

FORM OF ORDER SHEET

Court of _____

Appeal No. _____

356/2024

S.No. _____
Date of order _____

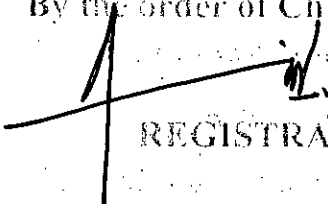
Order or other proceedings with signature of judge

3

1. 08/03/2024

The appeal of Mr. Abdul Qayyum resubmitted today by Mr. Javed Iqbal Gulbella Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 11.03.2024. Parcha Peshi is given to counsel for the appellant.

By the order of Chairman


REGISTRAR

The appeal of Mr. Abdul Qayyum received today i.e on 01.03.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and re-submission within 15 days.

1. According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondents no. 1, 4 & 5 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondents.
2. Address of appellant is incomplete be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
3. Copy of regularization order of the appellant mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 571 /S.F.

Dt. 6/3 /2024.

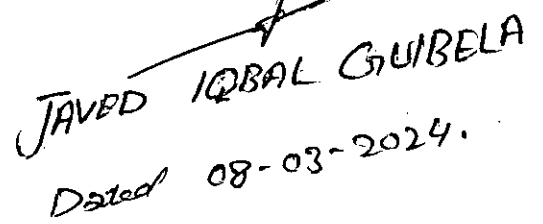

6/3/24

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Javed Iqbal Guibela Adv.
Peshawar

Respected Sir.

Re-submitted after removal
of above objection as per need
and kindly be fixed for
hearing before the Hon'ble
tribunal.


JAVED IQBAL GUIBELA
Dated 08-03-2024.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Abdul Rayyan v/s Government of KP etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>Javed Iqbal Gulbela</u>		
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent oath commissioner?	✓	
8	Whether Appeal / Annexures are properly paged?	✓	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/ clear?	✓	
13	Whether copy of appeal is delivered to AG/ DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	✓	
15	Whether number of referred cases given are correct?	✓	
16	Whether appeal contains cutting / overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this Court?	✓	
19	Whether requisite number of spare copies are attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?		
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether security and process fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		
26	Whether copies of comments / reply / rejoinder submitted? On _____		
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name:- Javed Iqbal Gulbela

Signature:- [Signature]

Dated:- 1-03-2024.

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. 356 /2024

In the matter of;

Abdul Qayyum

VERSUS

Govt. of Khyber Pakhtunkhwa and Others

INDEX

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3.	Addresses of Parties.		9
4.	Copy of the Notification No. SO(DEV-II)FD/7-4/2013-2014 Dated: 06-09-2013, , Appointment Order & Arrival Report Dated: 17-10-2013	"A, B & C"	10-15
5.	Copy of the Khyber Pakhtunkhwa Regularization Act 2018	"D"	16-24
6.	Copy of the Notification no. BO.1/FD/5-17/2018-2019, Dated: 17-07-2018 & Copy of the Notification/Order	"E, E/I"	25-26
7.	Copies of Office Order No. 2/-27/CU/DG Dated: 22-02-2020, Office Letter No. 02-06-CU/DG Dated: 01-10-2020, Office Letter Dated: 04-11-2020 , Office Letter No. 09-12/CU/AO Dated: 30-11-2020, Office Letter No. SOBUDGET/HD/5-20-2014 Dated: 03-02-2021 & Office Letter No. SOBUDGET/HD/5-20-2014 Dated: 08-03-2021	"F, F-I, F-II, F-III, F-IV & F-V"	27-32
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Dated: 1st March 2024

AQ
Appellant

Through

JIG
Javed Iqbal Gulbela
Advocate, Supreme Court,
Pakistan.

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. 356 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 115/6

Dated 1/3/24

In the matter of;

Abdul Qayyum S/o Zarbadshah R/o Chamatar, Bakri Banda, P.O
Mardan Tehsil & District Mardan

.....**Appellant**

VERSUS

1. **Inspector General of Police**, of Khyber Pakhtunkhwa, Peshawar.
2. **Secretary Home & Tribal Affairs**, Government of Khyber Pakhtunkhwa, Peshawar.
3. **Director General**, Coordination Unit Police Department Khyber Pakhtunkhwa, Peshawar
4. **Secretary Finance**, Government of Khyber Pakhtunkhwa.
5. **Secretary Establishment**, Government of Khyber Pakhtunkhwa

.....**Respondents**

F/Adm/Day
1/3/24

Service appeal under section - 4 of the Khyber Pakhtunkhwa services tribunal act - 1974, against acts and omissions of respondents, of not appointing/adjusting/regularizing the appellant against the post of computer operator bps-12 (now in bps-16) and for issuing directions to the respondents to modify the appointment order of the appellant, where against the departmental appeal of the appellant was left undecided inspite of lapse statutory period.

Respectfully Sheweth,

The Appellant most humbly submits the facts of the instant appeal as;

1. That Appellant is a naturally born bonafide citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That the Finance Department of the Respondent Department had earlier for the year 2012-2013, had sanctioned a post of "CCTV

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. 356 /2024

In the matter of;

Abdul Qayyum (photocopier operator BPS-07) Project Coordination Unit, PCU, Police Department, Khyber Pakhtunkhwa, Peshawar.

.....**Appellant**

VERSUS

1. **Secretary Home & Tribal Affairs**, Government of Khyber Pakhtunkhwa, Peshawar.
2. **Director General**, Coordination Unit Police Department Khyber Pakhtunkhwa, Peshawar

.....**Respondents**

Service appeal under section - 4 of the Khyber Pakhtunkhwa services tribunal act - 1974, against acts and omissions of respondents, of not appointing/adjusting/regularizing the appellant against the post of computer operator bps-12 (now in bps-16) and for issuing directions to the respondents to modify the appointment order of the appellant, where against the departmental appeal of the appellant was left undecided inspite of lapse statutory period.

Respectfully Sheweth,

The Appellant most humbly submits the facts of the instant appeal as;

1. That Appellant is a naturally born bonafide citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That the Finance Department of the Respondent Department had earlier for the year 2012-2013, had sanctioned a post of "CCTV

Re-submitted to day
and filed.

08/05/24
Registrar

(2)

Operator/Photocopier” in BPS-07 for the purpose of Project Coordination Unit (PCU) via ADP Scheme No. 956 (80599) via Letter No. SO(Dev-II) FD/7-4/2013-2014 Dated: 06-06-2013. Hence, the Appellant being qualified for the said post, therein made an apply and after going through the ordeals and inquisitions of the appointment criteria, so was appointed against the same post of “CCTV Operator/Photocopier” in BPS-7 vide Office Order Dated: 1761/SDSP/PCU/PROC Dated: 14-10-2013. **(Copy of the Notification No. SO(DEV-II)FD/7-4/2013-2014 Dated: 06-09-2013, , Appointment Order & Arrival Report Dated: 17-10-2013 is annexed here as ANNEXURE “A, B & C”)**

3. That after the Provincial Government of Khyber Pakhtunkhwa promulgated the Khyber Pakhtunkhwa Employees (Regularization of Services) Act of 2018, thus the project of the Appellant services of the Appellant were regularized vide Office Order No. F. No.SO (DEV)/ HD General-project/2017-2018/Vol-III(203940) Dated: 20-06-2018 **(Copy of the Khyber Pakhtunkhwa Regularization Act 2018 is annexed here as ANNEXURE “D”)**
4. That after the rounds of regularization of the employees, the Provincial Government issued a Notification no. BO.1/FD/5-17/2018-2019, Dated: 17-07-2018 wherein it was directed to change the nomenclature of posts which were not in conformity with the regular posts, so that they shall be brought in line with the posts on regular side, subject to the condition that the employee shall possess the requisite qualifications and other credentials, shall be provided to the Department, for the said regular post against which he seeks regularization. **(Copy of the Notification no. BO.1/FD/5-17/2018-2019, Dated: 17-07-2018 is annexed here as ANNEXURE “E”)**
5. That as per the directions lay out by the Provincial Govt., the Respondent Department issued the regularization order of the Appellant. Though the services of the Appellant were regularized under the same Act of 2018 but against the post of the Photocopier (BPS-04),

hence the said post against which the Appellant was initially appointed was at par with the post of Junior Clerk, meaning thereby all three posts i.e., CCTV Operator, Photocopier & Junior Clerk were analogical and in the same pay scale of BPS-07. **(Copy of the Notification/Order, is annexed here as ANNEXURE "E/I")**

6. That the real dilemma occurred when at the time of issuing notification of Regularization of the Appellant, not only the nomenclature of the Appellant which was assigned to him & upon which he was serving, did change, but rather the Appellant was demoted from the post of "CCTV Operator/Photocopier in BPS-07" to the post of Photocopier in BPS-04. **(Copies of Office Order No. 2/-27/CU/DG Dated: 22-02-2020, Office Letter No. 02-06-CU/DG Dated: 01-10-2020, Office Letter Dated: 04-11-2020 , Office Letter No. 09-12/CU/AO Dated: 30-11-2020, Office Letter No. SOBUDGET/HD/5-20-2014 Dated: 03-02-2021 & Office Letter No. SOBUDGET/HD/5-20-2014 Dated: 08-03-2021 are annexed here as ANNEXURE "F, F-I, F-II, F-III, F-IV & F-V" respectively)**

7. That while the Department callously regularized the services of the Appellant in BPS-04, the employees of analogical post of Junior Clerk were regularized into pay scale of BPS-11, thus causing a sea of variance and havoc which bereft the Appellant from proper allocation in any cadre. In order to sort the disrupted Petitioner moved several applications and reminders to his high-ups, explaining his position and to remedy the harm caused to the Appellant the change of nomenclature. **(Copies of the Applications is annexed here as ANNEXURE "G, G/I")**

8. The Appellant has not only been appointed on the said post but had been qualified to be appointed as the same has been provided in Section- 4 of the Regularization Act of 2022, but contrary to law, custom, service &

(4)

prudence, he regularized and emoted to post of lower grade, hence, in this August Court as a last resort for the up-gradation from the post of "Photocopier (BPS-07)".

