

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1354/2015

Date of institution ... 02.12.2015

Date of judgment ... 18.01.2017

Farhad Ali S/o Ajab Gul (Late) Retired Deputy Secretary,
Finance Department, Government of Khyber Pakhtunkhwa.
R/o Malikabad, Near Tablighi Markaz Pajjagi Road, Peshawar.

... (Appellant)

VERSUS

1. Controller General of Accounts, Government of Pakistan, Islamabad.
2. Accountant General Khyber Pakhtunkhwa, Peshawar.
3. Deputy Accountant General Fund/Payroll Khyber Pakhtunkhwa, Peshawar.
4. Account Officer Fund-1, Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR THE ISSUANCE DIRECTIONS TO RESPONDENTS TO RELEASE THE WITHHELD AMOUNT OF MARK-UP AGAINST THE DEPOSITS IN THE GENERAL PROVIDENT (GP) FUND FROM THE YEAR 1979 TILL THE DATE OF SUPERANNUATION DATED 14.05.2014 AS EVIDENT/ADMITTED FROM THE BEAR PERUSAL OF PAY SLIPS, LEDGERS AND SYSTEM GENERATED BALANCE SHEETS BESIDES RULE-11 OF THE KHYBER PAKHTUNKHWA GP FUND RULES 2008 ALSO ENDORSES THE RIGHT OF THE APPELLANT BEING GENUINE AND COVERED UNDER THE RELEVANT RULES.

Mr. Taimur Haider Khan, Advocate.

.. For appellat.

Mr. Muhammad Jan, Government Pleader

.. For respondents.

MR. ASHFAQUE TAJ

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

JUDGMENT

ASHFAQUE TAJ, MEMBER:- Farhad Ali S/o Ajab Gul (Late) hereinafter called appellant has moved instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 to the effect that mark-up against the deposits in General

Provident (GP) fund from the year 1979 till the date of superannuation i.e 14.05.2009 be released.

2. Facts in brief are that appellant joined civil service as Junior Clerk in 1971 and reached the age of superannuation as Deputy Secretary in Finance Department (BPS-18) on 14.05.2014. That in year 1978 appellant decided to seek interest-free (G.P) fund and moved an application in this regard to Accountant General N.W.F.P, which was accepted. After one year he decided to collect the G.P fund interest and in 1979 vide office letter number E&A (H) 1-32/77/133 dated 01.10.1979 made the request which was accepted, as evident from system generated balance sheet and pay slips. That after retirement on superannuation Accountant General Office issued G.P fund final payment authority on the basis of interest free account which proved a huge financial set-back to appellant. The appellant prior to retirement and after retirement filed applications for correction of his G.P fund interest account. Final application was filed on 08.10.2015 which can be reckoned as departmental appeal against final order i.e refusal to grant G.P fund with interest hence the instant service appeal.

3. Learned counsel for appellant enunciated that appellant in year 1978-79 opted for interest free mark-up on G.P fund and in 1979 vide letter No. E&A (H) 1-32/77/133 dated 01.10.1979 applied for inclusion of interest on G.P fund. Their stance was supported by interest free ledgers from 1978-79 to 1985-86, as admitted by respondents in para No. 4 of written reply. Hence prayed that appeal in hand might be accepted.

4. Mr. Liqat Ali for respondent Accounts Officer Fund No. 4, himself as respondent No. 4 appeared and controverted the stance of appellant on the ground that in year 1978 they received an application from appellant for interest free G.P fund but they had never received the other application for re-issuing interest on G.P fund. Further that reflection of interest in system generated slips was nothing but an error and so he was not entitled for interest on General Provident fund.

5. After going the arguments of both the sides and perusal of record it transpires that appellant Farhad Ali has been refused interest on G.P fund account, albeit reason for

Farhad Ali
 11.10.81

refusal has not been communicated to the appellant in written form but the transfer of G.P fund without interest was denied at the time of final payment on pension. He submitted an application for correction of mark-up in G.P fund of the undersigned before reaching his age of superannuation and subsequently he moved second application in this respect on 08.10.2015. The subsequent application is hereby reckoned as departmental appeal against refusal to accept his request. No response received within 90 days, hence the instant service appeal is held to be filed in time by the appellant.

6. Admittedly, an application was filed by appellant in year 1978 for maintaining interest free G.P fund account. Admittedly, the respondents issued interest free balance sheet from 1978-79 to 1985-86. The appellant filed an application on 01.10.1979 after one year for inclusion of mark-up in the G.P fund credit which the respondents deny. In the circumstances when the appellant says he had filed an application after one year for inclusion of his mark-up in the General Provident fund and respondents categorically deny receipt of such like application we are left with no other option but to rely on corroborating evidence which are the system generated pay slips, which admittedly reflects that interest free balance sheets were issued only for the period starting from 1978 to 1985-86. The appellant during the course of arguments also produced original/system generated pay slips reflecting interest/profit in the balance sheets. The arguments of the respondents that issuance of profit bearing pay slips was a clerical mistake and that they had categorically mentioned on the pay slips that any error or omission should be brought to the notice of account office and that the appellant was duty bound to have requested for correction of his system generated slips doesn't hold water as it is the only validating evidence available and for the sake of arguments if it is taken that it was system error then who would be held responsible to that errors/mistake. Naturally not the appellant to prove that his G.P fund was with interest and that he had requested for it. In last it would not be out of context to mention that appellant has performed his services and it is his accrued right to receive the interest on his G.P fund account without falling into controversies that he had applied or

18.01.17

not as he had earned this interest by rendering his services and which could not be denied on technical grounds.

7. Respondents stance is that they had not received any subsequent letter from appellant for re-issuance of interest on his G.P. Fund. Appellant on other hand not only had placed on record letter no. E&A(B) 1-32/77/133 dated Peshawar the 01.10.1979 with regard to inclusion of mark-up in the G.P. funds credits but also had filed application on 29.04.2014 i.e before reaching age of superannuation for correction of his G.P fund position. On 21.10.2014 respondents sought opinion from Controller General of Accounts Islamabad that appellant who opted for interest free A/C in 1978 had come up for request to interest bearing A/C besides the facts that no objection was made during his service and even after credit of final payment, respondents, proposed that officer (appellant) was not allowed to avail the facility of interest bearing A/C. The later confirmed view point of former vide letter dated 06.11.2014. We are afraid that exact and accurate information was not intimated. The appellant on 01.10.2014 before reaching the age of superannuation had moved application on 29.04.2014 in addition to his earlier application of 1979. So, the view point confirmed by the Controller General Office was based on wrong information and more so the views that once the amount has been transferred then the same could not be rectified is also not sustainable as error could be rectified at any time. For what has been stated above the appeal in hand is accepted and appellant Farhad Ali is held entitled for interest bearing G.P fund excluding the period for which he opted to receive according to detail, provided in letter dated 21.04.2014, this acceptance of appeal will be open to all corrections and rectifications of interest bearing G.P fund account as per record. This appeal stands disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.


ANNOUNCED
18.01.2017


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

25.10.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Respondents No.4 is not in attendance despite notice on previous date. That warrant of arrest be issued for his appearance before this Tribunal. To come up for further proceedings on 18.01.2017.


Member


Chairman

18.01.2017

Appellant with counsel and Mr. Mr. Muhammad Jan, Government Pleader alongwith Mr. Liqat Ali, Accounts Officer for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, the appeal in hand is accepted and appellant Farhad Ali is held entitled for interest bearing G.P fund excluding the period for which he opted to receive according to detail, provided in letter dated 21.04.2014, this acceptance of appeal will be open to all corrections and rectifications of interest bearing G.P fund account as per record. This appeal stands disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

18.01.2017


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

23.06.2016

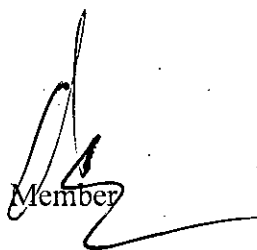
Clerk of counsel for the appellant and Mr. Zakiullah, Senior Auditor alongwith Additional AG for respondents present. Para-wise reply on behalf of respondents No. 1 to 4 submitted. The appeal may be placed before D.B for rejoinder and final hearing for 06.09.2016. The Chairman may assign the appeal to appropriate D.B.



MEMBER

06.09.2016

Appellant with counsel and Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant submitted that the appellant stands retired since long but the respondents are reluctant to pay him GP fund. This may be observed that the appellant at this stage should not have been tortured on this issue. We deem it appropriate to summoned respondent No.4 in person alongwith relevant record. Be summoned alongwith relevant record and further arguments on 25.10.2016.



