of pension is continuous grievances and no limitation runs against it.

C. That the impugned order at annexure "D" for not allowing pension to the appellant is illegal, malafide, without jurisdiction and without lawful authority is not permissible under the law.


D. That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.

It is, therefore, most respectfully prayed that on acceptance of appeal, the impugned order dated 17/08/2019 may be set aside and the pension from 09/07/1985 including arrears may be granted to the appellant to meet the ends of justice including other relief as deemed proper in the circumstances of case may be granted.

Dated: 13/09/2019


Appellant

Through


Aslam Khan Khattak
Advocate, Peshawar.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No: ____/2019

Alif Gul S/o Farid Gul, Ex-Driver.

.....Appellant

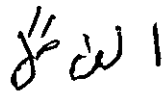
VERSUS

Govt of KPK through Secretary, Agriculture, Livestock & Coop
Department, Peshawar & Others

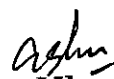
.....Respondents

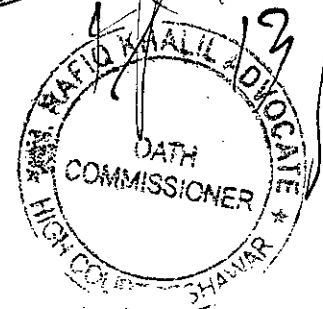
AFFIDAVIT

I, Alif Gul S/o Farid Gul, Ex Driver of Agriculture, Livestock & Coop Department Peshawar, do hereby solemnly affirm and state on oath that the impugned order dated 18/07/2019 has been communicated to me on 22/08/2019. My above statement is true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.


DEPONENT
CNIC:

Identified by:


Aslam Khattak
Advocate, Peshawar.



(2)

Annexure A

(5)

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating state— (i) substantive appointment or (ii) whether service counts for pension under Art. 371, C. S. R.	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "Pay"	Date of appointment	Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8
A 120-3-15/5	offly / Temp.	—		120/-		19/73		[Signature]
do	do	—		123/-		12/74		[Signature]
do	do	—		126/-		12/75		[Signature]
do	do	—		129/-		12/76		[Signature]
Revised a.o.s. no. 2 a.o. 270/7-326/8-390/-		—		270/-		1.5.77		[Signature]
do	8M Temp.	—		270/-		1/2/77		[Signature]

270-7-326/8-390
270/-

[Signature]
30/4

9/2/75

Attested
[Signature]

[Signature]

Office of the Extra Assistant Director of Agriculture, Peshawar.

Office Order

The resignation tendered by Mr. Ali Gul Driver is hereby accepted w.e. from 9.7.1935 and the services of Mr. Muntaz Ali Driver posted against the above post is ordered to be continued in the best interest of public service.

34/- (M. Shaukat Hussain Shah)
Extra Assistant Director
of Agriculture, Peshawar.

No. 3580-23/EAUA Dated Peshawar, 3.10.1935.

Copy forwarded to-

1. Mr. Ali Gul Driver S/o Mohammed Iqbal J/ Clerk of this office with ref to his resignation dt 29.9.1935 for information.
2. Mr. Muntaz Ali Driver H.O. Office with ref to his application dt 1.10.1935 for information.
3. The Dy. Director of Agriculture, Peshawar Divn. Peshawar for favour of information.
4. The E.C.I HQ Office for n/action.

M. Shaukat Hussain Shah
Extra Assistant Director
of Agriculture, Peshawar.
32/10

M. Saeed/-

Attested
ash

Annexure
①

To,

The Director General, Agriculture
Khyber Pakhtunkhwa, Peshawar.
Opp: Islamia College.

Subject: DEPARTMENTAL APPEAL FOR GRANT OF PENSION FROM 03/10/1985 INCLUDING ARREARS.

Respected Sir,

1. Most respectfully it is submitted for your kind information that I was inducted in service as Driver on 19/09/1973 in Agriculture Department. (Copy is annexed at Annexure "A").
2. That I performed my duty for 12 years & 14 days in the aforesaid department to the entire satisfaction of my superiors.
3. That due to some unavoidable circumstances, I could not continue my further service in the aforesaid department and thereafter the department has relieved me from service.
4. That I have served in Agriculture Department for 12 years & 14 days and no pension has been granted to me.

It is, therefore, prayed that I may be given pension for 12 years & 14 days service from 03/10/1985 including all back benefits.

Dated: 10/03/2019

Your Most Obedient Servant

Alif Gul

Alif Gul S/o Farid Gul
Ex- Driver, Resident of
Qasim, P.O Tarnab Farm
Tehsil & District Nowshera

Attested
[Signature]

No. 1175

For Insurance Notices see reverse. Rs. Ps.
Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered* addressed to _____ Date-Stamp _____

Initials of Receiving Officer _____
*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____ Weight _____ Kilo _____ Grams _____

Name and address of sender _____

If insured.

Annexure D

DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

No.16/22/Estt/ 14971 /DG
To:

Dated Peshawar: the 18/7 /2019

The District Director Agriculture, Peshawar.

