

4 30.04.2015

Syed Hikmat shah, Advocate on behalf of counsel for the appellant and Mr. Muhammad Iqbal, SDO alongwith Addl: A.G and Sr.GP for respondents present. Submitted copy of letter dated 24.3.2015 according to which the appellate authority has rejected appeal of the petitioner. According to Addl: A.G and Sr.GP the execution petition has become infructuous. Junior counsel appearing on behalf of counsel for the petitioner requested for adjournment. To come up for further proceedings on 8.6.2015 before S.B.


Chairman

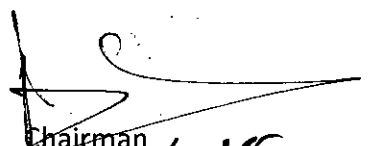
5 08.06.2015

Counsel for the petitioner and Mr. Muhammad Arif, SDO alongwith M/S.Kabirullah Khattak, Assistant A.G and Usman Ghani, Sr. GP for respondents present. Arguments heard and record perused.

According to the judgment of this Tribunal dated 19.2.2015 service appeal of the petitioner was treated as departmental appeal with the direction to the appellate authority to decide the same within a period of one month. According to notification dated 24.3.2015 the appellate authority has rejected the said service appeal treated as departmental appeal regarding which the petitioner has already preferred another service appeal before this Tribunal.

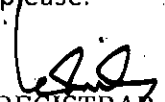


In view of the above, the petition has become infructuous and disposed of accordingly. File be consigned to the record.

ANNOUNCED
08.06.2015


Chairman
08.06.15

FORM OF ORDER SHEET

Court of _____
Execution Petition No. 10/2015

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/03/2015	<p>The Execution Petition submitted by Mr. Muhammad Alamgir Khan through Mr. Asad Jan Advocate, may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This Execution Petition be put up before Bench <u>I</u> on <u>31.03.15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	31.03.2015	<p>Counsel for the petitioner present. Notice be issued to the respondents for implementation report on 30.4.2015.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Execution Petition No. 10/2015

Muhammad Alamgir Khan

VERSUS

SUPERINTENDENT ENGINEER PBMC COMMUNICATION
AND WORKS DEPARTMENT PESHAWAR BACHA KHAN
CHOWK AND OTHERS.

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4.	Wakalat nama.		17.


Petitioner

ASAD JAN (Advocate)

Supreme Court of Pakistan

OFFICE: ROOM NO. 211 AL-MUMTAZ
HOTEL HASHTNAGRI PESHAWAR.

①

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Execution Petition no. 10/2015

Muhammad Alamgir Khan S/O Muhammad Ajmal R/O Kanal Colony Behind Secondary Board, Peshawar.

----- **Petitioner**

VERSUS

1. SUPERINTENDENT ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
2. EXECUTIVE ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
3. ASSISTANT DIRECTOR, 1V PBMC C&W DEPARTMENT PESHAWAR PROVINCIAL BUILDING MAINTENANCE CELL BACHA KHAN CHOWK PESHAWAR.
4. SECRETARY C&W KHYBER PAKHTOON KHWA PESHAWAR
5. SHAMS .UZ. ZAMAN EX- SUPERINTENDENT ENGINEER.PBMC C&W PESHAWAR PRESENTLY POSTED AS DIRECTOR (TECH).EQAA ABBOTTABAD.

C.W.S. PESHAWAR
Service Tribunal
Diary No. 220
Dated 26-3-15

.....**RESPONDENTS**

IMPLEMENTATION OF ORDER DATED 19/02/2015 PASSED BY THIS HONORABLE COURT TO THE EFFECT BY TREATING THE PETITIONER'S APPEAL TITLED "RAEES KHAN VS SUPERINTENDENT ENGINEER PBMC C&W DEPARTMENT, PESHAWAR & OTHERS" DECIDED ON 19/02/2015 AS ACCEPTED AND TO ALLOW PETITIONER TO DUTIES AND TO FURTHER DIRECT TO PAY ALL THE SALARIES TO THE PETITIONER WITH BACK BENEFIT.

Respectfully sheweth,

1. That the petitioner is law abiding citizen of Pakistan.

(2)

2. That the petitioner/appellant was appointed in the respondent's establishment and were performing his duties with full diligent and devotion since from the date of his arrival, but the respondents were not paying his monthly salaries to the petitioner with out any cogent reasons, therefore appellant has instituted appeal before the service tribunal KPK.