Member



Member

21.12.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Deputy Secretary Finance Department and retired from service on attaining the age of superannuation on 14.5.2014. That while calculating his pensionary benefits profit on the GP fund was not assigned to the benefits of appellant despite his entitlement where against he preferred departmental appeal on 21.4.2014 followed by service appeal on 3.12.2015.

Appellant Deposited
Security & Process Fee

That the appellant is entitled to earn profit on his GP fund and withholding of the same by respondents No. 2 to 4 is violative of law on the subject.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents No. 2 to 4 for written reply/comments for 23.2.2016 before S.B.


Chairman

23.02.2016

Appellant in person and Mr. Ansar Ahmed, AAO alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 27.4.2016 before S.B.


Chairman

27.4.2016

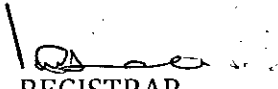


Appellant in person and Mr. Ansar Ahmad, AAO alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 23.06.2016, before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1354/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03.12.2015	<p style="text-align: center;">The appeal of Mr. Farhad Ali resubmitted today by Mr. Taimur Haider Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	03-12-15	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>21-12-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Mr. Farhad Ali son of Ajab Gul Retired Dy. Secretary received to-day i.e. on 02.12.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 1850 /S.T,

Dt. 4/12/2015


REGISTRAR -
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Haider Khan Adv. Pesh.

with profound veneration the needful has been done. Objection in respect of point no. 2 has already been submitted, even correspondence with respondent has also been closed, which is clear from annexure "E" page no. 22. Impetive to say even reminder has already been given. Keeping in view in G.P matter there is no limitation -

Taimur Haider Khan
Advocate High Court

Submitted
4-12-2015

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHUNKHWA
PESHAWAR

Appeal No. 1354/2015

Farhad Ali

.....Appellant

VERSUS

Accountant General Khyber Pakhtunkhwa, Peshawar and others

.....Respondents

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APPELLANT

Through



Taimur Haider Khan
Advocate, High Court
Off: 37th, 2nd Floor, Malik
Tower, Peshawar
Cell No.0346-9192561

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHUNKHWA
PESHAWAR

Appeal No. 1354 /2015

K.W.F. Province
Service Tribunal

Diary No. 1409

Dated 02-12-2015

Farhad Ali S/o Ajab Gul (Late) Retired Deputy Secretary Finance
Department, Government of Khyber Pakhtunkhwa
R/o Malikabad, Near Tablighi Markaz Pajjagi Road, Peshawar

.....APPELLANT

VERSUS

1. Controller General of Accounts, Government of Pakistan, Islamabad
2. Accountant General Khyber Pakhtunkhwa, Peshawar.
3. Deputy Accountant General Fund/Payroll Khyber Pakhtunkhwa,
Peshawar.
4. Account Officer Fund-1, Khyber Pakhtunkhwa, Peshawar

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHAWA
SERVICE TRIBUNAL ACT, 1974 FOR THE ISSUANCE DIRECTIONS
TO RESPONDENTS TO RELEASE THE WITHHELD AMOUNT OF
MARK UP AGAINST THE DEPOSITS IN THE GENERAL PROVIDENT
(GP) FUND FROM THE YEAR 1979 TILL THE DATE OF
SUPERANNUATION DATED 14.05.2014 AS EVIDENT/ADMITTED
FROM THE BEAR PERUSAL OF PAY SLIPS, LEDGERS AND
SYSTEM GENERATED BALANCE SHEETS BESIDES RULE-11 OF
THE KHYBER PAKHTUNKHWA GP FUND RULES 2008 ALSO
ENDORSES THE RIGHT OF THE APPELLANT BEING GENUINE AND
COVERED UNDER THE RELEVANT RULES.

PRAYER:

BY ACCEPTING THIS APPEAL AS MENTIONED ON THE ABOVE
SUBJECT AND CIRCUMSTANCES THE RESPONDENTS MAY
KINDLY BE DIRECTED TO RELEASE THE ACTUAL WITHHELD
MARK UP ON GENERAL PROVIDENT FUND SINCE 1979 TILL
THE DATE OF SUPERANNUATION DATED 14.5.2014 FOR THE

~~Filed to-day~~
~~Registered~~
2/12/15
re-submitted to-day
and filed.

~~Registered~~
3/12/15

BEST ADMINISTRATION OF JUSTICE AND FAIR PLAY AND THE UNLAWFUL ACT OF THE RESPONDENTS/ WITHHELD GENERAL PROVIDENT FUND OF THE APPELLANT MAY KINDLY BE DECLARED AS UNLAWFUL, UNCONSTITUTIONAL, BIASED KEEPING IN VIEW THE AUGUST SUPREME COURT JUDGMENT PLD 2007 SUPREME COURT 35.

Respectfully submitted:

1. That the appellant was appointed as a civil servant as "Junior Clerk" in the year 1971 and due to his utmost sedulous struggle reached to the age of superannuation as "Deputy Secretary, in Finance Department (BPS-18)" on 14.05.2014.
2. That during his more than "Forty Three Years" of pain-staking service in different departments, nothing is on record to blemish his career as it remained outstandingly exceptional.
3. That in the year 1978 the appellant decided to seek interest-free General Provident Fund (G.P Fund) and moved an application in this regard to the then Accountant General N.W.F.P which was accepted without much ado.
4. That with the passage of about one year, the appellant decided to get interest applied G.P Fund for which again applied to the Accountant General N.W.F.P in the year 1979 vide office letter No.E&A(H)1-32/77/133 dated 01.10.1979, which was duly accepted, as evident from system generated balance sheets and pay slips. (Copy of letter dated 01.10.1979 for the inclusion of mark-up in the GP Fund credits is annexed as Annexure "A").
5. That after the above mentioned letter in respect of inclusion of mark-up in the GP Funds credits bearing GP Fund account

No.GA/9734CSS the needful was done, and the mark-up was included, which is conspicuously cleared from the pay slips, ledgers and balance sheets. (Copies of pay slips and balance sheets are attached as Annexure "B")

6. That after reaching the age of superannuation/retirement, the office of the Accountant General issued G.P Fund final payment authority on the basis of interest free account which proved a huge set-back for the appellant as the record of the office showed the G.P Fund account as interest applied while an interest free final payment authority was out of prudent mind despite the fact that in the year 1979 the appellant had forwarded application for interest applied which was not only accepted but processed and duly reflected from the relevant record.
7. That feeling aggrieved from the unlawful act of the respondents, the appellant then approached the respondents and preferred an application maintaining that interest applied final payment authority may be issued in his favor, so as to save him from his irreparable financial loss and due right. (Copy of request for inclusion of mark-up in the GP Fund is annexed as Annexure "C")
8. That the respondents showed dally-dallying tactics and lingered on the issue by one way or the other without resolving the hardship created by themselves.
9. That after that the appellant case was forwarded to Higher Audit Department (HAD) for vetting and the concerned department has issued favorable remarks in favor of the appellant but despite to

include the mark-up on the appellant GP Fund, the matter has been delayed with different pretexts and no heed was paid.

10. That the appellant having no other remedy approached to the Controller General of Account, Govt of Pakistan, Islamabad vide complaint dated 12.12.2014, in respect of same subject where upon the Controller General of Account vide office letter No.892/CGA/V-ig/13-2-2014/70 dated 31.12.2014, directed to Accountant General Khyber Pakhtunkhwa Peshawar *"The matter may kindly be looked into personally and the detail report thereof, be sent to this office within 7 days positively for perusal of Controller General of Accounts The matter may kindly be accorded priority"*. But no heed was paid. (Copy of office letter No.892/CGA/V-ig/13-2-2014/70 dated 31.12.2014 to the AG Khyber Pakhtunkhwa is attached as Annexure "D")
11. That in light of worthy apex Court Judgment PLD 2007 Supreme Court 35 the then Honorable Chief Justice categorically directed all the Governmental Departments as well as Accountant General of Pakistan and its offshoots not to cause unnecessary hurdles or delay in finalizing payment of pensionarys/ retirement benefit cases. The violation of directions of Supreme Court would amount to criminal negligence and dereliction of duties assigned to them. The worthy apex court further directed all provincial governments as well as Accountant Generals and Accountant General of Pakistan Revenue to ensure in future strict adherence of pension rules and to clear such cases within a period of not more than two weeks without fail. Similarly same stance has been taken by the Chief Secretary Khyber Pakhtunkhwa, vide letter No.FD/SOSR-II/4-36

2013, dated 28th August, 2013 and circulated to all the Administrative Secretaries and other Head of the Department of the province. (Copy of the Circulation letter dated 28th, August, 2013 of the Chief Secretary Khyber Pakhtunkhwa is attached as Annexure "E")

12. That the mendacious approach of concern respondents is also prima facie clear from this fact that the amounts which is conspicuously evident from the bare perusal of pay slips and system generated balance sheets. In this regard the A.G may kindly be asked to justify his position about the accumulated amount of the appellant G.P credited to provincial treasury.
13. That unprofessional attitude of the respondents toward the elderly appellant being the senior citizen is un-skeptically the violation of his right guaranteed by Article 9, 14 and 25 of the Constitution of Pakistan 1973.
14. That the unlawful and illegal deportment of the respondents is parallel to discrimination and amounts to demoralize and mitigate the already existed miseries, sufferings and trauma being faced by the appellant and his family which further aggravated the already tense aura to the extreme.
15. That the appellant time and again moved applications to the respondents, requesting for the release of his actual withheld G.P Fund but no head was paid. (Applications in the shape of correspondence between the appellant and respondents are attached as Annexure-"F").

