

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M. NO. _____/2024

IN

Service Appeal No.404/2020

RAHAM ZEB

V/S

GOVT OF KPK & OTHERS

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Dated 05/06/24

APPLICANT/APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
Advocate Supreme Court.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M. NO. _____/2024

**Khyber Pakhtukhwa
Service Tribunal**

IN

Diary No. 132el

Service Appeal No.404/2020

Dated 05-06-2024

RAHAM ZEB

V/S

GOVT OF KPK & OTHERS

**APPLICATION FOR PLACING ON FILE NECESSARY
DOCUMENTS IN THE ABOVE TITLE SERVICE
APPEAL**

Respectfully Sheweth:

1. That the above title service appeal is pending adjudication before this Honourable Tribunal which has been fixed for today i.e on 24-06-24.
2. That there are some necessary documents that needs to be place on file for the just and fair decision in the above titled service appeal. Copy of documents is attached as annexure "A").
3. That the document mentioned above are required to be place on file being necessary document for the just disposal of the captioned appeal.
4. That any other grounds and proof with regard to the additional documents would be raised at the time of argument with prior permission of this Honourable Tribunal.

It is, therefore, most humbly prayed that on acceptance of this application on behalf of the appellants the additional documents may be placed on file, for just and proper decision of the above mentioned service appeal.

Dated 05/6/24


APPLICANT/APPELLANT

Through:


NOOR MOHAMMAD KHATTAK
Advocate Supreme Court.

AFFIDAVIT

I, **Raham Zeb** (the Applicant/Appellant) do hereby solemnly affirm and declare on Oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.




DEPONENT

WAPF PUBLIC SERVICE COMMISSION

4A/ 2 GA 7

Advertisement No. 7/22. Applications are invited for the following posts from Pakistani Citizens of WAPF Domicile by 7 April 1990 (22 April 1990 for candidates from abroad).

HEALTH DEPARTMENT

1- One Associate Professor in Cardio-Vascular-Surgery for Medical Institutions

Qualifications (a) MBBS or equivalent qualification recognised by the Council AND (b) FCPS/MS/MD in the respective subject or equivalent qualification in the speciality recognised by the Council with atleast three papers on research work of original nature published in a Standard Medical Journal. Experience Five years teaching experience as Assistant Professor in the relevant subject. Age Limit 35-45 years. Pay Scale (EPS-19) Rs. 4130-205-5770. Eligibility Both Sexes.

2- One Assistant Professor in Anatomy for Teaching Institutions

Qualifications (a) MBBS or equivalent medical qualification recognised by the Council OR (b) In the case of basic Sciences, M.Sc from a recognised University in the relevant subject (for Non-Medical Graduates). AND (c) D.Sc/Ph.D/FCPS/MD/M.Phil in the relevant subject (d) 3 years teaching or practical experience before or after Post-Graduate qualification in the relevant subject in the following order of preference :-

- 1st Preference Teaching experience
- 2nd Preference Practical experience after Post-Graduate qualification
- 3rd Preference Practical experience before Post-Graduate qualification

RESEARCH (e) Credit shall be given to the original published Research work in Standard Medical Journals. Age Limit 27-45 years. Pay Scale (EPS-18) Rs. 2710-195-4660. Eligibility Both Sexes.

3- One Assistant Professor in Urology for PMGI (LRH)

Qualifications (a) MBBS or equivalent medical qualification recognised by the Council (b) FRCU/MRCP/FCPS/MS/MD (PAK) in the respective speciality OR (c) an equivalent qualification in the respective speciality recognised by the Council (d) 3 years teaching or practical experience before or after the Post-Graduate qualifications in the relevant subject in the following order of preference :-

- 1st Preference Teaching experience
- 2nd Preference Practical experience after Post-Graduate qualification
- 3rd Preference Practical experience before Post-Graduate qualification

RESEARCH (e) Credit shall be given to the original published Research work in Standard Medical Journal. Age Limit 27-45 years. Pay Scale (EPS-18) Rs. 2710-195-4660. Eligibility Both Sexes.

Contd..... P/2

ATTESTED

4
③ ④

RESEARCH AND DEVELOPMENT

14- Agriculture Officer

Qualifications Master's Degree under research programme in the subject related to subject group i.e. "Ponage Crops" with Bachelor Degree in Ist Division from a recognised University. Age Limit 21-28 years. Pay Scale (BPS-17) Rs. 2065-155-3925. Eligibility Male.

15- Bio-Chemist

Qualifications Master's Degree under research programme in the subject related to subject group i.e. "Bio-Chemistry" with Bachelor Degree in Ist Division from a recognised University. Age Limit 22-30 years. Pay Scale (BPS-17) Rs. 2065-155-3925. Eligibility Both Sexes.

16- Para Supervisor

Qualifications B.Sc (Hons) Animal Husbandry from a recognised University. Age Limit 21-28 years. Pay Scale (BPS-17) Rs. 2065-155-3925. Eligibility Male.

