

FORM OF ORDER SHEET

Appeal No. 285/2024

For use in other proceedings with signature of judge

3

19/02/2024

The appeal of Mr. Muhammad Younas resubmitted today by Mr. Ashfaq Haider Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on . Pareha Peshi is given to counsel for the appellant.

By the order of Chairman

  
REGISTRAR

The appeal of Mr. Muhammad Younas received today i.e on 06.02.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ② Appeal has not been flagged/marked with annexures makrs.
- ③ Annexures of the appeal are unattested.
- ④ Copy of letter issued by Headmaster of the School mentioned in para-3 of the memo of appeal is not attached with the appeal be placed on it.
- ⑤ According to sub rule-4 of rule 6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondents no.1, 2 and 4 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondents be deleted/struck out from the list of respondents.

No. 297 /S.T.

DL 14/2 /2024.




REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ashfaq Haider Adv.  
High Court A. Abad

Received today on  
19/02/2024

Sir,

The case is resubmitted duly rectified as per orders desired. As for para No. 4, is concerned the letter issued by Headmaster is already attached at Page No. 11 of memo of appeal. As for as the objection regarding unnecessary party that is i.e, District Education Officer and District Account Officer, it is submitted that these are the necessary parties because District Education Officer (Respondent No. 3) is the Head of the parent Department and District Account Officer is the Pension paying agency. As for as the address of the appellant is corrected is complete on all respects.

Ashfaq Haider  
  
19/02/2024

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL,**

**PESHAWAR.**

Service Appeal No. 285 of 2024

Muhammad Younas

.....Petitioner

**Versus**

Govt. of KPK and others

.....Respondents

**APPEAL UNDER SECTION 4, OF KP SERVICE TRIBUNAL ACT,**

**1974.**

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Dated: 31.01.2024

Appellant

Through

Ashfaq Haider

Advocates High Court

At Abbottabad.

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. 285 of 2024

Muhammad Younas S/O Khaliq Dad R/O Post Office Kot Najib Ullah,  
Chachian, Tehsil and District Haripur, Ex-Sweeper (Class-IV), at  
Government Middle School, Chachian, Haripur.

.....Appellant

**VERSUS**

The District Education Officer (Male), Haripur.

.....Respondents

**APPEAL UNDER SECTION 4, OF KP SERVICE TRIBUNAL ACT,**  
**1974.**

Respectfully Sheweth;

**FACTS**

1. That, the appellant and one Mr. Sultan S/O Mian Dad, were appointed as sweeper (Class-IV), at Govt. Middle School, Chachian, Haripur, on 25.03.1992, vide single appointment letter No. 32/Apptt: dated 25.03.1992.  
**A copy of appointment letter is attached herewith for kind perusal.**
2. That, appellant had been serving at the above mentioned school from 28.03.1992 to 28.03.2016.  
**A copy of service book and pay slip are attached herewith for kind perusal.**
3. That, after having attained the age of sixty, no order of retirement was issued to the appellant by respondents, except an order issued by the headmaster of school where the appellant

had been rendering his services, whereas the other mentioned person, the appointee vide the same order, was issued proper retirement order and entire benefits have also been provided to him.

4. That, Mr. Tanveer son of Mr. Sultan, was also appointed against the retired employee's son's quota.

**A copy of pay slip of Mr. Tanveer son of Mr. Sultan is attached herewith for kind perusal.**

5. That, since then, the appellant has been filing the application before all the concerned forums but in vein.

**Copies of applications are attached herewith for kind perusal.**

6. That, the act/omission/negligence and bias, on the part of respondents is/are void and illegal, **inter alia**, on the followings:

## **GROUND**

- A. That, the act of the respondents is unlawful, illegal, discriminatory, arbitrary and biased which needs to be addressed in accordance with law.
- B. That, the appellant has come to an extreme old age and after having passed seven long years they have neither issued to him the appointment letter nor the pensionary benefits and the petitioner has been leading a miserable life.
- C. That, the act of respondent is an extreme high handedness and it seems they have got no worry about existence of any law to preclude their draconian attitude.
- D. That, the appointee upon the same order has properly got retired from his post with all pensionary benefits and his son has also been appointed against the retired employee's son's quota which denotes an observable discrimination and criminal bias on the part of the respondents.
- E. That, there is no other proper and efficacious forum for the appellant but to knock the door of this Honourable forum.

