KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No.761 of 2022

Mansoor Ullah versus Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	**Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary**
Order-18 6th November, 2024.	**Kalim Arshad Khan, Chairman** Present: 1. Mr. Arbab Saiful Kamal, Advocate, on behalf of appellant. 2. Mr. Naseer Ud Din Shah, Assistant Advocate General, on behalf of respondents. 3. Vide our consolidated judgment of today, placed on file, the effect of the notification dated 19.10.2018 shall be deemed for engineers of all departments as per the decision of the Cabinet. Copy of the judgment be placed on files of connected appeals. Costs shall follow the event. Consign. 4. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 6th day of November, 2024* (Rashida Bano) Member (J) (Kalim Arshad Khan) Chairman *Mutazem Shah*

MEMO OF COSTS
KHYBER PAKHTUNKHKWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.761/2022

Date of presentation of Appeal	11.05.2022
Date of hearing	06.11.2024
Date of Decision	06.11.2024

Mansoor Ullah Khan S/O Muhammad Ikram, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....*(Appellant)*

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.

.....*(Respondents)*

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.

PRESENT

1. Mr. Arbab Saiful Kamal, Advocate, for the Appellant
2. Mr. Naseer Ud Din Shah, Assistant Advocate General, for respondents

Appellants	Amount	Respondent	Amount
1. Stamp for memorandum of appeal	Rs. Nil	1. Stamp for memorandum of appeal	Rs. Nil
2. Stamp for power	Rs. Nil	2. Stamp for power	Rs. Nil
3. Pleader's fee	Rs. Nil	4. Pleader's fee	Rs. Nil
4. Security Fee	Rs. 100/-	4. Security Fee	Rs. Nil
5. Process Fee	Rs. Nil	5. Process Fee	Rs. Nil
6. Costs	Rs. Nil	6. Costs	Rs. Nil
Total	**Rs. 100/-**	**Total**	**Rs. Nil**

Note: Counsel Fee is not allowed as the required certificate has not been furnished.

Given under our hands and the seal of this Court, this 6th day of November, 2024.

Rashida Bano
Member (Judicial)

Kalim Arshad Khan
Chairman

fiscal matters, is constitutionally invalid and a nullity in the eyes of the law (Messrs Mustafa Impex Karachi and others v. The Government of Pakistan 2016 PTD 2269)."

10. Thus, the effect of the notification dated 19.10.2018 shall be deemed for engineers of all departments as per the decision of the Cabinet. Copy of this judgment be placed on files of connected appeals. Costs shall follow the event. Consign.

11. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 6th day of November, 2024.

KALIM ARSHAD KHAN
Chairman

RASHIDA BANO
Member (Judicial)

Muazem Shah

Versus GOVERNMENT OF THE PUNJAB through Secretary, Ministry of Finance and 6 others" wherein it was held that:

> *"14. The second ground of challenge is based on the provision of the Constitution which relate to the term 'Provincial Government' and the true connotation that that term carries. According to the learned counsel if the power has been conferred on the Provincial Government, then it has to be in consonance with the definition of the Provincial Government given in Article 129 of the Constitution which provides that:*
>
> *"The Provincial Government: Subject to the Constitution, the executive authority of the Province shall be exercised in the name of the Governor by the Provincial Government, consisting of the Chief Minister and Provincial Ministers, which shall act through the Chief Minister."*
>
> *15. Thus, the term Provincial Government would connote the Chief Minister and Provincial Ministers taken together which means that the decision by the Provincial Government has to be taken by the Cabinet as a whole as delineated in Article 130 of the Constitution. Since there is no material on record to rebut the proposition that the Cabinet did not approve the terms of the notification which are under challenge in this petition the necessary inference would be that this offends the constitutional mandate of Article 129 which obliges the decision to be taken by the entire Cabinet if the law provides that a decision is to be taken by the Provincial Government. Under similar circumstances, the Supreme Court of Pakistan while interpreting the provisions of the Constitution in relation to the Federal Government and in particular Article 91 has held that the rules of business are binding on the government and failure to follow them would lead to an order lacking any legal validity; that the Federal Government is the collective entity described as the Cabinet constituting the Prime Minister and the Federal Ministers; lastly that neither a Secretary, nor a Minister and not the Prime Minister are the Federal Government and the exercise, or purported exercise, of a statutory power exercisable by the Federal Government by any of them, especially, in relation to*

the Cabinet, therefore, the Chief Minister alone could not have modified the decision of the cabinet.

