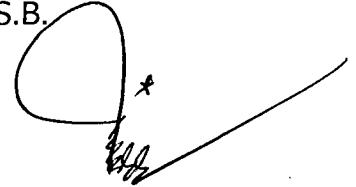


06.04.2022

Mr. Kabirullah Khattak, Addl: AG present. None for the respondents present.

Notice be issued to the respondent. Adjourned. To come up for further proceedings on 27.06.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

27.06.2022

Learned Member (Executive), is on leave. Therefore, the case is adjourned to 11.08.2022 for the same as before.


READER

28.10.2021

Mr. Jehanzaib, Superintendent alongwith Mr. Muhammad Adeel Butt, Addl: AG for the applicants present

The notice was sent to the respondents for today's date on his address at GDC, Sadda Kurram. The postal receipt bear the sticker of post I.D for its tracking. Let the concerned post office be asked to report about the destination of the relevant post. Adjourned. To come up for further proceedings on 23.12.2021 before S.B.


Chairman

23.12.2021

Mr. Jehanzaib, Superintendent alongwith Mr. Muhammad Adeel Butt, Addl. AG present. None present on behalf of the respondent. Notice be issued to him for the next date.

To come up for further proceedings on 14.02.2022 before S.B.


Chairman

14.02.2022

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 06.04.2022.for the same as before.


Reader

31.05.2021

Mr. Kabirullah Khattak, Addl. AG for the petitioner present. None present for the respondent.

On previous date, notice was required to be issued to respondent for today. Notice issued to him on given address has been returned back with the remarks that he has been transferred. Applicants are directed to provide fresh address of respondent within three days and then notice be issued to him on the fresh address. To come up for further proceedings on 02.08.2021 before S.B.

*Fresh address
not submitted within
three days.*


Chairman

03.08.2021

Mr. Kabirullah Khattak, Addl. AG alongwith Jehanzaib, Superintendent for the applicants present.

Representative of the applicants seeks time to furnish fresh address of respondent. He is required to supply fresh address of respondent within three days, thereafter, notice be issued to him on fresh address. To come up for further proceedings on 23.09.2021 before S.B.

*Fresh address
not provide by
the Applicants*


Chairman

23.09.2021

Mr. Jehanzaib, Superintendent alongwith Mr. Muhammad Adeel Butt, AAG for the applicants present.

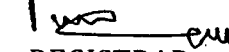


Representative of the applicants has submitted fresh address of the respondent. Notice be issued to the respondent on fresh addressed for next date. To come up for further proceedings on 28.10.2021 before S.B.


Chairman

FORM OF ORDERSHEET

Court of 74

Petition 12(2) No. /2021 in appeal no. 3499/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25/02/2021	<p>The petition U/S 12 (2) C.P.C submitted by Chief Secretary Khyber Pakhtunkhwa and others may be entered in the relevant Register and put up to the Court for proper order please.</p> <div style="text-align: right;">  REGISTRAR </div> <p>This Petition be put up before S. Bench on <u>26/03/21</u></p> <div style="text-align: right;">  CHAIRMAN </div>
2-	26.03.2021	<p>Mr. Kabirullah Khattak learned Addl. AG for petitioners is present.</p> <p>Notice be issued to respondent for 31.05.2021 before S.B.</p> <div style="text-align: right; margin-top: 20px;">  (Atiq Ur Rehman Wazir) Member (E) </div>

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

S.A 3499/2020


Bakht Zamin 74/2021 Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Elementary & Secondary Education Department,
Peshawar & Others Respondents

INDEX

S.No	Description of documents	Annexure	Page No.
1.	C.M Application		1-2
2.	Affidavit		3
3.	Notification Dated: 07-02-2019	A	4
4.	Judgment Dated: 08-06-2020	B	5
5.	Pay roll	C	6-12
6.	PHC Judgement dated: 1-10-2019	D	13-19


Respondents
Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M / Application u/s 12[2] CPC No. _____/2020

IN

Service Appeal No. 3499/2020

Date of Decision 08/06/2020

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Higher Education Department Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Directorate Higher Education Department of Khyber Pakhtunkhwa Peshawar.

.....**Petitioners**

Versus

Bakht Zamin Lecturer (BPS-17) presently posted as Assistant Director (P&D) at Directorate Higher Education.

.....**Respondents**

APPLICATION UNDER SECTION 12 (2) (CPC) CIVIL PROCEDURE CODE 1908 AGAINST THE IMPUGNED JUDGEMENT DATED 08/06/2020 OF THIS HONORABLE TRIBUNAL PASSED IN SERVICE APPEAL NO. 3499/2020.

BAKHT ZAMIN VS SECRETARY HIGHER EDUCATION DEPARTMENT AND OTHERS FOR GRANT OF CONVEYANCE ALLOWANCE DURING WINTER AND SUMMER VACANTIONS.