INFORMATION DEPARTMENT

17- Eight Information Officers

Qualifications (i) Master's Degree in Journalism from a recognised University with 1 year's experience in the relevant field or (ii) Degree with Journalism as one of the subjects from a recognised University with 3 years experience in the relevant field. Age Limit 21-35 years. Pay Scale (BPS-16) Rs. 1350-105-2925. Eligibility Both Sexes.

IMMIGRATION DEPARTMENT

20- Nine Zilladars

Qualifications Bachelor Degree. Age Limit 21-25 years. Pay Scale (B-14) Rs. 800-64-2380. Eligibility Male.

GENERAL CONDITIONS

Age in all cases will be reckoned on 7 April 1990. 3 years age relaxation allowed to Zone 1 & 3 candidates. Age relaxation considered on request to the Administrative Dept as per Para 7 of Instructions attached to the application form. Degrees/Diplomas/Experience Certificates/Testimonials of un-recognised Institutions are not accepted. Only regular Degrees or Provisional Certificates signed by the Controller of Examinations of the respective Institutions are accepted. Zonal allocation of the vacancies in BPS-16 and 17 is made as per Govt Policy, but in the event of non-availability of suitable candidates from zones to which vacancies are allocated, candidates of other zones will be considered. No zonal reservation stands for posts in BPS-18 and above. Ex-Armed Forces Personnel must apply with their applications.

ATTACHED

(4)

OFFICE OF THE CHIEF ENGINEER,
IRRIGATION DEPARTMENT N.W.F.P.,
PESHAWAR.

No. 21540-42 /IB/A/216-E(ii),

Dated Peshawar, the 17 /9/1990.

OFFICE ORDER.

The upper age limit for the period of 2 years 10 months and 24 days is relaxed in favour of Mr. Raham Zeb S/O Toray Khan District Swat to enable him to appear before the N.W.F.P., Public Service Commission for the post of Zilladar in the Irrigation Department.

201-

CHIEF ENGINEER,
PHONE NO. 78320.

Copy to the :-

- 1/ Secretary, Public Service Commission N.W.F.P., Peshawar.
- 2/ Mr. Raham Zeb S/O Toray Khan Vill: & P.O. Ghalgai Swat.

Mr. Jawad 17/9
CHIEF ENGINEER

ATTESTED

F.NO.4-12/90.640 (PFASSTI.)
GOVERNMENT OF PAKISTAN
KONSAH SPECIAL EDUCATION CENTRE FOR HIC,
SAIDU SHARIF, SWAT.

5
Dated 6/6/91

THE DIRECTOR SE-II,
DCSE, ISLAMABAD.

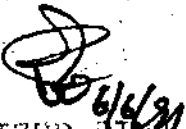
SUBJECT: REQUEST FOR RELIEVING FROM DUTIES TO
MR. RAHAM ZEB OFFICE ASSISTANT.

Please find enclosed herewith an application of the above
named official working at this Centre, relieving from duties.

(Self explanatory)

He has been appointed through N.W.F.P. Public Service Commission
for the post of ZILLADAR.

He may please be relieved from his duties. Moreover there is
nothing outstanding against him.


(TAMIZUD BIN)
OFFICER INCHARGE

CC to Director AEC
DCSE, Islamabad.

ATTESTED



دولت
پاکستان

6

NO. F. 4-12/89.PFASST.

TELE. :- 0688 - 4141

GOVERNMENT OF PAKISTAN

MINISTRY OF HEALTH, SPECIAL EDUCATION & SOCIAL WELFARE

(DIRECTORATE GENERAL OF SPECIAL EDUCATION)

★ KOHSAR SPECIAL EDUCATION CENTRE FOR HEARING IMPAIRED CHILDREN ★

P.O. BOX NO :- 19, GUL KADA,

Saidu Sharif the 9th June, 1991

CERTIFICATE.

It is certified that Mr. Raham Zeb son of Teray Khan has worked in this Office as Assistant/Accountant B-11 since the 2nd day of July, 1987 up to 9th June, 1991. He has relieved from his duties due to his recommendation by the Public Service Commission NWFP Peshawar for the post of Zilladar in Irrigation Department NWFP, Peshawar.

(OFFICER INCHARGE)
SEC for HIC,
Saidu Sharif, Swat.

Officer-in-Charge,
Government of Pakistan,
Special Education Centre for
Hearing Impaired Children,
Saidu Sharif Swat.

ATTESTED

(7)

NO.F.G132/87/2020 (DGSE) 721
Government of Pakistan KPK
Kohsar Special Education Centre for Hearing Impaired Children Swat.

Swat the 31/08/2020

To,

The District officer
Social welfare SE & WE, Swat.

