

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 2038/2020

Hassan Gul.....Appellant

Versus

District Education Officer (M), Nowshera & others

.....Respondents

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Appellant

Through

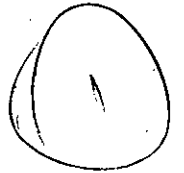
Md. Asif
Muhammad Asif

Advocate Supreme Court

Off: 214 Syed Ahmad Ali Building
near Taj Autos, Sunehri
Masjid Road, Peshawar Cantt.

Cell: 0302-8885187

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR



2038
Service Appeal No. _____/2020

Khyber Pakhtukhwa
Service Tribunal

Diary No. 2292

Dated 18/3/2020

Hassan Gul S/o Banat Gul
R/o Mohallah Yousaf Khel, Spin Kane Kallan,
Tehsil & District Nowshera.

.....Appellant

Versus

- 1) District Education Officer (Male) Nowshera
- 2) Director, Education, Near Govt. Higher Secondary School,
G.T Road, Peshawar.
- 3) Senior District Accounts Officer, Nowshera.
- 4) Accountant General Office, Peshawar through Accountant
General.
- 5) Govt. of KPK through Secretary, Finance Department, Civil
Secretariat, Peshawar.

..... Respondents

**APPEAL U/S 4 OF THE SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
REFUSAL OF RESPONDENTS,
WHEREBY RESPONDENTS HAVE
REFUSED TO RELEASE
ENCASHMENT OF LPR FOR 365
DAYS ON FULL PAY ON THE
GROUND THAT APPELLANT HAS
SERVED THE DEPARTMENT FOR 25
YEARS 10 MONTHS AND 12 DAYS
INSTEAD OF 26 YEARS AND THUS IS
NOT ENTITLED FOR LEAVE
ENCASHMENT ON FULL PAY FOR**

Filed to-day

Registrar

18/3/2020

**365 DAYS AND HAS NOT DECIDED
THE DEPARTMENTAL APPEAL OF
APPELLANT UP TILL NOW WHILE 3
MONTHS HAVE BEEN PASSED.**

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PRAYER:

On acceptance of this appeal, the respondents may kindly be directed to release LPR for 365 days on full pay to the appellant by treating 25 years 10 months and 12 days as 26 years.

Respectfully Sheweth;

Appellant submits as under:-

- 1) That appellant joined the department on 19.10.0993 as Sweeper in Govt. Middle School Spin Kalan, Nowshera.
- 2) That appellant was retried from service on 31.08.2019.
- 3) That petitioner was uneducated and was confident that he has completed the service required for pension etc.
- 4) That after retirement pension was given to the appellant and is still getting the pension.
- 5) That for 365 days of LPR on full pay papers were prepared and were sent to respondent No.3.
- 6) That respondent No.3 returned the same with objection that appellant is not entitle for LPR for 365 days on full pay, because his length of service is 25 years 10 months & 12 days instead of 26 years.

- 3
- 7) That appellant filed an appeal to respondents on 12.12.2019 and 3 months have been passed, but up till now the appeal has not been decided. (Copy of appeal is Annex "B")
- 8) That aggrieved with, the appellant has come before this hon'ble Tribunal in appeal on the following grounds against the others for the release of LPR for 365 days on full pay.

GROUNDS

- A. That the oral refusal of respondents of not releasing the LPR on full pay for 365 days is illegal against law and facts, hence untenable in the eyes of law.
- B. That the respondents failed to appreciate the real point involved in the case of appellant in its perspective, hence have arrived at an incorrect conclusion.
- C. That respondents failed to appreciate the fact that appellant has served the department for 25 years 10 months and 12 days and is entitled for LPR on full pay for 365 days.
- D. That respondents failed to appreciate the fact that when a person serves the department for more than 6 months then for monetary benefit it is treated as full year.
- E. That the respondents failed to appreciate the fact that while calculating the service of appellant 10 months and 12 days would be treated as full one year and thus appellant is entitled for LPR on full pay for 365 days.
- F. That the refusal of respondents for not releasing the LPR on full pay for 365 days is perversant and against the

settled principle of law and justice and as such is liable to be set-aside.

It is, therefore, most humbly prayed that on acceptance of this appeal, the oral refusal of respondents of not paying the LPR on full pay for 365 days may kindly be set-aside and the respondents may kindly be directed to release the LPR on full pay for 365 days by treating 25 years 10 months 12 days as 26 years' service.

Any other relief, deemed appropriate may kindly also be granted in favour of appellants.



Appellant

Through

Muhammad Asif

Muhammad Asif

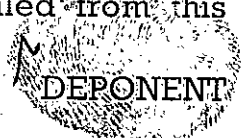
Advocate Supreme Court

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AFFIDAVIT

I, do hereby solemnly affirm and declare on Oath that the contents of accompanying Appeal are true and correct to the best to my knowledge and nothing has been concealed from this hon'ble court.