Respectfully Sheweth:-

Facts:-

1. That Respondent/Appellant was appointed as Lecturer in Higher Education Department and currently posted as Assistant Director (P&D) at Directorate of Higher Education vide notification dated: 07-02-2019 (**Annex-A**).
2. That Respondent / Appellant filed service appeal No. 3499/2020 titled Bakht Zamin vs Higher Education and other before this Honorable Tribunal for grant of directions to the respondents department of conveyance allowance during winter and summer vacations.
3. That this Honorable Tribunal accepted service appeal No. 3499/2020 titled Bakht Zamin vs Higher Education vide judgment dated 08/06/2020 in preliminary hearing without issuance notice to the respondent departments /petitioners [**copy of judgment by Honorable Tribunal is Annex-B**].
4. That the Respondent / Appellant is posted as Assistant Director (P&D) at Directorate of Higher Education and receiving his conveyance allowance (**copy of pay rolls is Annex-C**).
5. That there is apparent legal error and manifest flaw in order/judgment/ dated: 08/06/2020 in Service Appeal No. 3499/2020 due to which the petitioners/respondents will face irreparable loss.
6. That the order /judgment dated: 08/06/2020 of this Honorable Tribunal in the subject case is also illegal and even in violation of the relevant provision of law and rules passed on the analogy of the judgment dated: 01/10/2019 in WP

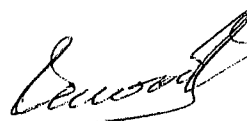
3162-P/2019 titled Akhtar Hussain and others vs Govt. of Khyber Pakhtunkhwa etc which was dismissed by the Honorable Peshawar High Court & not tenable in the eyes of law [copy of judgment of Peshawar High Court in WP 3162/2019 is Annex-D].

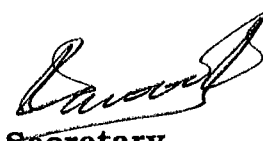
7. That the petitioners/respondents being aggrieved & dissatisfied with the judgment/Order dated: 08/06/2020 in Service Appeal No. 3499/2020 due to which the petitioners/respondents on the following grounds.

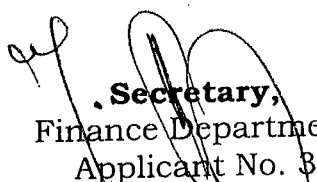
Grounds:-


- A. That this Honorable Court while arriving to the present decision have misread, non-reared the facts, law, rules and passed judgment without issuance of notice to the petitioners/respondents.
- B. That no notice was issued to the respondents/petitioners for submission of parawise comments in the instant case while this Honorable Tribunal passed judgment/order on 08/06/2020 in preliminary hearing in the subject service appeal.
- C. That this Honorable Tribunal has no jurisdiction to dispose of appeal in limine by virtue of section 5(1) of Khyber Pakhtunkhwa Service Tribunal Act, 1974.
- D. That this Honorable Tribunal have failed to consider the facts & law of the case prior to passing the impugned judgment/order dated: 08/06/2020 against the Higher Education and Finance Department which is against the law and constitution.
- E. That huge financial implications and legal rights are involved with the instant case of the petitioners/respondents departments which cannot be sustained under the law.
- F. That the instant case / petition is within time limitation while this Honorable Tribunal has got jurisdiction to honor the present petition under section 12(2) CPC 1908 for regular hearing on behalf of the petitioners departments.
- G. That there is no legal bar in entraining of the instant petition U/S 12 (2) CPC 1908 by this Honorable Tribunal rather it would be in the interest of justice.
- H. That the Respondent/Appellant did not file departmental appeal to appellate authority, which is mandatory under section 4, of Khyber Pakhtunkhwa Service Act, 1974 for filing Service Appeal before Service Tribunal.
- I. That further ground will be agitated during the course of hearing.


It is, therefore, most humbly prayed that on acceptance of this petition under section 12 (2) CPC 1908 the judgment dated: 08/06/2020 in service appeal No. 34499/2020 passed by this Honorable Tribunal may kindly set aside under provision of 12 (2) CPC 1908 in the interest of justice please.