(Copy of the appeal is annexed as annexure "A")

3. That vide order dated 19/02/2015 this Honorable Tribunal decided the petitioner's appeal the concluding Para of which is as under:

"Hence, while concluding this discussion, it is the considered opinion of the tribunal to treat these appeals as departmental appeals and to remit the cases to appellant authority who is directed to decide the appeal within one month of its receipt failing of which these appeals shall be deemed to have been accepted by this tribunal"

(Copy of the order dated 19/02/2015 is annexed as annexure "B")

4. That despite of the clear cut direction of this honorable tribunal which was passed in the presence of Mr. Usman Ghani Sr. GP with Muhammad Arif, SDO for the official respondents, the respondent failed to decide the departmental appeal within stipulated period, moreover if the respondent produce any order passed in the back dated the same will viod Abi nitio and ineffective upon the rights of the petitioner.
5. That keeping in view the above facts and circumstances the petitioner's appeal have been deemed as accepted.

3

6. That there exist no legal bar on the acceptance of this petition rather the same is in the interest of justice.

It is therefore requested that the instant petition may kindly be allowed as prayed for in the heading of instant petition with further direction to respondent to allow the petitioner to duties and to pay them all the salaries with arrears and back benefit.


Petitioner

Through



ASAD JAN (Advocate)

Supreme Court of Pakistan)

Dated: /03/2015

Affidavit

Declared on oath that all the contents of this petition are true and correct and nothing has been concealed from this honorable court.


Deponent



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Amended As

S.A. NO..... /2014

MOHAMMAD ALAMGIR KHAN S/O MOHAMMAD AJMAL R/O
CANAL COLONY BEHIND SECONDRY BOARD PESHAWAR.

.....APPELLANT

VERSUS

1. SUPERINTENDENT ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
2. EXECUTIVE ENGINEER PBMC COMMUNICATION AND WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK PESHAWAR.
3. ASSISTANT DIRECTOR, IV PBMC C&W DEPARTMENT PESHAWAR PROVINCIAL BUILDING MAINTENANCE CELL BACHA KHAN CHOWK PESHAWAR.
4. SECRETARY C&W KHYBER PAKHTOON KHWA PESHAWAR
5. SHAMS UZ. ZAMAN EX- SUPERINTENDENT ENGINEER.PBMC C&W PESHAWAR PRESENTLY POSTED AS DIRECTOR (TECH).EQAA ABBOTTABAD.

.....RESPONDENTS

APPEAL U/ S 4 OF THE SERVICE TRIBUNAL ACT, 1974 WHEREBY MONTHLY SELARIES OF APPELLANT WERE WITHHELD SINCE APPOINTMENT AND ARRIVAL REPORT FOR DUTY TILL DATE FOR NO LEGAL REASON AND THAT THE REPRESENTATION/DEPARTMENTAL APPEAL FILED AGAINST WAS NOT HONOURED.

Reply to Preliminary objections.

1. That the appellant is law abiding citizen of Pakistan.

ATTESTED

ASAD JAN

(Advocate High Court)
K-CJ/J HC

① ②

appointment made of one Noor Akbar S/O. High Akbar
 R/O village Alkhal Taluk Paha Pashwan on
 recommendation of D.S.C. held on 28-06-2013 in the
 same manner of appointment as of appellant was also
 made payment of salaries but appellant is treated
 discriminatorily which is not permissible under the law.
 (Copy of the D.S.C. dated 28-01-2013 and dated 28-
 06-2013 along with appointment of Noor Akbar are
 annexed)

5. That appellant is entitled for the receipt of his salaries
 and the act of respondent by not paying the same is
 against the law and rules and as such the respondents
 are under the legal obligation to pay salaries to
 appellant as per the appellant appointment order.

6. That the act of respondents by not allowing appellant
 to receive his salaries and others legal rights are based on mistake
 and illegal because demand of salary pay is a legal
 right.

7. That other grounds will be raised in the course of
 arguments.

It is therefore requested that on acceptance of instant appeal, the
 respondent be directed to pay the withheld salaries since arrival report
 for duty till date and onward and not to create illegal hurdle in the way
 of performance of duties as well as to restrain respondents from taking
 any discriminatory action against appellant with such other relief as may
 be deemed proper and just in circumstances of the case.