18-3-2020

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

5

Service Appeal No. _____/2020

Hassan Gul.....Appellant

Versus

District Education Officer (M), Nowshera & others

.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Hassan Gul S/o Banat Gul
R/o Mohallah Yousaf Khel, Spin Kane Kallan,
Tehsil & District Nowshera.

RESPONDENTS

- 1) District Education Officer (Male) Nowshera
- 2) Director, Education, Near Govt. Higher Secondary School,
G.T Road, Peshawar.
- 3) Senior District Accounts Officer, Nowshera.
- 4) Accountant General Office, Peshawar through Accountant
General.
- 5) Govt. of KPK through Secretary, Finance Department, Civil
Secretariat, Peshawar.



Appellant

Through

Md → *Asif*
Muhammad Asif

Advocate Supreme Court

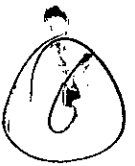
Off: 214 Syed Ahmad Ali Building
near Taj Autos, Sunehri
Masjid Road, Peshawar Cantt.

Cell: 0302-8885187



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

PHONE # 0923-9220228 , FAX # 0923-9220228



Annex A

RETIREMENT ORDER

Mr. Hassan Gul Ex-Sweeper GMS Spin Kani Kalan Nowshera is hereby retired from Govt: Service w.e.f.31-08-2019 on Pre- Mature.

Under the provision of Government of Khyber Pakhtunkhwa finance Department letter No. FD (SR-IV) Vol.II dated 24-08-1983: sanction is hereby accorded to the grant of encashment of leave / retirement detail given below.

S #	Name of Official	Date of Retirement	Date of Birth	Date 1 st App:	Encashment of LPR	Total Service Length Y-M-D	Remarks
01	Mr Hassan Gul Ex- Sweeper GMS Spin Kani Kalan NSR P.No. 00140217	31-08-2019 (A/N)	19-02-1962	19-10-1993	365 days on full pay	25-10-12	Retire from Service on Pre- Mature

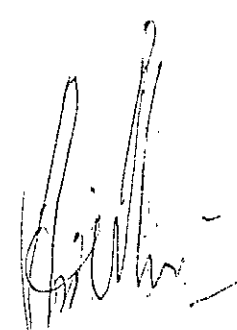
(Mr. Atta Ullah Khan)
District Education Officer (Male)
Nowshera

Endstt; No 1787-91 /DEO (M) NSR/EA-S/Retirement of C-Iv /dated Nowshera/-09-2019

Copy of the above is forwarded for information and necessary action to the:-

1. Senior District Account Officer, Nowshera.
2. Deputy District Education Officer (M) Nowshera.
3. IMU Nowshera
4. Accountant local office
5. Official Concerned.
6. Office copy

ASIP
ATTESTED


District Education Officer (Male)
Nowshera

محکمہ صحت و سہولتیں ایف ایس سرمدانہ ضلع نوشہرہ

Annex B (7)

درخواست برادھاری کرائے ایل پی آر 365 دن

مکمل نٹخواہ 1

صاحب عالی

معدبانہ گزارش سیکلے سٹیل صاب زیل برہما

کرایے کے سٹیل بجٹ خاکروپ معدوم $\frac{8}{31}$ 2019

کو ریٹائر ہوا ہے لیکن تا حال ایل پی آر 365 دن

مکمل نٹخواہ ہے ابھی تک نہیں ملے ہے

استدعا ہے کہ رقم مذکورہ ادا کرنے کا حکم

ہمارے فرمایا جائے

آریٹا عبدالرحمن گل ولد نباش گل

گورنمنٹ سٹیل کول سسٹم کمانڈ

ضلع نوشہرہ

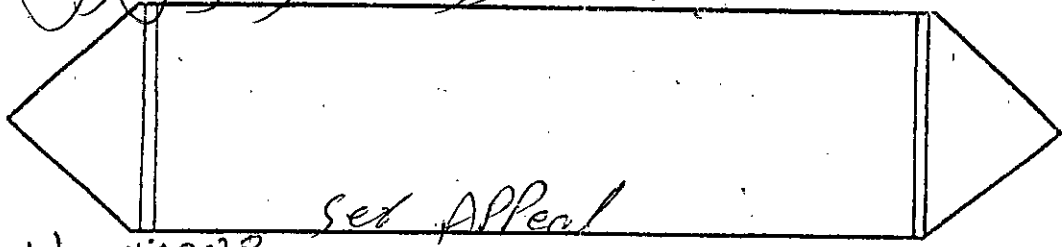


دستخط

12/12/2019

Asif
ATTESTED

بعدالت ضامنہ کی درخواستیں اور



2020ء منجانب ایبیلانٹ

بنام

سنگل بنام D.E.O وغیرہ

موزخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آئنگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز ذکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جو جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک در و سپیہ عرضی دعویٰ اور در خواست ہر قسم کی تصدیق ذرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برادگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ منگوانے کے کل یا جزوی کارروائی کے واسطے اور ذکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا اختیار پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائزہ التوائے مقدمہ کے قصب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو ذکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 17 ماہ مارچ 2020