Chief Secretary,
Govt. of Khyber Pakhtunkhwa
Applicant No. 1


Secretary,
Higher Education
Applicant No. 2


Secretary,
Finance Department
Applicant No. 3


Accountant-General,
Khyber Pakhtunkhwa Peshawar
Applicant No. 4


Director,
Higher Education, Peshawar
Applicant No. 5

3

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

CMA u/s 12[2] CPC

IN

S.A # 3499/2020

Govt. of Khyber PakhtunkhwaApplicants

Versus


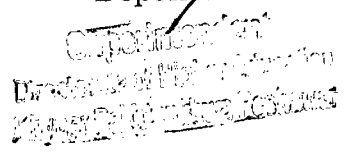
Bakht Zamin.....Respondent

AFFIDAVIT

I, Jehanzeb Awan, Superintendent (Litigation), Higher Education Department do hereby declare and affirm on oath that the contents of 12[2] Application are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified by:

Deponent



25/11

GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

Dated 07/02/2019

NOTIFICATION:-

NO. SOG/HE/PF/Bakht Zamin/19

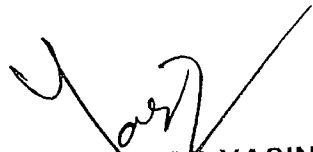
The Competent Authority in Higher Education Department is pleased to transfer Mr. Bakht Zamin, Lecturer in English, Govt. Degree College, Sadda Tribal District Kurram and post him as Assistant Director (Planning & Development), in the Directorate of Higher Education, Khyber Pakhtunkhwa with immediate effect.

SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No & Date even.

Copy forwarded to the:-

- 1- Accountant General, Khyber Pakhtunkhwa.
- 2- Director Higher Education, Khyber Pakhtunkhwa.
- 3- Accounts Officer, Sadda Kurram.
- 4- Principal, Govt. Degree College, Sadda Kurram.
- 5- PS to Secretary, Higher Education Department.
- 6- PA to Deputy Secretary (Admn), Higher Education Department.
- 7- PA to Deputy Secretary (Colleges), Higher Education Department.
- 8- Officer concerned.


(MUHAMMAD YASIN)
SECTION OFFICER (General)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

APPEAL NO. 3499/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3099

Dated 24/04/2020

Mr. Bakht Zamin, Lecturer (BPS-17),
Govt: Collegè Sadda, Kurram Agency.

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Higher Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director of Higher Education Department, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
ACTION OF THE RESPONDENTS BY ILLEGALLY AND
UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE
OF THE APPELLANT DURING WINTER & SUMMER
VACATIONS AND AGAINST NO ACTION TAKEN ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE
STATUTORY PERIOD OF NINETY DAYS.**

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed not to make deduction of conveyance allowance during vacations period (Summer & Winter Vacations) and make the payment of all outstanding amount of Conveyance allowance which have been deducted previously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That the appellant is serving in the Higher Education Department as Lecturer (BPS-17) quite efficiently and up to the entire satisfaction of their superiors.
- 2- That the Conveyance Allowance is admissible to all the Civil Servants and to this effect a Notification No. FD (PRC)1-1/2011 dated 14.07.2011 was issued. That later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees

Appeal No. 3499/2020
Bakht Zamin vs Govt



56

08.06.2020

Counsel for the appellant present.

1. At the outset learned counsel referred to copy of order dated 11.11.2019 passed in Appeal No. 1452/2019 (copy available on record) and requested for disposal of instant appeal also in terms of the order.

2. It shall be useful for the purpose to reproduce hereunder the contents of referred order dated 11.11.2019:-

"Learned counsel referred to the judgment passed by learned Federal Service Tribunal in Appeal No. 1888(R)CS/2016 which was handed down on 03.12.2018. Through the said judgment the issue of payment of Conveyance Allowance to a civil servant during summer and winter vacations was held to be within his entitlement and the deduction already made from him was to be reimbursed. Similar reference was made to the judgment by Honourable Peshawar High Court passed on 01.10.2019 in the case of appellant."

Learned counsel, when confronted with the proposition that the issue, in essence, was dilated upon by the Federal Service Tribunal and, more particularly, by the Honourable Peshawar High Court in the case of appellant, stated that in case the respondents are required to execute the judgment of Peshawar High Court, the appellant will have no cavil about disposal of instant appeal.

The record suggests that while handing down judgment in the Writ Petition preferred by the appellant, the Honourable High Court not only expounded the definition of "Pay" as well as "Salary" but also entitlement of a civil servant for the Conveyance Allowance during the period of vacations. It is important to note that the respondents were represented before the High Court during the proceedings.

In view of the above noted facts and circumstances and in order to protect the appellant from a fresh round of litigation which may protract over a formidable period, the appeal in hand is disposed of with observation that the judgment of Honourable Peshawar High Court passed in Writ Petitions including W.P No. 3162-P/2019 shall be honoured and implemented by the respondents within shortest possible time. The appellant shall, however, be at liberty to seek remedy in accordance with law in case his grievance is not redressed by the respondents within a reasonable time.

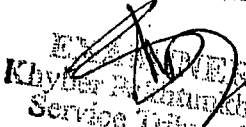
File be consigned to the record."