9. That not only this but having no other remedy available to appellant, the appellant approached the Hon'ble Peshawar High Court Peshawar, to seek modification of his appointing/adjusting/regularization order and for up-gradation to the said post, but the Hon'ble Peshawar High Court directed the appellant to approach this Hon'ble Tribunal for redressal of his grievances and so the appellant filed a Departmental Appeal before the competent authority, which was left undecided inspite of statutory period. **(Copies of Writ Petition, Order & Departmental appeal are annexed here as ANNEXURE "H, I & J")**

10. That feeling aggrieved, the Appellant for approaches this August Tribunal for seeking modification of his appointing/adjusting/regularization order and for the up-gradation from the post of "Photocopier in BPS-07" to the post of "Junior Clerk in BPS-11" or "CCTV Camera Operator in BPS-12" or Computer Operator BPS-12 (now in BPS-16) modification of the Impugned Appointment Order upon the following ground, *inter-alia*;

GROUND:

- A. That there exists no other expedient- cum- expeditious and adequate remedy available elsewhere, hence the instant petition under the extra-ordinary jurisdiction of this August Court.
- B. That the Appellant is naturally born *bonafide* citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed, and enforced by the laws and law Courts of the land.

- C. That it is a cherished principle of law that whether a law requires a thing to be done in a manner, the same is to be done in that very manner and not otherwise.
- D. That fellow employee of the Appellant, who had been issued an appointment letter for the post of Computer Operator in BPS-12, and he served under the same title & designation, but when his services were regularized then he was upgraded to the post of Computer Operator in BPS-16. It is highly important to mention here that he did not possess the requisite qualification but still he was given a grace period of four years to acquire the prescribed qualification, while keeping the case of Appellant with the said Khurram Ali Shehzad in juxtaposition, the Appellant has been meted out with unjust & arbitrary exercise of powers, as the Appellant is fully eligible and qualified to be appointed against the post of Junior Clerk in BPS-11, that was not the case.
- E. That it is pertinent to mention here that while promulgating the Regularization Act of 2022, the same had been concurred by the Finance Department and thereafter it became the law & an Act. Meaning thereby, that equal number of posts or more than the ones on the fleet of the Provincial Disaster Management Authority (PDMA) had created by the Finance Department in consultation with the Establishment Department, instead of appointing the Appellant against his created post of the CCTV Operator in BPS-12, the same had been kept aloof from the Appellant to be filled by some blue-eyes one & on the other hand, the Appellant had been appointed against the post which was many grades below than his respective post, which cannot be justified under any canon of law.
- F. That discrimination & partially unfettered & unbridled exercise of the discretionary powers vested in public functionaries is not only deplorable but always results in devastated effects which is always chucked down quite deliriously by Superior Courts of the land.
- G. That no law or provision of law justifies the demotion or degradation as being envisaged by the Appellant, & even if there is restructuring of any department, then the Civil Servants Act provides that the

(6)

concerned Officer/Employee/Civil Servant must be given an option either to take a lower post & grade or otherwise, but in no case the financial benefits is affected to the disadvantage of the affected Officer/Employee/Civil Servant, but here the situation is different as neither the Appellant was given any option for appointment against the lower post nor the Appellant can be made subject to such like nefarious & malicious act of demotion whereby the Appellant has been assigned post much below than his respective post.

H. That from all perspectives, the Appellant was & is entitled to be appointed & adjusted against, with ancillary benefits, to the post of "Junior Clerk in BPS-11" or "CCTV Camera Operator in BPS-12" w.e.f the same date as notified in the Regularization Act 2022, with all back benefits.

I. That from all perspectives, the Appellant was & is entitled to be appointed & adjusted against, with ancillary benefits, to the post of "Junior Clerk in BPS-11" or "CCTV Operator in BPS-12" w.e.f the same date as notified in the Regularization Act 2022, with all back benefits

J. Any other ground not raised here, may kindly be allowed to be raised at the time of arguments.

PRAYER:

It is therefore most humbly prayed that on acceptance of the instant appeal;

That the acts and omissions on part of Respondents of not appointing/adjusting/regularizing the appellant against the post of computer operator BPS-12 (now in BPS-16) be declared as illegal, wrong, void and ineffective upon the rights of the appellant and by doing so the Respondents be directed to modify the appointment order of the Appellant & the same be directed to be issued against the post of the Computer Operator in BPS-12 (now in BPS-16), and if the appellant lacks the requisite criteria for the post of Computer Operator then the Appellant be given grace period to acquire the same as the same relief is being extended to

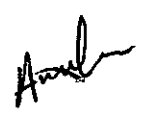
(7)

others as per Regularization Act-2018, with all back benefits.

It is further prayed that if the first part of the prayer is not feasible, then the Respondents be directed to appoint/adjust/regularized the Appellant against the post of "Junior Clerk in BPS-11" instead & as against the post of "Photocopier in BPS-07" for all intents & purposes with all back benefits.

Any other relief not specifically asked for, may very graciously be extended in the favor of the Appellant, in the circumstances of the case.

Dated: 1st March 2024



APPELLANT

Through

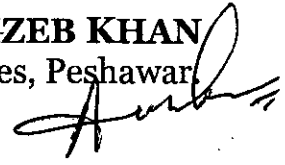
JAVED IQBAL GULBELA
Advocate, Supreme Court
Pakistan.
(BC-10-7924)

SAGHIR IQBAL GULBELA
Advocate, High Court
Peshawar.

SYEDA UME HABIBA

&

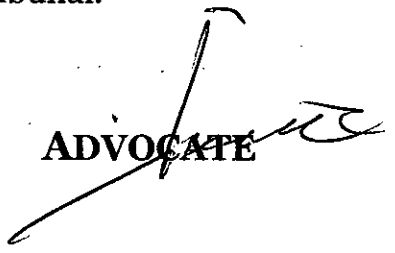
ALAMZEB KHAN
Advocates, Peshawar.



CERTIFICATE:

No such Service Appeal has earlier been moved by me prior to this one, for the same Appellant upon the same subject matter & the case in hand pertains to the Hon'ble Divisional Bench (DB) of the Tribunal.

ADVOCATE



(8)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. _____/2024

In the matter of;


Abdul Qayyum

VERSUS

Govt. of Khyber Pakhtunkhwa and Others

AFFIDAVIT

I, **Abdul Qayyum S/o Zarbadshah** do hereby solemnly affirm & declare on oath that all contents of the instant service appeal are true & correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.


Deponent
16101-3403198-5
0345-4603410

Identified by:

Mr. Javed Iqbal Gulbela

Advocate Supreme Court,

Pakistan

BC 10-79-24



(9)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. _____/2024

In the matter of;

Abdul Qayyum

VERSUS

Govt. of Khyber Pakhtunkhwa and Others

MEMORANDUM OF ADDRESSES

ADDRESS OF THE APPELLANT:

Abdul Qayyum S/o Zarbadshah R/o Chamatar, Bakri Banda, P.O
Mardan Tehsil & District Mardan.

ADDRESSES OF THE RESPONDENTS:

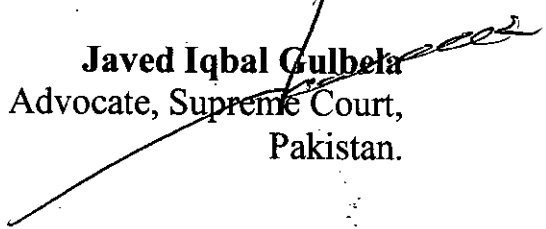
- 1. Inspector General of Police**, of Khyber Pakhtunkhwa, Peshawar.
- 2. Secretary Home & Tribal Affairs**, Government of Khyber
Pakhtunkhwa, Peshawar.
- 3. Director General**, Coordination Unit Police Department Khyber
Pakhtunkhwa, Peshawar
- 4. Secretary Finance**, Government of Khyber Pakhtunkhwa.
- 5. Secretary Establishment**, Government of Khyber Pakhtunkhwa

Dated: 1st March 2024

Through


Appellant

Javed Iqbal Gulbela
Advocate, Supreme Court,
Pakistan.



(10)

Ann "A"



2nd Revised PC-I

**PROJECT COORDINATION UNIT (PCU) FOR
IMPLEMENTATION OF LAW & ORDER INITIATIVES
IN KHYBER PAKHTUNKHWA**




May 2013
ADP No. 915 (80599)
Year 2012-2013


**POLICE DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA
PESHAWAR**


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(11)

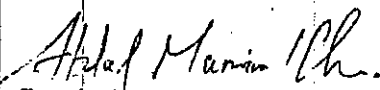
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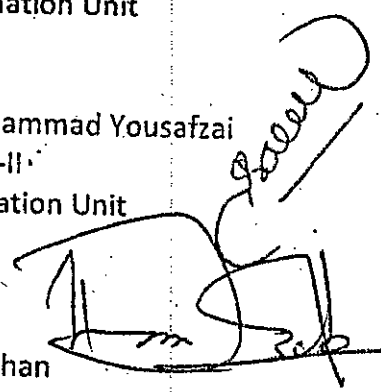

Ihsan Ullah Khan
Program Officer
Project Coordination Unit

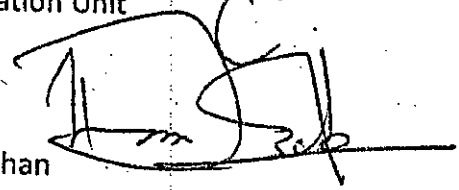

Manzoor Ahmad
Accounts Officer
Project Coordination Unit


Muhammad Arshad
Director Program
Project Coordination Unit

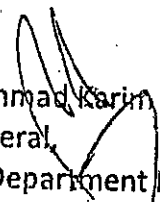
Checked by:


Engr: Fazal Ahmad Azhar
Deputy Director-I
Project Coordination Unit

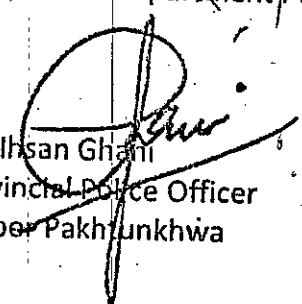

Engr. Saleh Muhammad Yousafzai
Deputy Director-II
Project Coordination Unit


Engr: Khanzeb Khan
Director Works
Project Coordination Unit

Recommended by:



Engr. Muhammad Karim Khan
Director General,
PCU, Police Department Peshawar

Presented by:


Mr. Ihsan Ghani
Provincial Police Officer
Khyber Pakhtunkhwa

Approved by:

DDWP/ PDWP/PSC


JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(12)

Annexure-IV

PCU APPROVED AND ADDITIONAL POSTS/ STAFF REQUIREMENT

POST NAME	GRADE	APPROVED POSTS IN PC-I	ADDITIONAL POSTS REQUIRED	TOTAL POSTS
Director General	20	1	-	1 ✓
Director Works	19	1	-	1 ✓
Director Program	19	1	-	1 ✓
Deputy Director Works	18	2	(2) 1	(4) 3
Program Officer	18	1	-	1 ✓
Accounts Officer	17	1	-	1 ✓
Asstt:Procurement Officer	17	1	-	1 ✓
Assistant Director (Civil)	17	4	(4) 2	(8) 6
Legal Advisor	17	0	1	(1) 1 ✓
Senior Auditor	16	1	1	2 ✓
PS to Director General	16	-	1	1 ✓
Circle Draftsmen	16	0	1	1 ✓
Office Assistant	14	6	(2) 1	(8) 7
Security Incharge	14	0	1	1 ✓
Computer Operator	12	6	(2) 1	(8) 7
S.Engineer (Electrical)	11	1	1	2 ✓
S.Engineer (Civil)	11	6	(2) 1	(8) 7
Head Clerk	9	1	1	(2) 1 ✓
Office Secertery	(7)	3	-	3 ✓
CCTV /Photocopier Operator	(7)	0	1	1 ✓
Driver	4	8	(12) 4	(20) 12
Naib Qasid	2	8	(6) 1	(14) 9
Watchman/Chowkidar	1	2	2-	(3) 4
Sweeper	1	1	1	2
Total		55	39	95

77

Checked with list of Finance department
 No - So (Dev-11) FD/7-4/2013-14 dt: 6/9/2013.
 Directed. Quillab.