Subject: **DEPARTMENTAL APPEAL FOR THE GRANT OF PENSION FROM 03.10.1985
INCLUDING ARREARS**

Memo:

Reference your office letter No.1491/DDA dated 04.07.2019.

As per your office record and comments, the concerned ex-official is not
entitled for pension benefit as per Government rules / policy.

DIRECTOR GENERAL

RIK

File in

18/07/2019

Attested
as

539
19.07.2019

العبد العبد العبد
مقام
کے لئے منظور ہے۔

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal NO – 1144/2019

ALIF GUL S/O FARID GUL EX- DRIVER _____ APPLICANT.

VERSUS

GOVERNMENT OF KPK THROUGH SECRETARY AGRICULTURE LIVE STOCK AND
COOPERATIVE DEPARTMENT PESHAWAR AND OTHERS

INDEX

S/No	Description of Documents	Annexure	Page No
01	Para wise comments on behalf of Respondent No 1 & 2		1-2
02		Annexure A	3
03		Annexure B	4
04		Annexure C	5
05		Annexure D	6
06		Annexure E	7

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal NO – 1144/2019

ALIF GUL S/O FARID GUL EX- DRIVER ----- APPELLANT

VERSUS

- 1- GOVERNMENT OF KPK THROUGH SECRETARY AGRICULTURE LIVE STOCK AND COOPERATIVE DEPARTMENT PESHAWAR.
 - 2- DIRECTOR GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA PESHAWAR.
 - 3- ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR. RESPONDENTS
- PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO-01& 02.**

PRELIMINARY OBJECTIONS:-

- 1- That the Appellant has got no locus standi to file the instant appeal.
- 2- That the Appeal is not maintainable in its present form and liable to be dismissed.
- 3- That the Appellant has no cause of action to file the instant appeal.
- 4- That the Appellant has deliberately concealed the material facts from this Honorable Service Tribunal.
- 5- That the Appellant has not come to this Honorable Service Tribunal with clean hand.
- 6- That the appeal of the appellant is badly time barred.

ON FACT PARA WISE COMMENTS

- 1- Pertains to the record
- 2- It is wrong to say that the appellant performed his duty for 12 years and 14 days because appellant joined the Department on dated 19-09-1973, and submitted application for resignation on dated 19-7-1985 (Annexure A). During this period Extra Ordinary leave for 2 years have been availed by the appellant (Annexure B). So his total service without the extra ordinary leave (without pay) is 9 years and 10 months only.
- 3- After availing 2 years extra ordinary leave (without pay), the appellant once again submitted another application for the grant of 3 years leave without pay which has been rejected by the department stating that his service is less than ten years as required under the Government of N.W.F.P Civil servants revised leave rules – 1981.(Annexure C & D).
- 4- Correct to the extent that the appellant submitted his departmental appeal on dated 10-04-2019, just 33 years – 06 months and 7 days after his acceptance of resignation, on dated 03-10-

1985, which is too late and this is the most important reason sufficient for the dismissal of appeal because the said appeal is very badly time bared, and the appellant appeal for the grant of pension from 03-10-1985 is rejected vide No- 16/22/Estt/14971/DG, dated 18-07-2019 because as per his office record the concerned ex-official is not entitle for pension benefit as per Government rules / policy.(Annexure E)

GROUND:-


- A- Incorrect, that the official / appellant availed 2 years extra ordinary leave (without pay) w.e.f 09-07-1983 to 08-07-1985, vide No. 16/22/Estt/14971/DGA (E) dated 18-07-2019, the concerned ex-official is not entitle for pension benefits as per Government rules/policy.
- B- Replied vide ground "A" above.
- C- Not correct as replied above.
- D- The respondents seek leave to raise additional grounds at the time of arguments.

It is therefore; most respectfully prayed that on acceptance of the above mentioned facts the appeal of the appellant may kindly be dismissed.

Respondent NO – 1


SECRETARY AGRICULTURE
LIVE STOCK AND COOPRATIVE DEPARTMENT
KHYBER PAKHTUNKHWA CIVIL SECRETRIAT
PESHAWAR

Respondent NO – 2


DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA PESHAWAR

محکمہ صحت ایئر ایکشن ڈائریکٹر صحت محکمہ لاہور
مضمون - استعفیٰ

مقام عالی

مورد بالا گزارش ہے کہ بندہ نے تقریباً ۱۰ سال قبل محکمہ صحت کی خدمت میں
اور بندہ نے اپنی پوری ساری دوران کوئی ایسا خدمت قانون میں نہیں کیا ہے
اور نہ تو نام میں ہے۔ بندہ نے تین سال قبل بنیوانہ فوجی تھیں دروازے
دیں گئے۔ مگر وہ دروازے نامعلوم کی گئی تھی۔ بندہ کا دل نہیں
چاہتا ہے کہ استعفیٰ دے دوں۔ مگر مجھ کو مجبور ہونے کی بنا پر
استعفیٰ دینا پڑا۔