16. That having no other remedy, the appellant knocked the door of this Hon'ble tribunal, inter alia on the following ground.

GROUND:-

- A. That the act of the respondents is against the law hence untenable.
- B. That the unlawful and discriminating acts of the respondents amounts to playing havocs with the future of the appellant and is derogatory to the fundamental rights guaranteed by the constitution of the Pakistan .
- C. That the appellant right has been violated and the withheld G.P fund without any lawful justification and the acts of respondents are the sheer violation of the fundamental rights of the constitution of Pakistan.
- D. That the unlawful acts of the respondents are not only against natural justice but also in violation of fundamental rights guaranteed under **Articles 4,14,25,27,37(A)(E),And Article 38(B)(C)** of 1973 constitution of Pakistan as well Article 1,2,6,8,11(1)(2), and 26 (1)(2)(3) of **UNIVERSAL DECLARATION OF HUMAN RIGHTS**.
- E. That any other ground shall be raised at the time of arguments for the best assistance of this Hon'ble Tribunal.

It is therefore, prayed that by accepting this appeal as mentioned on the above subject and circumstances the respondents may kindly be directed to release the actual withheld mark up on General Provident Fund since 1979 till the date of superannuation dated 14.5.2014 for the best administration of justice and fair play and the unlawful act of the respondents/ withheld general provident fund of the appellant may kindly be declared as unlawful, unconstitutional, biased keeping in view the august supreme court judgment PLD 2007, Supreme Court, 35.

Any other remedies which are not specifically prayed but deem fit may also be granted in favour of the appellant against the respondents.


APPELLANT

Through

Taimur Haider Khan
Advocate, High Court

Date 8/11 /2015

Appeal no. /2015

FARHAD ALI S/O AJAB GUL (LATE) RETIRED DEPUTY SECRETARY
.....APPELLANT

VERSUS

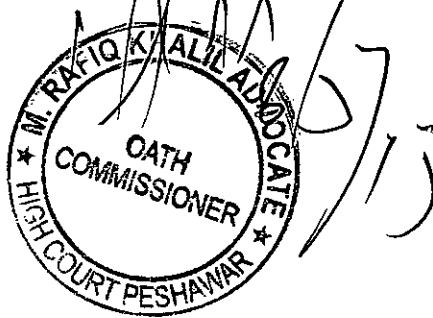
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA, & others

AFFIDAVIT.

I, FARHAD ALI S/O AJAB GUL (LATE) RETIRED
DEPUTY SECRETARY FINANCE DEPARTMENT,
GOVERNMENT OF KHYBER PAKHTUNKHWA RESIDENT OF
MALIKABAD, NEAR TABLIGHI MARKAZ PAJJAGI ROAD,
PESHAWAR DO HEREBY SOLEMNLY AFFIRM AND
DECLARE ON OATH THAT THE CONTENTS OF THE
ACCOMPANYING APPEAL ARE TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE AND BELIEF AND
NOTHING HAS BEEN CONCEALED FROM THIS HON'BLE
COURT.

ATTESTED

Shodali
Deponent



*Identified by
Raamin Haider Khan
Advocate High Court*

(A)

8

GOVT OF NWFP
HEALTH DEPARTMENT

NO.E&A(H)1-32/77/133-

DATED PESH THE 1/10/1979

To

The Accountant General,
NWFP Peshawar.

SUBJECT: OPTION WITH REGARD TO INCLUSION OF MARK UP IN
THE GP FUND CREDITS, BEARING GP FUND A/C
NO.GA/9734/CSS

Sir,

I am directed to refer to the subject noted above and to enclose herewith an option with regard to inclusion of mark up in the GP Fund credits in r/o Mr.Farhad Ali, Assistant Health Department for information and further necessary action, please.

Yours obedient servant

[Signature]
SECTION OFFICER (ADMN)
HEALTH DEPARTMENT.

Attested

[Signature]
Budget Officer (VII)
Govt of NWFP Peshawar
Finance Department

[Signature]
Mr. Farhad Ali
Assistant Health Officer
Admission High Level

GOVT OF NWFP
HEALTH DEPARTMENT

NO.E&A(H)1-32/77/133-
DATED PESH THE 1/10/1979

To

The Accountant General,
NWFP Peshawar.

SUBJECT: OPTION WITH REGARD TO INCLUSION OF MARK UP IN
THE GP FUND CREDITS, BEARING GP FUND A/C
NO.GA/9734/CSS

Sir,

I am directed to refer to the subject noted above and to enclose herewith an option with regard to inclusion of mark up in the GP Fund credits in r/o Mr. Farhad Ali, Assistant Health Department for information and further necessary action, please.

Yours obedient servant

[Signature]
SECTION OFFICER (ADMN)
HEALTH DEPARTMENT.

Attched

[Signature]
Budget Officer (VII)
Govt. of Khyber Pakhtunkhwa
Finance Department

*Not received in any Section
as well as General Diary
Received after
shifting of Balance
in to Bank A/c*

4

1/15/79

DAS (Tds)

To

The Accountant General,
NWFP Peshawar.

SUBJECT: OPTION FOR INCLUSION OF MARK UP IN MY GP FUND CREDITS BEARING A/C NO.GA/9734/CSS.

Sir,

I have the honour to state that I want to receive mark up on my GP Fund credits bearing A/C No.GA/9734/CSS.

2. It is therefore, requested that mark up may be included in my GP Fund credits w.e.from 1/10/1978 and oblige, please.

Yours obediently

1-10-79
(FARHAD ALI)
ASSISTANT HEALTH DEPTT.

Attested.

[Signature]
Govt of NWFP Peshawar
Finance Department

[Signature]
Taimur Haidin Khan
Advocate High Court

 A.G.NWFP G.P.FUND BALANCE SHEET 1996-97 PAGE: 3-1072
 NAME:- FARHAD ALI PER-NO. 999-90-515219
 DESG:- SUPERINTENDENT HEAD OF A/C. 00311-001
 FUND-TYPE : 02 FUND A/C.NO.4GA 009734
 SEC.: PAYROLL 01 DEPT. SECTION OFFICER GENERAL S & GA

(B)
 10

PAYROLL MONTH	MONTHLY SUBS.	REFUND OF GP.ADV.	TRANSFER AMOUNT	TOTAL WITHDRAWLS	PROGRESSIVE BALANCE
JULY	325.00				57,979.00
AUGUST	325.00				58,304.00
SEPTEMBER	325.00				58,629.00
OCTOBER	325.00				58,954.00
NOVEMBER	325.00				59,279.00
DECEMBER	325.00				59,604.00
JANUARY	325.00				59,929.00
FEBRUARY	325.00				60,254.00
MARCH	325.00				60,579.00
APRIL	325.00				60,904.00
MAY	325.00				61,229.00
JUNE	450.00				61,679.00
T O T A L	4025.00				717,323.00
OPENING BALANCE					57,654.00
TOTAL DEPOSITS					4,025.00
PROFIT		6.76%			10,019.00
BONUS		0.00%			3,006.00
TOTAL					74,704.00
LESS WITHDRAWLS					0.00
CLOSING BALANCE					74,704.00