3. Having identical features instant appeal is disposed of accordingly. File be consigned to the record.


Chairman

ANNOUNCED
08.06.2020

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application: 06/08/2020
Number of Words: 850
Copying Fee: 10/-
Urgent: 10/-
Total: 20/-
Name of Counsel: [Signature]
Date of Completion of Copy: 15/9/2020

December - 2019

For the month of December, 2019

DATE 26.12.2019

DDO PRAJIS BY DIR HIGHER EDUCATION MHP PESHAWAR
PAYMENTS 41,077.00
Branch Code: 230387 PESHAWAR CITY

Payroll Section DDB Payroll &
DEDUCTIONS 4,790.00-
NATIONAL BANK OF PAKISTAN PESHAWAR CITY

NET PAY

56,267.00 01.12.2019 31.12.2019
Accat. No. 4067878748

00575081 NURANNOO IPIKHMAR Father Name: SUL HANZI KHAN P A Y M E N T S		Prev Pers No. Date of Birth: 01.01.1976 A M O U N T	Desig: DEPUTY DIRECTOR Date of Appointment: 29.02.2011 D E D U C T I O N S	Grade: 18 MTH CNIC: 1670290021163 LOAN/FUND	Buckle No. PRINCIPAL	Cazetted/Non-Cazetted	REPAID	BALANCE
0001 Basic Pay	58,440.00	3016 GPF Subscription	5,340.00-	GPF:	575091		244,776.00	
1001 House Rent Allowance	8,715.00	6505 GPF Loan Principal In	6,000.00-	INCOME TAX	23,752.40		15,571.20	
1210 Convey Allowance	5,000.00	3501 Benevolent Fund	800.00-	GPF Temp. Advance	0368	204,000.00	135,666.00	
1947 Medical Allow 15% (1	2,500.00	3990 Emp. Edu. Fund KPK	250.00-					
2148 15% Adhoc Relief All	1,040.00	4004 R. Benefits & Death C	1,350.00-					
2199 Adhoc Relief Allow @	795.00	3609 Income Tax	2,263.00-					
2211 Adhoc Relief All 201	4,149.00							
2224 Adhoc Relief All 201	5,844.00							
2247 Adhoc Relief All 201	5,844.00							
2265 Adhoc Relief All 201	2,922.00							
PAYMENTS	95,249.00	DEDUCTIONS	16,023.00-	NET PAY			79,226.00	
Branch Code: 231972	ZARIDA BRANCH	NATIONAL BANK OF PAKISTAN	ZARIDA BRANCH	SUABI			01.12.2019 31.12.2019 Accat. No. 4063962750	

00585101 INJAMULLAH KHAN Father Name: NISAL DAR KHAN P A Y M E N T S		Prev Pers No. Date of Birth: 23.03.1987 A M O U N T	Desig: ASSISTANT DIRECTOR (00120159) Date of Appointment: 20.05.2011 D E D U C T I O N S	Grade: 17 MTH CNIC: 1730195566059 LOAN/FUND	Buckle No. PRINCIPAL	Cazetted/Non-Cazetted	REPAID	BALANCE
0001 Basic Pay	51,070.00	3017 GPF Subscription	4,270.00-	GPF:			351,459.00	
1001 House Rent Allowance	6,650.00	3501 Benevolent Fund	800.00-	INCOME TAX	18,952.82		9,333.84	
1210 Convey Allowance	5,000.00	4004 R. Benefits & Death C	900.00-					
1947 Medical Allow 15% (1	1,846.00	3609 Income Tax	1,639.00-					
2148 15% Adhoc Relief All	1,040.00							
2199 Adhoc Relief Allow @	711.00							
2211 Adhoc Relief All 201	3,702.00							
2224 Adhoc Relief All 201	5,107.00							
2247 Adhoc Relief All 201	5,107.00							
2265 Adhoc Relief All 201	2,553.00							
PAYMENTS	82,786.00	DEDUCTIONS	7,609.00-	NET PAY			75,177.00	
Branch Code: 210293	CHARSADDA ROAD	UNITED BANK LIMITED		PESHAWAR			01.12.2019 31.12.2019 Accat. No. 0202245722	