Appellant
 Through
 ASAD JAIN (Advocate high court Peshawar)

ATTESTED
 ASAD JAIN

Dated: 02/02/2014

(3) (6)

7. That the appellant has also approached the respondent no.5 for the release/payment of his salaries but nothing has been paid, despite the legal rights of the appellant
(Copy of the appeal/ representation is annexed)

8. That due to above mentioned appellant prefer this appeal on the following grounds amongst others:-

GROUND

1. That due to non payment of the salaries, appellant has not been treated in accordance with law, and his right secured and guaranteed under the law have been violated by not releasing his salaries and issuance of appointment letter have created valuable right in favour of appellant and those rights can not be taken away in the manner respondents are adopting.

2. That the discrimination as observed by the respondents with appellant is highly deplorable and condemnable, being unlawful, unconstitutional, without authority, without jurisdiction, against the norms of natural justice and equity and against the law on subject, hence liable to declared as such.

3. That respondent are not acting in accordance with law and are taking illegal acts with ulterior motive and malafide intention by not releasing appellants salaries which are stopped without any cogent reason since date of appointment / arrival report.

8

ATTESTED

Asad Jan

ASAD JAN

(Advocate High Court)

24-05-13

4. That the appellant was recommended for appointment as per DSC held on 14-01-2013 but are not being paid salaries though to three officials namely (i). Said Rasan (ii). Waqar.Ul.Islam (iii). Riaz Khan mentioned in the same D.S.C. were later on paid and even fresh

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appointment made of one Noor Akbar S/O Haji Akbar R/O village Akazai, Tehkal Bala Peshawar on recommendation of D.S.C. held on 28-06-2013 in the same manner of appointment as of appellant was also made payment of salaries but appellant is treated discriminately which is not permissible under the law. (Copy of the D.S.C. dated 14-01-2013 and dated 28-06-2013 along with appointment of Noor Akbar are annexed)

5. That appellant is entitled for the receipt of his salaries and the act of respondent by not paying the same is against the law and rules and as such the respondents are under the legal obligation to pay salaries to appellant as per the appellant appointment order.

6. That the act of respondents by not allowing appellant to his duties due to institution of writ petition for salaries and others legal rights are based on malafide and illegal because demand of salary/ pay is a legal right.

7. That others grounds will be raised at the time of arguments.

It is therefore requested that on acceptance of instant appeal, the respondent be directed to pay the withheld salaries since arrival report for duty till date and onward and not to create illegal hurdle in the way of performance of duties as well as to restrain respondents from taking any discriminatory action against appellant with such other relief as may be deemed proper and just in circumstances of the case.