Subject: COMMENTS IN SERVICE APPEAL NO. 404/2020 TITLE MR. RAHAM ZEB ASSISTANT VS GOVT. OF KHYBERPAKHTUNKHWA

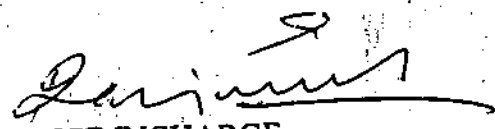
Reference your office letter No.SEC/SW/3985 dated 27/08/2020 on the subject above. As per record of this office the applicant of Mr. Raham Zeb attached to this office as Assistant BPS-11 was appointed vide order No. F2.2/IPHC/86 dated, 23/06/1987.

Who submitted his arrival report on 02/07/1987, and refer for Medical fitness where in examined and declared fit dated 04/07/1987 (Photo copy attached).

Mean time the NWFP, Public Service Commission Advertised the post of Zilladar in irrigation department during march 1990, where in he applied for the said post through proper channel vide letter No.F.6-132/87 DGSE 11 (Admn) dated, 22/04/1990 (Copy attached).

After written test and interview conducted by the NWFP. Public Service commission, the applicant recommended/Selected for the post of Zilladar. So this department relieved him form his duty vide letter No.F.6-132/87 DGSE dated; 09/06/1991. (copy attached)

Submitted for further necessary action please.


OFFICE INCHARGE
SEC-HIC SWAT

next date 9.10.2020

~~ATTESTED~~

REGISTERED.

PSC-6

ADDRESS ALL YOUR CORRESPONDENCE TO THE SECRETARY

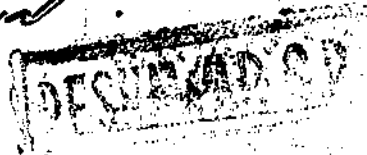
(Telegraphic Address "Publicservis" Peshawar.

N.-W. F. P. Public Service Commission
2, Fort Road, Peshawar Cantt.

Telephone: 75885

No. 7467

To Rahamzeb S. Haji Toray Khan 4/19
Vill & P.O. Ghalegay Distt Swat



Subject.

Diploma

1. You are, in response to your application for the above post, required at the Commission's Office at 0730 hours on 19-9-90 for oral test (interview). Please bring original certificates, degrees and testimonials which will be returned to you on conclusion of your interview.

2. You should rectify the deficiencies listed below failing which the Commission will reject your application

3. Please acknowledge.

[Signature]
Secretary.

Deficiencies.

- ✓ 1- Copy of Regular BA Degree
- ✓ 2- Photo copy of National Identity card
- ✓ 3- Attested Photo.
- ✓ 4- Cols 12, 13 and 16 of your application form are unfilled
- ✓ 5- Balance of Rs. 10/- as Exam Fee.
- ✓ 6- You should submit sanction of age relaxation for 2 years 6 months and 24 days on or before interview.

GS&PD NWFP-2526 Secretary, PSC-20,000 F.-30-10-86-(21)

ATTESTED

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PSC-10

Telephone: 75085

N.W.F.P. Public Service Commission,
Peshawar Cantt.

To: Mr. Raham Zeb s/o
Haji Toray Khan village &
Po. Chalegay, Distt: Swat.

No: 6749
Dated 27/5/81

Subject:—Recruitment of Zilladar in Irrigation Dept.

The Commission has ^{now} recommended you to the Government for appointment, but please do not treat this as a letter of appointment for which Government is the final authority. The Commission cannot entertain any correspondence from you in this regard.

Mazharullah
for Secretary.

[Signature]
25/5

GS&PD, NWFP.—2062 Secy, P.S.C.—10,000 Nos.—3-5-85—(27)

ATTESTED

OFFICE OF THE CHIEF ENGINEER,
IRRIGATION N.W.F.P., PESHAWAR. (10)

No. 14539 /IB/A/216-E(i),
Dated Peshawar the 30/5/1994.

To

Mr. Rahim Zeb S/o Haji Toray Khan
Vill. P.O. Gulbagay
Dist: Swat

Subject:- APPOINTMENT OF CANDIDATE ZILLADAR.

Consequent upon the recommendations of the N.W.F.P., Public Service Commission, you are hereby offered the post of a candidate Zilladar at Rs.650/- P.M. in BPS Grade-3 (650-19-1030) plus usual allowances as admissible under the Rules subject to the following conditions :-

1/ Your services shall be governed by the NW.F.P. Civil Servants Act, 1973, N.W.F.P., P.W.D. Superior Revenue Establishment (Zilladars) Rules, 1941, the West Pakistan Irrigation Department Zilladars Service Rules, 1963 and all such Rules operative under the aforesaid Act.

2/ You will have to under-go training as required under Rule 7(a),(b),(c) of the N.W.F.P., P.W.D. Superior Revenue Establishment (Zilladars) Rules 1941 (specified in the annexed declaration form).

3/ If you are willing to accept this offer of appointment on the above terms and conditions of appointment you should return the attached under-taking (in duplicate) and report to the Executive Engineer, Swabi Irrigation Dept. Swabi not later than 15/6/94 positively. The offer of appointment shall stand cancelled if you fail to report by the stipulated date.