00667112 GABE ZAKIR Father Name: Faraz Khan P A Y M E N T S		Prev Pers No. 21300160008 Date of Birth: 24.02.1988 A M O U N T	Desig: ASSISTANT DIRECTOR (00100159) Date of Appointment: 24.11.2011 D E D U C T I O N S	Grade: 17 MTH CNIC: 2130373380497 LOAN/FUND	Buckle No. PRINCIPAL	Cazetted/Non-Cazetted	REPAID	BALANCE
0001 Basic Pay	46,470.00	3017 GPF Subscription	4,270.00-	GPF:			195,430.00-	
1001 House Rent Allowance	6,650.00	6505 GPF Loan Principal In	6,700.00-	INCOME TAX	15,153.72		7,936.02	
1210 Convey Allowance	5,000.00	3701 Benevolent Fund(Excha	230.00-	GPF Temp. Advance	0368	241,200.00	221,100.00	
1974 Medical Allowance 20	1,847.00	3704 Group Insurance(Excha	250.00-					
2148 15% Adhoc Relief All	720.00	3990 Emp. Edu. Fund KPK	960.00-					
2199 Adhoc Relief Allow @	654.00	4004 R. Benefits & Death C	1,323.00-					
2211 Adhoc Relief All 201	3,316.00	3609 Income Tax						
2224 Adhoc Relief All 201	4,647.00							
2247 Adhoc Relief All 201	4,647.00							
2265 Adhoc Relief All 201	2,323.00							
PAYMENTS	70,454.00	DEDUCTIONS	13,723.00-	NET PAY			62,531.00	
Branch Code: 211017	SARODA	UNITED BANK LIMITED	SARODA	KURRAM AGENCY			01.12.2019 31.12.2019 Accat. No. 223609139	

August - 2019

Date: 29.08.2019

PAYROLL REGISTER
For the month of August, 2019

Payroll Section, 008 Payroll 8

PK4113	BY DIR. HIGHER EDUCATION MWP PESHAWAR	
1 Adhoc Relief All 201		1,716.00
4 Adhoc Relief All 201		2,347.00
7 Adhoc Relief All 201		2,347.00
4 Adhoc Relief All 201		2,347.00

PAYMENTS 43,641.00
 Ach Code: 230357 PESHAWAR CITY

DEDUCTIONS 5,729.00-
 NATIONAL BANK OF PAKISTAN PESHAWAR CITY

NET PAY 38,912.00 01.08.2019 31.08.2019
 Recat. No: 408387896E

75081 MUNAHAB IFIKHAR	Prev Pers No:	Desig:	Grade:	Buckle No.:	Gazetted/Non-Gazetted:	
her Name: SUL RAST KHAN	Date of Birth: 01.01.1978	DEPUTY DIRECTOR (00100844)	18 NTH: 3257689-7		M	
P A Y M E N T S	A M O U N T	D E D U C T I O N S	A M O U N T	PRINCIPAL	REPAID	BALANCE
1 Basic Pay	55,570.00	3016 EPF Subscription	5,360.00-	EPF#:	4,167.00	464,350.00
1 House Rent Allowance	8,715.00	3501 Benevolent Fund	800.00-	INCOME TAX 24,996.84		20,629.90
0 Convey Allowance 20	5,000.00	3990 Emp. Edu. Fund WPK	250.00-			
7 Medical Allow 15% (1	2,500.00	4004 R. Benefits & Death C	1,350.00-			
8 15% Adhoc Relief All	1,040.00	3609 Income Tax	2,083.00-			
9 Adhoc Relief Allow E	795.00					
5 Adhoc Relief All 201	4,143.00					
4 Adhoc Relief All 201	5,557.00					
7 Adhoc Relief All 201	5,557.00					
5 Adhoc Relief All 201	2,778.00					

PAYMENTS 71,641.00
 Ach Code: 231972 ZAIBA BRANCA

DEDUCTIONS 9,643.00-
 NATIONAL BANK OF PAKISTAN ZAIBA BRANCA

NET PAY 61,998.00 01.08.2019 31.08.2019
 Recat. No: 406290295D

85101 IHSANULLAH KHAN	Prev Pers No:	Desig:	Grade:	Buckle No.:	Gazetted/Non-Gazetted:	
her Name: RISAL DAR KHAN	Date of Birth: 23.04.1987	ASSISTANT DIRECTOR (00100159)	17 NTH: 1730185566059		M	
P A Y M E N T S	A M O U N T	D E D U C T I O N S	A M O U N T	PRINCIPAL	REPAID	BALANCE
1 Basic Pay	48,770.00	3017 EPF Subscription	4,270.00-	EPF#:	2,992.00	334,379.00
1 House Rent Allowance	6,650.00	3501 Benevolent Fund	800.00-	INCOME TAX 17,946.84		14,955.30
0 Convey Allowance 20	5,000.00	4004 R. Benefits & Death C	900.00-			
7 Medical Allow 15% (1	1,846.00	3609 Income Tax	1,496.00-			
8 15% Adhoc Relief All	1,040.00					
9 Adhoc Relief Allow E	711.00					
1 Adhoc Relief All 201	3,702.00					
4 Adhoc Relief All 201	4,877.00					
7 Adhoc Relief All 201	4,877.00					
5 Adhoc Relief All 201	2,438.00					