(Signature)
 M. Farhad Ali
 Tamim Haddad
 Nawaz Haddad

 A.G. NWFP G.P. FUND BALANCE SHEET 1997-98 PAGE. 1044

NAME:- FARHAD ALI
 DESG:- SUPERINTENDENT
 FUND TYPE : 02
 SEC:- PAYROLL 01

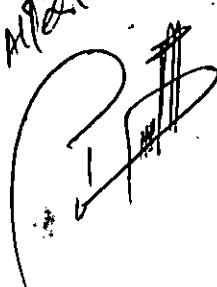
PER-NO. 999-90-515219
 HEAD OF A/C. 00311-001
 FUND A/C.NO.4GA 009734
 DEPT. SECTION OFFICER GENERAL S & GA

11
 2

PAYROLL MONTH	MONTHLY SUBS.	REFUND OF GP. ADV.	TRANSFER AMOUNT	TOTAL WITHDRAWLS	PROGRESSIVE BALANCE
JULY	450.00				
AUGUST	450.00				75,154.00
SEPTEMBER	450.00				75,604.00
OCTOBER	450.00				76,054.00
NOVEMBER	450.00				76,504.00
DECEMBER	450.00				76,954.00
JANUARY	450.00				77,404.00
FEBRUARY	450.00				77,854.00
MARCH	450.00				78,304.00
APRIL	450.00				78,754.00
MAY	450.00				79,204.00
JUNE	450.00				79,654.00
TOTAL	5400.00				80,104.00

931,548.00

OPENING BALANCE		
TOTAL DEPOSITS		74,704.00
PROFIT		5,400.00
BONUS	17.51%	13,593.00
TOTAL	30.00%	4,078.00
LESS WITHDRAWLS		97,775.00
CLOSING BALANCE		0.00
		97,775.00

M. Farhad


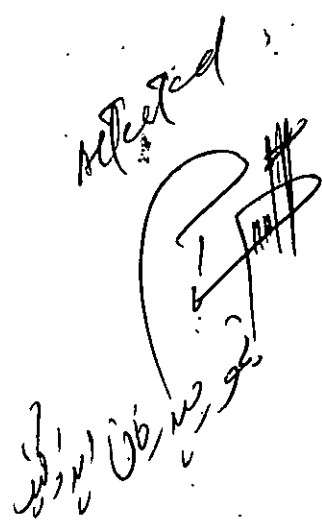
A-G, NWFP G. P. FUND BALANCE SHEET 1998-1999 PAGE 1024
 NAME: - FARHAD ALI P. NO 999-90-515219
 DESG: - SUPERINTENDENT HEAD OF A/C 00311-001
 FUND-TYPE : 02 FUND A/C NO 4GA 009734
 SEC: - PAYROLL 01 SECTION OFFICER GENERAL S & GAD. UN

12

PAYROLL MONTH	MONTHLY SUBS	REFUND OF GPF ADV	TRANSFER AMOUNT	TOTAL WITHDRAWLS	PROGRESSIVE BALANCE
JULY	450				98,225
AUGUST	450				98,675
SEPTEMBER	450				99,125
OCTOBER	450				99,575
NOVEMBER	450				100,025
DECEMBER	450				100,475
JANUARY	450				100,925
FEBRUARY	450				101,375
MARCH	450				101,825
APRIL	450				102,275
MAY	450				102,725
JUNE	450				102,275
T O T A L	4,500				1,207,050

3

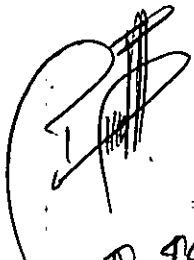
OPENING BALANCE		97,775
TOTAL DEPOSITS		4,500
PROFIT	17.35%	17,452
BONUS	30.00%	5,236
TOTAL		124,963
LESS WITHDRAWLS		0
CLOSING BALANCE		124,963

Accepted

 1/1/99

* A.G. NWFP G.P. FUND BALANCE SHEET 1999-2000 PAGE 20096 13
 * NAME:- FARHAD ALI P.NO 999-90-515219
 * DESG:- SUPERINTENDENT DDO CODE 05491-001
 * FUND-TYPE : 02 FUND A/C NO GA 009734
 * SEC :- PAYROLL 03 SECTION OFFICER GENERAL IRRIGATION.....GE

* MONTH	* PAYROLL	* MONTHLY	* REFUND OF	* TRANSFER	* TOTAL	* PROGRESSIVE
		SUBS	GPF ADV	AMOUNT	WITHDRAWLS	BALANCE
* JULY						124,963
* AUGUST		450				125,413
* SEPTEMBER		450				125,863
* OCTOBER		450				126,313
* NOVEMBER		450				126,763
* DECEMBER		450				127,213
* JANUARY		450				127,663
* FEBRUARY		450				128,113
* MARCH		450				128,563
* APRIL		450				129,013
* MAY						129,013
* JUNE						129,013

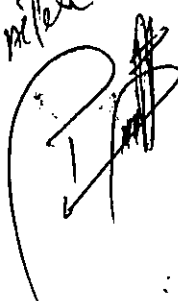
* T O T A L	4,050					1,527,906
* OPENING BALANCE						124,963
* TOTAL DEPOSITS						4,050
* PROFIT	16.11%					20,512
* BONUS	30.00%					6,154
* TOTAL						155,679
* LESS WITHDRAWLS						0
* CLOSING BALANCE						155,679


 Farhad Ali
 Section Officer
 General Irrigation

A.G. NWFP G.P. FUND BALANCE SHEET 2000-2001 PAGE 35458
 NAME:- FARHAD ALI P.NO 999-90-515219
 * DESG:- SECTION OFFICER DDD CODE 04991-001
 * FUND-TYPE:- 02 FUND A/C NO GA 009734
 * SEC :- PAYROLL 06 SECRETARY MINORITIES AFFAIRS N.W.F.P. PE

MONTH	MONTHLY SUBS	REFUND OF (GPF) ADV	TRANSFER AMOUNT	TOTAL WITHDRAWALS	PROGRESSIVE BALANCE
JULY					
AUGUST					155,679
SEPTEMBER	450				155,679
OCTOBER	450				156,129
NOVEMBER	450				156,579
DECEMBER	450				157,029
JANUARY	450				157,479
FEBRUARY	450				157,929
MARCH	450				158,379
APRIL	450				158,829
MAY	450				159,279
JUNE	450				159,729

TOTAL	4,500				1,892,898
OPENING BALANCE					155,679
TOTAL DEPOSITS					4,500
PROFIT		15.00%			23,661
BONUS		00.00%			0
TOTAL					183,840
LESS WITHDRAWALS					0
CLOSING BALANCE					183,840


Reported


* A. G. NWFP G.P. FUND BALANCE SHEET 2002-2003 PAGE 3 15
 * NAME: - FARHAD ALI P. NO 999-90-5152 15
 * DESG: - SECTION OFFICER DDJ CODE 04991-01
 * FUND-TYPE : 02 FUND A/C NO GA 0773
 * SEC : - PAYROLL OF SECRETARY MINORITIES AFFAIRS N.W.F.P.

* PAYROLL MONTH	* MONTHLY SUBS	* REFUND OF GPF ADV	* TRANSFER AMOUNT	* TOTAL WITHDRAWLS	* PROGRESSIVE BALANCE
* JULY	\$70				5 461
* AUGUST	\$70				5 331
* SEPTEMBER	\$70				5 201
* OCTOBER	\$70				5 071
* NOVEMBER	\$70				5 941
* DECEMBER	\$70				5 811
* JANUARY	\$70				5 681
* FEBRUARY	\$70				5 551
* MARCH	\$70				6 421
* APRIL	\$70				6 291
* MAY	\$70				6 161
* JUNE	\$70				6 031

G. P. Fund

* TOTAL	10,420				69,951
DUPLICATE COPY					
* OPENING BALANCE					5,591
* TOTAL DEPOSITS					1,441
* PROFIT		14.50%			0,441
* BONUS		00.00%			
* TOTAL					7,471
* LESS WITHDRAWLS					
* CLOSING BALANCE					7,471
* PRINTED ON	11/08/2003				