4/ You will have to submit on your joining the Department the following original certificates :-

- (a) Matriculation (b) Degree (c) Domicile
- (d) Medical fitness (e) that you are not a dismissed Govt. Servant (f) Character & Antecedents verification (g) Declaration of Assets Form.

5/ You have to join duty at your own expenses.

M. Jale
CHIEF ENGINEER
(Phone 78320).

14540-45
No. 14540-45 /IB/A/216-E(i).
Copy of the above is forwarded to the :-

- 1/ All Superintending Engineers in Irrigation Department NWFP.
- 2/ All Executive Engineers in Irrigation Department NWFP.
- 3/ Accountant General, NWFP, Peshawar.
- 4/ District Accounts Officer, ~~Bannu, D.I. Khan, Mardan, Swat, Abbottabad~~ Swabi
- 5/ ~~Agency Accounts Officer, Malakand.~~
- 6/ All Deputy Collectors in Irrigation Department NWFP.
- 7/ Canal Collector, Irrigation Peshawar. The candidate Zilladars are placed for training under Rules 7(a),(b),(c) with the Deputy Collectors and ensure that the process will be watched by him ~~xxxxxxxxxxxxxxxxxxxx~~. he will also propose Patwar / final examinations in due course of time as required under Rule 7 (a) & (b).

CHIEF ENGINEER

ATTESTED

11

A.T.C-5.

[See Para. (5) of Annex A to Chap. 2 of Section IV Audit Code]

LAST PAY CERTIFICATE

Last pay certificate of Mr. RAHAM ZEB, ASSISTANT BPS-11 of the Special Education Centre for HIC Saidu Sharif, Swat proceeding on Posting as Zilladar to IRRIGATION Deptt. N.W.F.P.

2. He has been paid up to and for 9/6/91 at the following rates:—

Particulars :	Rate
Substantive Pay	Pay. Rs. 1094/- P.M
Officiating Pay	I. Pay. Rs. 31/- "
Exchange Compensation Allowance	H/R. Rs. 273/- " "
G.P.F. Rs. 70/- P.M.	D/A. Rs. 200/- " "
B.F. Rs. 22/- P.M.	C/A. Rs. 75/- " "
Deductions	
G.P.F.A./C.E. No.	M/A. Rs. 50/- " "
IV-Misc/SW/198/CSS	C/A. Rs. 55/- " "
	ACA. Rs. 109/- " "

3. He made over charge of the office of SEC, HIC. (Saidu Sharif) on the After... noon of 9/6/1991

4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

Period	Rate
From ... to ... nt	Rs. ... month
From ... to ... nt	Rs. ... month
From ... to ... nt	Rs. ... month

NOTING'S as attached against ... S/GAD

6. He is entitled to draw the following:—

7. He is also entitled to joining time for Usual days.

8. The details of the income-tax recovered from him up to the date from the beginning of the current year are noted on the reverse.

Dated 11/6/91 19

T.F.A. Adviser has not sent other ...

(Signature) [Signature]

(Designation) Drawing & Disbursement Officer, Special Education Centre for Hearing Impaired Children, Government of Pakistan, Saidu Sharif.

ATTESTED

OFFICE OF THE CHIEF ENGINEER,
IRRIGATION DEPARTMENT PESHAWAR.

No. 25416 /IB/A/42/1-G,

Dated Peshawar the 16 /11/1994.

OFFICE ORDER.

The following officers/officials have passed the Departmental Revenue Examination held, on 20th and 21st March 1994, at Peshawar.

Sl. No.	Name & Designation	Posting	Office to which attached
1	2	3	4
1/	Mr. Shafiqur Rehman Assistant Engineer.	1st	Haripur Irr: Sub-Divn: Haripur.
2/	Mr. Haider Ali Assistant Engineer.	2nd	Personal Assistant to Superin- tending Engineer Malakand Irr: Circle Swat.
3/	Mr. Ghulam Ishaq Khan S.L.C.	3rd	Nipki Khel Irr: Sub-Divn: Swat.
4/	Mr. Sher Bahadar Zilladar.	4th	Malakand Irrigation Division Malakand.
5/	Mr. Hisbahudin Assistant Engineer.	5th	Directorate of Small Dams Peshawar.
6/	Mr. Zahoor Mohammad S.D.O.	6th	Hazara Irrigation Division Abbotabad.
7/	Mr. Mohammad Shauib Khan S.L.C.	7th	Swat Irrigation Division Swat.
8/	Mr. Rehman Zeb Zilladar.	8th	Mardan Irrigation Division Mardan.
9/	Mr. Fahim Shah Assistant Engineer.	9th	Directorate of Small Dams Peshawar
10/	Mr. Khisar Hayat S.D.O.	10th	Peshawar Canals Division Peshawar
11/	Mr. Izzat Khan S.L.C.	11th	Peshawar Canals Division Peshawar.
12/	Mr. Ahmad S.D.O.	12th	Swabi Irrigation Division Swabi.

*Entirely small
in line of service
May fall ill.*

See: Mardan.