(3)

F. That, instead of granting retirement letter and pensionary benefits to the appellant, they always ignored and tried the matter to delay to cause an optimum damage to the appellant.

G. That, the appellant filed a writ petition No. 1346-A/2023, before the Honourable Peshawar High Court, Abbottabad Bench, which was later on converted into departmental appeal.

**A copy of WP No. 1346-A/2023, is attached herewith for kind perusal.**

**It is therefore most humbly prayed that on acceptance of the instant appeal, this Honourable tribunal may graciously be pleased to direct the respondents to issue the pension letter/order and the entire monitory benefit along with the arrears from the date of actual retirement and the respondents may please be asked and penalized, besides the fulfillment of their existing obligation for their extreme high handedness and any other relief which this Honourable tribunal deems just and proper may also be granted.**

**Date: 28.06.2023**

**Appellant**

Muhammad Younas

**Through**

**Ashfaq Haider**

Advocate High Court

At Haripur.

**AFFIDAVIT**

It is hereby solemnly affirmed on oath that all the contents of instant appeal are true and correct to the best of my knowledge and nothing has been concealed and suppressed from this Honourable court.

**Date: 31.01.2024**

**DEPONENT**

4

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE  
TRIBUNAL, PESHAWAR.**

Service Appeal No. \_\_\_\_\_ of 2024

Muhammad Younas .....Petitioner

Versus

Govt. of KPK and others .....Respondents

**APPEAL UNDER SECTION 4, OF KP SERVICE  
TRIBUNAL ACT, 1974.**

**APPLICATION FOR CONDONATION OF DELAY UNDER  
SECTION 5, OF LIMITATION ACT, 1908.**

Respectfully shewth;

1. That, the instant application may please be treated as an integral part of the appeal.
2. That, since no retirement letter has been issue to the petitioner and kept on delaying on one or the other pretext, thus, no definite time has been placed before the petitioner who is an illiterate person with no knowledge of legal consequences and implications.
3. That, to dispense justice and that too by having avoided the technicalities, is the highest spirit of law.

**It is therefore most humbly prayed that any delay if caused, may please be condoned in the best interest of justice and appeal may please be decided on merits.**

**Dated: 31.01.2024**

**Appellant**

**Muhammad Younas**

**Through Ashfaq Haider**

**Advocates High Court**

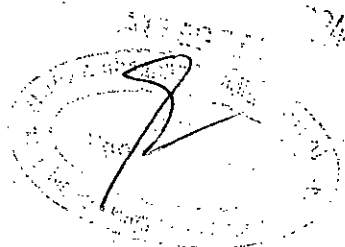
**At Abbottabad.**

**AFFIDAVIT**

It is hereby solemnly affirmed on oath that all the contents of instant appeal are true and correct to the best of my knowledge and nothing has been concealed and suppressed from this Honourable court.

**Date: 31.01.2024**

**DEPONENT**





6

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. \_\_\_\_\_ of 2024

Muhammad Younas

.....Petitioner

**Versus**

Govt. of KPK and others

.....Respondents

**APPEAL UNDER SECTION 4, OF KP SERVICE TRIBUNAL ACT,**  
**1974.**

**CERTIFICATE**

It is certified that no appeal of such like nature or for such like relief has even been filed before this Honourable tribunal or in the court of same jurisdiction.

**Dated:31.01.2024**

Appellant

Muhammad Younas

Through

**Ashfaq Haider**

Advocate High Court

At Haripur.

# ANNEXURE - "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SECONDARY EDUCI ABBOTTABAD.

OFFICE ORDER NO. 32 / Appott:

DATED A. ABAD THE 25/3 / 1992.

APPOINTMENT

The following appointments on the post Class-IV in MES No. \_\_\_\_\_ of Rs: \_\_\_\_\_ plus usual allowances as available under the rules is/are hereby ordered with effect from the date of taking over charge.