Masood

Tamim Haq
Lavagrah High School

NAME: - FARHAD ALI
 DESG: - SECTION OFFICER
 FUND-TYPE: 02
 SEC: - PAYROLL 06

P. NO 999-90-515219
 BDO CODE 04991-001
 FUND A/C NO GA 009734

16

SECRETARY MINORITIES AFFAIRS N. N. F. P. PE

PAYROLL MONTH MONTHLY SUBS REFUND OF GPF ADV TRANSFER AMOUNT TOTAL WITHDRAWLS PROGRESSIVE BALANCE

PAYROLL MONTH	MONTHLY SUBS	REFUND OF GPF ADV	TRANSFER AMOUNT	TOTAL WITHDRAWLS	PROGRESSIVE BALANCE
JULY	450				184,290
AUGUST	450			147,072	37,668
SEPTEMBER	450				38,118
OCTOBER	450				38,568
NOVEMBER	450				39,018
DECEMBER	450				39,468
JANUARY	870				40,338
FEBRUARY	870				41,208
MARCH	870				42,078
APRIL	870				42,948
MAY	870				43,818
JUNE	870				44,688

7

TOTAL 7,920 147,072 632,208

OPENING BALANCE 183,840
 TOTAL DEPOSITS 7,920
 PROFIT 15.00% 7,903
 BONUS 00.00% 0
 TOTAL 199,663
 LESS WITHDRAWLS 147,072
 CLOSING BALANCE 52,591
 PRINTED ON :- 02/07/2002

[Handwritten Signature]
 Altes Patel



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL N.W.F.P.
DISTRICT
PAY ROLL SYSTEM

PAGE NO: 2057
PAYMENT ADVICE
JUNE 1992

17

99580-515219
FARHAD ALI
SECTION OFFICER

SECRETARY MINORITIES AFFAIRS
MINORITIES AFFAIRS.

BPS 17 N.W.F.P. 10 00 0000000

DEPTT CODE 04991 001

PAYMENTS			
133 SPL ADD AL			775.00
001 B PAY			10860.00
140 M CAR M ALL			620.00
		TOTAL ***	12255.00
DEDUCTIONS/OTHER DEDUCTIONS		BALANCE	
361 G INS			9.37
381 B FUND			55.00
343 Q RENT/ROTTA TAXES			543.00
385 G-P FUND	GA 9734	45558.00	870.00
360 INCOM TAX		169.00	169.00
334 ROP OTHER			8017.00
		TOTAL ***	9663.37
		NET AMOUNT PAYABLE	2591.63

Deduction
10000
8017
18017

QUALIFYING SERVICE
32YRS 0300N

02 ARIB BANK
0898 OFFICE ROAD
13000000603249

PA
M. Pervez

9 2 TEMP BALANCE SHEET

Page 166
Date 01-09-2013

Govt - NWFP
Name: FARHAD ALI
Design: DEPUTY SECRETARY
Per No. 00015544 / GPF Num GA 009734
Payroll Section: OIC

2012 - 2013
Hiring Date: 22.05.1971
DOB: PR1041 - S.O ADMN: GOVT. NWFP FINANCE DEPARTMENT
Div/Dep: 00000005 - Finance
BPS Grade: 16

MONTHS	PAYROLL MONTHLY SUBS	ADJUSTMENT AMOUNTS	TEMPORARY ADVANCE	RECOVERY OF TEMP ADV	PERMANENT ADVANCE	PROGRESSIVE BALANCE
July	2,800.00	0.00	0.00	0.00	0.00	418,912.00
August	2,800.00	0.00	0.00	0.00	0.00	421,712.00
September	2,800.00	0.00	0.00	0.00	0.00	424,512.00
October	2,800.00	0.00	0.00	0.00	0.00	427,312.00
November	2,800.00	0.00	0.00	0.00	0.00	430,112.00
December	2,800.00	0.00	0.00	0.00	0.00	432,912.00
January	2,800.00	0.00	0.00	0.00	0.00	435,712.00
February	2,800.00	0.00	0.00	0.00	0.00	438,512.00
March	2,800.00	0.00	0.00	0.00	0.00	441,312.00
April	2,800.00	0.00	0.00	0.00	0.00	444,112.00
May	2,800.00	0.00	0.00	0.00	0.00	446,912.00
June	2,800.00	0.00	0.00	0.00	0.00	449,712.00
TOTAL	33,600.00	0.00	0.00	0.00	0.00	5,211,744.00
OPENING BALANCE						416,112.00
TOTAL DEPOSITS						33,600.00
PROFIT @ 12.00						0.00
BONUS @ 0.00						501,829.00
TOTAL LESS WITHDRAWALS						0.00
CLOSING BALANCE						501,829.00

33,600.00
OPENING BALANCE
TOTAL DEPOSITS
PROFIT @ 12.00
BONUS @ 0.00
TOTAL
LESS WITHDRAWALS
CLOSING BALANCE

[Signature]

Section Officer (Admin)
Govt of F.Y. S. Pakhtunkhwa
Finance Department

[Handwritten notes and signatures]
Muzaffar
Khalid
Parmer
Khalid
Khalid

19

(C)

To

The Deputy Accountant General, (G.P Fund)
Khyber Pakhtunkhwa Peshawar.

Subject: REQUEST FOR INCLUSION OF MARK UP IN MY G.P FUND
CREDITS BEARING A/C NO.GA/9734/C.S.S

Dear Sir,

With due respect it is stated that I am working in the Finance Department as Deputy Secretary (BPS-18) and I am retiring from the Govt service on 15th May, 2014 on attaining the age of Superannuation i.e (60) Years. I was called by Mr. Fazl-e-Subhan, Supervisor G.P Fund Section of A.G Office stated that no profit has been made on his G.P Fund for the last 08 years w.e.f 24.10.1978 to 24.11.1986 and on the remaining period profit has been granted i.e 24.11.1989 to till date 2014. According to ledger (Register) my G.P.Fund position is as under:-

Profitable.	Free	Profitable	Total:
22.06.1971	24.10.1978	24.11.1986	
To	To	To	
24.10.1978	24.11.1986	2014	
7 Years	8 Years	28 Years	43 Years

It is pointed out that my G.P Fund balance is Rs.501829/- as per G.P Fund statement and the above official has furnished Final Payment Authority of G.P Fund for amounting to Rs.101063/- which is a loss of Rs.4,00,000/- on malafide intention. In this connection, copy of Finance Department letter bearing No.FD/SOSR-II/4-36/2013 dated 28/08/2013 regarding early Finalization of Pension cases is enclosed.

Therefore, it is humbly requested that my F.P Authority of G.P Fund may kindly be corrected as mentioned in their ledger in order to alleviate my suffering and not to knock at the door of the court. Stern action may be initiated against the defaulting officer / official please.

Thanks.

Yours obediently,

Farhad Ali

(FARHAD ALI)
Deputy Secretary(B-II)
Finance Department.

Govt. of Khyber Pakhtunkhwa.

21-9-2014

Farhad Ali
Tammun Kharan Khan
Revenue Officer



Annex-D

(D) - 20

GOVERNMENT OF PAKISTAN
CONTROLLER GENERAL OF ACCOUNTS

CGA Complex, FBC Building, Sector G-5/2
ISLAMABAD

Ph. No.: (051-9245516), Fax No.: 051-9245518, 051-9220947
Website: www.cga.gov.pk

No. 87/CGA/Vig/13-2/2014/70

Dated: 31-12-2014

The Accountant General Khyber Pakhtunkhwa,
Peshawar.

Subject: GP FUND FINAL PAYMENT AUTHORITY IN FAVOUR OF MR. FARHAD ALI EX-DEPUTY SECRETARY (BUDGET-II) GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR.

Kindly find enclosed a copy of self-explanatory complaint dated 12-12-2014 on the above noted subject. Pertaining to following complaints.

Complainant	Mr. Farhad Ali Ex- Deputy Secretary
Matter	GP Fund final payment authority


- The matter may kindly be looked into personally and a detailed report thereof be sent to this office within seven days positively for perusal of the Controller General of Accounts.
- The matter may kindly be accorded priority.


Encl: (As above)

(MUHAMMAD YOUNAS CH)
Accounts Officer (Vig)

Copy for information to:-

- Mr. Farhad Ali Ex-Deputy Secretary(Budget-II) Government of Khyber Pakhtunkhwa Finance Department.


ACCOUNTS OFFICER
(VIGILANCE)


Farhad Ali
Advocate High Court



GOVERNMENT OF KHYBER PUKHTUNKHWA
FINANCE DEPARTMENT

(E) - 21

NO.FD/SOSR-II/4-36/2013
Dated Peshawar 28th August, 2013

To

1. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa
4. The Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. All Divisional Commissioner in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Deputy Commissioner in Khyber Pakhtunkhwa.
9. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
10. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

PENSION

Subject: **EARLY FINALIZATION OF PENSION CASES**

Dear sir,

I would like to invite your attention to the captioned subject and to state that the Provincial Government has issued a number of instructions from time to time for early finalization/speedy disposal of pension cases. However, despite such directions instances have been reported for inordinate delays in finalization of such cases, which have become a cause for serious concern.