PAYMENTS 79,911.00
 Ach Code: 210283 CHARSADDA ROAD

DEDUCTIONS 7,466.00-
 UNITED BANK LIMITED

NET PAY 72,445.00 01.08.2019 31.08.2019
 Recat. No: G202245722

27112 Sakht Zania	Prev Pers No:	Desig:	Grade:	Buckle No.:	Gazetted/Non-Gazetted:	
her Name: TURAB KHAN	Date of Birth: 24.02.1988	ASSISTANT DIRECTOR (00100159)	17 NTH: 2130373360497		M	
P A Y M E N T S	A M O U N T	D E D U C T I O N S	A M O U N T	PRINCIPAL	REPAID	BALANCE
1 Basic Pay	44,170.00	3017 EPF Subscription	4,270.00-	EPF#:	2,358.00	193,957.00
1 House Rent Allowance	6,650.00	3661 E E F (Exchange)	200.00-	INCOME TAX 14,147.84		11,789.70
0 Convey Allowance 20	5,000.00	3701 Benevolent Fund(Excha	250.00-			
4 Medical Allowance 20	1,847.00	3704 Group Insurance(Excha	230.00-			
9 15% Adhoc Relief All	920.00	3705 R. Ben & Death Comp(E	900.00-			
9 Adhoc Relief Allow E	634.00	3711 Adcl Group Insurance(E	25.00-			
1 Adhoc Relief All 201	3,316.00	3609 Income Tax	1,179.00-			
4 Adhoc Relief All 201	4,417.00					
7 Adhoc Relief All 201	4,417.00					

P-T-O

August-2017

PAYROLL REGISTER
For the month of August, 2019

PK4133 BY DIR. HIGHER EDUCATION KWP PESHAWAR
Adhoc Relief All 201 2,208.00

Payroll Section : 008 Payroll 8

PAYMENTS
Each Code: 211017 5000A 73,579.00

DEDUCTIONS
UNITED BANK LIMITED 7,054.00-
5000A

NET PAY
KURRAM AGENCY

64,525.00 01.08.2019 31.08.2019
Accat.No: 223809338

94140 LURKA GUL		Prev Pers No: 173015441255	Desig: ASSISTANT DIRECTOR (00100159)	Grade: 17 MTN:	Buckle No.:	Gazetted/Non-Gazetted: R	
Ser Name: BAKHTIAR KHAN		Date Of Birth: 28.11.1983	Date Of Appointment: 21.11.2012	CRIC: 1730154412550	PRINCIPAL	REPAID	BALANCE
P A Y M E N T S		A M O U N T	D E D U C T I O N S	A M O U N T	LOAN/FUND		
1	Basic Pay	44,170.00	3017 EPF Subscription	4,270.00-			291,554.00
1	House Rent Allowance	6,650.00	3501 Benevolent Fund	800.00-			11,759.10
9	Convey Allowance 20	5,000.00	3990 Emp.Edu. Fund KPK	250.00-			
4	Medical Allowance 20	1,846.00	4004 R. Benefits & Death C	900.00-			
18	15% Adhoc Relief All	860.00	3609 Income Tax	1,176.00-			
19	Adhoc Relief Allow C	634.00					
1	Adhoc Relief All 201	3,316.00					
4	Adhoc Relief All 201	4,417.00					
17	Adhoc Relief All 201	4,417.00					
5	Adhoc Relief All 201	2,208.00					
						2,352.00	
						INCOME TAX 14,111.04	
						GPFF: 694140	

PAYMENTS
Each Code: 220404 5000A 73,518.00

DEDUCTIONS
HABIB BANK LIMITED 7,396.00-

NET PAY
PESHAWAR

66,122.00 01.08.2019 31.08.2019
Accat.No: 04047909707803

40396 SIDRA SHAH MAHAZ		Prev Pers No: 173015441255	Desig: ASSISTANT DIRECTOR (00100159)	Grade: 17 MTN:	Buckle No.:	Gazetted/Non-Gazetted: R	
Ser Name: SHAH MAHAZ		Date Of Birth: 07.04.1984	Date Of Appointment: 00.00.0000	CRIC: 1730151906558	PRINCIPAL	REPAID	BALANCE
P A Y M E N T S		A M O U N T	D E D U C T I O N S	A M O U N T	LOAN/FUND		
11	Basic Pay	39,570.00	3017 EPF Subscription	4,270.00-			239,967.00
11	House Rent Allowance	6,650.00	3501 Benevolent Fund	800.00-			8,499.10
9	Convey Allowance 20	5,000.00	3990 Emp.Edu. Fund KPK	250.00-			
4	Medical Allowance 20	1,600.00	4004 R. Benefits & Death C	900.00-			
18	15% Adhoc Relief All	800.00	3609 Income Tax	850.00-			
19	Adhoc Relief Allow C	556.00					
11	Adhoc Relief All 201	2,930.00					
14	Adhoc Relief All 201	3,957.00					
17	Adhoc Relief All 201	3,957.00					
15	Adhoc Relief All 201	1,978.00					
						1,700.00	
						INCOME TAX 10,199.04	
						GPFF:	

