

SINGLE EMPLOYEE ENTRY

OFFICE OF THE PRINCIPAL, GOVT. DEGREE COLLEGE HANGU

FOR THE MONTH OF July 2024

D No 232
23/7/24

DDO CODE **H G 4 0 2 6**
(Cost Center)

Description **HIGHER EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA**

Personal Number **0 0 2 1 0 9 5 6**
0 0 4 5 6 0 3 3

Employee Name **Mr. Fazal Karim**

National ID

Card Number

Grade Pay **0 7**
Scale Group

BPS-07

Salary

Status

Start

Stop

INTERNAL DATA CHANGE		CHANGE IN PAYMENTS/DEDUCTION			Effective Date	Remarks
Field ID	New Contents	Wage Type	Amount			
			Rupees	Paisa Adj		
1		Pay		2813404	24/07/2024	In compliance to the decision of Khyber Pakhtunkhwa Service Tribunal Peshawar, dated. 20-10-2021 (Copy attached). And directions of Director Higher Education Khyber Pakhtunkhwa Peshawar vide letter No.11591/CA-VII/Estt Branch/A-167/GDC Hangu/M-123 (V-01) Dated 24/07/2024 (Copy Attached), these salaries are conditionally claimed due to CPLA No. 781-P/2016 filed by the Department in Supreme Court of Pakistan and if the decision of supreme court of Pakistan goes against the said official. The official concerned is bound to indemnify the department by re-depositing the amount claimed in the source.
2		HRA		114935		
4		MA		112500		
5		Adhoc Relif 13		66441		
		Adhoc Relif 15		49185		
		(-) AR 10% 2022		9152		
		DRA All 2022		9152		
		Special All		7000		
			Total	3181769		

Retained with Security Source from that correct amount & detail of Armar
Fazal Karim
Driver GDC, Hangu
may be presented to this office.

PREPARED BY

Fazal
Principal
Govt. Degree College
Hangu

Audit/Checked By

24/07/2024

Entered/Verified By

24/7/24
24/7/24



GOVERNMENT DEGREE COLLEGE HANGU

Thall Road, Hangu 26190, KPK, Pakistan, Phone No: 0925-621517
Email address: gdchangu1973@gmail.com www.facebook.com/gdchangu



No. 788 /-

Dated Hangu the.24/07/2024.

To

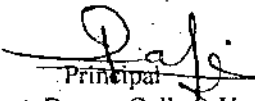
The District Account Officer, Hangu.

Subject: **RELEASE OF SALARIES (BACK BENEFITS)**

Memo:

In compliance to the honorable Khyber Pakhtunkhwa Service Tribunal Peshawar judgement dated 20/10/2021 in service *Appeal No.934/2016, titled "Mr. Fazal Karim, Driver Government Degree College Hangu Vs Higher Education Department Khyber Pakhtunkhwa and others"* and under the directions of Director Higher Education Peshawar's office, letter No.11591/CA-VII/Estt Branch/A-167/GDC Hangu/M-123 (V-01) Dated 24/07/2024(Copy Attached).

The salaries of Mr. Fazal Karim Driver at this college be conditionally released subject to the final outcome of CPLA No.781-P/2016. The attached source form is hereby forwarded to your office for necessary process of the drawl of salaries of the said official w.e.f 01/07/2016 to 15/08/2022 please.


Principal
Govt. Degree College Hangu
24/07/2024.

Endst No above and dated.

Copy forwarded to Director Higher Education Khyber Pakhtunkhwa Peshawar w/r to his office letter No.11591/CA-VII/Estt Branch/A-167/GDC Hangu/M-123 (V-01) Dated 24/07/2024 for information.


Principal
Govt. Degree College Hangu



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
RANO GHARI NEAR CHAMKANI MOR, PESHAWAR**



E-mail:- dhekpesh@gmail.com Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar1

No. 1199/CA-VII/Estt. Branch/A-167/GDC Hangu M-123 (V-01)

Dated Peshawar the 24/7/2024

To

The Principal,
Government Degree College, Hangu.

Subject: RELEASE OF MONTHLY SALARIES OF NON-SERVING PERIOD

Memò:

I am directed to refer to the subject noted above and to enclose herewith order sheet in r/o Mr. Fazal Karim, Driver, of your college with the request to send the case for back benefits of the official concerned to Account Officer concerned w.e.f 01-07-2016 to 15-08-2022 with the intimation to this office, please.

Being Court matter may be treated as most urgent.