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ATTESTED

ASAD JAN

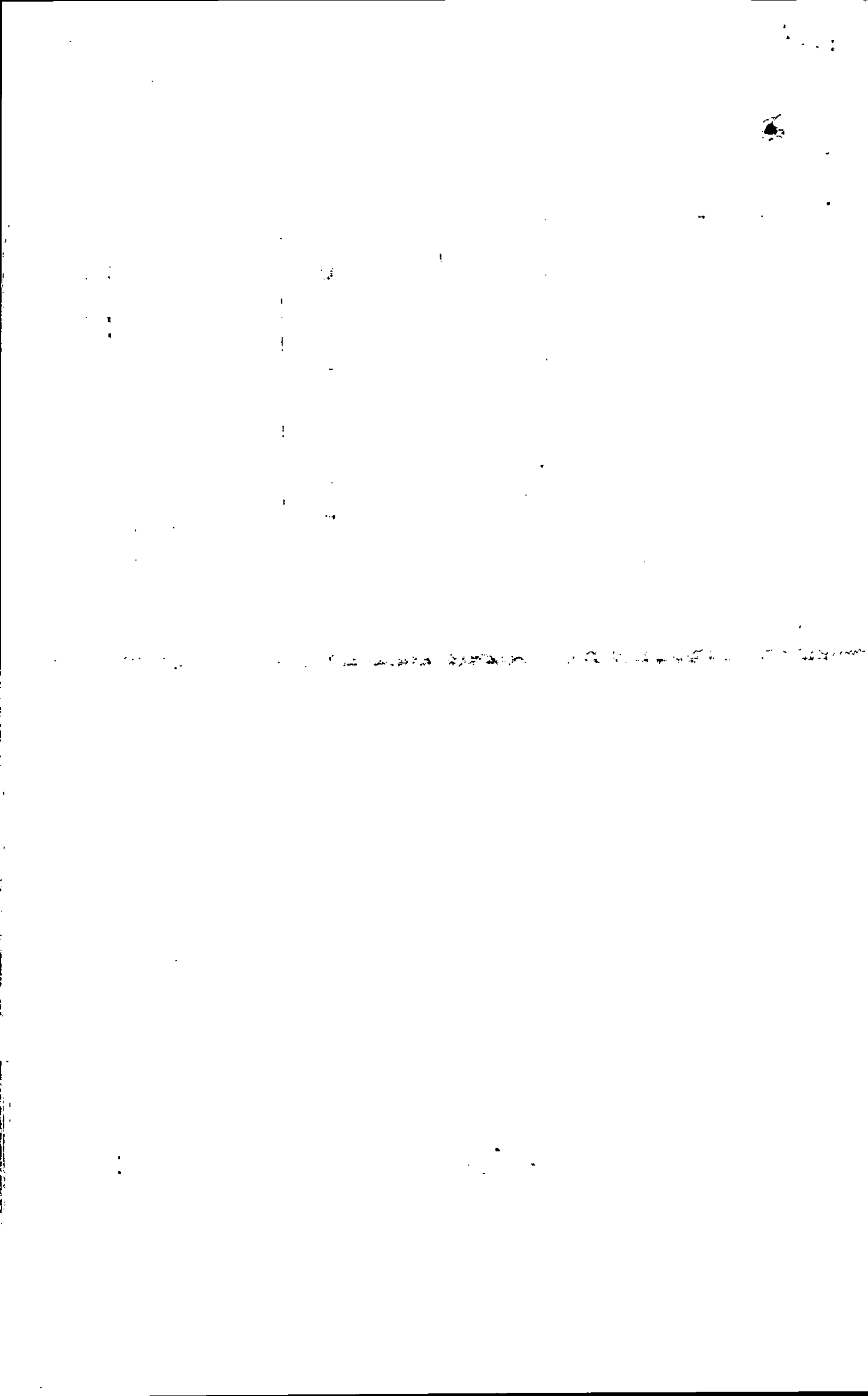
(Advoc. H. Court) ASAD JAN (advocate high court Peshawar)

B-CJ/JMIO

Appellant

Through

Dated: /02/2014



(8)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

MOHAMMAD ALAMGIR KHAN

VERSUS

SUPERINTENDENT ENGINEER PBMC COMMUNICATION AND
WORKS DEPARTMENT PESHAWAR BACHA KHAN CHOWK
AND OTHERS.

PETITION FOR GRANT OF INTERIM RELIEF IN FAVOUR OF
THE PETITIONER AGAINST RESPONDENTS TO THE
EFFECT THAT THE RESPONDENTS BE RESTRAINED
FRON RESTRAINING OR CREATING HURDLE IN THE
PERFORMANCE OFFICIAL DUTIES OF THE PETITIONER
TILL FINAL DECISION OF THE APPEAL.

Reply to Preliminary objections.

1. That the above titled service appeal is pending adjudication in this honorable court.
2. That the petitioner performing his duties with full diligent and devotion since from the date of his arrival but the respondents were not paying his monthly salaries to the petitioner, since from his appointment and till Hence, the petitioner has filed the writ petition before Peshawar high court Peshawar.
3. That the respondents now due to the filing of the above titled writ petition creating hurdle for the petitioner and not allowing him to perform his duty.

10
ATTESTED

ASAD JAN

ASAD JAN
K-CI/MIC

That the due to appointment order, copies of the appointment letters and medical report as well as arrival report and service book the petitioner is got prima facie case, balance of convenience also lies in favour of the

9


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petitioner, more over if the instant petition is not accepted the petitioner will irreparable loss.

- 5. That there is no legal bar on the acceptance of this petition rather the same is in the interest of justice.
- 6. That the act of respondents by not allowing appellant to his duties due to institution of writ petition for salaries and others legal rights are based on malafide and illegal because demand of salary/ pay is a legal right.
- 7. That others grounds will be raised at the time of arguments.