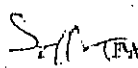
S.No.	Name of Candidate & Qualification	Posted at	Remarks.
1.	Sultan S/O Mian Dad R/O Sanglan-Horipur	DMS "Chechian"	against N.C N/Qaid post
2.	Muhammad Yousif S/O Khalid Dad R/O Chechian Distt: Haripur	-do-	against N.C Sweepst post

NB: :- The pay of above named candidates may not be drawn until and unless they produce the registered mutation deed under which they have donated the land for school.

Conditions.

- Charge report should be submitted to all concerned.
- The appointment is purely temporary basic and liable to termination without any notice/reasons.
- The head of institution is required to check original qualification Certificate before handing over the charge.
- The candidate is required to produce age and health certificate from the Medical Supdt, DMC Hospital A. Abad.
- The appointment shall automatically cancelled if he fails to join the post of Class-IV within in fifteen days of the issue of this order.
- In case the candidate wish to resign from service he should have to give one months notice/ or forfeit one months pay in lieu of notice.
- The candidate may not be given the charge of post if his age below 18 years or exceed 45 years.
- The original domicile certificate may also be checked before handing over the charge.
- The verification rolls of character and antecedent duly verified by the police authority and may be sent to this office for record.

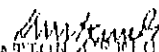
ATTACHED

  
 SAIF AHMAD  
 (SAIF MAHMOOD KHAN)  
 DISTRICT EDUCATION OFFICER (MALE) SECY  
 ABBOTTABAD.

Encls: No. 19-98-101 Appointment Dated 25/3/1992.

Copy of the above is forwarded to the

1. P.O. to Honourable Speaker, Provincial Assembly
2. Sub: Divl. Education Officer (M) Chechian-Horipur
3. Principal G.S.S./High/Middle School Chechian-Horipur
4. G.O. File.
- 5.

  
 DISTRICT EDUCATION OFFICER (MALE) DMOY

**BETTER COPY ANNEXURE- "A"**

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SECONDARY EDUC.  
ABBOTTABAD**

OFFICE ORDER NO.32/APROTT

DATED A.ABAD THE 25/3/1992

**APPOINTMENT**

The following appointments on the post of class IV in GPS No. \_\_\_\_\_ of Rs.920-26-1310 plus usual allowances as..... under the rules is /are hereby ordered with effect from the date of taking over charge.

S.No.	Name of ..... with the qualification	Posted at	Remarks
1.	Sultan S/o Miandad R/o ..... Haripur	GMS Chechian	against N.C N/Qaisd Post
2.	Muhammad Younas S/o Khaliqdad R/o Chechian Distt: Haripur	..do..	against N.C Sleeper Post

NB. :- the pay of above named candidates may not be drawn until and unless they produced the registered mutation deed under which they have donated the land for School.

**Conditions.**

1. Charge report should be submitted to all concerned.
2. The appointment is purely temporary basic and liable to termination without any notice/.....
3. The bond of institution is required to check original qualification certificate before handing over the charge.
4. The candidate is required to produced age and health certificate from the Medical supdt: DHQ Hospital A.Abad.
5. The appointment shall automatically cancelled if he failed to join the post of class-IV within 15 days of the issue of this order.
6. In case the candidate wish the resign from service he should have to give one month notice/or forfeet one months pay in lieu of notice.
7. The candidate may not be given the charge of post of his age below 18 years or exceed 45 years.
8. The original domicile certificate may also be checked before handing over the charge.
9. The verification rolls of character and antecedent ..... Verified by the police authority and may be sent to the office for record.

DISTRICT EDUCATION OFFICER  
(MALE) SECY ABBOTTABAD.

Dated: 25/03/1992

Endst: No.6298-105

Copy of the above appointment is forwarded to these.

1. P.S to the Hon'ble Speaker Provincial Assembly N.W.F.P
2. Sub-Divisional Education Officer (M)
3. Principal G...SS/High/Middle Schools
4. ....
5. ....

Chechian Haripur  
District Haripur

DISTRICT EDUCATION OFFICER (MALE)  
SECY ABBOTTABAD.

3

# ANNEXURE - "B"

(3)

00248974

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature in lines 9 and 10 should be dated.