CHIEF ENGINEER,
Irr: No. 278320

No. 25417-IB/A/42/1-G,

Copy of the order is forwarded to the:-

- 1/ Chief Engineer (Irr) NWFP Peshawar.
- 2/ All Superintending Engineers in Irrigation Department NWFP.
- 3/ Project Director Khin, Swabi Group at Mardan.
- 4/ Director Small Dams Directorate NWFP Peshawar.
- 5/ All Executive Engineers in Irrigation Deptt: NWFP.
- 6/ Canal Collector (Legal) for information & n/action,

They are requested to inform the Candidates accordingly.

ATTESTED

CHIEF ENGINEER.

*4207/24R
5/12
cc
Official
SCIP. B
Az
1/12*

(13)

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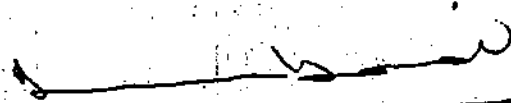
OFFICE OF THE CHIEF ENGINEER
IRRIGATION DEPARTMENT NWFP
PESHAWAR.

NO. 5831- /IB/A/1547-PF,
Dated Peshawar the 13 /3/1993/.

OFFICE ORDER.

Mr. Raham Zeb candidate Zilladar BPS-3 attached to Peshawar Canals Division, Peshawar, is hereby promoted as officiating Zilladar BPS-14 with immediate effect in the interest of Public service.

On his promotion, he is posted to Mardan Irrigation Division, Mardan against the existing vacancy.


CHIEF ENGINEER
PHONE NO. 78320.

NO. 5932-38 /IB/A/1547-PF,

Copy forwarded to the :-

- 1/ Superintending Engineer, Central Irrigation Circle, Peshawar,
- 2/ Superintending Engineer, Northern Irrigation Circle, Mardan,
- 3/ Executive Engineer, Peshawar Canals Division, Peshawar,
- 4/ Executive Engineer, Mardan Irrigation Division, Mardan,
- 5/ Accountant General, NWFP, Peshawar,
- 6/ District Account Officer, Mardan,
- 7/ Canal Collector (Local),
- 8/ Mr. Raham Zeb candidate Zilladar, Peshawar Canals Division, Peshawar.

sd/-
CHIEF ENGINEER.

Copy to case 216-E(i), and 216-E(ii)
for reference.

~~ATTESTED~~

No. 50211

IB/A/110-50211

Date:

11/11/2005

Mr. Fazal-Amin U.D.C
O/O the Post Master General,
Pakistan Post Office Peshawar

(14)

Subject: **APPOINTMENT OF ZILLADAR BS-14 ON CONTRACT BASIS**

Consequences upon the recommendation of the NWFP PSC vide his letter No. 44248, dated 17-12-2005, received through Secretary to Govt of NWFP Irrigation & Power Deptt: letter No. SO-(E) Irr/4-3/84 dated 02-01-2006, you are hereby offered the post of Zilladar Bs-14 on contract basis subject to the following conditions:

1. Your service will be governed under the Govt of NWFP Contract Policy 2002, issued vide Secretary to Govt of NWFP Finance department No. FD(SOSR-II)12-1/2002, dated 26-10-2002.
2. You will be granted the minimum of BS-14 (3565-275-11815) with usual allowances as admissible under the Govt of NWFP Contract Policy 2002.
3. The appointing authority can terminate the contract on two months notice or two months salary in lieu thereof.
4. You will be provided facilities of contribution of provident fund as admissible under the contract policy.
5. You will not contribute G.P fund and shall not be entitled for pension and gratuity.
6. Any terms and conditions issued to the Govt hereinafter in this regard will also be binding upon you.
7. You will have to undergo training as required under Rule 7 (a), (b), (c) of the NWFP PWD Code Superior Revenue Establishment (Zilladar) Rules 1941.
8. If you are willing to accept this offer of appointment on the terms and conditions of appointment you should return the attached undertaking (in duplicate) and report for duty to the under signed not later than 2-04-2006 positively. The offer of appointment shall stand cancelled if you fail to report by the stipulated period.
9. You will have to submit on your joining the department the following original certificates:-
 - a. Domicile
 - b. Medical Fitness
 - c. Education Qualification Certificates/Degree
 - d. That you are not dismissed Govt Servant.
 - e. Character Certificate

In case the above noted documents and your reply to the acceptance of this offer is not received within stipulated period i.e. 20-04-2006, the offer of appointment shall stand automatically null and void.

Chief Engineer
Ph: 9212116

C.C

1. Secretary to Govt of NWFP Irrigation & Power Deptt: Peshawar with reference to his letter referred above for information.
2. Assistant Post Master General (Admn) Pakistan Post Officer Peshawar Cantt: Peshawar. He is requested to relieve Mr. Fazal Amin UDC for joining his new assignment.
3. All Superintending Engineers Irrigation Deptt:
4. All Executive Engineers Irrigation Deptt:
5. All Agency / District Accounts Officers
6. Canal Collector (Local)

ATTESTED

Chief Engineer

Note. 2. [The Government of Pakistan or a Local Government may issue general orders under this Article in regard to any specified class of officers under training.]