DEPUTY DIRECTOR (ESTT)

Draft: 23-07-2024

For: 24-07-2024

General Folder 2024 (PC-2)

PG. 3

6/34
10.07.2024

01. Petitioner present in person. Mr. Arshad Azam, Assistant AG alongwith Solrab Khan, Law Officer for the respondents present.

02. Last chance was given to the respondents for submission of implementation report. Today departmental representative stated that the Principal, Government College, Tangu is working on the arrears of salaries of the petitioner for which he seeks some time. As enough time has already been passed since judgment was passed on 20.10.2021, therefore, the respondents are directed to submit implementation report by 24.07.2024 positively, failing which salaries of respondents No. 1, 2 and 3 would be attached. PP given to the parties.

(Farooq Paul)
Mcm/ser(1)

• Nazle Subhan, D.S.

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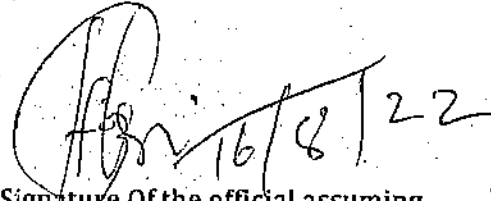
OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE HANGU

CHARGE ASSUMPTION REPORT

Conditionally given charge of the post of driver to Mr. Fazal Karim Driver GDC Hangu, in light of the judgment of Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 20-10-2021 in service appeal No. 934116 subject to the condition that this handing over of charge will be deemed null and void if final decision of supreme court comes out against the official in the CPLA NO. 781-P/2021, as directed through Directorate of Higher Education Khyber-Pakhtunkhwa, Peshawar letter No. 13637/CA-VII/Estt: Branch/A-167/GDC Hangu.

STATION GDC HANGU.

Dated: 16/08/2022(F/N)



Signature Of the official assuming
Charge of Driver

Fazal Karim

Driver

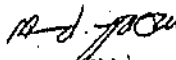
Govt. Degree College Hangu.

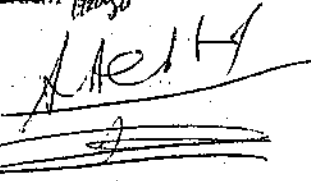
OFFICE OF THE PRINCIPAL GOVT. DEGREE COLLEGE HANGU

Ends No. 33-36 /Personal File Dated Hangu the 18/08/2022.

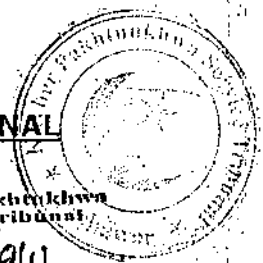
Copy for information

1. Director Higher Education Khyber Pakhtunkhwa.
2. Dy. Director Establishment Higher Education Khyber Pakhtunkhwa.
3. District Account Officer HANGU
4. Official Concerned
5. Office Record.


PRINCIPAL
GOVT. DEGREE COLLEGE
HANGU



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 934 / 2016

Diary No. 941

Date: 01-9-2016

Mr. Fazal Karim, Driver (BPS-6),
Government College Hangu, District Hangu..... **APPELLANT**

VERSUS

- 1- The Govt: of KPK through Secretary Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Principal Government College Hangu, District Hangu.
- 4- The District Accounts Officer, District Hangu.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 20.6.2016 WHEREBY THE SALARY OF THE APPELLANT WAS STOPPED ALONGWITH RECOVERY OF ALREADY DRAWN SALARIES AND AGAINST THE APPELLATTE ORDER DATED 11.8.2016 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 20.6.2016 and 11.8.2016 may very kindly be set aside and the respondents may be directed that not to retired the appellant pre maturely (not on the basis of CNIC but on the basis of the entry recorded in service book i.e. 10.6.1964 instead of 1955). That the respondents may further please be directed to released the monthly salaries of the appellant w.e.f. 1.6.2016 till date. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed day

Registrar

1/9/16

**R/SHEWETH:
ON FACTS:**

[Signature]
Khyber Pakhtunkhwa
Service Tribunal

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant is the employee of the respondent Department and is serving the respondent Department as

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.934/2016



Date of Institution ... 01.09.2016
Date of Decision ... 20.10.2021

Mr. Fazal Karim, Driver (BPS-6), Government College, Hangu,
District Hangu. ... (Appellant)

2

VERSUS

The Government of Khyber Pakhtunkhwa, through Secretary
Higher Education Department Khyber Pakhtunkhwa, Peshawar
and three others.