1. Name *Mrs. Mahabiyannis.*

2. Race *Sujar.*

3. Residence *Chechian - Haripur.*


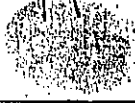
4. Father's name and residence *Mr. Khalig Dab.*



5. Date of birth by Christian era as nearly as can be ascertained *(28. 3. 1956)*  
*(Twenty eighth March A.D. & fifty six)*


6. Exact height by measurement *5 - 4*

7. Personal marks for identification

8. Left hand thumb and Finger impression of (non-gazette) officer *Acute mark on the left side of the upper lip.*

Little Finger.  Ring Finger 

Middle Finger  Fore Finger 

Thumb.  *Head Master  
Govt. Middle School  
Chechian (Haripur)*

9. Signature of Government servant

10. Signature and designation of the Head of the Office, or other Attesting Officer. *Andar Ram*  
*S.D.O. C-12*

*Mrs. Mahabiyannis*  
*13/01/72*

2/2016

9

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

00248974

1. Name Mr. Mahabir Jais. 3

2. Race Gujar.

3. Residence Chechian - Haripur.

4. Father's name and residence Mr. K-halig/Dob.

5. Date of birth by Christian era as (28.3.1956) nearly as can be ascertained (Twenty eighth March N/A & fifty six)

6. Exact height by measurement 5' 4"

7. Personal marks for identification

8. Left hand thumb and Finger impression of (non-gazetted) officer Acut mark on the left side of the upper lip.

Little Finger.

Ring Finger

Middle Finger

Fore Finger

Thumb.

Signature  
Head Master  
Govt Middle Schoc  
Chechian (Haripur)

9. Signature of Government servant.

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Signature  
S.D.A. C-11.2

Signature  
13/5/92

101

S# : 1 Haripur

Pers #: 00248974 Buckle:  
Name: MUHAMMAD YOUNIS  
SWEEPER

CNIC No. 1330207348410

GPF Interest Applied

04 Active Permanent

PAYS AND ALLOWANCES:

0001-Basic Pay	12,130.00
1000-House Rent Allowance	972.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
1516-Dress/ Uniform Allowance	100.00
1567-Washing Allowance	100.00
1948-Adhoc Allowance 2010@ 50%	2,417.00
2146-15% Adhoc Relief All-2013	1,321.00
2174-Adhoc Relief Allow-2014	881.00
Gross Pay and Allowances	22,419.00

DEDUCTIONS:

GPF Balance	69,223.00	Subrc:	662.00
3501-Benevolent Fund			120.00
3511-Addl Group Insurance			3.00
3604-Group Insurance			58.00
3990-Emp. Edu. Fund KPK			50.00

P Sec:002 Month:March 2016  
HR6020 -DISTRICT EDUCATION OFFICER  
GOVERNMENT MIDDLE SCHOOL

NIN:  
GPF #: EDUAD005994  
Old #: 12260220285

HR6020 -12

S# : 2 Haripur

Pers #: 00248974 Buckle:  
Name: MUHAMMAD YOUNIS  
SWEEPER

CNIC No. 1330207348410

GPF Interest Applied

04 Active Permanent

PAYS AND ALLOWANCES:

2199-Adhoc Relief Allow @10%	1,213.00
------------------------------	----------

Gross Pay and Allowances

22,419.00

DEDUCTIONS:

GPF Balance 69,223.00

Subrc:

ATTACHED

Service Certificate

(11)

~~11~~

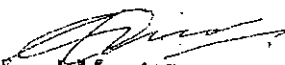
Certified that M Younis S/o Khalig Dad


has performed his duty as sweeper (class V)

at GMS Chechian since 28-03-1992

to 28-03-2016

He was hardworking and efficient person.