Deputation out of Pakistan

412. When an officer is deputed out of Pakistan on duty, the whole period of his absence from Pakistan counts. When an officer on leave out of Pakistan is employed, or is detained after the termination of his leave on duty, the period of such employment or detention counts.

Recall to Duty

413. Time spent on the voyage to India upto 14th August, 1947 and to Pakistan thereafter by an officer who is recalled to duty before the expiry of any recognised leave out of India/Pakistan counts, provided his return on duty is compulsory (see Article 199).

¹414. Omitted.

¹415. Cancelled.

SECTION III—SUSPENSIONS, RESIGNATION, BREAKS AND DEFICIENCIES IN SERVICES

Periods of Suspension

416. Time passed under suspension pending enquiry into conduct counts, if the suspension is immediately followed by reinstatement ²[****].

³[417. Time passed under suspension followed by re-instatement shall count for pension irrespective of whether the Government servant was or was not allowed full pay and allowances for that period.]

⁴[417-A. If an officer, who has been suspended pending inquiry into his conduct attains the age of superannuation before the completion of the inquiry, the disciplinary proceedings against him shall abate and such officer shall retire with full pensionary benefits and the period of suspension shall be treated as period spent on duty.]

Resignation and Dismissals

418. (a) Resignation of the public service, [or dismissal] or removal from it for misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination entails forfeiture of past service.

1. Omitted by M.F. Notification No. D. 203-RS.1169, dt. 21-4-1969.
2. Omitted by Not. No. F.3(2) PS/65, dt. 4-1-1968.
3. Article 417 substituted by S.R.O. 2271/83, dated 17th Feb., 1983, Gaz. of Pak., Extr. Part II, P. No. 225, dt. March 8, 1983.
4. Article 417-A inserted by S.R.O. 1141/80, dated 10th Nov., 1980, Gaz. of Pak., Extr. Part II, P. No. 2215, dt. Nov. 20, 1980.

(b) Resignation of an appointment to take up another appointment, in which counts, is not a resignation of the public service.

419. Any authority who, on revision or appeal, reverses an order dismissing [or removing] an officer, may declare that the officer's past service counts.

Interruptions

420. An interruption in the service of an officer entails forfeiture of his past service, except in the following cases:—

- (a) Authorised leave of absence. —
- (b) Un-authorised absence in continuation of authorised leave of absence so long as the office of the absentee is not substantively filled; if his office is substantively filled, the past service of the absentee is forfeited.
- ²[(c) Suspension where it is immediately followed by re-instatement, whether to the same or a different office, or where the officer dies or is permitted to retire or is retired while under suspension.]
- (d) Abolition of office or loss of appointment owing to reduction of establishment.
- (e) Transfer to non-qualifying service in an establishment under Government control. The transfer must be made by competent authority; an officer who voluntarily resigns qualifying service cannot claim the benefit of this exception. Transfer to a grant-in-aid school entails forfeiture. [But see Example (c) of Article 386.]
- (f) Transfer to service on the house-hold establishment of the President.
- (g) Time occupied in transit from one appointment to another, provided that the officer is transferred under the orders of competent authority, or, if he is a non-gazetted officer, with the consent of the head of his old office.
- ³[(h) Due to any other reason, provided the interruption is not due to any fault or wilful act of a Government servant, such as, un-authorised absence, resignation or removal from service.]

1. The words in brackets occurring in Articles 418 and 419 take effect from 18th June, 1935.
2. Subs. vide Not. No. F.2(7)-Reg(6)/72, dt. 13-7-1972.
3. Clause (h) inserted by S.R.O. 2271/83, dated 17th Feb. 83, Gaz. of Pak., Extr. Part, Part II, P. No. 225, dt. March 8, 1983.

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Government decisions.—

(1) A Government servant, who, as an officer of the Army in Pakistan Reserve, carries out his military training on the expiry of leave out of Pakistan taken from his civil appointment, and before rejoining his civil appointment for duty, should receive pay as follows—

- (i) Joining time civil pay from the date of disembarkation in Pakistan to the date proceeding that on which his military training commenced.
- (ii) Full civil pay during the period of training.

(2) A reservist of the Pakistan Army in Civil employ will, when called up for periodical military training, receive military pay and allowances. He will also receive the excess, if any, of the civil pay over his military pay, provided that this concession is specifically sanctioned by the Ministry of the Government of Pakistan or attached and subordinate office concerned, or by the local Government in whose employ the reservist is serving in civil capacity. Except where the civil pay of this reservist is met from the Army estimates the extra expenditure involved will not constitute a charge against the Army estimates.

The periods spent in training and on the journey to and from the place of training will be treated as duty for purpose of civil leave, and increments of civil pay.

(3) Deleted.

(4) Deleted.