It is therefore requested that on acceptance of instant petition relief in favour of the petitioner against respondents to the effect that the respondents may kindly be restrained from restraining or creating hurdle in the performance of official duties of petitioner till the decision of this appeal in the interest of justice and other relief for which the petitioner entitled may also be granted.

Petitioner

Through 


ASAD JAN (advocate high court Peshawar)

Dated: /02/2014

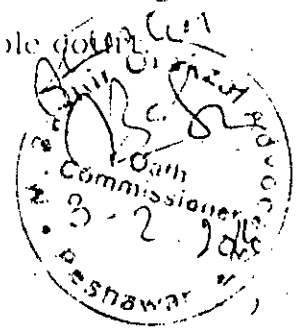
AFFIDAVIT

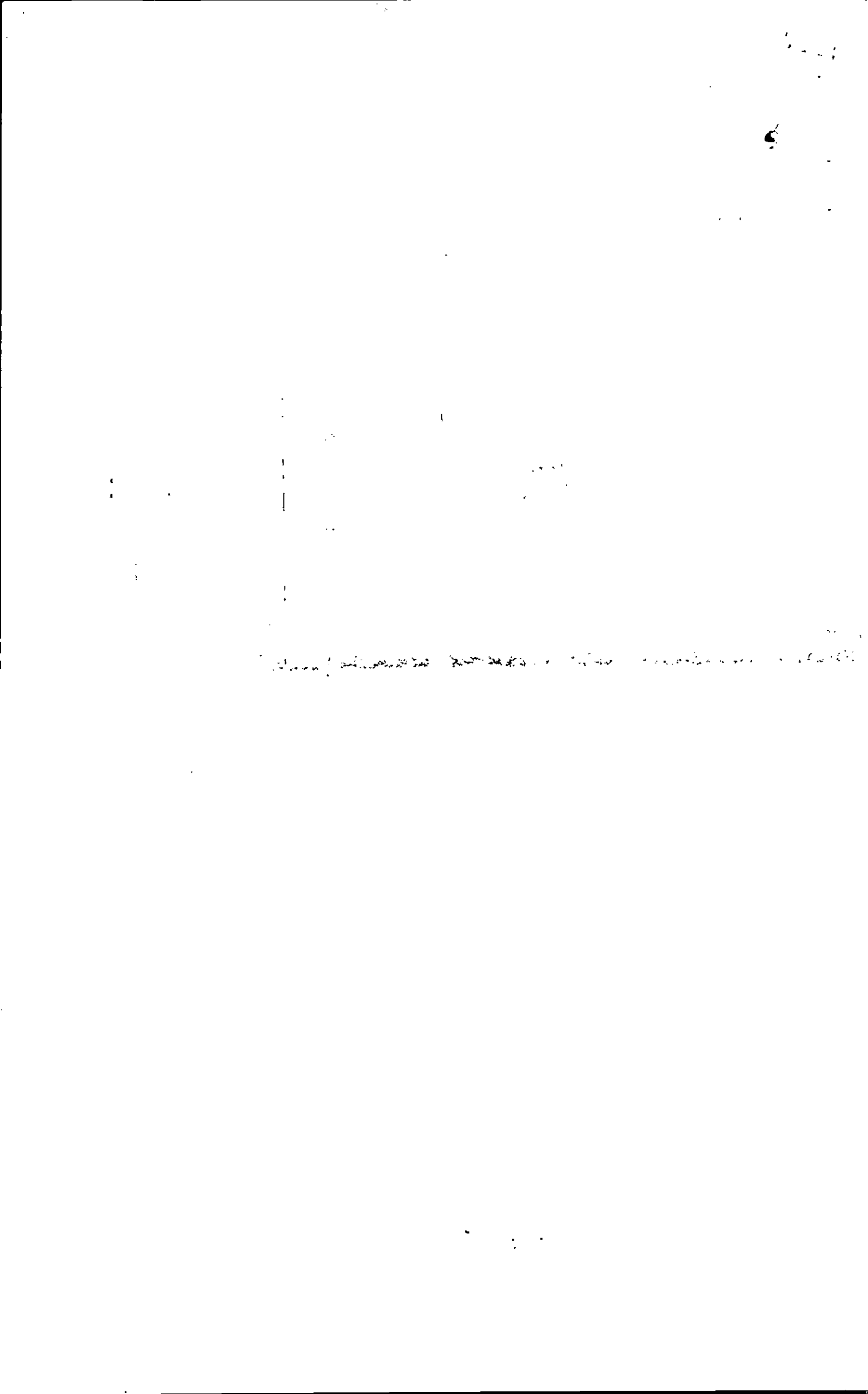
As per instruction of my clients I, Asad Jan advocate (Peshawar high court) do hereby solemnly affirm and declare that the contents of this petition are true and correct to the best of my knowledge and belief and that nothing has been concealed or kept secret from this Hon. able court.