  
Head Master  
Govt. Middle School  
Chechian Haripur

  
ATTACHED

# ANNEXURE - "C"

12

Haripur

F Sec:002 Month:February 2023  
HR6020 -DISTRICT EDUCATION OFFICER  
GOVERNMENT MIDDLE SCHOOL

Pers #: 00499132 Buckle:  
Name: TANVEER AHMAD  
NAIB QASID  
CNIC No.1330221919229  
GPF Interest Applied  
03 Active Temporary

NTN:  
GPF #: EDUHR4571  
Old #:

HR6020

## PAYS AND ALLOWANCES:

0001-Basic Pay	21,800.00
1001-House Rent Allowance 45%	2,120.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
2148-15% Adhoc Relief All-2013	285.00
2199-Adhoc Relief Allow @10%	202.00
2311-Dress Allowance - 2021	1,000.00
2312-Washing Allowance 2021	1,000.00
2313-Integrated Allowance 2021	600.00
Gross Pay and Allowances	34,580.00

## DEDUCTIONS:

GPF Balance 143,653.00	Subrc:	770.00
3501-Benevolent Fund		600.00
3990-Emp.Edu. Fund KPK		60.00
4004-R. Benefits & Death Comp:		300.00

Total Deductions 1,730.00

32,850.00

D.O.B

01.04.1986

12 Years 11 Months 002 Days

LFP Quota:

THE BANK OF KHYBER G.T.ROAD HARIPUR  
PLS 15222-1

ATTESTED



To,

The District Education Officer (M),  
Haripur.

Subject: APPLICATION FOR ISSUING OF RETIREMENT ORDER.

Respected Sir,

The applicant seeks to make the following submissions for your kind consideration:-

1. That the applicant was appointed in the department as Sweeper (Class-IV) at GMS Chechian (Haripur) by the order bearing No. 32/Apptt: dated 25.03.1992 of the office of District Education Officer (Male), Abbottabad the then appointing authority. Copy of the appointment order is attached.
2. That applicant joined the service in GMS Chechian in pursuance to the above mentioned appointment-order and continuously served there from 28.03.1992 to 28.03.2016. Copy of service certificate issued by the Headmaster, GMS Chechian is attached.
3. That date of birth of the applicant was entered in his service book as 28.03.1956 and accordingly, he attained the age of sixty years on 27.03.2016. Copy of relevant page of service book is attached.
4. That applicant on his having attained the age of sixty years had become entitled for superannuation pension in accordance with the rules on the subject. However, the applicant is clueless about issuing of his retirement order allowing him to draw his pension and other allied benefits in pursuance to his retirement by superannuation.
5. That the applicant has come to know that issuing of the retirement order is a requirement for sanction of pension and the pension papers. The applicant being ignorant of procedural requirements and having no advice in this respect did not apply for issuing of his retirement order and for sanction of pension after his retirement from service on 27.03.2016 and as such he has so far not been able to draw his pension for which he is entitled under the law and rules.

It is respectfully prayed that retirement order of the applicant from service with permission to draw the pension and allied benefits may graciously be issued.

Yours Faithfully

Dated: 15/07/2022

Muhammad Younas S/O Khaliq Dad  
R/O Chechian, Tehsil & District Haripur  
Former Sweeper (Class-IV),  
Government Middle School,  
Chechian, Haripur

15/7/2022

14

*[Handwritten signature]*

To,

The District Education Officer (M)  
Haripur

Subject: APPLICATION FOR ISSUING OF RETIREMENT ORDER

D.E.O. Diray No 1179 dated 15 Jul 2022 ref..

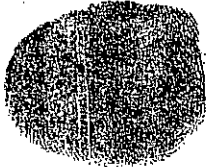
1. Following documents are sent herewith as desired, please:-

- |                         |           |
|-------------------------|-----------|
| a. Photo Copy of CNIC   | - 01 Copy |
| b. Appointment letter   | - 01 Copy |
| c. Medical Certificate  | - 01 Copy |
| d. Copy of service book | - 01 Copy |
| e. Service Certificate  | - 01 Copy |
| f. Copy of Pay Bill     | - 01 Copy |

2. Application is re-submitted for your further necessary action, please. I further submitted that my above mentioned documents (in original) are also submitted in your office.

PA

Yours Faithfully,



RECEIVED  
Diray No. 2122  
Date 9-9-2022

Dated: 08 Sep 2022

(Muhammad Younas S/O Khaliq Dad)  
R/O Village Chechian, Teh and Distt  
Haripur  
Former Sweeper (Class IV)  
Govt Middle School, Chechian Haripur

**ATTESTED**

# ANNEXURE - "E"

15

## FORM 3 (PEN)

### PENSION FORM TO BE USED IN CASE OF SUPERANNUATION /RETIRING/INVALID/COMPENSATION/ COMPULSORY RETIREMENT

[To be issued by the Sanctioning Authority 90 days before superannuation/retirement of the retiring Government servant]

Subject: SANCTION OF PENSION OF SUPERANNUATION/RETIRING/INVALID/COMPENSATION AND COMPULSORY RETIREMENT.