کے لئے منظور ہے۔

بمقام

سنگل بنام
D.E.O



گورنمنٹ ایئر لائنز

سیرکس کوریٹ آف پاکستان

214 سید ابراہیم علی بلڈنگ ٹر

سٹیج 2، انٹرنیشنل ایرپورٹ

150

091-5279292

0332-8885187

0332-8885187

Name of Section and of incumbent	Name of Post	Pay and Acting allowance claimed (separately) for Government Servants present duty of	Leave Salary claimed (separately) for absentees	Compensatory allowance	Pay action allowances or leave salary head over for further payments	Items	Net charge for each section	P. Fund	Other Funds and miscellaneous recoveries	Income-Tax	Net amount payable	Remarks	Acquittance
Returned in original with the remarks that:													
1) The official has been granted 365 days Leave encashment													
who has not completed 26 years service, which is not valid as per													
whereas, no such sanction exists for entitlement of leave encashment for official													
proceeding leave with retiring pension having less than 26 years service as per rule 1981.													
Deduct: Un-disbursed pay refunded, as detail below.													
219120/-													

In case of recoveries made under orders issued from an Account Officer, the number and date of Accountant General's letter should be quoted in the bill. The Government of Pakistan exercise supervision over the management of the Hindu Family Annuity Fund Bengal Christen Family Pension Fund and the General Family Pension Fund are in no way responsible for their solvency.

- Received contents also certified that I have satisfied myself that all emoluments included in bills drawn 1 month/2 months previous to this date with the exception of those detailed below (of which the total has been refunded by deduction from this bill) have been disbursed to the proper persons and that their receipts have been taken in Acquittance Rolls, filled in my office, with receipt stamp duly cancelled for every payment in excess of Rs. 20. One line to be used and the other to be scored out.
- Certified that a person in superior service has been absent either on deputation or suspension of without leave (except casual leave) during the month.
- Certified that all the Officers whose names are omitted from list whose pay has been drawn in this bill, have actually been entertained during the month.
- Certified that no leave has been granted until by reference to applicant's service books and leave accounts to the leave rules applicable to him. I had satisfied myself that it was admissible and that all grants of leave departure on and returns from leave and all periods of suspension and deputation and other event which are required under the rules to be so have been recorded in the Service Books and Leave Accounts under my
- Certified that all appointment and permanent promotions and such of the acting promotions as have to be entered in the Service Books as per columns in the Standard Form No. F.R to have been entered in the Service Books of the persons concerned under my initials.

Station: Provincial / Center
Payable at National Bank of Pakistan Nowshera Cantt.
Dated: 20/11/19
Pay Rs. 219120/-
Rupees: Two Lakhs Ninety One Thousand and 200/-
District Education Officer (Male) Nowshera
Signature and Designation of head of Office.

SECTIONED PAY OF ABSENTS REFUNDED											
Section of Establishment	Name	Period	Amount	Section of Establishment	Name	Period	Amount	Pay Rupees			
									Examined and entered Treasury Accountant. Date Treasury Officer		

20/11/19

5-10000-
Pay Bill of Permanent Establishment of the HEAD MASTER GHS Walai Nowshera for the month of 09-2019

District ...Nowshera.....

Admitted Rs.	Head of Service Chargeable: -	Pay Rupees ()	Voucher No.
Objected Ra.	A-4114- ENCASEMENT OF LPR		List of Payment for:216
Auditor.	Senior Accountant	Cheque No.	Auditor
			G.O.

Name of Section and of incumbent	Name of Post	Pay and Acting allowance claimed (separately) for Government Servants present duty of	Leave Salary claimed (separately) for absentees	Compensatory allowance	Pay action allowances or leave salary head over for further payments	Items	Net charge for each section	P. Fund	Other Funds and miscellaneous recoveries	Income-Tax	Net amount payable	Remarks	Acquittance
Mr. Hassan Gul Ex-Sweeper GMS Spin Kani Kalan Nowshera P.No. 00140217		00140217		Rate .	Rs: 18260 x12=219120								
					A-4114- ENCASEMENT OF LPR = Rs. 219120/-								
			Net amount	=Rs.	219120/-								

CERTIFICATES:

1. Certified that the comm: sealed payment authority in respect of Mr. Hassan Gul Ex- Sweeper GMS Spin Kani Kalan Nowshera vide DEO Nowshera Endstt No.1787-91 dated:16-09-2019
2. Code Classification profarme is attached.

The total of each Section should be entered in red ink.

In case of recoveries made under orders issued from an Account Officer, the number and date of Accountant Generals letter should be quoted in the bill. The Government of Pakistan exercise supervision over the management of the Hindu Family Annuity Fund Bengal Christen Family Pension Fund and the General Family Pension Fund are in no way responsible for their solvency.

To be entered by Drawing Officer and checked in Audit Office.

District Education Officer
(Male) Nowshera