IQBAL QULBELA
 Advocate
 Supreme Court of Pakistan
 (A.S.# 5217)



(13) ANNEXURE A I
GOVERNMENT OF
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

No. SO (Dev-II)FD/7-4/2013-14
Dated Peshawar the 6th September, 2013

To

✓
The Director General,
Special Development Support Programme (SDSP),
for Khyber Pakhtunkhwa Police,
Project Coordination Unit, PCU, Police Department,
10-National Bank Colony, Warsak Road near Kababyan,
Peshawar.

Subject: **CLEARANCE OF POSTS AND VEHICLES.**

Dear Sir,

I am directed to refer to the subject noted above and to convey the concurrence of Finance Department for the following posts & vehicles to the ADP Scheme No.956/80599 "Project Coordination Unit for Implementation of Law & Order Initiatives in Khyber Pakhtunkhwa" as follows subject to the condition that all relevant Rules/Regulations be observed and codal formalities be fulfilled:-

Staff

S.No.	Name of Post with Grade	Additional No. of Posts demanded	No. of posts agreed by FD
1.	Dy. Director (BPS-18)	02	01
2.	Assistant Director (BPS-17)	04	02
3.	Sr. Auditor (BPS-16)	01	01
4.	Circle Draftsmen	01	01
5.	Office Assistant (BPS-14)	02	01
6.	Computer Operator (BPS-12)	02	01
7.	Sub-Engineer (Electrical) BPS-11	01	01
8.	Sub-Engineer (Civil) BPS-11	02	01
9.	Security In-charge (BPS-14)	01	01
10.	CCTV/Photo Copier Operator (BPS-7)	01	01
11.	Driver (BPS-4)	12	04
12.	Naib Qasid (BPS-02)	06	01
13.	Watchman/Chowkidar	02	02
Total			18

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)



Special Development Support Program (SDSP) for Khyber Pakhtunkhwa Police.

Project Coordination Unit, PCU, Police Department,

Ph: 091-9212035, Fax: 091-5201287

Website: sasp.gkp.pk

No: 1761/SDSP/PCU/PROC, DATED: 14/10/13

(14)

ANNEXURE: B

Appointment Order

The competent authority has been pleased to appoint Mr. Abdul Qayum S/o Zar Badshah, Chamnara Bakri Banda, Post office Mardan, Distt Mardan, as "CCTV/Photocopier Operator" with fixed salary of Rs. 10,000/- (Rs. Ten Thousand Only) all inclusive per month on contract basis in this Department on the following terms and conditions:

1. The period of contract will be for one year extendable subject to satisfactory performance or completion of the project whichever is earlier.
2. The services would be liable to termination on one month's notice if not required or found unsatisfactory.
3. He will be entitled to receive pay at the rate of Rs. 10,000/- per month Fixed and shall not be entitled to any encashment or to earn any annual increment during his contractual appointment. His pay will commence from the date of arrival and ceases on the date of termination of his agreement or on termination of his services for any reason, whichever may be earlier.
4. He will be on probation for six months.
5. He will not be entitled to conveyance, house rent allowances and any other allowances which is admissible to civil servants of the same status of grade.
6. In case he wishes to resign at any time one month's notice will be necessary or in lieu thereof one month's pay shall be forfeited to the government.
7. His appointment to the above post will not confer on him any right of regular appointment/absorption against the post of **CCTV/Photocopier Operator** in the PCU or any other post nor will his services count towards seniority/promotion/pension etc.
8. He has to join duty on his own expense.
9. He will execute a service agreement with this department on prescribed form before joining the post. Date of appointment will be considered from the date of assumption of charge.
10. He will be governed as per provisions contained in the Contract Agreement.
11. He has to produce Medical Fitness Certificate before joining the post from the Civil Surgeon, Police Services Hospital, Peshawar.
12. If he accepts the posts on the above terms and condition, he may report for duty on or before **22-10-2013**.

No: 1762/SDSP/PCU/Proc
Copy to:

[Signature]
Dated 14/10/13

[Signature]

Director General
Project Coordination Unit

1. Accounts Officer PCU, Police Department, Peshawar

[Signature]

AVED IQBAL GILBELA
Advocate
Director General
Supreme Court of Pakistan
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ANNEXURE "C"

(15)

The Admin Officer,
Project Coordination Unit,
Khyber Pakhtunkhwa Police Peshawar.

Subject: ARRIVAL REPORT

R/Sir,

Kindly refer to yours office letter No.1761/SDSP/PCU/PROC, dated 14/10/2013, wherein I have been appointed as "CCTV/Photocopier operator". So therefore I submitted my arrival report on 17/10/2013 (after Noon).

I hope you will consider my arrival report.

Thanking yours

Dated: 17/10/2013

Yours obediently


Abdul Qayyum

o/c

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)
JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, application and commencement.
2. Definitions.
3. Regularization of services of adhoc employees.
4. Regularization of services of project employees.
5. General conditions for regularization.
6. Seniority.
7. Removal of difficulties.
8. Overriding effect.

SCHEDULE

~~JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)~~

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 7th March, 2018].

**AN
ACT**

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

(2) It shall apply to all the employees as defined in clause (e) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions.--- (1) In this Act, unless the context otherwise requires;

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;

(c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;

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Supreme Court of Pakistan
(ASC # 5317)

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Supreme Court of Pakistan
(ASC # 5317)

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- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "employees" mean duly qualified,-
 - (i) one hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and
 - (ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;
- (f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;
- (h) "project" means a perpetual nature project, the continuation on which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;
- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedule" means a Schedule appended to this Act.

(2) The expression "adhoc appointment" shall have the same meaning as is assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. **Regularization of services of adhoc employees.**---Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on adhoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act,

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Supreme Court of Pakistan
(ASC # 5317)

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subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department:

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

5. General conditions for regularization.---For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) the employees shall possess the same qualification and experience as required for a regular post;
- (iii) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
- (iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. Seniority.---(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before

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the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

7. **Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty:

Provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.

8. **Overriding effect.**—Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

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SCHEDULE
See section 2(1)(h)(k)

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
6. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.

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15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Bacha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management Information System (HEMIS) Cell.
20. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives.
21. Computerization of Arms License.
22. Prison Management Information System.
23. Development of Common Application for Government Departments.
24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
- 24A. IT Support for improvement of Health Service Delivery.
- 24B. IT Professional Training Centre.
25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
27. Strengthening of Planning Cell at Industries Department.
28. Establishment of Special Media Cell in the Directorate of Information.
29. Strengthening of Information Department.

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(ASC # 5317)

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30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
31. Establishment of Planning Cell at Local Government and Rural Development Department.
32. Retirement Benefit and Death Compensation Cell.
33. Automation of Pension Payment System (APPS).
34. Energy Monitoring Unit.
35. Establishment of Planning Cell in Food Department.
36. Automation of Food Department.
37. Operationalization of Redesigned Energy and Power Department.
38. Establishment of Planning Cell in Energy and Power Department.
39. Computerization of Land Record.
40. Creation of MRS Cell in C&W Department.
41. Enhancement of existing facilities in MIS/GIS for C&W Department.
42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
44. Afghan Management and Repatriation Cell at Home Department.
45. Traffic Control Management System and FM Radio 693-120173.
46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.

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47. Establishment of 100 Family Welfare Centers.
48. Establishment of Population and Research Training Institute and Social Mobilization.
49. Value Addition/Research and Development works on Ore Minerals in Khyber Pakhtunkhwa.
50. Establishment of Model Coal Mine at Shahkot District Nowshera.
51. Establishment of Zoo for Peshawar Division.
52. Development and Management of National Park in Khyber Pakhtunkhwa.
53. Conservation and Management of Wildlife in Central and Northern Division.
54. Establishment of Monitoring, Evaluation, Grievance and Inquiry Cell in Administrative Department.
55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
56. Carbon Stock Assessment in Khyber Pakhtunkhwa.
57. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa.
58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.

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(ASC # 5317)

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ANNEX E



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

No. BO.1/ FD/5-17/2018-2019
Dated Peshawar the 17/7/2018

17/7/18

1. The Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, P&D Deptt.
2. The Senior Member, Revenue & Estate Deptt, Govt. of Khyber Pakhtunkhwa.
3. The Secretaries to Government of Khyber Pakhtunkhwa:

- i) Elementary & Secondary Education Department
- ii) Industries Department
- iii) Information & Public Relations Department
- iv) Local Govt. & Rural Development Department
- v) Food Department
- vi) Energy & Power Department
- vii) Communication & Works Department
- viii) Agriculture Department
- ix) Sports & Culture Department
- x) Science, Technology & Information Technology Department
- xi) Home & TAs Department
- xii) Minerals Development Department
- xiii) Environment Department
- xiv) Population Welfare Department
- xv) Relief & Rehabilitation Department
- xvi) Higher Education Department
- xvii) Health Department

Subject: - REGULATIZATION OF EMPLOYEES UNDER THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULATIZATION OF SERVICES) ACT, 2018

Dear Sir,

I am directed to refer to the subject noted above and to state and in pursuance of a Note for Chief Secretary, Khyber Pakhtunkhwa, Establishment & Administration Department has constituted a Committee vide Notification No.SO (O&M)/E&AD/3-15/2017 dated 29/6/2018 (Copy enclosed) for settlement of, inter alia, the following anomalies arising out in the wake of promulgation the subject Act:

S.No	ISSUES	POINTS TO PONDER
1.	Creation of posts against Filled and Vacant posts of the Projects on regular side.	The Department concerned is required to prepare case for proper O&M study showing the utility of the Project(s) within the existing <u>organizational structure</u> of the Department concerned.
2.	Creation of posts for the employees including Class.IV, appointed on Contingent / fixed pay basis in various projects.	The employees so appointed on contingent basis, do not come under the ambit of Section 4 of Act, ibid. Therefore, legal coverage will be required in this regard.
3.	Anomalies in nomenclature of Posts and BPS	All the nomenclatures of such posts which are not in conformity with the posts on regular side shall be brought in line with the posts on regular side, <u>subject to the condition that the employee shall possess the same qualification and experience as required for a regular post.</u> Otherwise, such employees will have to be accommodated against such posts which would be commensurate to their qualification and experience.
4.	Employees appointed under specialized Pay Package under donor funded projects.	The specialized scale + special pay / incentive in certain projects shall be restricted to the <u>prevailing designations and pay scales only on regular side</u> excluding special pay for the purpose of consistency in pay scales and service rules in vogue.
5.	Adjustment of BPSA to	the terms and conditions of services of employees of the

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Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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2. It is, therefore, requested that a self contained case / working paper kindly be prepared on such like case, if any, and submitted to the Establishment Department for consideration of the committee on top priority basis.