ATTESTED


ASAD JAN
 (Advoc. - High Court)
 X-CJ/111C

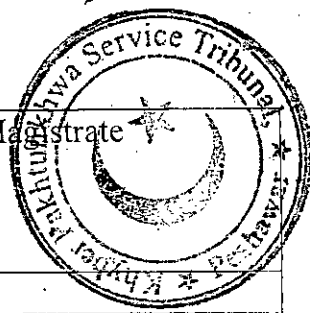

DEPONENT





10

Annexure B3



Sr. No.	Date of order/proceedings	Order or other proceedings with signature of judge or Magistrate
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1	2	3
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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 183/2014,
Muhammad Alamgir Khan Versus Superintending Engineer,
PBMC, C&W Department, Peshawar & 4 others.

19.02.2015

PIR BAKHSH SHAH, MEMBER.- Appellant with his counsel (Mr. Asad Jan, Advocate), Mr. Usman Ghani, Sr.GP with Muhammad Arif, SDO for the official respondents and private respondent No. 5 with his counsel (Mr. Muhammad Asif Yousafzai, Advocate) present.

2. Summarizing facts of the case are that on the recommendations dated 14.01.2013 of the Departmental Selection Committee, appointment letters were issued to the appellants, by respondent No. 5, Shams-uz-Zaman, Ex-Superintending Engineer, PBMC, C&W Department, Peshawar, presently posted as Director (Tech) EQAA, Abbottabad, The appellants - as following - with their separate appeals, are 20 in numbers and as common issue of payment of salary is involved, therefore, all these appeals are proposed to be disposed off jointly by this single judgment:-

ATTESTED
EX-MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Sr. No	Appeal No.	Name	Designation	BP S	Date of appointment
1.	183/2014	M. Alamgir Khan	W.Suptd.	09	16.01.2013
2.	184/2014	Hussain Khan	Cooly	01	14.01.2013
3.	185/2014	Khurram Shehzad	Electrician	04	18.01.2013
4.	186/2014	Wareedullah	Pipe Fitter	04	23.01.2013
5.	187/2014	Habibullah	Cooly	02	18.01.2013

6.	188/2014	Muhammad Ismail	Electrician	02	28.01.2013
7.	189/2014	Sajid Khan	Electrician	05	23.01.2013
8.	190/2014	M.Tahir Hussain Shah	Suptdt.	09	16.01.2013
9.	217/2014	Yasir Mubarak	Cooly	01	14.01.2013
10.	218/2014	Hasan Dad	Pipe Fitter	04	23.01.2013
11.	219/2014	Muzzaffar	M.Sweeper	01	15.01.2013
12.	220/2014	Muhammad Imran	Pipe Fitter	04	18.01.2013
13.	221/2014	Muhammad Tanveer	Mistri	06	14.01.2013
14.	222/2014	Ruhullah	Work Mistri	06	24.01.2013
15.	223/2014	Raees Khan	Carpenter	06	28.01.2013
16.	249/2014	Asfandyar	Skilled Cooly	02	17.01.2013
17.	250/2014	Aftab	Mali	02	17.01.2013
18.	251/2014	Shahabuddin	Chowkidar	01	15.01.2013
19.	759/2014	Asad Ali	Mali	02	17.01.2013
20.	760/2014	Naveed ur Rahman	Khansama	04	28.01.2013

Appellants claim per their appeal that they submitted arrival reports, after formality of being medically examined and so much so that necessary entries in their service books have also been made. They further claim that they were performing their duties from the date of their arrival but the respondent-department has denied to them their salary on which they knocked at the door of the Hon'ble Peshawar High Court in Writ Petition No. 1301-P/2013. The Hon'ble Peshawar High Court vide its order dated 27.01.2014, dismissed the Writ Petition being not pressed but observed that the petitioners are at liberty to approach the proper forum for redressal of their grievances in accordance with the law. Hence these separate service appeals have been filed before this Tribunal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that on acceptance of instant appeal, the respondent be directed to pay the withheld salaries since arrival report for duty till date and onward.