PAYMENTS
Each Code: 211570 5000A 66,998.00

DEDUCTIONS
UNITED BANK LIMITED 7,070.00-

NET PAY

59,928.00 01.08.2019 31.08.2019
Accat.No: 220997281

40729 ASIF JILAMI		Prev Pers No: 173015441255	Desig: ASSISTANT (00100130)	Grade: 16 MTN:	Buckle No.:	Gazetted/Non-Gazetted: R	
Ser Name: SPULAM JILAMI		Date Of Birth: 26.10.1987	Date Of Appointment: 12.10.2015	CRIC: 1210377262241	PRINCIPAL	REPAID	BALANCE
P A Y M E N T S		A M O U N T	D E D U C T I O N S	A M O U N T	LOAN/FUND		
11	Basic Pay	23,470.00	3016 EPF Subscription	3,340.00-			162,345
11	House Rent Allowance	4,091.00	3501 Benevolent Fund	800.00-			
9	Convey Allowance 20	5,000.00	3990 Emp.Edu. Fund KPK	150.00-			
4	Medical Allowance 20	1,500.00	4004 R. Benefits & Death C	1,089.00-			
18	15% Adhoc Relief All	500.00					
19	Adhoc Relief Allow C	323.00					
11	Adhoc Relief All 201	1,716.00					
14	Adhoc Relief All 201	2,347.00					
17	Adhoc Relief All 201	2,347.00					
14	Adhoc Relief All 201	2,347.00					
						GPFF:	

PAYMENTS
43,641.00

DEDUCTIONS
5,379.00-

NET

July-2019

PAYROLL REGISTER
For the Month of July, 2019

Page No: 01 of 2819

PR4133 BY DIR. HIGHER EDUCATION RWFP PESHAWAR Payroll Section : 003 Payroll B

0552426 TORQUEER AHMAD
Other Name: TAL PUSSAIN
P A Y M E N T S
Prev Pers No: 13.03.1986
Date Of Birth: 13.03.1986
Desig: ASSISTANT (00100110)
Date Of Appointment: 17.09.2011
Grade: 16 MTH:
CRIC: 1730121069575
Duckie No: PRINCIPAL
Cazetted/Non-Cazetted: M
REPAID BALANCE

601 Basic Pay	23,470.00	3016 GPF Subscription	3,340.00-	CPFB		157,217.00
601 House Rent Allowance	4,091.00	3501 Benevolent Fund	800.00-			
210 Convey Allowance 20	5,000.00	4004 R. Benefits & Death C	1,089.00-			
600 Medical Allowance	1,500.00					
148 15% Adhoc Relief All	500.00					
199 Adhoc Relief Allou 0	323.00					
211 Adhoc Relief All 201	1,716.00					
224 Adhoc Relief All 201	2,347.00					
247 Adhoc Relief All 201	2,347.00					
265 Adhoc Relief All 201	2,347.00					

PAYMENTS 43,641.00 PESHAWAR CITY
Branch Code: 230287
DEDUCTIONS 5,229.00 NATIONAL BANK OF PAKISTAN PESHAWAR CITY
NET PAY 38,412.00 01.07.2019 31.07.2019
Accnt No: 4083878968

0525081 MUHAMMAD IFTIKHAR
Other Name: SULL NAST KHAN
P A Y M E N T S
Prev Pers No: 01.01.1976
Date Of Birth: 01.01.1976
Desig: DEPUTY DIRECTOR (00100844)
Date Of Appointment: 28.02.2011
Grade: 10 MTH: 3257689-7
CRIC: 1620290021163
Duckie No: PRINCIPAL
Cazetted/Non-Cazetted: M
REPAID BALANCE

101 Basic Pay	55,570.00	3018 GPF Subscription	5,360.00-	CPFB: 575081		405,763.00
101 House Rent Allowance	8,715.00	3501 Benevolent Fund	800.00-	INCOME TAX 24,996.84	2,084.00	22,913.77
210 Convey Allowance 20	5,000.00	3990 Emp. Edu Fund KPK	250.00-			
247 Medical Allow 15% (1	2,500.00	4004 R. Benefits & Death C	1,350.00-			
148 15% Adhoc Relief All	1,040.00	3609 Income Tax	2,084.00-			
199 Adhoc Relief Allou 0	795.00					
211 Adhoc Relief All 201	4,149.00					
224 Adhoc Relief All 201	5,557.00					
247 Adhoc Relief All 201	5,557.00					
265 Adhoc Relief All 201	2,778.00					