8. Wisdom is derived from P L D 2016 Supreme Court 808 titled "Messrs MUSTAFA IMPEX, KARACHI and others Versus The GOVERNMENT OF PAKISTAN through Secretary Finance, Islamabad and others", wherein the august Supreme Court of Pakistan held as under:

> *"Prime Minster was the head of the Cabinet. He was the single most important person in the Cabinet, but he did not stand in the position of the Cabinet. He was neither a substitute nor a surrogate for the Cabinet. He could not exercise its powers by himself. The reason that he could not stand in the position of the Cabinet was because the Cabinet was, in fact, the Federal Government. Treating the office of the Prime Minister as being equivalent to that of the Cabinet,would mean that the Prime Minister, by himself, as a single individual, would become the Federal Government. This was simply inconceivable.*
> *Function of the Chief Executive (Prime Minister) was to execute and implement the policy decisions taken by Cabinet i.e. the Federal Government. Chief Executive executed policy decisions; he did not take them by himself. The Prime Minister could not take decisions by himself, or by supplanting or ignoring the Cabinet because the power to take decisions was vested with the Federal Government i.e. the Cabinet, and unilateral decisions taken by him would be a usurpation of power.*
> *Decisions of the Federal Government were the decisions of the Cabinet and not of the Prime Minister. Any decisions taken by the Prime Minister on his own initiative lacked the authority of the law or the Constitution."*

9. Reliance is also placed on 2023 PTD 01 tilted "Messrs WORLDCALL TELECOM LTD. through Chief Financial Officer

relevant departments. Subsequently, the appellants also filed writ petition, which was disposed of with a direction to approach the appropriate forum, leading to the present service appeals.

6. There is no denial of the fact that the Provincial Government Cabinet of Khyber Pakhtunkhwa Government had approved Technical Allowance @1.5 times at the initial pay scale to all engineers working in the Provincial Government Departments w.e.f 1st July, 2018. In the light of its decision dated 24.05.2018 and once the worthy Chief Minister had directed for processing the case in light of the Cabinet decision dated 24.05.2018, as is evident from the note dated 18.10.2018 for Principal Secretary to the Chief Minister Khyber Pakhtunkhwa, but the Finance Department resubmitted the case to the Chief Minister through the then Chief Secretary and requested for replacement of the issue of Technical Allowance to four departments. It is astonishing to note that when once the Cabinet had rendered its decision, how could the Chief Minister supersede the decision of the Cabinet without any approval from the Cabinet by directing for issuance of notification, limiting the grant of the said allowance to only four departments.

7. No record was produced that the decision of the cabinet was modified. Rather the then Chief Minister had limited it to only four departments. Since the government comprises the Chief Minister and

legal and factual objections. The defense setup was a total denial of the claim of the appellants.

3. We have heard learned counsel for the appellant and learned Assistant Advocate General for respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Assistant Advocate General controverted the same by supporting the impugned order(s).

5. The appellants, who were serving as Engineers in the respondent departments, have filed this service appeals seeking the grant of Technical Allowance. The appellants' claim is based on the Provincial Cabinet's decision on 24.05.2018, which approved a Technical Allowance at the rate of 1.5 times the initial basic pay scale for all engineers working in the Provincial Government Departments, effective from 1st July 2018. The decision also allowed engineers the option for private practice. However, despite this approval, the allowance was only extended to four departments after a summary was moved to the Chief Minister Khyber Pakhtunkhwa on 18.10.2018, directing the Finance Department to issue a notification. Feeling aggrieved by the exclusion of engineers in other departments, the appellants filed representations seeking inclusion of engineers in all