Yours faithfully,

o/c

BUDGET OFFICER

Encls: No. and Date even:

Copy forwarded for information and necessary action to the:-

1. PS to Chief Secretary, Khyber Pakhtunkhwa.
2. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.
3. PS to Finance Secretary.
4. PS to Special Secretary Finance.

*Noted
12/11/13
Lori
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o/c

BUDGET OFFICER

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Dated Peshawar, the June 20, 2018.

NOTIFICATION / ORDER

F. No. SQ (DEV/HD/General-Projects/2017-18/Vol.-III (203940): In compliance of the Provincial Government of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018, the Provincial Government is pleased to notify Regularization of Services of the following (56) Nos of Employees working under the project "Project Coordination Unit for Implementation of Law and Order Initiatives in Khyber Pakhtunkhwa, Police Department" w.c.f 07.03.2018, as provided under section 4 of the ibid Act.

S.No.	Name	Description	Nos
1.	Engr. Feroz Shah	Deputy Director Works	18
2.	Engr. Almal Hayat	Assistant Director Works	17
3.	Engr. Abdul Munim Khan	Assistant Director Works	17
4.	Engr. Arif Azeem	Assistant Director Works	17
5.	Mr. Himayat Ullah	Procurement Officer	17
6.	Mr. Faisal Ali Khan	Office Assistant	16
7.	Mr. Muhammad Faheem	Office Assistant	16
8.	Mr. Amjid Rashid	Office Assistant	16
9.	Syed Imran Khan	Office Assistant	16
10.	Syed Ifthikhar Giliani	Office Assistant	16
11.	Mr. Shahzad Gul	Office Assistant	16
12.	Mr. Fahad Saleem	Office Assistant	16
13.	Mr. Asif Hameed	Computer Operator	16
14.	Mr. Muhammad Dawood Khan	Computer Operator	16
15.	Mr. Khurram Ali Shehzad	Computer Operator	16
16.	Mr. Abid Ullah Khan	Computer Operator	16
17.	Mr. Sajid Rasheed	Computer Operator	16
18.	Mr. Muhammad Arif	Computer Operator	16
19.	Mr. Muhammad Amjad	Computer Operator	16
20.	Mr. Fayaz Muhammad	Sub. Engineer (Civil)	11
21.	Mr. Wajid Ali	Sub. Engineer (Civil)	11
22.	Mr. Falak Naz	Sub. Engineer (Civil)	11
23.	Mr. Adnan Malik	Sub. Engineer (Civil)	11
24.	Mr. Muhammad Salman	Sub. Engineer (Electrical)	11
25.	Mr. Ihsan Gul	Junior Clerk	11
26.	Mr. Shah Khalid	Junior Clerk	11
27.	Mr. Azhar Khan	Junior Clerk	11
28.	Mr. Abdul Qayum	Photo Copier	07
29.	Mr. Hashmat Ali	Driver	06
30.	Mr. Sabz Ali Khan	Driver	06
31.	Mr. Naseeb Khan	Driver	06
32.	Mr. Sajid Ali	Driver	06
33.	Mr. Daulat Khan	Driver	06
34.	Syed Aamir Shah	Driver	06
35.	Mr. Ayaz Khan	Driver	06
36.	Mr. Shahid Ahmed	Driver	06
37.	Mr. Shah Muhammad	Driver	06
38.	Mr. Alam Zaib	Driver	06

Attested
[Signature]

[Signature]
22/6/18

JAVED IQBAL / ILBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Sl. No.	Name	Designation	Grade
39.	Mr. Muhammad Umer	Driver	06
40.	Mr. Moeen Ud Din	Driver	06
41.	Mr. Rooh Ullah	Naib Qasid	03
42.	Mr. Irfan Ullah	Naib Qasid	03
43.	Mr. Ayaz Anwar	Naib Qasid	03
44.	Syed Muzammil Shah	Naib Qasid	03
45.	Mr. Mateeullah	Naib Qasid	03
46.	Syed Manzoor Ahmed	Naib Qasid	03
47.	Mr. Muhammad Zahid	Naib Qasid	03
48.	Mr. Shahid Khan	Naib Qasid	03
49.	Mr. Faiz Sajjad	Naib Qasid	03
50.	Mr. Fazl-e-Raziq	Watcherman	03
51.	Mr. Barkat Ullah Khan	Watcherman	03
52.	Mr. Shah Khalid	Watcherman	03
53.	Mr. Jamshid Khan	Washerman	03
54.	Mr. Adesh Kumar	Sweeper	03

-sd-

Secretary to Govt. of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Endst. No. & date even

Copy forwarded for information to:-

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar.
2. Accountant General Khyber Pakhtunkhwa, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment & Admn Department.
6. Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
7. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
8. Manager Govt. Printing Press Peshawar for publication in the official gazette.
9. PS to Home Secretary, Khyber Pakhtunkhwa.
10. Section Officer (General), Home Department.
11. Officers / Officials Concerned.

Attested
[Signature]

(HUMAIRA MEHMOOD)
SECTION OFFICER (DEV.)
PH: 091-9210238 Fax No. 091-9210201

Section Officer (Dev) D:\Development Folder\General file of Development Section.docx

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JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC #5317)

Change of 'F'
Nomenclature



Coordination Unit for implementation of law and order initiatives
in Khyber Pakhtunkhwa Police Department



Ph: 091-9212035, Fax: 091-5201289, E-mail:- dw.cu.kppolice@gmail.com

No. 26-27/CU/DG

Dated:- 22/12/2020

To
The Secretary Home & Tribal Affairs Department,
Govt of Khyber Pakhtunkhwa.

Attention:- Section Officer (Budget),
Home & Tribal Affairs Department.

Subject:- CHANGE OF NOMENCLATURE/CADRE OF ONE POST OF PHOTOCOPIER.

Kindly refer to your office letter No. SO(Budget)/HD/5-20/2020 dated 08th
December, 2020 regarding the subject cited above, please find enclosed the Draft Note for
Secretary Finance in the instant matter for further submission and consideration please.

(MUHAMMAD KAREEM KHAN)PSP
DIRECTOR GENERAL
Coordination Unit
Police Department

Copy for information if forwarded to the:-

1. Budget Officer, Central Police Officer, Police Department, Khyber Pakhtunkhwa

DIRECTOR GENERAL

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASO # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(SC # 5317)

office led
07-10-20



Coordination Unit for implementation of law and order initiatives
In Khyber Pakhtunkhwa Police Department



F-I

Ph: 091-9212035, Fax: 091-5201289, E-mail: dw.cu.kppolice@gmail.com

No: 02-06 /CU/DG

Dated: 01/10/2020

To

The Secretary,
Home & Tribal Affairs Department,
Khyber Pakhtunkhwa.

Attention: - The Section Officer (Budget),
Home & Tribal Affairs Department.

Subject:- CHANGE OF NOMENCLATURE/CADRE OF ONE POST OF PHOTOCOPIER.

Refer to the Establishment department letter No.SO(O&M)E&AD/3-15/2019 dated 27th August, 2020 and to state that Establishment department has stated that nomenclature of the various project employees have been changed, where it was required, to bring in conformity to regular posts. This office has one post of Assistant Procurement Officer, which was changed with Procurement Officer (F/A).

It is to bring to your kind notice that this office has one post of CCTV/Photocopier Operator (BPS-07) (F/B). Mr. Abdul Qayum who is working on the said post since 22nd October, 2013, but in the regularization order he has been regularized against the post of Photocopier (BPS-07) (F/C). Therefore, the incumbent deprived to get enrolled in proper cadre i.e. Junior Clerk or CCTV Operator. It is important to mention here, that at the time of their initial appointment, Junior Clerk and CCTV/Photocopier Operator have same scale i.e. BPS-07, but now they are in BPS-11. Furthermore, the incumbent possess the requisite qualification for the post of Junior Clerk i.e. F.A (F/D).

Therefore, it is requested to process the case with concerned department to change the nomenclature of one number post of this office from Photocopier to Junior Clerk (BPS-11) to bring in conformity to regular posts, as Junior Clerk are in BPS-11 and the said employee will get adjusted in proper cadre.

(Muhammad Karim Khan)^{PSP}
DIRECTOR GENERAL
Coordination Unit
Police Department

Copy of the letter is forwarded to:-

1. The PSO to Provincial Police Officer, Khyber Pakhtunkhwa.
2. The PS to Secretary Finance Department, Government of Khyber Pakhtunkhwa.
3. The Budget Officer, Police Department, Khyber Pakhtunkhwa.

DIRECTOR GENERAL
JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5817)

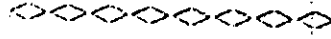
JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)



29

F-II

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT



No. SO (Budget)/IID/5-1/2018
Dated Peshawar the November 04th, 2020

To

The Director General,
Coordination Unit,
Police Department,
Khyber Pakhtunkhwa.

Subject: CHANGE OF NOMENCLATURE/CADRE OF ONE POST OF PHOTOCOPIER.

Dear Sir,

I am directed to refer to your letter No.02-06/CU/DG dated 01.10.2020 on the subject noted and to state that kindly provide copies of the Service Rules of the respective employees to proceed further in the matter.