ATTESTED
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

and not to create illegal hurdle in the way of performance of duties as well as to restrain respondents from taking any discriminatory action against the appellant. . The record further reveals that this Bench, then presided by our learned predecessors passed order dated 16.04.2014 under which the respondent department was directed to allow the appellants to perform duties and to start paying them their monthly salary provisionally. Feeling aggrieved from this order, the respondent department filed Civil Petitions No. 517-P to 534-P/2014 before the august Supreme Court of Pakistan. The august Apex Court was pleased to pass the following order on 16.10.2014:-

“From the nature of the lis and also from the order, under question, we are not inclined to interfere in the interim order, passed by the learned Service Tribunal. However, we direct the Registrar of the learned Service Tribunal to fix these cases, if not yet fixed, in the week commencing 3rd November, 2014 and the learned Tribunal is directed to decide all these cases within a week thereof. Disposed of accordingly.”

On 16.02.2015, we the undersigned became seized of the appeals for the first time.

3. The record shows that respondent No. 5 has been transferred from his erstwhile post long ago and he has been made respondent in his private capacity. He however, owns that appointment orders to have been issued by him. On the other hand the respondent department per their written reply have termed these appointments illegal, to be shorn of the required criteria of domicile and reserved quota, that those were made in violation of the rules and void ab-initio.

ATTESTED
 Registrar
 Service Tribunal
 Faisalabad

4. We have heard the learned counsel for the appellant, Mr. Usman Ghani, Sr.GP for the official respondents and private counsel for respondent No. 5 at length, and perused the record with their assistance.

5. The learned counsel for the appellant contended that the appellants are civil servants, duly appointed by the appointing authority (respondent No.5) after fulfilment of all the codal formalities. The appellants have also submitted their arrival reports after their medical examination but due to change of the incumbents in the office of respondent No. 5, the department-respondent is neither letting the appellants to perform their duties nor paying them their salary. The arguments of the learned counsel for the appellant were further augmented by the learned counsel for private respondent No. 5 that for filing an appeal before this Tribunal, the impugned order in writing was not essential. Reliance placed on PLD 1991 (SC)226.

6. The learned Addl. Advocate General and Senior Government Pleader vehemently resisted these appeals. Their contention is that this Tribunal under Section 4 r/w Section 7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 lacks jurisdiction because there is neither any original order nor any final order against which the appeals should have been filed. On merits, it was submitted that the appointment orders are totally illegal, void ab-initio, do not fulfil the required criteria and qualifications. In this respect it was submitted that some of the appointment orders were made under

ATTESTED

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Rule 10 (4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 but it has been found in enquiry conducted by Engr. Shahid Hussain that the appointees were not sons of the deceased employees; that some of the appointment orders have been shown issued in hurry on the very date on which the Departmental Selection Committee took its meeting; that some of the appointees as prescribed in Rule 12 (3) of the rules ibid have not been appointed from the respective districts. It was also submitted that the relevant record like arrival report etc. were also not found in the office and further that notice thereof was also taken by the Audit Party. They also contended that the appeal is time barred and finally prayed that all the appeals may be dismissed.

7. We have considered submissions of the parties and have thoroughly gone through the record. This is not disputed by the respondent department that at the relevant time respondent No. 5 was the competent appointing authority for the disputed appointments. Respondent No. 5 has openly conceded that he had made the appointments and has further taken plea that after fulfilment of all the codal formalities the appointments were made. In defence of appointments, he referred to corrigendum dated 08.02.2013 issued to rectify mistakes in the original appointment orders pertaining to quoting rule 10(4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in the appointment orders. This is also very important aspect of the matter that so far these appointment orders have not been cancelled by the

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

respondent-department. The issue pertains to the payment/non-payment of salary to the appellants, therefore, in the light of the above factual position on record, we are led to prima-facie opine that the appellants qualify to attract jurisdiction of this Tribunal. Hence jurisdiction is assumed.