(5) A reservist of the Pakistan Navy Reserve in civil Government employ will, when called up for periodical training, receiving naval pay and allowances. He will also receive the excess, if any, of his civil pay over his naval pay, provided that this concession is specifically sanctioned by the Ministry or Division of the Government of Pakistan effected, or its attached and sub-ordinate offices, or by the Provincial Government concerned, in whose employ the reservist is serving in his civil capacity, and provided also that (except when his civil pay is also met from the naval estimates) the extra expenditure involved does not constitute a charge against the Defence estimates.

The periods spent in training and on the journey to and from the place of training will be treated as duty for purposes of civil leave, and increment of civil pay.

(6) The incidence of the civil pay of a Government servant, who is a member of the P.N.V.R. or the P.N.R., when called up for training should be governed on the analogy of Rule 6 of Part B (1) of Appendix 3 to the Account Code, Volume I (1940 Edition).

(7) to (13) Deleted.

Audit Instructions—

(1) A Government servant who is treated as on duty during a course of instruction of training and who, at the time when he was placed on such duty, was drawing higher pay on account of an officiating appointment may on every occasion during the period of instruction or training when he would have held that officiating appointment but for such instruction or training, be allowed to draw pay equivalent to what he would have drawn had he been holding the officiating appointment.

[Para. 2 (i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The expressions "the pay of his substantive appointment" and "the pay of any officiating appointment" occurring in F.R. 20 should be taken to mean "the pay which the Government servant drew in the post which he held substantively" and "the pay which the Government servant drew in the post in which he officiated" respectively. In neither case is there any restriction on the kind of 'pay' to be drawn and the expressions should therefore be held to include special pay, if any, which the Government servant drew in the post which he held substantively, or in an officiating capacity.

[Para. 2 (ii), Chap. IV, Sec. I of Manual of Audit Instruction (Reprint).]

F.R. 21. Time-scale pay.—Rules 22 to 29 inclusive and Rule (31) apply to time-scales of pay generally. They do not, however, apply to any time-scale sanctioned by the late Secretary of State in Council in so far as they are inconsistent with terms specially so sanctioned for such time-scale.

F.R. 22. The initial substantive pay of Government servant who is appointed substantively to a post on a time-scale of pay is regulated as follows:

- (a) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended;

- (i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of rule 30) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;

- (ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect

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of the old post, or, if there is not such stage the stage next below that pay plus personal pay equal to the difference, and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay;

(iii) when appointment to the new post is made on his own request under Rule 15 (a) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

Exception.—Telegraph Masters and Telegraphists of the Pakistan Posts and Telegraphs Department who are at their own request transferred from "General Service" to "Station Service" and whose substantive pay in the General Service Scale is higher than the maximum pay of the time scale of the Station Service sanctioned for the Station to which they are transferred will, in addition to the maximum pay in the time-scale of such Station Service, draw personal pay equal to the difference between the two.

(b) If the conditions prescribed in clause (a) are not fulfilled he will draw as initial pay the minimum of the time-scale.

Provided, both in cases covered by clause (a) and in cases, other than removal from the public service for the public service "or after disciplinary measure," covered by clause (b), that if he either—

- (1) has previously held substantively or officiated in—
 - (i) the same post, or,
 - (ii) a permanent or temporary, post on the same time-scale, or
 - (iii) a permanent post other than a tenure post, on an identical time-scale, or a temporary post on an identical time-scale, such post being on the same time-scale as a permanent post, or
- (2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated.

Inserted with effect from 7th January, 1962 by G. P. M. F. Notification No. F. 20-1123-R-11/62, dated the 8th September, 1961.

when the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor-General under rule 9 (21) (a) (iii), which he drew on the last such occasion, and he shall grant for increments the period during which he drew that pay on such last and any previous occasions. If, however, the pay last drawn by the Government servant in a temporary post has been inflated by the grant of promotional increments the pay which he would have drawn but for the grant of those increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purpose of this proviso to be the pay which he last drew in the temporary post.

Exception.—The condition in paragraph (iii) of the first proviso that the temporary post should be on the same time-scale as a permanent post shall not be enforced when a temporary post is created by one Government or Department for the purpose of work of the same nature as the ordinary work for which permanent posts exist in a cadre under a different Government or Department and (ii) sanctioned on a time-scale identical with the time-scale applicable to the permanent posts in the cadre under the different Government or Department.

NOTE 1.—If the Government servant is entitled to overseas pay in the new post but was not drawing overseas in the old post, the overseas pay in the new post shall not be taken into account in determining the stage in the time-scale of the new post to which he is entitled under clause (a).

NOTE 2.—For the purposes of this Rule sterling overseas pay shall be converted into rupees at the official rate of exchange.

Government decision.

(1) The Governor-General has decided that revision to the ordinary cadre of services from a tenure post included in that cadre or from a tenure or special post not included in it, does not constitute substantive appointment to a post for the purpose of F. R. 22.

[G.I. P.D. F. 15-C. S.R. 27, dated the 22nd January, 1927.]