The delay in finalization of pension cases have also been taken notice by the Supreme Court of Pakistan and the Provincial Governments were thus directed for issuance of necessary instructions in this regard. A copy of the judgment of Supreme Court of Pakistan in civil appeal No.48 of 2013 is enclosed)

In view of the above all concerned are therefore directed that:-

1. Timely finalization of the pension cases must be ensured. No officer / official shall cause -unnecessary hurdle or delay in finalizing the payment of pensionary/ retirement benefits in future.
2. Having noticed such pitiable conditions 'prevailing in the departments particularly relating to the payment of pension to retired Government servants or widows or orphan children, all concerned are directed to ensure in future strict adherence to the pension rules and clear such cases within a period of not more than two weeks without fail. In case any delay on the part of defaulter is noticed, it shall tantamount to criminal negligence and dereliction of duty.
3. The pension cases must be initiated and finalized well in advance of the date of retirement of Government servants without fail as required by rule 5-2 of Chapter V of the Khyber Pakhtunkhwa Civil Servants Pension Rules and Orders.
4. The object in issuance of above directions to the concerned authorities is to make them conscious of their duties and responsibilities, which they owe to the retiring government servants.
5. As per judgment of the Apex Court, in future if there is any delay in the finalization of the pension benefit cases of the government servants, widows or orphan children and matter is brought to the notice of the Court, the head of the concerned department shall be held liable for the contempt of the Court and shall be dealt with strictly in accordance with law.

P. A

P. File

[Signature]

P.T.O

6. The aforesaid directions must be brought to the notice of all concerned including government servants and ensure expeditious settlement of all pending pension cases of the retired government servants / families of the deceased Government servants. They are also required to abide by the same procedure in all pension cases, in future, in letter and spirit .
1. It may be mentioned for information of all concerned that the respective District Comptrollers of Accounts / District Accounts officers and Agency Accounts Officers in the Province/FATA have already been instructed for finalization of fresh pension cases within 10 days of receipt of the cases vide Finance Department's letter No.SO(Estt)/FD/3-14/2013 dated 06/06/2013.
2. In all those cases of death in service, of the government servants, it would be the responsibility of concerned DDO to prepare pension papers in favour of family members of deceased government servants and its finalization within minimum possible time but not later than two weeks.

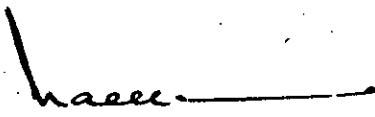

CHIEF SECRETARY

GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst: No. & date even.

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

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretary Finance (FATA), FATA Secretariat.
3. Registrar, Peshawar High Court, Peshawar.


(Sahibzada Saeed Ahmad)

Additional Chief Secretary (Finance)

Endst: No. & date even.

1. Director, Local Fund Audit, Peshawar
2. Director, treasuries and accounts, Khyber Pakhtunkhwa.
3. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
4. District Comptrollers of Accounts, Abbottabad, Swat, D.I. Khan, Mardan and Bannu Senior District Accounts Officer, Mansehra.
5. Senior District Account Officer, Nowshera, Swabi, Charsadda, Haripur, Mansehra & Dir Lower.
6. All District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
7. Treasury Officer, Peshawar.
8. Director, FMIU, Finance Department.
9. PS to Minister for Finance Khyber Pakhtunkhwa.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
12. P.S to Finance Secretary Khyber Pakhtunkhwa.
13. P.S to Special Secretary Finance Khyber Pakhtunkhwa.
14. P.As to all Additional Secretaries/Provincial Finance Controller and Deputy Secretaries in Finance Department.
15. All the Section Officers/Budget Officers in Finance Department.


(WAZIR MUHAMMAD AFGAR)
SECTION OFFICER (SR.II)

To

The Deputy Accountant General (G.P Fund),
Khyber Pakhtunkhwa, Peshawar.

(F) 22

SUBJECT: REQUEST FOR INCLUSION OF MARK UP IN MY G.P.FUND CREDITS BEARING A/C NO.GA/9734/C.S.S.

Dear Sir,

With due respect it is stated that I am working in the Finance Department as Deputy Secretary (BPS-18) and I am retiring from the Government service on 15th May, 2014 on attaining the age of Superannuation i.e. 60 years. It reveals from the last G.P. Fund balance sheet that no profit has been made on my G.P. Fund for the last 08-years w.e.f. 24.10.1978 to 24.11.1986 and on the remaining period profit has been granted i.e. 24.11.1989 to till date 2014. According to ledger (Register) my G.P. Fund position is as under:-

Profitable	Free	Profitable	Total
26.06.1971 to 24.10.1978	24.10.1978 to 24.11.1986	24.11.1986 to 2014	_____
07-years	08-years	28-years	43-Years

2. It is pointed out that my G.P. Fund balance is Rs.501829/- as per G.P. Fund statement the undersigned received Final Payment Authority of G.P. Fund for amounting to Rs.101063/- which is a loss of Rs.4,00,000/- just for unknown reasons.

3. Therefore, it is humbly requested that my F.P. Authority of G.P. Fund may kindly be corrected as mentioned in the ledger in order, so that I may not be suffer/deprived from financial loss. The cooperation in this regard will be highly appreciated.

Thanks.

Yours faithfully,

*Recd. com
for: Dir. on
Mr. 3/2
alt.*

21/04/2012

*SUBMITTED
24.4.14
Jalil*

(FARHAD ALI)
Deputy Secretary (Budget-II)
Govt. of Khyber Pakhtunkhwa,
Finance Department.

Enclosed as under:-

- G.P. Fund balance sheet of Rs.501,829
- E&A (H) letter No.1-32/77 dated 01.10.1979 alongwith application.
- Application of Mr. Farhad Ali, Ex-Assistant Dated 01.10.1970.

Forwarded and strongly recommended for Favourable consideration please.

*M. Aslam
Taimur Haidar
Advocate High Court*

SECTION OFFICER (ADMN)

Khan

To,


The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

Second application in respect of inclusion of markup in the General Provident Fund (GP Fund) of the undersigned as already the worthy controller general of accounts Islamabad vide letter No. 892/CGA/VIG/13-2/2014/70 dated 31/12/2014 reminded to your good self department to submit detail report of the undersigned with in seven days positively.

Respected Sir,

With all due respect, in the light of mentioned subject I have already been preferred different application regarding inclusion of markup on my general provident fund. As conspicuously the same has already been imposed on all my balance sheets / pay slips till superannuation.

In this regard the worthy controller general has already placed forth letter to your good self department to


Taimur Haider Ali
Advocate
M.P. Peshawar

profoundly looked personally into the undersigned matter within period of 7 days but still legal and lawful rights of the undersigned has not been granted.

It is therefore, most respectfully prayed that by acceptance of this application / reminder of request, the real markup may kindly be included on the undersigned General Provident fund for the best administration of justice and fair play.

Dated: 8 / 10 / 2015

Yours Truly


FARHAD ALI

Ex Deputy Secretary.



10

ایڈووکیٹ / دستخط

بار کونسل اہلکار ایسوسی ایشن

Be-10

25

0346 91925 61

رابطہ نمبر:

PESHAWAR BAR ASSOCIATION

PBA

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

24832

BEFORE THE HONORABLE SERVICE TRIBUNAL K.P, PESHAWAR بعدالت جناب:

APPELLANT	منجانب:	دعویٰ:
PARHUS ACE		علت نمبر:
CONTROL GENERAL OF ACCOUNTS GOVT OF PAKISTAN		موضوع:
by Officer		جرم:
		تھانہ:

بامستحضرانکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پوری وجوہات دی کاروائی متعلقہ

آن مقام Advocate Parnu Haidu کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر و فیصلہ رحمت دینے جو اب دعویٰ اقبال دعویٰ اور درخواست اذہر قسم کی تصدیق زریں مدد ملاحظہ کرنے کا اختیار ہوگا، نیز ضرورت پڑنے پر وکیل صاحب کو مکلف یا اہل کار کی نمائندگی اور نمونہ، نیز دائر کرنے اہل کار کی نظر جانی و پیر کی کر کے کا مختار ہوگا اور ضرورت مندرجہ مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل صاحب کو اختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقدمہ مذکورہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ ہی درخواست منظور و قبول ہوگا دوران مقدمہ میں جو فرچہ ہر جانہ اتوائے مقدمہ کے حکم سے ہوگا وہ وکیل موصوف کو دینے کا مختار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ کیا پیر و ذی اثر کو وکیل، لہذا وکالت نامہ لکھ دیا تاکہ مندرجہ

المرقوم: 2015

الع بد _____ واہ شد _____ الع بد

مقام Peshawar کے لئے منظور ہے۔

Secretary Finance Department,
Retired Deputy
near Fateghe Market, Pajjag Road, Peshawar

Accepted
Parnu Haidu was
Advocate High Court
Mian Muhammad
Nasir Peshawar

Before the Service Tribunal Khyber Pakhtunkhwa Peshawar

Appeal No. 1354/2015

Farhād Ali.....Appellant.