8. On record, there is enquiry report conducted by Engr. Shahid Hussain and being important we are also inclined to reproduce its final conclusion at para-5 which is follows:-

“In the light of the findings/Conclusion, detailed above, it is found that not only the prevailing rule 10 & 12 of Appointment, Promotion & Transfer Rules-1989 as well as merit list of employee sons were not followed but also numerous lapses mentioned above are observed in whole process, hence the aforesaid appointment can not be termed as legal.”

This being so, this is also noticeable that the appellants have not made the present incumbent/competent authority as respondent. On the other hand the department-respondent has its objection on making Mr. Shamsuz Zaman, then appointing authority as respondent No. 5 in which respect it was also submitted that departmental proceedings on the basis of these disputed appointments had also been initiated against him. It is our considered opinion that the factual position of arrival report, charge assumption reports and performance of duty really pertains to the office of the respondent department and a person cannot be held to be entitled to salary merely on the basis of the appointment orders and that which is also disputed by the department to be legal. Unfortunately, the said appointing/competent authority has not been

ATTESTED
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

made respondent who would have assisted the Tribunal on these factual position because the facts mentioned above has a very close connection with the payment/non-payment of salaries to the appellants. For the above said reasons, the Tribunal feels itself in vacuum and perceive a disconnect between the disputed appointment orders and payment of salary on its basis. On record, it was also not shown that departmental appeal had been moved by the appellant before the competent appellate authority next above the appointing authority as contemplated in Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, much less that the outcome of such appeal would have come before the Tribunal. Hence, while concluding this discussion, it is the considered opinion of the Tribunal to treat these appeals as departmental appeals and to remit the cases to the appellate authority who is directed to decide the appeals within one month of its receipt failing which these appeals shall be deemed to have been accepted by this Tribunal. Parties are left to bear their own costs. File be consigned to the record.

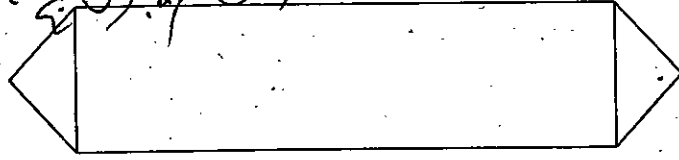
ANNOUNCED
19.02.2015

Sd/- Mr. Bahadur Khan,
Member
Sd/- Abdul Latif,
Member

Certified to be true copy
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Filing of Application 3-3-2015
 Number of Pages 7800
 Copies 16
 Total 16-0
 Name of Copy [Signature]
 Date of Filing of Appeal 4-3-2015
 Date of Filing of Reply 4-3-2015

بعدالت صاحب سروس ٹریڈ مینل کے نام سے



عالمگیر خان

مورخہ

مقدمہ Supplementation

دعویٰ

جرم

کلاس 2 منجانب سے

بنام سروس ٹریڈ مینل

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام میں سر کیلئے، سرداران ایڈووکیٹس سروس ٹریڈ مینل اور پاکستان

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 ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت 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۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

المرقوم 26 ماہ تاریخ 20

العبد گواہ العبد

مقام تاجر Acceptance کے لئے منظور ہے۔



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. No. SOE/C&WD/24-60/Association
Dated Peshawar, the March 24, 2015

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TO

The Superintending Engineer
PBMC C&W Peshawar

Subject: COC/2014 in Service Appeal No.183/2014 & 19 others – Muhammad Alamgir Khan VS SE PBMC and others (regarding illegal appointment in PBMC)

I am directed to refer your office letter No.1919/52-C dated 06.03.2015, whereby you have forwarded copy of Service Tribunal Khyber Pakhtunkhwa judgment dated 19.02.2015 for appropriate action. In the judgment, the court has directed to treat the appeals of the appellant as departmental appeals and decide it within one month of its receipt, failing which these appeals shall be deemed to have been accepted by the Tribunal.

2. In compliance of aforementioned Service Tribunal judgment, the appeals were examined and placed before the Appellate Authority. The Appellate Authority has rejected their appeals, as proper procedure was not followed in their appointments.

556/52-C
24/3/15


(USMAN JAN)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded for information to the:

1. The Registrar Service Tribunal Khyber Pakhtunkhwa with reference to Tribunal judgment dated 19.02.2015
2. PS to Secretary C&W Department, Peshawar


SECTION OFFICER (Estb)