لہذا میں اس میں جانے کہ بندہ کی استعفیٰ بعد مجبور
کیونکہ ۲۵-۹ سے مذکورہ شکر و فساد میں

عین گزارش ہے
المستوفی
۲۵/۹

الفا
سر ایچ ایچ ایچ
الف گل ڈرائیور حکمران بن اور

۲۸/۹
A. J. Khan
Secretary
28/9

۲۸/۹
E. J. Khan
28/9

6371
24.9.57

(4) 255
Annexure B

ORDER

Mr. Alif Gul Driver office of the Ex. Asstt. Director of Agriculture, Peshawar is hereby granted two years extra ordinary leave (with out pay) w.e. from 9.7.1983 to 8.7.1985 on private affairs as admissible under the Govt. of N.W.F.P. civil servants leave rules-1979.

Sd/- B. Hibzada Mohammad Ashraf,
Dy. Director of Agriculture,
Peshawar Divn: Peshawar.

No. 4014-16-12/47/DDA, dt 12/7/1983



Copy forwarded to :-

- 1- Mr. Alif Gul Driver o/e EADA Peshawar with ref: to his application dated 7.7.1983.
- 2- The Extra Asstt. Director of Agriculture, Peshawar with ref: to his endst: No. 4310 dated 8.8.83.
- 3- The Accountant General N.W.F. Province, Peshawar for information and n/action.

Dy. Director of Agriculture,
Peshawar Divn: Peshawar.

Y. M. Qureshi.

E.A.I

12/7/83
pay for 1-7-83 to 8-7-83
and the choice taken been abran
the stop office concern already
my file

copy of
file

Handwritten signature or initials at the bottom right.

⑤ 239

No. 2634 Annexure C
/DDA,
Dated Peshawar the, 14/7 /1985.

To:-

The Extra Assistant Director,
of Agriculture, Peshawar.

Subject:-

EXTRA ORDINARY LEAVE(WITHOUT KEY PAY) IN
RESPECT OF MR. ALIF GUL DRIVER.

Memorandum:-

Reference your Endst:No.2305/original,
Dated 29.6.1985.

You are directed to please call Mr. Alif Gul Driver
to join his duty immediately through special messenger as he was due
to attend the duty on 9.7.1985 after availing Two years Extra Ordinary
leave (Without Pay).

It is further desired to please inform the applicant
that no further extension for the Period for Three years as Extra
ordinary leave (without Pay) can be granted as his Service is less
than ten years as required under the Government of N.W.F.P. Civil
Servants Revised leave Rules- 1981.



BY: DIRECTOR OF AGRICULTURE,
PESHAWAR DIVISION PESHAWAR.

Sajjad/****/13.7.85.

Handwritten notes:
Applicant
Sajjad

Handwritten notes:
RUC P.S. to I.A.
S.A. Akhtar
16/7

Handwritten:
239
11

Handwritten:
11

Handwritten:
up

Vertical text:
ther
leave
on
duty
e

Vertical text:
intr
1 b

Handwritten:
11

Vertical text:
BT
BT

Handwritten:
13

Handwritten:
85

Handwritten:
10

26/7/85
Annexure-D
Registered

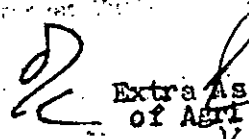
No. 2551 /EADA Dated Peshawar, 23.7.1985
To: Mr. Alif Gul Driver

Mr. Alif Gul Driver S/o Farid Gul
Village Qasim Ali Bag P.O. Taru Jabba
Tehsil Nowshera District Peshawar C/o
Mohammad Israr J/Clerk H. Q. Office.

Subject: Extra Ordinary Leave (Leave with out pay).

Memorandum:-

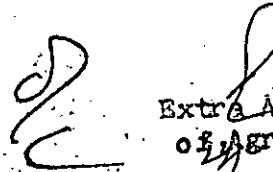
It is to inform you that your leave for further extension for the period for three years as extra ordinary leave (with out pay) has been rejected by the D.D.A. Peshawar Division Peshawar and as such you are hereby directed to report for duty within three days positively otherwise you would be considered absconder with effect from 9.7.85 and liable to disciplinary action under the rule.


Extra Assistant Director
of Agriculture, Peshawar.

No. 2552-53 /EADA.

Copy forwarded to the Dy. Director of Agriculture, Peshawar Divn, Peshawar with ref to his letter No. 2634 dt 14.7.85 for information.

The E. C. I office of the undersigned for information. He should follow up the case till finalization.


Extra Assistant Director
of Agriculture, Peshawar.

M. Saeed/-

(7)

Annexure E.

DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

No.16/22/Estt/ 14971 /DG
To:

Dated Peshawar: the 18/7 /2019

The District Director Agriculture, Peshawar.

Subject: DEPARTMENTAL APPEAL FOR THE GRANT OF PENSION FROM 03.10.1985
INCLUDING ARREARS

Memo:

Reference your office letter No.1491/DDA dated 04.07.2019.

As per your office record and comments, the concerned ex-official is not entitle for pension benefit as per Government rules / policy.