V/S

CGA, Government of Pakistan, Islamabad and othersRespondents.

(Para wise reply on behalf of respondent No. 1 to 4)

Preliminary Objections.

- 1) That the appellant has no cause of action.
- 2) That the appellant has no locus standi.
- 3) That the appellant has not come to this court with clean hands.
- 4) That the appeal in hand is not maintainable.
- 5) That the instant appeal is time barred.
- 6) That Finance Department, Khyber Pakhtunkhwa is the competent forum in cases of such nature but the same has not been made respondent in the instant appeal.

Respectfully Sheweth:-

- 1:- Relates to record, however liable to be proved by the appellant.
- 2:- Relates to record, however liable to be proved by the appellant.
- 3:- Correct; to the extent that by accepting an application submitted by the petitioner dated 01.07.1978, respondent No. 4 maintained interest free GP Fund account of the petitioner under the prescribed rules and procedure.
- 4:- incorrect, that record of this office revealed that application for maintaining interest bearing GP Fund Accounts has not been received by respondent No.1 to 4 from the Appellant or from the Administrative Department.

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It is also pertinent to mention here that Balance Sheet is a provisional document and not a final document for GP Fund balance and these instructions are clearly mentioned on the face of it that **"ANY ERROR OR OMISSION SHOULD BE BROUGHT TO THE NOTICE OF THE ACCOUNTS OFFICER WITH IN ONE MONTH FROM THE RECEIPT OF THIS PROVISIONAL ACCOUNT STATEMENT"**.

Moreover, this office issued interest frees Balance Sheet from 1978-79 to 1985-86. (Copies of Ledgers attached)

- 5:- Incorrect.
- 6:- Incorrect, as mentioned in para 3 & 4 above.
- 7:- That the respondents are bound to follow the rules & instruction issued by the Provincial Government as well as Federal Government from time to time. Hence, rightly acted upon under the rules.
- 8:- Incorrect.
- 9:- That GP Fund Final Payment authority of the appellant has been re-checked time and again and it was found that application for interest bearing accounts has not been received by the respondents through Appellant or through his Department. Hence, Final Payment Authority was issued accordingly as per rules.
- 10:- That GP Fund Final Payment case of the appellant was received by the respondent No.2 on 10.02.2014 and after thorough checking of the same the Final Payment Authority was issued without any delay on 28.03.2014.
- 11:- As mentioned in para 10 above.
- 12:- As mentioned in para-4 above.
- 13:- As mentioned in para 7 above.
- 14:- As mentioned in para 7 above.
- 15:- As mentioned in para 10 above.
- 16:- As mentioned above, the appellant is not entitled for interest bearing GP Fund account after his retirement.

grounds:-

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- A:- That the respondents are bound to follow the rules and instructions of the Government, hence not violated any rule or law.
- B). As mentioned in para 3 & 4 above.
- C). Incorrect, that the respondents are bound to follow the rules and instructions of the Government of Pakistan, hence not violated any rule or law.
- D:- As mentioned in para "C" above.
- E:- No Comments.

Keeping in view the above mentioned facts, it is humbly prayed that the appeal in hand having no merits may be dismissed with cost.

Accounts Officer
Fund-IV
(Respondent No.4)

Deputy Accountant General
Funds
(Respondent No.3)

Accountant General
Khyber Pakhtunkhwa
(Respondent No.2)

DIRECTOR
Controller General of Accounts
Government of Pakistan
Islamabad
(Respondent No.1)

A.T.M. 75
(Old) C.F.F.-4
(See Para. 236, Audit Manual)

Name

9734
7777
PAC
12432
600
322
2165

Subscription price with 5.05% Hurdling
No. E.N.A. (1) 1-32/77
P-NO = OS15219

Number
WA9734

Pay on 30th June of preceding year.	Subscription in whole rupees	Refunds of withdrawals	Total	Withdrawals	Monthly balance on which interest is calculated	Remarks	Pay on 30th June of preceding year.	Subscription in whole rupees	Refunds of withdrawals	Total	Withdrawals	Monthly balance on which interest is calculated	Remarks
July 1977	50		50		50		July 1977	50		50		50	
August	50		50		100		August	50		100		100	
September	50		50		150		September	50		150		150	
October	50		50		200		October	50		200		200	
November	50		50		250		November	50		250		250	
December	50		50		300		December	50		300		300	
January	50		50		350		January	50		350		350	
February	50		50		400		February	50		400		400	
March	50		50		450		March	50		450		450	
April	50		50		500		April	50		500		500	
May	50		50		550		May	50		550		550	
June	50		50		600		June	50		600		600	
June (Final)			710		710		June (Final)			710		710	
June (Supplementary)							June (Supplementary)						
Total Rs...			710		710		Total Rs...			710		710	
Balance from 19-77 1977							Balance from 19-77 1977						
Deposits and Refunds as above							Deposits and Refunds as above						
Interest for 19-77 1977							Interest for 19-77 1977						
Total Rs...							Total Rs...						
DEDUCT—Withdrawals as above							DEDUCT—Withdrawals as above						
Balance on 30th June 1977							Balance on 30th June 1977						
Total Rs...							Total Rs...						
Balance from 19-77 1977							Balance from 19-77 1977						
Deposits and Refunds as above							Deposits and Refunds as above						
Interest for 19-77 1977							Interest for 19-77 1977						
Total Rs...							Total Rs...						
DEDUCT—Withdrawals as above							DEDUCT—Withdrawals as above						
Balance on 30th June 1977							Balance on 30th June 1977						
Total Rs...							Total Rs...						
Balance from 19-77 1977							Balance from 19-77 1977						
Deposits and Refunds as above							Deposits and Refunds as above						
Interest for 19-77 1977							Interest for 19-77 1977						
Total Rs...							Total Rs...						
DEDUCT—Withdrawals as above							DEDUCT—Withdrawals as above						
Balance on 30th June 1977							Balance on 30th June 1977						
Total Rs...							Total Rs...						

75

December
January
February
March
April
May
June
June (Final)
June (Supplementary)

60	120	1-1
60	60	
60	60	
60	60	
60	60	
60	60	
720	720	PAC

433

2410	2330
600	500
free	2930
3010	
3010	2930

Total Rs. 720
Posted by
Checked by
Examined by

Balance from 19-19	5191	5362	3610
Deposits and Refunds as above	720	720	720
Interest for 19-19	815	839	free
	6726	6921	4330
DEDUCT—Withdrawals as above			
Balance on 30th June 1985			4330

3530	720
4250	4250

With-drawals	Monthly balance on which interest is calculated	Remarks	Pay on 30th June of preceding year. 19 19	Subscription in whole rupees	Refunds of with-drawals	Total 85-86	With-drawals	Monthly balance on which interest is calculated	Remarks
	3060		July 185	60		60		4390	
	3060		August	60		120		4390	
	550		September	60		60		660	
	6670		October	60		60		9440	
	46690		November	60		60		46	
			December	60		60		56640	
			January 186	60		60		37760	894+1
			February	60		60		434240	
			March	60		60		3780	
			April	60		60		5924	
			May	60		60		5625	
			June	60		60		2990	
			June (Final)					2500	
			June (Supplementary)					470	
			Total Rs.	7200		7200	PAC		

4138	3010	2930
600	600	600
624	free	
5362	467	3530
Total Rs.	3670	

Balance from 1971-1985	6726	6921	4330
Deposits and Refunds as above	720	720	720
Interest for 85-86	1047	1076	695
	8773	8717	5745
DEDUCT—Withdrawals as above			
Balance on 30th June 1986			5745