... (Respondents)

Noor Muhammad Khattak,
Advocate

... For Appellant.

Javid Ullah,
Assistant Advocate General

... For Respondents.

Ahmad Sultan Tareen
Rozina Rehman

... Chairman
... Member (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): Brief facts of the case are that
appellant was serving as Driver. His age was recorded by Medical
Superintendent as 10.06.1964 at the time of his appointment and
subsequently, the said entry was recorded in his service book and
payroll. His date of birth was inadvertently recorded in his C.N.I.C as
1955 instead of 10.06.1964. He, therefore, filed a Suit in the Civil
Court but the same was dismissed. He preferred appeal in the Court
of District Judge which was also dismissed. He then filed

ACCEPTED

ROZINA REHMAN
Assistant Advocate General

departmental appeal which was rejected, hence, the present service appeal.

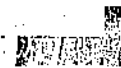
2. We have heard Noor Muhammad Khattak Advocate and Javid Ullah, learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Learned counsel for appellant contended that the impugned orders dated 22.06.2016 and 11.08.2016 are against law, facts and norms of natural justice and material on record. He contended that the appellant was not treated in accordance with law and rules as such, Article-4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973 were violated by the respondents. Lastly, he contended that according to rules and the judgments of the august Supreme Court of Pakistan, a civil servant should be retired on the basis of entry in the service book and not on the basis of C.N.I.C or any other document, therefore, his date of retirement may be considered as 01.06.2024 instead of 15.06.2015.

4. Conversely learned A.A.G submitted that according to Computerized National Identity Card, the date of birth of the appellant is recorded as 1955 and that in the previous record, his name was Gul Karim which was later on changed to Fazal Karim which entry was tempered by the appellant. He further submitted that Civil Suit filed for correction of date of birth in the Civil Court Hangu was dismissed and similarly, his appeal was also dismissed with special cost of Rs.20,000/- and that the appellant was due to retire on

ATTESTED

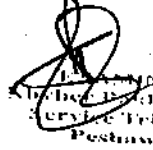
 J. AMINER
 Khuzdar District Court
 Service Tribunal
 Khuzdar

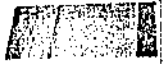


superannuation on 15.06.2015 as per his C.N.I.C, Driving License and other relevant documents, therefore, his salary was stopped and in this regard, a bond was also signed by the appellant with Principal.

5. From the record it is evident that the present appellant was appointed as Driver (B.P.S-06) and his date of birth was recorded as 10.06.1964. Admittedly, his name was entered and recorded as Gul Karim. Service book of the appellant was produced by the respondents before this Bench and learned A.A.G pointed out towards a note written on first page of the service book in red ink about change of name of the appellant Gul Karim to Fazal Karim vide office letter No.662-64 dated 27.01.1997. Although, learned A.A.G had raised objection as to veracity of the said note but when asked to produce the copy of the said letter, he failed to produce the same. His medical report is also available on file, wherein, his date of birth has been recorded as 10.06.1964. His payroll also shows his date of birth as 10.06 1964. No doubt, Civil Suit filed for rectification of the record was dismissed by the learned Civil Judge vide judgment dated 18.05.2016. Appeal was also dismissed, where-after, the appellant filed Revision Petition in the august Peshawar High Court, Peshawar and vide judgment dated 18.10.2019, his suit was decreed in his favor and on the strength of the judgment of the august High Court, correct C.N.I.C was issued in his favor, wherein, his date of birth was recorded as 10.06.1964. The correction pertaining to his date of birth in the National Identity Card was declared by the august Court to be his right and accordingly, he was held entitled to the decree. The objection raised by the learned A.A.G in respect of taking benefit of

ATTESTED


 MEMBER
 SERVICE TRIBUNAL
 PESHAWAR




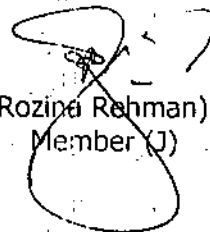
this fresh entry of correction of his date of birth in his service book has no force because service record favors the contention of appellant.

5


6. For what has been discussed above, instant service appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
20.10.2021


(Ahmad Sultan Tareen)
Chairman


(Rozina Rehman)
Member (J)

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 08/11/21
Number of Words 2000
Copying Fee 22/-
Urrent 4/-
Total 26/-
Name of Copyist _____
Date of Completion of Copy 08/11/21
Date of Delivery of Copy 08/11/21