On attaining the age of superannuation/having applied for retiring /invalid/compensatory pension vide application Dated \_\_\_\_\_ OR has been retired compulsorily vide notification No \_\_\_\_\_ Dated \_\_\_\_\_ issued by DEO (M), Haripur.

Mr./Mrs./Ms. Muhammad Younis S/O, W/O, D/O Khaliq Dad Designation Sweeper drawing pay/ emoluments Rs. 12130/- (reckonable towards pension), in BPS-04 on 12130/- basis (Please indicate nature of appointment i.e. Regular/Officiating) CNIC No 13302-0734841-0 presently posted as GMS Chechian has retired / has been permitted to  retire  is due to be retired  has been retired Compulsorily from the Government service (tick whichever is applicable) on 01/04/2022 date, after availing LPR for \_\_\_\_\_ days / Leave encasement in lieu of LPR Rs. \_\_\_\_\_

#### Pension Calculation:

Gross Pension	Rs. <u>6792.80</u>
Commutation	Rs. <u>352967.34</u>
Net Pension	Rs. <u>4415.32</u>

#### Other Benefits:

i).....Rs. ....  
ii).....Rs. ....  
iii).....Rs. ....

Gratuity: (In case where qualifying service is 5 years or more but less than 10 years) Rs. ....

(1) His/her date of birth is 28-03-2016 Date of 1<sup>st</sup> entry into Government service is 28-03-1992 and EOL availed Nil days. Total length of qualifying service for pension is 24 years 00 months 00 days

(2) Certified that no inquiry is pending against him/her.

(3) Certified that no recovery is outstanding him/her.

(4) Certified that: ..

- Advance drawn (if any) stands fully repaid, along with interest.
- An amount of Rs. .... On account of ..... (HBA/MCA/etc.) principal amount along with interest is outstanding which may be recovered from the pension.

(5) Anticipatory pension up to (..... %) of full pension is sanctioned as admissible to him, her.

(6) Certified that deficiency / disciplinary / criminal cases pending against the aforementioned retired government

Servant has been finalized. Therefore, final pension payment @ (..... %) (After adjustment of already paid amount of anticipatory pension) and commutation amounting (..... %) (Subject to a maximum of 35% of gross)

Pension), as determined by concerned Account office, may be paid.

(7) Undersigned is satisfied that the service of retiring employee has been satisfactory. Administrative and financial

Sanction for grant of pension/ commutation @ ..... % up to maximum of 35% of gross pension, if so opted by the retiring government servant, to be determined by the Account office, is hereby accorded in favor of Mr./Miss./Ms. Muhammad Younis S/O, Khaliq Dad through Bank / Post office / Treasury Account No 0449-0 NBP Pind Muncem (mentioned in DCS from enclosed) as admissible under the rules.

**ATTESTED**

16



**PAKISTAN** National Identity Card  
ISLAMIC REPUBLIC OF PAKISTAN

Name  
Muhammad Younas



Father Name  
Khalig Dar

محمد یونس

خالد دار

Gender  
M

Country of Stay  
Pakistan

Identity Number  
13302-7348410-3

Date of Birth  
28.03.1956

Date of Issue  
17.07.2018

Date of Expiry  
Lifetime



Holder's Signature

*Signature*  
Head Master  
Govt Middle Sch  
Chakwal, Punjab

اسلامی جمہوریہ پاکستان فاؤنڈیشن، اسلام آباد، پاکستان

13302-7348410-3



اسلامی جمہوریہ پاکستان فاؤنڈیشن، اسلام آباد، پاکستان

Muhammad Y. Robins  
Registrar General of Elections

101241251839  
122-56-258201

گشدر کارڈ ملنے پر قریبی ایڈریس میں ڈال دیں

17

**BEFORE THE HONOURABLE PESHAWAR HIGH**  
**COURT, ABBOTTABAD BENCH**

Writ Petition No. 1346-A of 2023

Muhammad Younas S/O Khaliq Dad R/O Post Office Kot Najib Ullah,  
Chachian, Tehsil and District Haripur.