Service Appeal No.761/2022 titled "Mansoor Ullah Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.313/2022 titled "Dr. Eid Badshah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.762/2022 titled "Nasim Javed versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.763/2022 titled "Nazeer Abbas versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No. 764/2022 titled "Fakhar Ud Din versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.765/2022 titled "Zahid Rabbani versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.766/2022 titled "Kalsoom Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.767/2022 titled "Muhammad Usman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.768/2022 titled "versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.769/2022 titled "Hazrat Nabi versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.793/2022 titled "Sajjad Ullah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.794/2022 titled "Amjid Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.795/2022 titled "Sadia Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others" declared on 06.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN: Brief facts of the cases, as per averments of the appeals, are that appellants were serving as Engineers in the respondent departments; that in a meeting of the Provincial Cabinet held on 24.05.2018 it approved Technical Allowance @ 1.5 times of the initial basic pay scale to all engineers working under the Provincial Government Departments w.e.f 1st July, 2018 and were also allowed for private practice; that on 18.10.2018, summary was moved to the then Chief Minister Khyber Pakhtunkhwa for directing Finance Department to issue immediate Notification of the earlier cabinet decision but after approval, the same was allowed only to four departments; that feeling aggrieved, the appellants filed representations for grant of Technical Allowance to Engineers working in other departments; that the appellants also filed Writ Petition, however, the same was disposed of with direction to approach proper forum, hence, the instant service appeal.

2. On receipt of the appeals and their admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous

Service Appeal No.761/2022 titled "Mansoor Ullah Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.313/2022 titled "Dr. Eid Badshah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.762/2022 titled "Nasim Javed versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.763/2022 titled "Nazeer Abbas versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No. 764/2022 titled "Fakhar Ud Din versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.765/2022 titled "Zahid Rabbani versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.766/2022 titled "Kalsoom Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.767/2022 titled "Muhammad Usman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.768/2022 titled "versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.769/2022 titled "Hazrat Nabi versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.793/2022 titled "Sajjad Ullah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.794/2022 titled "Amjid Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.795/2022 titled "Sadia Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others" declared on 06.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Amjad Khan S/O Amal Khan, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....***(Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....(***Respondents***)

Service Appeal No.795/2022

Date of presentation of Appeal.....11.05.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Saadia Rehman S/O Abdul Rehman, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....***(Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....(***Respondents***)

Present:

Mr. Arbab Saiful Kamal, Advocate.....For the appellants
Mr. Naseer Ud Din Shah, Assistant Advocate General.....For respondent

Service Appeal No.761/2022 titled "Mansoor Ullah Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.313/2022 titled "Dr. Eid Badshah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.762/2022 titled "Nasim Javed versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.763/2022 titled "Nazeer Abbas versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No. 764/2022 titled "Fakhar Ud Din versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.765/2022 titled "Zahid Rabbani versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.766/2022 titled "Kalsoom Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.767/2022 titled "Muhammad Usman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.768/2022 titled "versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.769/2022 titled "Hazrat Nabi versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.793/2022 titled "Sajjad Ullah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.794/2022 titled "Amjid Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.795/2022 titled "Sadia Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others" declared on 06.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....(***Respondents***)

Service Appeal No.769/2022

Date of presentation of Appeal.....11.05.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Hazrat Nabi S/O Nazir Mohammad, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....(***Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....(***Respondents***)

Service Appeal No.793/2022

Date of presentation of Appeal.....11.05.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Sajjad Ullah S/O Amir Zaman Khan, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....(***Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....(***Respondents***)

Service Appeal No.794/2022

Date of presentation of Appeal.....11.05.2022

Service Appeal No.761/2022 titled "Mansoor Ullah Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.313/2022 titled "Dr. Eid Badshah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.762/2022 titled "Nasim Javed versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.763/2022 titled "Nazeer Abbas versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.764/2022 titled "Fakhar Ud Din versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.765/2022 titled "Zahid Rabbani versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.766/2022 titled "Kalsoom Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.767/2022 titled "Muhammad Usman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.768/2022 titled "versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.769/2022 titled "Hazrat Nabi versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.793/2022 titled "Sajjad Ullah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.794/2022 titled "Amjid Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.795/2022 titled "Sadia Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others" declared on 06.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....(***Respondents***)