Yours faithfully,

Encls: As above

(JANNISAR)
SECTION OFFICER (BUDGET)

Endst No & Date Even

Copy forwarded to the PS to Special Secretary-II, Home Department, Khyber Pakhtunkhwa.

SECTION OFFICER (BUDGET)

Diary No: 9135/DG. Encl 0
Date: 05/11/2020

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)



Coordination Unit for implementation of law and order initiatives
in Khyber Pakhtunkhwa Police Department.



F-III

Ph: 091-9212035, Fax: 091-5201289, E-mail:- dw.cu.kppolice@gmail.com

No:- 09-12 /CU/AO

Dated:- 30/11/2020


To

The Budget Officer,
Home & Tribal Affairs Department,
Govt of Khyber Pakhtunkhwa.

Subject:- **CHANGE OF NOMENCLATURE/CADRE OF ONE POST OF CCTV/ PHOTOCOPIER OPERATOR.**

Kindly refer to your office letter No.SO(Budget)/HD/5-1/2018 dated 04th November,2020 (Copy enclosed) regarding the subject cited above and to state that the Service Rules of Project employees is yet to be finalized by the concerned department.

It is therefore requested that the subject case may also be referred to anomaly /redressal committee to change the nomenclature of Mr. Abdul Qayum from CCTV/Photocopier Operator to Junior Clerk to bring in conformity to regular posts as stated by the Establishment Department in their letter.


DIRECTOR GENERAL
Coordination Unit
Police Department

Copy for information if forwarded to:-

1. P.S to Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa
2. P.S to Secretary, Finance Department, Khyber Pakhtunkhwa
3. Budget Officer, Central Police Officer, Police Department, Khyber Pakhtunkhwa


DIRECTOR GENERAL

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)



39

F-11

Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

No. SO (Budget)/HD/5-20/2014

Dated Peshawar the February 3, 2021

The Director General,
Coordination Unit,
Police Department, Peshawar

Subject: - CHANGE OF NOMENCLATURE/CADRE OF ONE POST OF PHOTOCOPIER

I am directed to refer to your office No.26-27/CU/DG dated 22.12.2020 on the captioned subject and to provide copy of service rule (if any) of the requisite post to this department for further processing, please.

Sammy 03/02/2021
(MUHAMMAD SAEED)
SECTION OFFICER (BUDGET)

Enclst No & Date Even

Copy forwarded for information to PA to Deputy Secretary (Dev), Home Department.

SECTION OFFICER (BUDGET)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

Diary No: 9494/DG
Date: 02/02/2021



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Annⁿ F-V

Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

No. SO (Budget)/HD/5-20/2014

Dated Peshawar the March 8th, 2021

To

The Director General,
Coordination Unit,
Police Department, Peshawar

Subject: -

**DIFFERENCES / VARIATIONS IN SCALE OF SUB ENGINEERS
REGULARIZED UNDER "KHYBER PAKHTUNKHWA EMPLOYEES
(REGULARIZATION OF SERVICES) ACT 2018".**

Dear Sir,

I am directed to refer to your office No.01/CU/DG dated 09-11-2020 on the captioned subject and to state that the instant case cannot entertain in the absence of service rule, please.

Yours faithfully,

(MUHAMMAD SAEED)
SECTION OFFICER (BUDGET)

Endst No & Date Even

Copy forwarded for information to PA to Deputy Secretary (Dev), Home Department.

SECTION OFFICER (BUDGET)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

Diary No: 9661/DG
Date: 11/03/2021

copy
APP

33

G/I



PROJECT COORDINATION UNIT

POLICE DEPARTMENT KHYBER PAKHTUNKHWA

Subject: CHANGE OF NOMENCLATURE/CADRE OF ONE POST OF PHOTOCOPIER.

Finance Department has sanctioned one post of CCTV/Photocopier Operator (BPS-07) for Project Coordination Unit, Police Department vide its letter No. SO(Dev-II)/FD/7-4/2013-14 dated 06th September 2013 (F/A). Mr. Abdul Qayum has appointed against the said post on 21st October 2013.

2. The incumbent along with the post has been regularized by the government of Khyber Pakhtunkhwa on 07th March 2018 vide Regularization of Services Act-2018.

3. The Establishment department has changed the nomenclature of various project posts to bring them in conformity with regular posts. Nomenclature of one post of this office has already been changed by the Establishment department. Copy of the letter is enclosed (F/B).


4. The incumbent who is working in this office on the post of the CCTV/Photocopier Operator has been regularized against the post of Photocopier. (F/C). Therefore, the incumbent deprived to get enrolled in the proper cadre.

5. Furthermore, at the time of initial appointment in this project, the post of CCTV/Photocopier Operator and Junior Clerk has the same scale, i.e. BPS-07. On the analogy of clerical posts, the Junior Clerk of this office granted BPS-11; but on the other hand, the post of CCTV/Photocopier Operator was changed to the Photocopier. This change makes it a class-IV post, which creates a sense of inequality.

6. Mr. Abdul Qayum who worked on the post of CCTV/Photocopier Operator since 21st October 2013, do possess the requisite qualification as required for the post of Junior Clerk i.e. F.A (F/D).

7. Therefore, keeping in view of his previous sanctioned post, qualification, and precedent cases as mentioned above, it is recommended to change the nomenclature of one number post of this office from Photocopier to Junior Clerk to bring in conformity to regular posts as stated by the Establishment department in their letter.

8. Submitted for approval please.


(MUHAMMAD KAREEM KHAN) PSP
DIRECTOR GENERAL
Coordination Unit,
Police Department

IAVED IQBAL GULBEHA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

Annexure g-II

34

To

The Secretary,
Home & Tribal Affairs Department,
Peshawar.

Subject: - CHANGE OF NOMENCLATURE.

R/Sir,

Kindly refer to the subject cited above and to state that Finance Department has sanctioned one post of CCTV/Photocopier Operator (BPS-07) for Project Coordination Unit, Police Department vide its letter NO.SO(Dev-II)FD/7-4/2013-14 dated 06th September, 2013 (Annex-A). Subsequently, I was appointed against the said post on 21st October, 2013 (Annex-B).

Government of Khyber Pakhtunkhwa has regularized my services vide Regularization of Services Act-2018 in March-2018 (Annex-C).

The department issues my regularization order against the post of Photocopier and thus deprived me to get enrolled in proper cadre i.e. Clerk or CCTV Operator etc.

It is brought to your kind notice that after regularization of employees (Reg Act-2018) the Establishment Department has changed the nomenclature of various project posts to bring them in conformity with regular posts. Nomenclature of one post of this office has already been changed by the Establishment Department (copy of the letter is enclosed (Annex-D).

Furthermore, all the employees, working with me in Project Coordination Unit as Office Secretary (BPS-7) are regularized by the department as Junior Clerk (BPS-11) (Copy attached as Annex-E).

Therefore, it is requested that keeping in view my qualification and initial post, my nomenclature may please be change with Junior Clerk or CCTV Operator etc.

I shall be very thankful to you for this act of kindness.

[Handwritten signature]
14-6-22

[Handwritten signature]
ABDUL QAYYUM
Photocopier,
Coordination Unit,
Police Department.
03454603410

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

Copy
Petition

~~ATTEST~~

"H"

(BS)

BEFORE THE HON'BLE PESHAWAR HIGH COURT

PESHAWAR

In Writ Petition No. _____/2022



Abdul Qayyum S/o Zarbadshah R/o Chamatar, Bakri Banda,
P.O Mardan Tehsil & District Mardan.

.....Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa Police.
3. Deputy Inspector General of Police, Mardan.
4. Regional police Officer, Mardan.
5. Secretary Finance, Government of Khyber Pakhtunkhwa.
6. Secretary Establishment, Government of Khyber Pakhtunkhwa.

.....Respondents

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

Respectfully Sheweth,

1. That the Petitioner is a naturally born *bonafide* citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That the Finance Department of the Respondent Department had earlier for the year 2012-2013, had sanctioned a post of "CCTV Operator/Photocopier" in BPS-07 for the purpose of Project Coordination Unit (PCU) via ADP Scheme No. 956 (80599) via Letter No. SO(Dev-II) FD/7-4/2013-2014 Dated: 06-06-2013. Hence, the Petitioner being qualified for the said post, therein made an apply and after going through the ordeals and inquisitions of the appointment criteria, so was appointed against the same post of "CCTV Operator/Photocopier" in BPS-7 vide Office Order Dated: 1761/SDSP/PCU/PROC Dated: 14-10-2013.

ATTESTED
EXAMINER
Peshawar High Court

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(Copy of the Notification No. SO(DEV-II)FD/7-4/2013-2014 Dated: 06-09-2013, , Appointment Order & Arrival Report Dated: 17-10-2013 is annexed here as ANNEXURE "A, B & C")

3. That after the Provincial Government of Khyber Pakhtunkhwa promulgated the Khyber Pakhtunkhwa Employees (Regularization of Services) Act of 2018, thus the project of the Petitioner services of the Petitioner were regularized vide Office Order No. F. No.SO (DEV)/ HD General-project/2017-2018/Vol-III(203940) Dated: 20-06-2018 (Copy of the Khyber Pakhtunkhwa Regularization Act 2018 is annexed here as ANNEXURE "D")
4. That after the rounds of regularization of the employees, the Provincial Government issued a Notification no. BO.1/FD/5-17/2018-2019, Dated: 17-07-2018 wherein it was directed to change the nomenclature of posts which were not in conformity with the regular posts, so that they shall be brought in line with the posts on regular side, subject to the condition that the employee shall possess the requisite qualifications and other credentials, shall be provided to the Department, for the said regular post against which he seeks regularization. (Copy of the Notification no. BO.1/FD/5-17/2018-2019, Dated: 17-07-2018 is annexed here as ANNEXURE "F")
5. That as per the directions laid out by the Provincial Govt., the Respondent Department issued the regularization order of the Petitioner. Though the services of the Petitioner were regularized under the same Act of 2018 but against the post of the Photocopier (BPS-04), and not against the CCTV Operator. It is pertinent to mention here that the Petitioner was appointed against a post of "dual characteristics" and hence the said post against which the Petitioner was initially appointed was at par with the post of Junior Clerk, meaning thereby all three posts i.e.,

ATTESTED
EXAMINER
Peshawar High Court

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CCTV Operator, Photocopier & Junior Clerk were analogical and in the same pay scale of BPS-07.