4250	720
4970	4970

June of preceding year	Subscription in whole rupees	Accounts of withdrawals	Total	Withdrawals	on which interest is calculated	Remarks	June of preceding year	Subscription in whole rupees	Withdrawals	Total	Withdrawals	Interest calculated
1919			778.79				1919					
July	50		50		50		July	50		50		
August	50		50		100		August	50		50		
September	50		50		150		September	50		50		
October	50		50		200		October	50		50		
November	50		50		250		November	50		50		
December	50		50		300		December	50		50		
January	50		50		350		January	50		50		
February	50		50		400		February	50		50		
March	50		50		450		March	50		50		
April	50		50		500		April	50		50		
May	50		50		550		May	50		50		
June	50		50		600		June	50		50		
June (Final)							June (Final)					
June (Supplementary)							June (Supplementary)					
Total Rs...			710				Total Rs...			600		

Balance from 1919-1920						Balance from 1919-1920	1130	1210
Deposits and Refunds as above	710			630		Deposits and Refunds as above	600	600
Interest for 1919-1920						Interest for 1919-1920		
Posted by						Posted by		
Checked by						Checked by		
Examined by						Examined by		
DEDUCT—Withdrawals as above						DEDUCT—Withdrawals as above		
Balance on 30th June 1920			710		630	Balance on 30th June 1921	1730	1810

June of preceding year	Subscription in whole rupees	Refunds of withdrawals	Total	Withdrawals	Monthly balance on which interest is calculated	Remarks	June of preceding year	Subscription in whole rupees	Refunds of withdrawals	Total	Withdrawals	Monthly balance on which interest is calculated
1919			74.80				1919			81.52		
July	50		50		760		July	50		100		1860
August	50		50		550		August	50		50		1160
September	50		50		260		September	50		50		50
October	50		50		270		October	50		50		470
November	50		50		14		November	50		50		12
December	50		50		150		December	50		50		24
January	50		50		170		January	50		50		151
February	50		50		149		February	50		50		50
March	50		50		6		March	50		50		
April	50		50				April	50		50		
May	50		50				May	50		50		
June	50		50				June	50		50		
June (Final)							June (Final)					
June (Supplementary)							June (Supplementary)					
Total Rs...			50				Total Rs...			600		

Balance from 1919-1920	630	710	630
Deposits and Refunds as above	500	500	500
Interest for 1919-1920			
Posted by			
Checked by			
Examined by			
DEDUCT—Withdrawals as above			
Balance on 30th June 1921		1210	1130

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GOVERNMENT OF PAKISTAN
GOVERNMENT ACCOUNTANTS

CGA Complex, FDC Building, Sector G-5/7

ISLAMABAD

Ph No:(051-9207213), Fax No:051-9245518, 051-9220947

Website: www.cga.gov.pk

No. CGA/Reg/2-3/2014/15

Date: 11.2014

2-7

06

30
-31-

The Deputy Accountant General
(Fund & Pension),
Office of the Accountant General KPK,
Peshawar.

Subject: INTEREST FREE GOVERNMENT ACCOUNT NO, 9734.

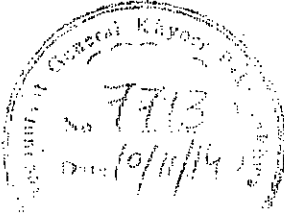
Copy attached

Kindly refer to your letter No. Fund-FV/AG. KPK/2014-15/7273 dated

24.10.2014 pm the above subject.

2. Viewpoint as stated in your letter referred to above is hereby confirmed.

Handwritten signature/initials



(NOOR RAHMAN)
Accounts Officer (Registration)



Accountant General Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-54

No.H-24/Appu/Promotion/2014-15/ 346

Dated: 14/11/2014

Copy for information and compliance:

1. The DAC Peshawar.
2. All DAG local
3. All Funds Section local.
4. DAC Admin
5. C&MI.
6. All DAOs/AAOs in Khyber Pakhtunkhwa.
7. HR Lab

ACCOUNTS OFFICER (IAD)

Handwritten signature

Handwritten signature and date 13/11/14

Handwritten signature/initials

Handwritten signature and date 11/11/14



Office of the
Accountant General
Khyber Pakhtunkhwa
www.Khyberpakhtunkhwa.gov.pk

No. Fund-IV/A.G.KPK/2014-15 / 7273 /

Dated: 24.10.2014

To

Controller General of Accounts
CGA, Complex G-5/2,
Islamabad.

(Signature)
24.10.2014

Subject: INTEREST FREE G.P.FUND ACCOUNTS NO.9734.

Kindly find enclosed an application of Mr. Farhad Ali Ex. Deputy Secretary which is self-explanatory.

2. According to Para-14 (5) of Serial No.1 of extract from the G.P. Fund Rules contained in chapter 11 of Establishment Code Vol-II, interest shall not be credited to the A/Cs of a Muslim subscriber if he so opts but if he subsequently asks for interest, it shall be credited from the first day of the year in which he opts. Whereas Para-I (iii) of SL. No. 3 at page 1122 of Establishment Code Vol-II lays down that, if at any time, in future, the Government servant who has availed himself of the facility of interest bearing HBA etc (Concession) chooses to take interest on his Provident Deposit, he will be required to pay in full to the Government the amount of interest accrued on the advance drawn by him. Therefore, this office is of the opinion that the contents of both the Paras justify that a subscriber of the G.P. Fund can opt for interest bearing A/C at any stage of his service and not after retirement but interest should be added to the A/C of the subscriber from the first day of the year in which he opts (1st of July of the financial year).

3. It is brought in to notice that one Mr. Farhad Ali, Deputy Secretary, who opted for interest free A/C on 24.10.1978 (copy enclosed) has come up with a request after

o/c

 GOVERNMENT OF N.W.F.P. GENERAL PROVIDENT FUND LEDGER 1988-89
 NAME:- MOHAMMAD ISLAM MAN NO. 0739800
 DESIGNATION:- MALI HEAD-OF-A/C. 811007078111/2
 FUND-TYPE:- 02-GENERAL PROV. FUND (G A)
 FUND-A/C NO 4 GA 10010
 D. O. O:- DIR FOOD NWFP PESH

PAYROLL MONTH	MONTHLY SUBS.	REFUND GP-ADV.	INTERSET GP-ADV	TOTAL DRAWS	PROGRESSIV BALANCE.
OPENING BALANCE					4047.00
JULY	25.00				4072.00
AUGUST	25.00				4097.00
SEPTEMBER	25.00				4122.00
OCTOBER	25.00				4147.00
NOVEMBER	25.00				4172.00
DECEMBER	25.00				4197.00
JANUARY	25.00				4222.00
FEBRUARY	25.00				4247.00
MARCH	25.00				4272.00
APRIL	25.00				4297.00
MAY	25.00				4322.00
JUNE	25.00				4347.00
TOTAL	300.00				50514.00
OPENING BALANCE					4047.00
TOTAL DEPOSITS					300.00
INTEREST @14.34%					625.00
50% BONUS ON INTEREST					188.00
TOTAL					5160.00
WITHDRAWALS					5160.00
CLOSING BALANCE					

NOTE :- ANY ERROR OR OMISSION SHOULD BE BROUGHT TO THE NOTICE OF THE ACCOUNTS OFFICER WITHIN ONE MONTH FROM THE RECEIPT OF THIS PROVISIONAL ACCOUNT STATEMENT.

DATE: 07/03/90

ACCOUNTS OFFICER
 GOVT: OF N.W.F.P.

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays
 2. Always quote Case No. While making any correspondence.

Diary No. 1109

Dated 8-11-16

Appeal No. 1354/2015

Farhad Ali.....Appellant.

V/S

CGA, Government of Pakistan, Islamabad and othersRespondents.

Application for cancellation of arrest warrants

Respectfully Sheweth:-

It is submitted that I am the Accounts Officer Fund office of the Accountant General KP, Peshawar, is hereby respondent in the instant case.

It is further submitted that I have already been signed para-wise comments as well as other respondents, which has been filed in Service Tribunal Peshawar by the representative of this office. And the representative of this office regularly attended the court on each date for hearing on behalf of all respondents.

But on 25.10.2016, the court ask attendance of Accounts Officer fund in person in the instant case and has issue order sheet, but unfortunately the same was not received by this office.

In this regard it is humbly submitted that I will attend the court on each date for hearing as respondent No. 4 along with all the relevant record, and the arrest warrants which has been issued against me may kindly be cancelled.

Warrants of arrest Cancelled.
Directed to appear on the
date fixed & with
record.
8/11/2016

Huzefa Ali
ACCOUNTS OFFICER
FUND-4
ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA
8/11/16

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 355 /ST Dated 15 / 2 / 2017


To

The Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 18.1.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.