.....Petitioner

**VERSUS**

1. Government of Khyber Pakhtoonkhawa, through, Secretary, Education, Peshawar.
2. Director Elementary & Secondary Education (Male), Peshawar.
3. District Education Officer (Male), Haripur.

.....Respondents

**WRIT PETITION UNDER ARTICLE, 199 OF THE**  
**CONSTITUTION OF ISLAMIC REPUBLIC OF**  
**PAKISTAN, 1973,**

Respectfully Sheweth;

**FACTS**

1. That, the Petitioner and one Mr. Sultan S/O Mian Dad, were appointed as sweeper (Class-IV), at Govt. Middle School, Chachian, Haripur, on 25.03.1992, vide single appointment letter No. 32/Apptt: dated 25.03.1992.

**A copy of appointment letter is attached herewith for kind perusal.**

2. That, applicant had been serving at the above mentioned school from 28.03.1992 to 28.03.2016.

**A copy of service book and pay slip are attached herewith for kind perusal.**

FILED TODAY

ADJ. REGISTRAR  
P.H.C. ABBOTTABAD BENCH  
20/1/23

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3. That, after having attained the age of sixty, no order of retirement was issued to the petitioner by respondents, except an order issued by the headmaster of school where the petitioner had been rendering his services, whereas the other mentioned person, the appointee vide the same order, was issued proper retirement order and entire benefits have also been provided to him.

4. That, Mr. Tanveer son of Mr. Sultan, was also appointed against the retired employee's son's quota.

**A copy of pay slip of Mr. Tanveer son of Mr. Sultan is attached herewith for kind perusal.**

5. That, since then, the petitioner has been filing the application before all the concerned forums but in vein.

**Copies of applications are attached herewith for kind perusal.**

6. That, the act/omission/negligence and bias, on the part of respondents is/are void and illegal, **inter alia**, on the followings:

### GROUNDS

A. That, the act of the respondents is unlawful, illegal, discriminatory, arbitrary and biased which needs to be addressed in accordance with law.

B. That, the Petitioner has come to an extreme old age and after having passed seven long years they have neither issued to him the appointment letter nor the pensionary benefits and the petitioner has been leading a miserable life.

C. That, the act of respondent is an extreme high handedness and it seems they have got no worry about existence of any law to preclude their draconian attitude.

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ADD. REGISTRAR  
PUN. SUBDIVISION

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D. That, the appointee upon the same order has properly got retired from his post with all pensionary benefits and his son has also been appointed against the retired employee's son' quota which denotes an observable discrimination and criminal bias on the part of the respondents.

E. That, there is no other proper and efficacious forum for the petitioner but to knock the door of this Honorable court.

It is therefore most humbly prayed that on acceptance of the instant writ petition, this Honorable court may graciously be pleased to direct the respondents to issue the pension letter/order and the entire monitory benefit along with the arrears from the date of actual retirement and the respondents may please be asked and penalized, besides the fulfillment of their existing obligation for their extreme high handedness and any other relief which this Honorable deems just and proper may also be granted.

**Interim Relief:**

It is most humbly prayed that the respondents may please be restrained from passing any adverse order pertaining to retirement or monitory benefits of the petitioner till the final disposal of this writ petition.

Dated: 10.10.2023

....Petitioner

Through

Ashfaq Haider

Advocate High Court  
At Haripur.