6. That the real dilemma occurred when at the time of issuing notification of Regularization of the Petitioner, not only the nomenclature of the Petitioner which was assigned to him & upon which he was serving, did change, but rather the Petitioner was demoted from the post of "CCTV Operator/Photocopier in BPS-07" to the post of Photocopier in BPS-04. (Copies of Office Order No. 2/27/CU/DG Dated: 22-02-2020, Office Letter No. 02-06-CU/DG Dated: 01-10-2020, Office Letter Dated: 04-11-2020 , Office Letter No. 09-12/CU/AO Dated: 30-11-2020, Office Letter No. SOBUDGET/HD/5-20-2014 Dated: 03-02-2021 & Office Letter No. SOBUDGET/HD/5-20-2014 Dated: 08-03-2021 are annexed here as ANNEXURE "F, F-I, F-II, F-III, F-IV & F-V" respectively)
7. That while the Department callously regularized the services of the Petitioner in BPS-04, the employees of analogical post of Junior Clerk were regularized into pay scale of BPS-11, thus causing a sea of variance and havoc which bereft the Petitioner from proper allocation in any cadre. In order to sort the disrupted Petitioner moved several applications and reminders to his high-ups, explaining his position and to remedy the harm caused to the Petitioner the change of nomenclature. (Copies of the Applications is annexed here as ANNEXURE "G ")
8. The Petitioner has not only been appointed on the said post but had been qualified to be appointed as the same has been provided in Section- 4 of the Regularization Act of 2022, but contrary to law, custom, service & prudence, he regularized and emoted to post of lower grade, hence, in this August Court as a last resort for the upgradation from the post of "Photocopier (BPS-04)".

ATTESTED
EXAMINER
Public Service Commission

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9. That feeling aggrieved & exhausted, the Petitioner, having no remedy else-where approaches this August Court for the upgradation from the post of "Photocopier in BPS-04" to a high post of "Junior Clerk in BPS-11" or "CCTV Camera Operator in BPS-12" modification of the Impugned Appointment Order for its issuance with respect to the post of "Junior Clerk in BPS-11" or "CCTV Camera Operator in BPS-12" upon the following ground, *inter-alia*;

GROUND:

- A. That there exists no other expedient- cum- expeditious and adequate remedy available elsewhere, hence the instant petition under the extra-ordinary jurisdiction of this August Court.
- B. That the petitioner is naturally born *bonafide* citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed, and enforced by the laws and law Courts of the land.
- C. That it is a cherished principal of law that whether a law requires a thing to be done in a manner, the same is to be done in that vary manner and not otherwise.
- D. That the fellow employee of the Petitioner, who had been issued an appointment letter for the post of Computer Operator in BPS-12, and he served under the same title & designation, but when his services were regularized then he was upgraded to the post of Computer Operator in BPS-16. It is highly important to mention here that he did not possess the requisite qualification but still he was given a grace period of four years to acquire the prescribed qualification, while keeping the case of Petitioner with the said Khurram Ali Shehzad in juxtaposition, the Petitioner has been meted out with unjust & arbitrary exercise of powers, as the Petitioner is fully eligible and qualified to be appointed against the post of Junior Clerk in BPS-11, that was not the case.
- E. That it is pertinent to mention here that while promulgating the Regularization Act of 2022, the same had been concurred by the Finance Department and thereafter it became the law & an Act. Meaning thereby, that equal number of posts or more than the ones on the fleet of the Provincial Disaster Management Authority (PDMA) had created by the Finance

ATTESTED
EXAMINER

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Department in consultation with the Establishment Department, instead of appointing the Petitioner against his created post of the CCTV Operator in BPS-12, the same had been kept aloof from the Petitioner to be filled by some blue-eyes one & on the other hand, the Petitioner had been appointed against the post which was many grades below than his respective post, which cannot be justified under any canon of law.

- F. That discrimination & partially unfettered & unbridled exercise of the discretionary powers vested in public functionaries is not only deplorable but always results in devastated effects which is always chucked down quite deliriously by Superior Courts of the land.
- G. That no law or provision of law justifies the demotion or degradation as being envisaged by the Petitioner, & even if there is restructuring of any department, then the Civil Servants Act provides that the concerned Officer/Employee/Civil Servant must be given an option either to take a lower post & grade or otherwise, but in no case the financial benefits is effected to the disadvantage of the effected Officer/Employee/Civil Servant, but here the situation is different as neither the Petitioner was given any option for appointment against the lower post nor the Petitioner can be made subject to such like nefarious & malicious act of demotion whereby the Petitioner has been assigned post much below than his respective post.
- H. That from all perspectives, the Petitioner was & is entitled to be appointed & adjusted against, with ancillary benefits, to the post of "Junior Clerk in BPS-11" or "CCTV Camera Operator in BPS-12" w.e.f the same date as notified in the Regularization Act 2022, with all back benefits.
- I. That from all perspectives, the Petitioner was & is entitled to be appointed & adjusted against, with ancillary benefits, to the post of "Junior Clerk in BPS-11" or "CCTV Operator in BPS-12" w.e.f the same date as notified in the Regularization Act 2022, with all back benefits.
- J. Any other ground not raised here, may kindly be allowed to be raised at the time of arguments.

It is therefore most humbly prayed that on acceptance of the instant petition;

- (i) *The Respondents be directed to modify the appointment order of the Petitioner & the same be directed to be issued against the post of the Computer Operator in BPS-12, wherein if he lacks the requisite criteria for the post, the Petitioner be given grace period to acquire the same;*

ATTESTED
EXAMINER
Peshawar High Court

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- (ii) *If the first part of the prayer is not feasible, then the Respondent be directed to appoint the Petitioner against the post of "Junior Clerk in BPS-11" instead & as against the post of "Photocopier in BPS-04" for all intents & purposes with all back benefits.*

Any other relief not specifically asked for, may very graciously be extended in the favor of the Petitioner, in the circumstances of the case.

Interim Relief:

By way of interim relief, the Respondents be directed to restrain from taking any adverse against the Petition, till the final disposal of the instant writ petition.

Dated: 05-08-2022

Petitioner

Through

Javed Iqbal Gulbela
Advocate Supreme Court,
Pakistan.

&

Saghir Iqbal Gulbela
Advocates, High Court,
Peshawar

Certificate: -

No such like writ petition has earlier been moved by me prior to this one, for the same Petitioner upon the same subject matter & the case in hand pertains to the Hon'ble Divisional Bench (DB) of the August Court.

ADVOCATE

Law Books: -

1. Constitution of Islamic Republic of Pakistan 1973
2. Case law according to need.

ADVOCATE

ATTESTED
EXAMINER
Peshawar High Court

(41)

IN THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

In W.P No-_____/2022

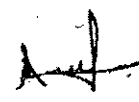
Abdul Qayyum

Versus

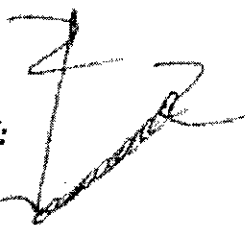
Government of Khyber Pakhtunkhwa

AFFIDAVIT


I, Abdul Qayyum S/o Zarbadshah R/o Chamtar, Bakri Banda, P.O Mardan Tehsil & District Mardan, do hereby solemnly affirm and declare that the contents of the Instant writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

DEPONENT 
CNIC: 16101-3403198-5 ✓
CELL NO:0345-4603410

IDENTIFIED BY:


JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan.

15498
I certify that the above was verified on solemnly sworn before me in office, this 03rd Aug 2022 by Abdul Qayyum Zarbadshah Mardan Javed Iqbal
Deputy Commissioner
Peshawar High Court, Peshawar


CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Janoon-e-Shahiadat Act 1984
08 NOV 2023

42

BEFORE THE HON'BLE PESHAWAR HIGH COURT,

PESHAWAR

In Writ Petition No. _____ /2022

Abdul Qayyum

Versus

Government of Khyber Pakhtunkhwa & Others

ADDRESSES OF PARTIES

ADDRESS OF PETITIONER:

Abdul Qayyum S/o Zarbadshah R/o Chamatar, Bakri Banda, P.O Mardan
Tehsil & District Mardan.

ADDRESSES OF RESPONDENTS:

- Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat, Peshawar.
- Inspector General of Police, Khyber Pakhtunkhwa Police.
- Deputy Inspector General of Police, Mardan.
- Regional police Officer, Mardan.
- Secretary Finance, Government of Khyber Pakhtunkhwa.
- Secretary Establishment, Government of Khyber Pakhtunkhwa.

Petitioner

Dated: 05-08-2022

Through

Javed Iqbal Gulbela
Advocate Supreme Court,
Pakistan.



CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanun-e-Shahadat Act 1984
08 NOV 2023

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

"I"
43



Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
06.11.2023	<p><u>WP No. 3056-P/2022</u></p> <p>Present: Mr. Javed Iqbal Gulbela, Advocate, for the petitioner.</p> <p>Barrister Kamran Qaiser, AAG alongwith Faheem, Assistant, Coordination Unit Police Department and Lal Zahin, Superintendent, Home & Tribal Affairs Department, Peshawar for the respondents.</p> <p>*****</p> <p>SHAKEEL AHMAD, J. After arguing the case at some length, learned counsel for the petitioner stated at the bar that he will press the instant petition, provided he is allowed to file departmental representation against the impugned order, passed by respondents, and thereafter, he shall be at liberty to file service appeal before the Khyber Pakhtunkhwa Service Tribunal. May do so, if so desired. Dismissed being not pressed.</p> <p> JUDGE</p> <p> JUDGE</p>

(D.B) Hon'ble Mr. Justice Shakeel Ahmad
Hon'ble Mr. Justice Wlqar Ahmad

Noor Shah

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8.7 of
the Qanoon-e-Shahadat Act 1984

08 NOV 2023

Copy
App

To,

Diary No. 44 Dated 14/10/2013
The Secretary,
Government of Khyber Pakhtunkhwa,
Home Department.
Deputy Secy

"J"
44

✓ Attention: The Director General,
Coordination Unit, Police Department,
Peshawar.

Subject: DEPARTMENTAL APPEAL FOR MODIFICATION OF THE
APPOINTMENT ORDER OF THE UNDERSIGNED, WITH ALL
BACK BENEFITS.