(2) The Government have decided, after consultation with the Auditor General, that for the purpose of Fundamental Rules 22 and 30 a declaration as to the relative degrees of responsibility of two posts should be obtained from the administrative head of the department or the Government according as the posts are in the same or different departments.

[G.I. P.D. No. F/113-R. 1/30, dated the 19th August, 1930.]

(3) A question arose whether identical time-scale-one attached to posts whose pay is governed by the Civil Services Regulations and the other subject to conditions prescribed by the Fundamental Rules could be treated as identical for the purpose of the Pay Chapter in the Fundamental Rules. It has been decided with the concurrence of the Auditor General that when two posts are on identical time-scale, it is reasonable to hold that the duties and responsibilities to the posts are not very different in nature, irrespective of the fact whether the pay of the post is governed by the Civil Services

Note-I:

With effect from 1.1.1984, pay of the retired Defence Services Personnel by commissioned Rank will be fixed with reference to pay of the substantive rank or parity rank if held for one year before retirement plus full military pension.

No.SOSR-III(FD)28-120/73-Vol-III, Dated 8.9.1987.

Note-II: The senior post allowance and qualification pay are not allowed to retired

vil Servants on re-employment/contractual appointments.

No. SOSR-III(FD)28-120/73-Vol-III, dated 2.7.1996.

Fixation of the Initial Pay of an officiating civil servant who is appointed of officiate in another post on a time scale of pay in any Government Department/Attached Department/Subordinate office whether permanent or temporary. (F.R-22 Relaxation).

Administrative Departments are empowered to relax the relevant rules, so as to fix the initial pay in the time scale of the new post at the stage of which it would have been fixed under the rules if the officiating pay in respect of the old were his substantive pay in respect of the old post provided that;

- a-1) The post held by the Civil Servant in an officiating capacity before appointment to the new post is a permanent one and he has officiated for at least three years in that post, or;
- ii) The post held by the Civil Servant before appointment to the new post is a temporary post and civil servant has officiated against that post for at least three years, or ;
- iii) If the civil servant has not officiated for at least three years in that post, the appointing authority certifies that the civil servant would have continued to officiate in that post had he not been promoted.

The appointing authority certified that the civil servant was not officiating in a short term vacancy and was not likely to revert to a lower post.

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e) The civil servant is not ineligible for confirmation in that post. (19)

Remarks: This will not apply in the case of-

1. Promotion from Junior Scale to Senior Scale of a service where pay in the senior scale is regulated according to the year of service.
2. Appointment to post in which the length of service formula is applicable.
3. Appointment to posts where the initial pay is fixed by allowing a minimum monetary benefits over the pay previously drawn.
4. Cases which have already been decided in consultation with the Finance Department.
5. Adhoc appointments made departmentally which are subject to the approval of Public Service Commission or similar body.
6. Cases in which no financial loss is involved since an exact stage equal to the last pay drawn exists in the pay scale of the promotion post.
7. **Proforma promotion:**

Note: Proforma promotion includes promotion with retrospective effect in cases when the civil servant does not actually assume duties of the new posts.

No. SO.2176(SR)VI/68/FD dated 4.3.1969.

Government of West Pakistan.

Decision: If the civil servant has already drawn continuously for three years or more the officiating pay in a grade, that officiating pay is treated as substantive pay for the purpose of fixation of pay on promotion to higher grade. FD No. (SR-1)/1-8/76-II, dated 15.12.1981.

UPGRADATION OF POST BETWEEN 2ND JUNE & 30TH NOVEMBER

Where a post is upgraded between the 2nd June and 30th November of a calendar year, the increment of such a post shall be allowed retention of pay with reference to his annual pay in the lower scale on 1st December of that year subject to the exercise of an option by the incumbent of the post, provided that other conditions of earning the post are fulfilled.

c) ~~The civil servant is not ineligible for confirmation in that post.~~ (20)

Remarks: This will not apply in the case of-

1. Promotion from Junior Scale to Senior Scale of a service where pay in the senior scale is regulated according to the year of service.
2. Appointment to post in which the length of service formula is applicable.
3. Appointment to posts where the initial pay is fixed by allowing a minimum monetary benefits over the pay previously drawn.
4. Cases which have already been decided in consultation with the Finance Department.
5. Adhoc appointments made departmentally which are subject to the approval of Public Service Commission or similar body.
6. Cases in which no financial loss is involved since an exact stage equal to the last pay drawn exists in the pay scale of the promotion post.

7. **Proforma promotion:**

Notes Proforma promotion includes promotion with retrospective effect in cases when the civil servant does not actually assume duties of the new posts.

No.SO.2176(SR)VI/68/PD dated 4.3.1969.

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سرکاریوں ۵ لاکھ سے زائد دستاویز

پشیمانی

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خیزات و شہزادت کے استعمال کے استعمال سے کشمیریوں کو آزادی دینے کے لئے آزادوں کے مددگاروں کے ساتھ ساتھ...

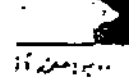
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کے تمام مسائل حل کر دیے جائیں گے

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