DIRECTOR GENERAL

Endst: No. _____ /DDA(E)

Dated Pesh: the _____ /2019.

Copy alongwith photo copies of enclosures are forwarded to Mr. Alif Gul, Ex-Driver Village Qasim Killey P/O Taru-Jabba Tehsil Pabbi District Nowshera for information.

DISTRICT DIRECTOR
AGRICULTURE (EXTENSION)
CITY DISTRICT GOVT: PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No: 1144/2019

Alif Gul S/o Fareed Gul, Ex-Driver, Resident of Qasim, P.O Tarnab
Farm, Tehsil & District Nowshera.

.....Appellant

Versus

Govt; of KPK through Secretary Agriculture, Livestock &
Cooperation Department, Peshawar and Others.

.....Respondents

APPLICATION FOR IMPLEADMENT/ON
OF LEGAL HEIRS OF THE
APPELLANT AS NECESSARY PARTY
IN ABOVE CITED APPEAL.

Respectfully Sheweth:-

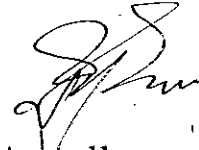
1. That the Appellant has served the agriculture department as driver for 12 years + 14 days and has filed the instant appeal for grant of pension
2. That now the appellant has been died vide Annexure "A" and his following legal heirs may be impleaded as necessary party in above titled appeal for grant of pension.
 - (i) Mst. Jehanzeb Bibi (widow)
 - (ii) Hidayat Ullah (son)
 - (iii) Rewayat ^{Khay} Ullah (Son)
 - (iv) Mst. Maryam Bibi (daughter)
 - (v) Mst. Saima Bibi (daughter)

(vi) Mst. Farzana Bibi (Daughter)

(vii) Kifayat Allah (Son)
(viii) Samaira Bibi (Daughter)

It is, therefore prayed that on acceptance of this application, the abovementioned legal heirs may be impleaded as necessary party in above title Appeal.

Dated: 09 /08/2021



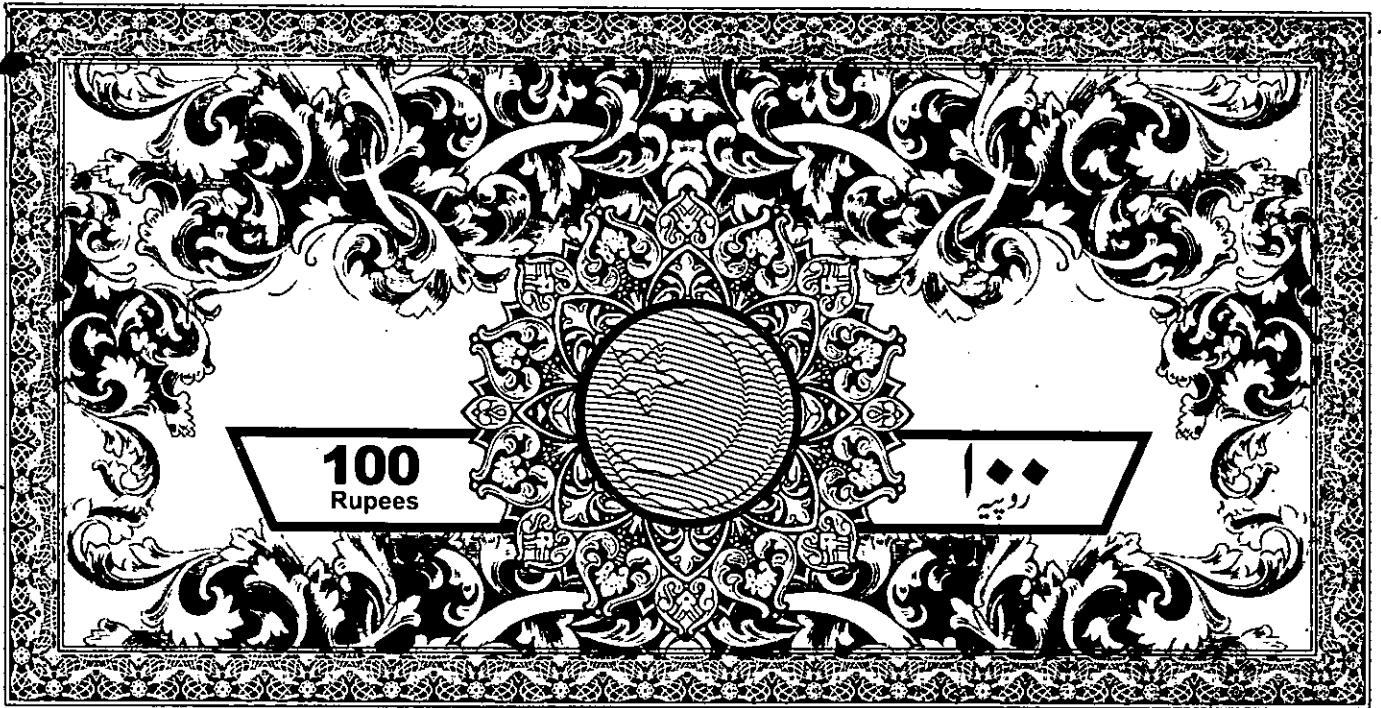
Appellants

Through Special Attorney
(Rewayat Khan)

Through



Aslam Khan Khattak
Advocate, High Court,
Peshawar.