Respected Sir,

With high reverence, due deference and utmost obeisance, the Appellant very humbly solicits the instant Departmental Appeal to your good-self office, to the following effect;

1. That "the Undersigned" is a naturally born *bonafide* citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That the Finance Department of the Respondent Department had earlier for the year 2012-2013, had sanctioned a post of "CCTV Operator/Photocopier" in BPS-07 for the purpose of Project Coordination Unit (PCU) via ADP Scheme No. 956 (80599) via Letter No. SO(Dev-II) FD/7-4/2013-2014 Dated: 06-06-2013. Hence, the "the Undersigned" being qualified for the said post, therein made an apply and after going through the ordeals and inquisitions of the appointment criteria, so was appointed against the same post of "CCTV Operator/Photocopier" in BPS-7 vide Office Order Dated: 1761/SDSP/PCU/PROC Dated: 14-10-2013.
3. That after the Provincial Government of Khyber Pakhtunkhwa promulgated the Khyber Pakhtunkhwa Employees (Regularization of Services) Act of 2018, thus the project of the "the Undersigned" services of the "the Undersigned" were regularized vide Office Order No. F. No. SO (DEV)/ HD General-project/2017-2018/Vol-III(203940) Dated: 20-06-2018.
4. That after the rounds of regularization of the employees, the Provincial Government issued a Notification no. BO.1/FD/5-17/2018-2019, Dated: 17-07-2018 wherein it was directed to change the nomenclature of posts which were not in conformity with the regular posts, so that they shall be brought in line with the posts on regular side, subject to the condition that the employee shall possess the requisite qualifications and other credentials, shall be provided to the Department, for the said regular post against which he seeks regularization.
5. That as per the directions laid out by the Provincial Govt., the Respondent Department issued the regularization order of the "the Undersigned". Though the services of the "the Undersigned" were regularized under the same Act of

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC #15317)

2018 but against the post of the Photocopier (BPS-04), and not against the CCTV Operator. It is pertinent to mention here that the "the Undersigned" was appointed against a post of "dual characteristics" and hence the said post against which the "the Undersigned" was initially appointed was at par with the post of Junior Clerk, meaning thereby all three posts i.e., CCTV Operator, Photocopier & Junior Clerk were analogical and in the same pay scale of BPS-07.

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6. That the real dilemma occurred when at the time of issuing notification of Regularization of the "the Undersigned", not only the nomenclature of the "the Undersigned" which was assigned to him & upon which he was serving, did change, but rather the "the Undersigned" was demoted from the post of "CCTV Operator/Photocopier in BPS-07" to the post of Photocopier in BPS-04.

7. That while the Department callously regularized the services of the "the Undersigned" in BPS-04, the employees of analogical post of Junior Clerk were regularized into pay scale of BPS-11, thus causing a sea of variance and havoc which bereft the "the Undersigned" from proper allocation in any cadre. In order to sort the disrupted Petitioner moved several applications and reminders to his high-ups, explaining his position and to remedy the harm caused to the "the Undersigned" the change of nomenclature.

8. The "the Undersigned" has not only been appointed on the said post but had been qualified to be appointed as the same has been provided in Section- 4 of the Regularization Act of 2018, but contrary to law, custom, service & prudence, he regularized and emoted to post of lower grade, hence, in this August Court as a last resort for the upgradation from the post of "Photocopier (BPS-04)".

9. That the fellow employee of the "the Undersigned", who had been issued an appointment letter for the post of Computer Operator in BPS-12, and he served under the same title & designation, but when his services were regularized then he was upgraded to the post of Computer Operator in BPS-16. It is highly important to mention here that he did not possess the requisite qualification but still he was given a grace period of four years to acquire the prescribed qualification, while keeping the case of "the Undersigned" with the said Khurram Ali Shehzad in juxtaposition, the "the Undersigned" has been meted out with unjust & arbitrary exercise of powers, as the "the Undersigned" is fully eligible and qualified to be appointed against the post of Junior Clerk in BPS-11, that was not the case.

10. That it is pertinent to mention here that while promulgating the Regularization Act of 2022, the same had been concurred by the Finance Department and thereafter it became the law & an Act. Meaning thereby, that equal number of posts or more than the ones on the fleet of the Provincial Disaster Management Authority (PDMA) had created by the Finance Department in consultation with the Establishment Department, instead of appointing the "the Undersigned" against his created post of the CCTV Operator in BPS-12, the same had been kept aloof from the "the Undersigned" to be filled by some blue-eyes one & on the other hand, the "the Undersigned" had been appointed against the post which was many grades below than his respective post, which cannot be justified under any canon of law.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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11. That discrimination & partially unfettered & unbridled exercise of the discretionary powers vested in public functionaries is not only deplorable but always results in devastated effects which is always chucked down quite deliriously by Superior Courts of the land.
12. That no law or provision of law justifies the demotion or degradation as being envisaged by the "the Undersigned", & even if there is restructuring of any department, then the Civil Servants Act provides that the concerned Officer/Employee/Civil Servant must be given an option either to take a lower post & grade or otherwise, but in no case the financial benefits is effected to the disadvantage of the effected Officer/Employee/Civil Servant, but here the situation is different as neither the "the Undersigned" was given any option for appointment against the lower post nor the "the Undersigned" can be made subject to such like nefarious & malicious act of demotion whereby the "the Undersigned" has been assigned post much below than his respective post.
13. That from all perspectives, the "the Undersigned" was & is entitled to be appointed & adjusted against, with ancillary benefits, to the post of "Junior Clerk in BPS-11" or "CCTV Camera Operator in BPS-12" w.e.f the same date as notified in the Regularization Act 2022, with all back benefits.
14. That from all perspectives, the "the Undersigned" was & is entitled to be appointed & adjusted against, with ancillary benefits, to the post of "Junior Clerk in BPS-11" or "CCTV Operator in BPS-12" w.e.f the same date as notified in the Regularization Act 2022, with all back benefits.

It is therefore most humbly prayed that on acceptance of the instant representation;

"The Respondents be directed to modify the appointment order of the "the Undersigned" & the same be directed to be issued against the post of the Computer Operator in BPS-12, wherein if he lacks the requisite criteria for the post, the "the Undersigned" be given grace period to acquire the same; or the Respondent be directed to appoint the "the Undersigned" against the post of "Junior Clerk in BPS-11" for all intents & purposes with all back benefits"

DATED: 16/11/2023

Faithfully Yours,
Mr. Abdul Qayyum.
0345-4603410

Received
Khurram Shahzad
Dt:- 16/11/2023

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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Ann "OK"



Special Development Support (SDSP) for Khyber Pakhtunkhwa Police
Coordination Unit for implementation of law and order initiatives,
Khyber Pakhtunkhwa Police, Peshawar.

URL: www.sdsp.gkp.pk E-mail: deputydirectorpcu@gmail.com

Ph: 091-9212035, Fax 091-5202518

dated 8/08/2018

No.80/GF/Regularization/PCU/DD-S/1

To

The Section Officer (Dev),
Home & Tribal Affairs Department,
Government of Khyber Pakhtunkhwa.

Subject: **THE KHYBER PAKHTUNKHWA EMPLOYEES
(REGULARIZATION OF SERVICES) ACT, 2018.**

Subhead: **UNDER-QUALIFICATION INCUMBENT**

Kindly refer to the subject cited above wherein regularization of various projects employees has been completed successfully. In this regard a series of meetings have been convened under the chairmanship of Special Secretary Finance Department, wherein it was unanimously decided that a separate case for the under-qualification incumbents would be processed and they would be regularized/appointed to the post according to their qualification.

In view of above it is to inform you that **Mr. Khurram Ali Shahzad (Computer Operator)** was appointed in this unit as per PC-I/ Advertisement of that time wherein required qualification for "**Computer Operator (BPS-12)**" was **FA + DIT**. Now, the said incumbent does not fulfill the minimum required qualification as per "Regularization of Services Act, 2018". Therefore, his case may please be forwarded to the quarter concerned for "**Junior Clerk (BPS-11)**" as he possesses the required qualification for the proposed post. The educational documents of **Mr. Khurram Ali Shahzad** are attached herewith for ready reference please.

This office would be highly obliged for your cooperation and early action in this regard.

Asmal
Deputy Director (S),
Coordination Unit,
Khyber Pakhtunkhwa Police.

Copies forwarded for information & Necessary action to the:

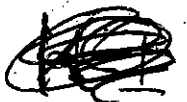
1. Director General, Project Coordination Unit, Peshawar.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)
Amir
Deputy Director (S),
Coordination Unit,
Khyber Pakhtunkhwa Police.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)



Coordination Unit for implementation of law and order initiatives
in Khyber Pakhtunkhwa Police Department.
Ph: 091-9212035, Fax: 091-5202518



No: 01/82/GF/CU/DD-5

DATED: 22/07/2019

To

The Secretary,
Home & Tribal Affairs Department,
Government of Khyber Pakhtunkhwa.

Attention: Section Officer (Budget)

Subject: **CONSTITUTION OF A COMMITTEE FOR SETTLEMENT OF ANOMALIES ARISING OUT IN THE WAKE OF PROMULGATION OF THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018.**

Subhead: **UNDER-QUALIFICATION INCUMBENT**

Kindly refer to the subject cited above wherein regularization of various projects employees has been completed successfully. In this regard a series of meetings have been convened under the chairmanship of Special Secretary Finance Department, wherein it was unanimously decided that a separate case for the under-qualification incumbents would be processed and they would be regularized/appointed to the post according to their qualification. Accordingly the case of the under qualification incumbent **Mr. Khurram Ali Shahzad (Computer Operator)** was forwarded to your office for onward submission to the quarter concerned vide this office letter No.80/GF/Regularization/PCU/DD-S/1 Dated 08/08/2018.

The same was forwarded to the Establishment Department Khyber Pakhtunkhwa vide your office letter No.SO(DEV)/HD/General-Projects/2017-18/Vol-III (203940) Dated 15/08/2018. But, it was not included in the under qualification incumbent list for Anomalies Committee and the case of the incumbent in question was not enlisted in the decision of the meeting issued by the Establishment Department vide No.SO(O&M)/E&AD/3-15/2019 date 20/05/2019 wherein it has been decided for the under qualification computer operators that:

"With regard to Computer Operators having less qualification, the Administrative Department should take up case with Finance Department to create SNE positions in BS-12. However, the incumbents will be given grace period of four years to acquire the prescribed qualification for the post of computer operator (BPS-16) i.e. Graduation with Diploma in IT (DIT)".

In view of above it is once again requested that the case of under qualification incumbent **Mr. Khurram Ali Shahzad (Computer Operator)** may please be re-submitted to the quarter concerned to enlist him as per decision made by the Anomalies Committee as reproduced above so as to proceed further in the matter please.

This office would be highly obliged for your cooperation and early action in this regard.

Amal
Deputy Director (S)
Coordination Unit,
Khyber Pakhtunkhwa Police.

Copies forwarded for information & Necessary action to the:

1. Director General, Coordination Unit, Khyber Pakhtunkhwa Police.
2. Section Officer, O&M, Regulation Wing, Establishment Department.
3. Section Officer (Dev), Home & Tribal Affairs Department, Khyber Pakhtunkhwa.
4. Accounts Officer, Coordination Unit, Khyber Pakhtunkhwa Police.
5. Mr. Khurram Ali Shahzad, Coordination Unit, Khyber Pakhtunkhwa Police.