FILED TODAY

ADIL RAZVI  
JUDGE  
PIL. AND DISM. BENCH

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**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH**

W.P.No. \_\_\_\_\_ of 2023

Muhammad Younas

...PETITIONER

**VERSUS**

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

**WRIT PETITION**

**AFFIDAVIT**

I, Muhammad Younas S/o Khaliq Dad R/o Post Office Kot Najeebullah, Chijian Tehsil and District Haripur, Petitioner, do hereby solemnly affirm and declare on Oath that the contents of instant *Writ Petition* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated: 10/10/2023



...DEPONENT  
CNIC No. 13302-7348410-3

AFFIDAVIT

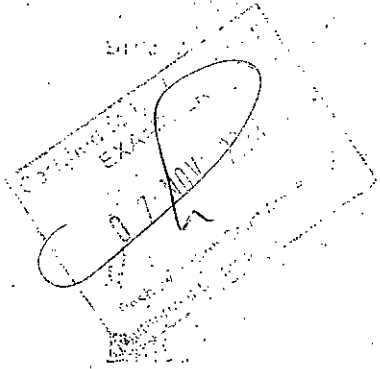
Sif: 6330/31

Receipt # 31

Certified that the above was verified before me on this 2<sup>nd</sup> day of 10<sup>th</sup> month 2023 by

M. Younas S/o Khaliq Dad R/o Kot Najeebullah Dist. Haripur

who was identified by \_\_\_\_\_ who is personally known to me.



FILED 20/10/23

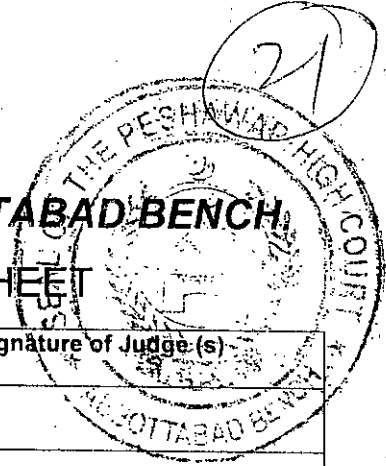
NOTARY REGISTRAR  
PESHAWAR  
10/10/23

2/10/23



**PESHAWAR HIGH COURT, ABBOTTABAD BENCH**

**FORM OF ORDER SHEET**

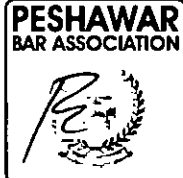

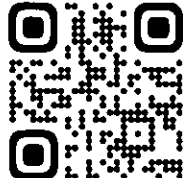


Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1 01.11.2023	2 <u>WP No. 1346-A/2023</u> Present: Mr. Ashfaq Haider, Advocate for the petitioner.  Mr. Mlaik Amjad Anayat, AAG for the respondents. *** <b><u>KAMRAN HAYAT MIANKHEL, J.-</u></b> Through instant writ petition filed under Article 199 of Constitution of Islamic Republic of Pakistan, 1973, petitioner (Muhammad Younas) has prayed for issuance of a writ, directing the respondents to issue the pension letter/order and the entire monitory benefits alongwith the arrears from the date of actual retirement and the respondents may please be asked and penalized, besides the fulfillment of their existing obligation for their extreme high handedness.  2. Learned counsel for the petitioner argued the case at some length but later on stated that he will be satisfied if this petition be treated as departmental appeal and sent to

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respondent No.2 for an early adjudication. So this writ petition is controverted into appeal /representation and send to respondent No.2 with the directions to respondent No.2 to decide the same as early as possible, in accordance with law. Office shall send this writ petition in original to the respondent No.2 and a copy of the same shall, however, be retained for the purpose of record of this court.

  
JUDGE  
JUDGE

قیمت 50 روپے	31492	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: اسٹیفان صدر	بار کونسل ایسوسی ایشن نمبر: 10-1632	  
رابطہ نمبر: 0300 9893632		

بعدالت جناب: حکیمہ شہینہ خواجہ سرور اسٹونل سٹاور

مخائب: ایڈووکیٹ	دعویٰ: <u>سرور اسٹونل</u>
کد لوسس	علت نمبر:
بنام	مورخہ:
سرور اسٹونل و سرور	جرم:
	تھانہ:

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام سٹاور کیلئے اسٹیفان صدر اسٹونل کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثت و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے دفتر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ میں منظور ہوا ہوگا دوران مقدمہ میں جو خرچہ ہر جائزہ التوا کے مقدمہ کے سبب سے ہوگا کوئی تازہ پیشی مقام مذکورہ یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم: 06/02/2024

العبد خواجہ شہینہ خواجہ العبد

مقام سٹاور  
کد لوسس  
کے لیے منظور ہے۔

*(Handwritten signatures and stamps)*