کدیت جناب پانڈر من کورٹ پشاور جیٹو ہاؤس

مختیار ناہہ خاص برائے پیروی مقدمہ

الفضل بنام حکومت

- (۱) جہانزیب بی بی (زوجہ) (۲) سہیلہ صاحبہ بی بی
- (۳) سہیلہ فرزاد بی بی (۴) بی بی شہناز (۵) سمیرا علی (دھڑل) (۶) بی بی شہناز قاسم صاحبہ
- (۷) مسریم بی بی (۸) سہیلہ بی بی (۹) شہناز بی بی

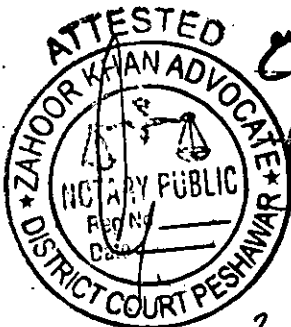
دریوقت بقای خوش و حواس اقرار کر کے لکھ دیتے ہیں کہ ہمارا ایک مقدمہ زیر سماعت ہے جس میں بوجہ ذاتی مصروفیات و پردہ نشینی از خود عدالت حضور میں پیش ہونے سے قاصر ہیں لہذا اپنی جانب سے مسی روایت خان ولد الفضل کو مقدمے میں مختیار خاص مقرر کر کے اختیار دیتے ہیں کہ وہ ہماری جانب سے مقدمہ کی پیروی کرے، بیان دیوے، راضی نامہ کرے، جواب الجواب داخل کرے، مقدمہ اپیل داخل کرے، وکیل مقرر کرے، بیان حلفی جمع کرے، شہادت دیوے، درخواست جواب درخواست دیوے نیز جملہ کاروائی جو وقتاً فوقتاً ضروری ہو کرنے کا مجاز ہے، اپیل نگرانی نظر ثانی کرے، مقدمہ نئے دخلی دائر کرے، اجراء کرے، عذر داری داخل کرے، خرچہ خورا کہ داخل کرے اور خلاف دائر شدہ مقدمات میں پیروی اور جواب وہی وغیرہ داخل کرے اور من اختیار دہندہ اس کی جملہ اقدامات کی کاروائی کی پابند رہے گا۔ مختیار موصوف عدالت ابتدائی سے تاعدالت عالیہ و سپریم کورٹ آف پاکستان میں کارروائی کی پابند رہے گا۔ مختیار موصوف عدالت ابتدائی سے تاعدالت عالیہ و سپریم کورٹ آف پاکستان میں کارروائی ہماری جانب سے کرنے کا مجاز ہے۔

المرقوم 26/7/2024

لہذا مختیار نامہ خاص بحق روایت خان دیا تاکہ سند آ رہے اور بوقت ضرورت کام آئے۔

العبد اختیار گریہندہ

العبد اختیار دہندہ



26/7/2024

گواہ نمبر ۱۱ مصطفیٰ جمال دلجو
 گواہ نمبر ۲ قاسم علی
 شناختی کارڈ نمبر ۱۷۲۰۱-۲۲۶۳۶۲۹-۵

