

ORDER SHEET

APPELLANT/
PETITIONER

APPEAL NO. 3538/2014 200

Zulfiqar Ali Bhatti

Versus
Deptt: Education

RESPONDENT

Serial No. of order of proceeding	Date of order of proceeding	Order with signature of Chairman, Members and that of parties or counsel, where necessary.
1	2	3
	08.12.2015	<p style="text-align: center;"><u>PRESENT</u></p> <ol style="list-style-type: none">1. Mr. Khadim Hussain Khokhar, Advocate, Counsel for the appellant.2. Mr. Muhammad Arshad Naseer, District Attorney.3. Mr. Nemat Ali, Under Secretary Law for Secretary School Education Department.4. Mr. Allah Din Minhas, Law Officer for EDO (Education), Faisalabad. <p>Succinctly stated the appellant Zulfiqar Ali Bhatti was appointed as IT/Computer Science Teacher on contract basis on 25.05.2006 in District Education Department Sheikhupura. After closure of project of IT/Computer Science teacher on 30.06.2008 and as a result thereof the District Accounts Officer discontinued the computer allowance @ Rs.1500/- w.e.f 01.07.2008. Aggrieved by this act of District Accounts Officer, the appellant instead of filing departmental appeal lodged a complaint in the office of Ombudsman Punjab which was allowed with the direction to District Accounts Officer to pay the arrear of computer allowance to the appellant. The respondent No.4 preferred representation to Governor Punjab which was accepted and the order of Ombudsman was set aside as the matter do not fall within the ambit of Ombudsman being a service matter. Appellant filed a review petition before Governor which was also rejected on 10.07.2014 being not competent. Therefore, he filed the instant appeal with the following prayer:-</p> <p style="text-align: right;"><i>"Under the circumstances, it is most respectfully prayed that by accepting this appeal, the impugned act/ orders</i></p>

1	2	3
---	---	---

discontinuing the Computer Allowance may kindly be declared as illegal, unlawful, discriminatory, without jurisdiction and of no legal effect. Hence liable to be struck down by way of restoration of the same w.e.f 01.07.2008 with all the consequential benefits."

2. In order to determine as to whether this Tribunal has jurisdiction to grant the relief as being asked for, section 4 of Punjab Service Tribunal Act, 1975 is re-produced as below:-

"Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the appropriate Tribunal, whichever is later prefer an appeal to the Tribunal."

But neither in the head note nor in prayer clause of the instant appeal the appellant assailed any order of any departmental authority in specific terms. Therefore in the absence of any final order of the departmental authority, this appeal is not competent before this Tribunal in view of above quoted section 4 of Punjab Service Tribunal Act, 1974. Even if discontinuation of computer allowance by District Accounts Officer Sheikhpura is considered as basic order, still appellant was required to file a departmental appeal before next higher authority as is pre-requisite of section 4 PST Act, 1974 but he preferred to file a complaint before the Ombudsman Punjab.

3. It is not the end; the appointment order dated 25.05.2006 (Annexure-A of the instant appeal) reflects that appellant is a contract employee and the learned counsel for the appellant failed to produce any proof with regard to regularization of his services. Therefore, as provided in section 2(b)(ii) of Punjab Service Tribunal Act, 1974 this Tribunal has no jurisdiction to entertain the appeals of contract employees and as such this appeal is incompetent.

4. For the above recorded reason, this appeal is incompetent and is **dismissed** accordingly.



CERTIFIED TRUE COPY
Punjab Service Tribunal
Lahore.
15/12/15

06.12.15
MUHAMMAD HAFEZ ULLAH KHAN
MEMBER-IV