Amal
Deputy Director (S)
Coordination Unit,
Khyber Pakhtunkhwa Police.

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Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

List Of Employees with Current and Proposed Posts

Project Title "Project Coordination Unit for Implementation of Law and Order Initiatives in Khyber Pakhtunkhwa, Police Department, ADP No.702/80599 (2017-18)"					
S.#	Employee Name	PC-1 Designation	PC-1 Required Qualification / Incumbents Qualification	Required Qulaification on Regular Side	Propsoed Post
1	Khurram Ali Shahzad	Computer Operator (BPS-16)	FA / FSC + DIT	Bachelor Degree in Computer Science or Bachelor Degree or Equivalent with Diploma in Information Technology	to create SNE positions in BS-12 or prescribe alternate feasible solution

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 (ASC # 5317)

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 (ASC # 5317)

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Coordination Unit for implementation of law and order initiatives
in Khyber Pakhtunkhwa Police Department.



Ph: 091-9212035, Fax: 091-5201289, E-mail:- dw.cu.kppolice@gmail.com

Ny 18-20 /CU/DG

Dated:- 16 /07 /2020

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To

The Accountant General,
Khyber Pakhtunkhwa,
Peshawar.

Attention: The Accounts Officer (PR-06).

Subject:- REGULARIZATION OF SERVICES OF MR. KHURRAM ALI SHAHZAD
(COMPUTER OPERATOR BS-12).

Kindly refer to the Home & Tribal Affairs Department notification No. SO(Budget)/HD/5-14/2019, dated 26/02/2020, regarding the subject cited above, it is stated that the services of Mr. Khurram Ali Shahzad S/O. Shahzad Shaheen (Computer Operator BPS-12), working under Coordination Unit for implementation of Law & Order Initiatives in Khyber Pakhtunkhwa, Police Department is regularized w.e.f 07/03/2018 (copy enclosed).

It is, therefore requested that the salary of the above-named official may kindly be release since regularization.

Director Works

Coordination Unit, Police Department
Khyber Pakhtunkhwa

Copy forwarded to:-

1. The Director General, Coordination Unit, Police Department, Peshawar
2. The SO (Budget), Home & Tribal Affairs Department, Peshawar

Director Works

JAVED IQBAL GULBEELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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Advocate
Supreme Court of Pakistan
(ASC # 5317)

031101 COURTS/JUSTICE

FUNCTIONAL CUM OBJECT CLASSIFICATION
AND PARTICULARS OF THE SCHEME

NUMBER OF
POSTS
2019-2020

BUDGET
ESTIMATES
2019-2020

RELEASED
2019-2020

			Rs	Rs	Rs
03	PUBLIC ORDER AND SAFETY AFFAIRS				
031	LAW COURTS				
0311	LAW COURTS				
031101	COURTS/JUSTICE				
PR4077	High Court (Charged)				
J136	Judicial Assistant	(BPS-14)	4	1,218,000	1,218,000
S035	Senior Clerk	(BPS-14)	30	9,538,000	9,538,000
S115			2	307,000	307,000
C417	CCTV Camera Operator	(BPS-12)	12	1,902,000	1,902,000
C417			2	362,000	362,000
C011	Care Taker	(BPS-11)	1	205,000	205,000
J013	Junior Clerk	(BPS-11)	60	12,392,000	12,392,000
P334	Protocol Assistant	(BPS-11)	1	457,000	457,000
P022	Fesh Inam	(BPS-09)	1	310,000	310,000
G601	Garage Superintendent	(BPS-08)	1	492,000	492,000
S230	Security Incharge	(BPS-08)	1	303,000	303,000
T019	Telephone Operator	(BPS-08)	3	1,288,000	1,288,000
T019	Telephone Operator	(BPS-07)	4	382,000	382,000
C097	Cook-Cum-Bearer	(BPS-06)	2	1,006,000	1,006,000
D112	Driver	(BPS-06)	38	8,263,000	8,263,000
B042	Book Binder	(BPS-04)	2	516,000	516,000
C075	Cook	(BPS-04)	6	464,000	464,000
C167	Court Bailiff	(BPS-04)	8	1,615,000	1,615,000
D006	Daftari	(BPS-04)	8	2,303,000	2,303,000
D112	Driver	(BPS-04)	2	255,000	255,000
L037	Lift Operator	(BPS-04)	4	935,000	935,000
R016	Record Lifter	(BPS-04)	2	585,000	585,000
C057	Chowkidar	(BPS-03)	10	2,042,000	2,042,000
C095	Cook	(BPS-03)	1	178,000	178,000
D006	Daftari	(BPS-03)	3	244,000	244,000
K048	Khadim	(BPS-03)	1	233,000	233,000
M010	Mali	(BPS-03)	27	4,783,000	4,783,000
S005	Naib Qasid	(BPS-03)	85	19,201,000	19,201,000

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(ASC #5317)

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Advocate
Supreme Court of Pak.
(ASC # 5317)

NC24015 (011)
ADMINISTRATION OF JUSTICE

52

031101 COURTS/JUSTICE

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME			NUMBER OF POSTS 2019-2020	BUDGET ESTIMATES 2019-2020		RELEASED 2019-2020
				Rs	Rs	
03	PUBLIC ORDER AND SAFETY AFFAIRS					
031	LAW COURTS					
0311	LAW COURTS					
031101	COURTS/JUSTICE					
PR4077	High Court (Charged)					
J136	Judicial Assistant	(BPS-14)	4	1,218,000		1,218,000
S035	Senior Clerk	(BPS-14)	30	9,538,000		9,538,000
S115			2	307,000		307,000
C417	CCTV Camera Operator	(BPS-12)	12	1,902,000		1,902,000
C014	Care Taker	(BPS-11)	2	362,000		362,000
J013	Junior Clerk	(BPS-11)	1	205,000		205,000
P334	Protocol Assistant	(BPS-11)	60	12,392,000		12,392,000
P022	Pesh Imam	(BPS-09)	1	457,000		457,000
G001	Garage Superintendent	(BPS-08)	1	310,000		310,000
S230	Security Incharge	(BPS-08)	1	492,000		492,000
T019	Telephone Operator	(BPS-08)	1	303,000		303,000
T019	Telephone Operator	(BPS-07)	3	1,288,000		1,288,000
C097	Cook-Cum-Beater	(BPS-06)	4	382,000		382,000
D112	Driver	(BPS-06)	2	1,006,000		1,006,000
B042	Book Binder	(BPS-04)	58	8,263,000		8,263,000
C095	Cook	(BPS-04)	2	516,000		516,000
C167	Court Bailiff	(BPS-04)	6	464,000		464,000
D006	Daftari	(BPS-04)	8	1,615,000		1,615,000
D112	Driver	(BPS-04)	3	2,303,000		2,303,000
L037	Lift Operator	(BPS-04)	2	255,000		255,000
R016	Record Lifter	(BPS-04)	4	933,000		933,000
C057	Chowkidar	(BPS-03)	2	585,000		585,000
C095	Cook	(BPS-03)	10	2,042,000		2,042,000
D006	Daftari	(BPS-03)	1	178,000		178,000
K005	Khadim	(BPS-03)	3	244,000		244,000
M010	Mali	(BPS-03)	1	233,000		233,000
N005	Naib Qasid	(BPS-03)	27	4,783,000		4,783,000
			85	19,201,000		19,201,000

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(300) (53)

NC21004 (003)
FINANCE DEPARTMENT

011204 ADMINISTRATION OF FINANCIAL AFFAIRS

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME		NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
		2019-2020	2020-2021	2019-2020	2019-2020	2020-2021
				Rs	Rs	Rs
01	GENERAL PUBLIC SERVICE					
011	EXECUTIVE & LEGISLATIVE ORGANS, FINANCIAL					
0112	FINANCIAL AND FISCAL AFFAIRS					
011204	ADMINISTRATION OF FINANCIAL AFFAIRS					
PR8038	Appellate Tribunal Peshawar					
A01	TOTAL EMPLOYEES RELATED EXPENSES.			12,667,000	20,206,000	
A011	TOTAL PAY	29		11,667,000	11,679,000	
A011-1	TOTAL PAY OF OFFICERS	10		7,774,000	7,786,000	
A01101	Total Basic Pay Of Officer	10		7,774,000	7,774,000	
J158	Judicial Member (BPS-21)	1		1,341,000		
M158	Member (Technical) (BPS-20)	1		1,208,000		
R022	Registrar (BPS-19)	1		1,076,000		
D051	Deputy Registrar (BPS-18)	1		804,000		
A007	Accounts Officer (BPS-17)	1		640,000		
A135	Assistant Registrar (BPS-17)	1		640,000		
P075	Private Secretary (BPS-17)	2		1,280,000		
C082	Computer Operator (BPS-16)	2		785,000		
A01102	Personal pay				6,000	
A01103	Special Pay				6,000	
A011-2	TOTAL PAY OF OTHER STAFF	19		3,893,000	3,893,000	
A01151	Total Basic Pay Other Staff	19		3,893,000	3,893,000	
N012	Nazir (BPS-14)	1		593,000		
R010	Reader (BPS-14)	2		785,000		
C494	Copyst (BPS-11)	1		310,000		
M066	Moharrir (BPS-11)	1		310,000		
N009	Nazir (BPS-11)	1		310,000		
R013	Record Keeper (BPS-11)	1		310,000		
D012	Driver (BPS-06)	3		198,000		
D006	Ladrai (BPS-04)	1		171,000		
Q004	Qasid (BPS-04)	2		342,000		
C057	Chowkidar (BPS-05)	2		112,000		

JAVED IOBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IOBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

وکالت نامہ

S Tribunal, Peshawar

بعد الت:

حکومت

بنام

عبدالقیوم

SA

مخانب Appellant دعوی

01-03-2024

تاریخ

باعتبار حریز آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے داخل پوری و جوابی

بمقام لکھنؤ سیکرٹریٹ جاوید اقبال گل بیلہ ایجوکیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگ یا بزرگ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کرونگا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پشوری کی کسی اور جگہ یا پشوری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پشوری کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام پشوری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پر داخہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد وراثی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم انتہائی یا قرتی یا گرفتاری قبل اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پشوری کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پشوری نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

سیدہ اہلسہ

عبدالجبار

عبدالقیوم

Amir

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01/03/24

BC-23-6301

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