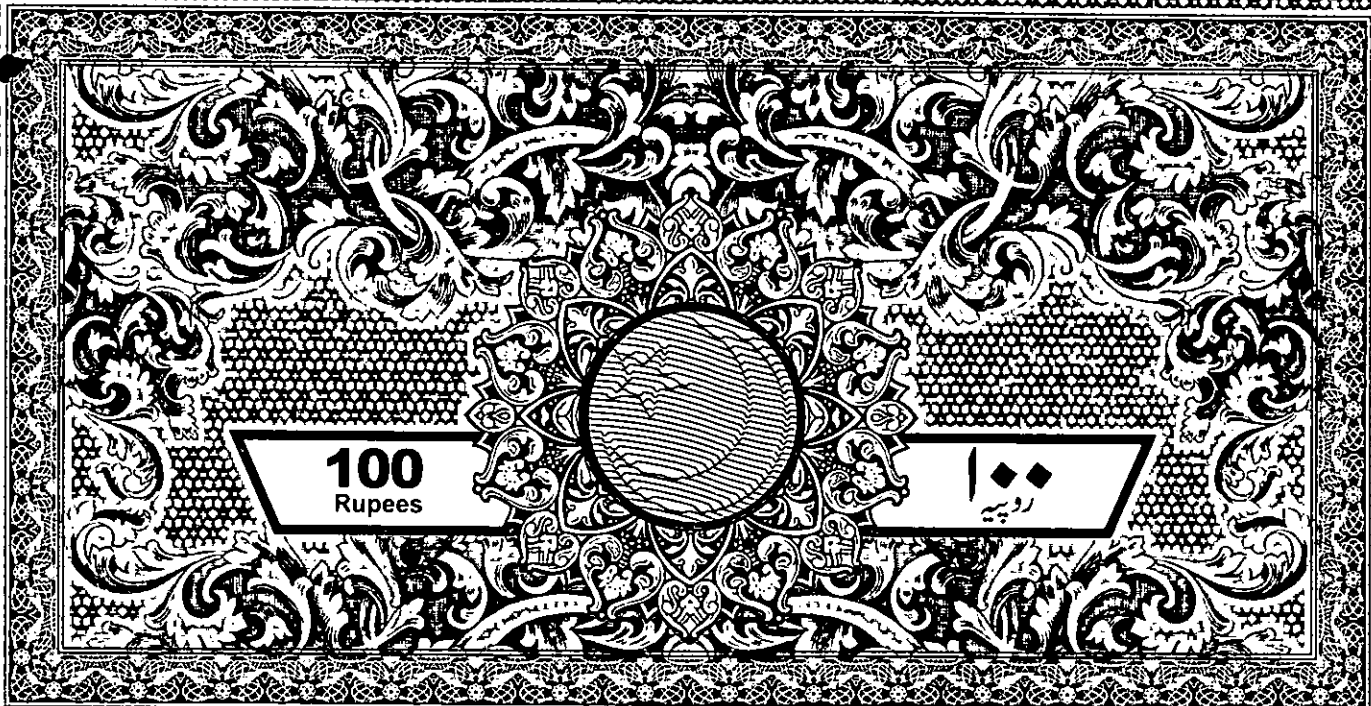
Attested

دیناں کے ساتھ ساتھ دوسرے امور پر بھی
26
2021

District Corporation of Multan
02 JUL 2021
(Treasury Wing) Multan

9

STATIONER
Licence No: 101/MS/CP/HIS
Expiry: 29-12-2019
Peshawar Treasury



100 Rupees

100 روپے

الستار دینہ گان

الستار گریڈ

روایت خان دم الغمل (لاہور)

17201-760915-3

1- ماہ جہانزیب علی (لاہور) 17201-7251560-4

2- ماہ جہانزیب علی (لاہور) 17201-0609068-6

3- فرزانہ (لاہور) 17202-0609088-6

4- سرمد علی (لاہور) 17201-9559179-0

5- سکینا (لاہور) 17201-5727782-8

6- روایت خان دم الغمل (لاہور) 17201-1093062-7

7- سائمنہ (لاہور) 17201-1093062-7

attested

Bill of Materials showing the bill of materials 26 2

District Corporation, Peshawar
02 JUL 2021
(Treasury Wing) Peshawar.