Service Appeal No.766/2022

Date of presentation of Appeal.....11.05.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Muhammad Usman S/O Din Mohammad, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....(***Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....(***Respondents***)

Service Appeal No.768/2022

Date of presentation of Appeal.....11.05.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Maria Javed D/O Javed Iqbal, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....(***Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.

Fakhar Ud Din S/O Abdul Qayyum, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....***(Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....***(Respondents)***

Service Appeal No.765/2022

Date of presentation of Appeal.....11.05.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Zahid Rabbani S/O Ghulam Rabbani, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....***(Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....***(Respondents)***

Service Appeal No.765/2022

Date of presentation of Appeal.....11.05.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Kalsoom Rehman D/O Abdul Rehman, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....***(Appellant)***

Versus

Service Appeal No.761/2022 titled "Mansoor Ullah Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.313/2022 titled "Dr. Eid Badshah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.762/2022 titled "Nasim Javed versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.763/2022 titled "Nazeer Abbas versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No 764/2022 titled "Fakhar Ud Din versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.765/2022 titled "Zahid Rabbani versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.766/2022 titled "Kalsoom Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.767/2022 titled "Muhammad Usman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.768/2022 titled "versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.769/2022 titled "Hazrat Nabi versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.793/2022 titled "Sajjad Ullah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.794/2022 titled "Amjid Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.795/2022 titled "Sadia Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others" declared on 06.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Service Appeal No.762/2022

Date of presentation of Appeal.....11.05.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Nasim Javed S/O Niaz Muhammad, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....***(Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....(***Respondents***)

Service Appeal No.763/2022

Date of presentation of Appeal.....11.05.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Nazeer Abbas S/O Abbas Ghulam, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....***(Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....(***Respondents***)

Service Appeal No.764/2022

Date of presentation of Appeal.....11.05.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Service Appeal No.761/2022 titled "Mansoor Ullah Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.313/2022 titled "Dr. Eid Badshah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.762/2022 titled "Nasim Jawad versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.763/2022 titled "Nazeer Abbas versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No. 764/2022 titled "Fakhar Ud Din versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.765/2022 titled "Zahid Rabbani versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.766/2022 titled "Kalsoom Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.767/2022 titled "Muhammad Usman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.768/2022 titled "versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.769/2022 titled "Hazrat Nabi versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.793/2022 titled "Sajjad Ullah versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.794/2022 titled "Amjid Khan versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others", Service Appeal No.795/2022 titled "Sadia Rehman versus Secretary to Government of Khyber Pakhtunkhwa Finance Department and others" declared on 06.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,PESHAWAR

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
RASHIDA BANO ... MEMBER(Judicial)

Service Appeal No.761/2022

Date of presentation of Appeal.....11.05.2022
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Date of Decision.....06.11.2024

Mansoor Ullah Khan S/O Muhammad Ikram, Agricultural Engineer in Agricultural Engineering Wing of Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar.....***(Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Agriculture Department, Peshawar.
4. **Secretary to Government of Khyber Pakhtunkhwa** Establishment Department, Peshawar.....***(Respondents)***

Service Appeal No.313/2022

Date of presentation of Appeal.....07.03.2022
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Dr. Eid Badshah S/O Abdul Munir, Director Excise, Taxation & Narcotics Control Department, Office of the Director General Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.....***(Appellant)***

Versus

1. **Secretary to Government of Khyber Pakhtunkhwa** Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. **Chief Secretary,** Government of Khyber Pakhtunkhwa, Peshawar.
3. **Secretary to Government of Khyber Pakhtunkhwa** Excise, Taxation & Narcotics Control Department, Peshawar.

.....***(Respondents)***