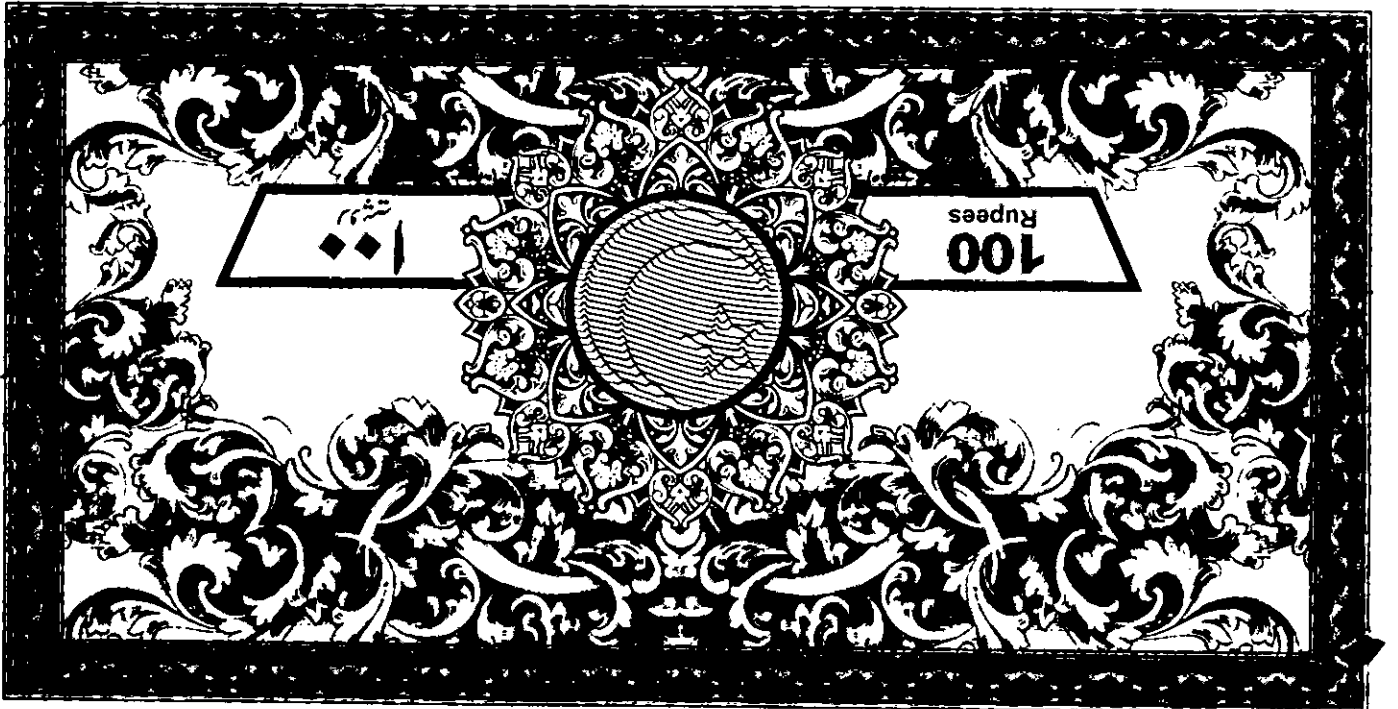
RS

MUHAMMAD SAJJAD
STAFF VENDOR
Licence No: 131/ADC(P) HC
Dated: 29-10-2019
Peshawar Treasury

Handwritten signature

Handwritten signature

Handwritten signature



H371852

Handwritten signature and text, possibly including a date like 26/7/2021.

District Controller of Accounts
02 JUL 2021
(Treasury Wing) Peshawar

Handwritten signature or mark.

GHULAM HUSSAIN
STAMP VENDOR
License No: 131/ADC(P) HC
Dated: 23-10-2019
Peshawar Treasury



Death Registration Certificate

Form No: W11731952

Tracking id: 50089610012953
CRMS No: D500896-21-10286
OLD/M REG #:

دفتر اندراج یونین کونسل ناروہر

Deceased Person's Details متوفی کے کوائف

Name :	ALIF GUL	نام	الف گل
Nationality :	Pakistani	قومیت	پاکستانی
CNIC No :	17201-4117055-3	شناختی کارڈ نمبر	17201 4117055 3
Date of Birth :	01-January-1950	پیدائش کی تاریخ	01-January-1950
Gender :	Male	جنس	مرد
Religion :	ISLAM	مذہب	اسلام
Sickness Period :		بیماری کی مدت	
Date of Death :	08-October-2020	وفات کی تاریخ	08-October-2020
Date of Burial/Last rite :	08-October-2020	دفن یا آخری رسومات کی تاریخ	08-October-2020
Place of Death :	PESHAWAR L R H HOSPITAL	وفات کی جگہ	پشاور ایچ آر ایچ ہسپتال
Reason of Death :	Natural	وفات کی وجہ	طبعی
Nature of Death :	Normal	وفات کی کیفیت	عادی
Buried/Last rite at :	QASIM	دفن یا آخری رسومات کی جگہ	قاسم

Parental Information والدین کی معلومات

Father's Name :	FARID GUL	والد کا نام	فرید گل
CNIC No :		والد کا شناختی کارڈ نمبر	
Mother's Name :	MARWARJANA BIBI	والدہ کا نام	مر وارjana بی بی
CNIC No :		والدہ کا شناختی کارڈ نمبر	

Address پتہ

Address :	P.O. taru jabba , Village QASAM ,	پتہ	پ.و. تارو جابا ، گاؤں قاسم ،
Tehsil :	PABBI	تھسیل	پابھی
District :	NOWSHERA	ضلع	نوشہرہ

Applicant's Details درخواست دہندہ کے کوائف

Name :	JAHANZEB BIBI	نام	جان زب بی بی
CNIC No :	17201-7251560-4	شناختی کارڈ نمبر	17201-7251560-4
Relation with Deceased :	WIFE	متوفی سے رشتہ	بی بی

Information of Burial/Last rite by تدفین یا آخری رسومات کنندہ کی معلومات

Name :	RIWAYAT KHAN	نام	ریوات خان
CNIC No :	17201-7609141-3	شناختی کارڈ نمبر	17201-7609141 3
Relation with Deceased :	SON	متوفی سے رشتہ	پوتا

Entry Date :	08-February-2021	اندراج کی تاریخ	08-February-2021
Issue Date :	08-February-2021	تاریخ جاریہ	08-February 2021
Entry Status :	Normal	اندراج کی حالت	عادی

Additional Information:



SECRETARY
Municipal Council Qasim
Village Nowshera

Attested
امہ



ذات راسخہ کی ذمہ داری ہے۔

Aslam Advocate
(Peshawar)

Accepted & accepted

Handwritten signature and notes in the top left corner.

کے لئے منظور ہے

Main body of handwritten text in Urdu, containing a detailed legal or administrative statement.

Handwritten note on the right side, top.

Handwritten note on the right side, middle.

Handwritten note on the left side, top.

Handwritten note on the left side, middle.

Table with 2 columns and 5 rows. The right column contains a logo with the word 'قائم' (Qaim) and the name 'ایم ایف ایف' (M F F). The left column contains fields for 'تاریخ' (Date), 'مقام' (Place), 'موضوع' (Subject), 'مقام' (Place), and 'دوئی' (Signature) with a handwritten signature.

Handwritten signature and notes on the right side, bottom.

Handwritten note on the left side, bottom.

Handwritten signature and notes at the bottom of the table.

Form with a QR code, a logo with a scale of justice, and a circular logo for 'PESHAWAR BAR ASSOCIATION'. It includes fields for 'تاریخ' (Date), 'مقام' (Place), 'موضوع' (Subject), and 'مقام' (Place) with a handwritten signature. A stamp with the number '88273' is also present.

50

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No:1144/2019

Riwayat Khan S/o Alif Gul now deceased and special Attorney of all legal heirs of father.

.....Appellants

Versus

Govt: of KPK through Secretary Agriculture, Livestock & Cooperative Department Peshawar & Others.

.....Respondents

APPELLANTS REJOINDER IN RSEPONSE
TO REPLY OF RESPONDENTS NO: 1 & 2.

Respectfully Sheweth:-

Preliminary Objections:-

That none of the objections raised by the respondents No; 1 & 2 are sustainable.

Facts:

1. Needs no Comments.
- 2 & 3: Incorrect. Paras 2 & 3 of appeal is correct and its replies are incorrect.
4. Incorrect. That the pension is money matter and its denial is a recurring cause of action and no limitation runs against it.

Grounds:

A to C: Incorrect. Grounds A to C of Appeal are correct and its replies are incorrect.

D. That the respondents are not entitled to rely on additional grounds at the time of arguments.

It is, therefore, most respectfully prayed that on acceptance of appeal and rejoinder, the impugned order dated 17/08/2019 may be set aside and the pension from 09/07/1985 including arrears may be granted to the legal heirs to meet the ends of justice including all other monetary benefits and all other relieves as deemed proper in circumstances of the case, may be granted.

Dated: 10/11/2021

Appellant



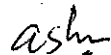
Riwayat Khan

S/o Alif Gul (deceased)

Special Attorney of all legal

Heirs of their father.

Through



Aslam Khan Khattak

Advocate, High Court,

Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No:1144/2019

Riwayat Khan S/o Alif Gul now deceased and special Attorney of all legal heirs of father.

.....Appellants

Versus

Govt: of KPK through Secretary Agriculture, Livestock & Cooperative Department Peshawar & Others.

.....Respondents

APPELLANT'S REJOINDER IN RESPONSE TO
REPLY OF RESPONDENT NO: 3

Respectfully Sheweth:

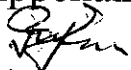
Facts:

1 to 4: That the respondent No.3 has raised no objections and has relied on the incorrect reply of respondent No. 1 & 2 and so it may not be considered against the appellant.


It is, therefore, prayed that on acceptance of appeal and rejoinder, the pension & other monetary benefits may be granted to the legal heirs to meet the ends of justice.

Dated: 10 /11/2021

Appellant


Riwayat Khan
S/o Alif Gul (deceased)
Special Attorney of all legal
Heirs of their father.

Through


Aslam Khan Khattak
Advocate, High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No:1144/2019

Riwayat Khan S/o Alif Gul now deceased and special Attorney of all legal heirs of father.

.....Appellants

Versus


Govt: of KPK through Secretary Agriculture, Livestock & Cooperative Department Peshawar & Others.

.....Respondents


AFFIDAVIT

I, Riwayat Khan (Son of) Alif Gul (late) now deceased and Special Attorney of all legal heirs of the deceased Alif Gul (Ex Driver of Agriculture, Livestock & Cooperative Department Peshawar, do hereby solemnly affirm & state on oath that all contents of appeal and rejoinder are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

DEPONENT


Riwayat Khan
S/o Alif Gul (deceased)
Special Attorney of all legal
Heirs of their father.

Identified By


Aslam Khan Khattak
Advocate, High Court,
Peshawar.



19/11

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No:1144/2019

Riwayat Khan S/o Alif Gul now deceased and special Attorney of all legal heirs of father.

.....Appellants

Versus

Govt: of KPK through Secretary Agriculture, Livestock & Cooperative Department Peshawar & Others.

.....Respondents


APPLICATIN FOR GRANT OF
PENSION & OTHER MONETARY
BENEFITS TO THE LEGAL HEIRS OF
APPELLANT WHO HAS BEEN DIED.

Respectfully Sheweth:


The Petitioners respectfully submits as under:-

1. That the appellant during pendency of his appeal has been died and his legal heirs have now been impleaded as necessary party to pursue the appeal and they may be allowed pensionary and other monetary benefits of their father due to his death during the pendency of his appeal before this Hon'ble Tribunal.

It is, therefore, prayed that the legal heirs of deceased as per details already on file may be allowed pensionary & other monetary benefits due to the death of their father.

Appellants 
Through Special Attorney
(Riwayat Khan)

Through


Aslam Khan Khattak
Advocate, High Court,
Peshawar.

Dated: 10 /11/2021