PAYMENTS 91,661.00 ZAIDA BRANCH
Branch Code: 231972
DEDUCTIONS 9,844.00 NATIONAL BANK OF PAKISTAN ZAIDA BRANCH
NET PAY SHADI
01,817.00 01.07.2019 31.07.2019
Accnt No: 4063902950

JS05101 IMRANULLAH KHAN
Other Name: RISAL DAR KHAN
P A Y M E N T S
Prev Pers No: 23.03.1987
Date Of Birth: 23.03.1987
Desig: ASSISTANT DIRECTOR (00100159)
Date Of Appointment: 20.05.2011
Grade: 17 MTH:
CRIC: 1730185566059
Duckie No: PRINCIPAL
Cazetted/Non-Cazetted: M
REPAID BALANCE

101 Basic Pay	48,770.00	3017 GPF Subscription	4,270.00-	CPFB: INCOME TAX 17,946.84	1,496.00	292,166.00
101 House Rent Allowance	6,650.00	3501 Benevolent Fund	800.00-			16,451.27
210 Convey Allowance 20	5,000.00	4004 R. Benefits & Death C	900.00-			
247 Medical Allow 15% (1	1,846.00	3609 Income Tax	1,496.00-			
148 15% Adhoc Relief All	1,040.00					
199 Adhoc Relief Allou 0	711.00					
211 Adhoc Relief All 201	3,702.00					
224 Adhoc Relief All 201	4,877.00					
247 Adhoc Relief All 201	4,877.00					
265 Adhoc Relief All 201	2,438.00					

PAYMENTS 79,911.00 CHARSADDA ROAD
Branch Code: 210283
DEDUCTIONS 7,456.00 UNITED BANK LIMITED
NET PAY PESHAWAR
72,445.00 01.07.2019 31.07.2019
Accnt No: 0202245722

1667112 GAZI ZAMIN
Other Name: TURIB KHAN
Prev Pers No: 21300160008
Date Of Birth: 24.02.1988
Desig: ASSISTANT DIRECTOR (00100159)
Date Of Appointment: 24.11.2011
Grade: 17 MTH:
CRIC: 2130378380497
Duckie No: PRINCIPAL
Cazetted/Non-Cazetted: M

P-7-0

July-2019

today at 2:41 pm

Accounts Office AG HP Peshawar
PAYROLL REGISTER
For the month of July, 2019
Page: 1564
Date: 01.08.2019

NO.	PAID	BY	OFF.	HIGHER	EDUCATION	UNIT	DESIGNATION	Section	Grade	Payroll	Section	LOAN/FUND	PRINCIPAL	REPAID	BALANCE
PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT
3694140	LUBNA GUL	Prev Pers No: 173015441255	Desig: ASSISTANT DIRECTOR (00100157)	Grade: 17 RTR	Buckle No:	Casette/No-Gazette:									
3694140	LUBNA GUL	Prev Pers No: 173015441255	Desig: ASSISTANT DIRECTOR (00100157)	Grade: 17 RTR	Buckle No:	Casette/No-Gazette:									
201	Basic Pay	44,170.00	3017 CPF Subscription	4,270.00											
201	House Rent Allowance	4,650.00	3661 E.E.F (Exchange)	200.00											
210	Convey Allowance 20	5,000.00	3701 Benevolent Fund(Exch)	250.00											
274	Medical Allowance 20	1,847.00	3794 Group Insurance(Exch)	230.00											
146	15% Adhoc Relief All	820.00	3795 R. Reg & Death Compl	900.00											
199	Adhoc Relief All 201	434.00	3711 Adl Group Insurance	25.00											
211	Adhoc Relief All 201	3,316.00	3609 Income Tax	1,179.00											
224	Adhoc Relief All 201	4,417.00													
247	Adhoc Relief All 201	4,417.00													
255	Adhoc Relief All 201	2,208.00													
PAYMENTS		77,577.00	DEDUCTIONS		7,054.00	NET PAY		66,525.00	01.07.2019		31.07.20				
Branch Code: 211017		SADRA	UNITED BANK LIMITED		SADRA	KURRAM AGENCY		Accot.No: 223309338							
3740396	SIDRA SHAH MAHAZ	Prev Pers No: 173015441255	Desig: ASSISTANT DIRECTOR (00100159)	Grade: 17 RTR	Buckle No:	Casette/No-Gazette:									
3740396	SIDRA SHAH MAHAZ	Prev Pers No: 173015441255	Desig: ASSISTANT DIRECTOR (00100159)	Grade: 17 RTR	Buckle No:	Casette/No-Gazette:									
201	Basic Pay	44,170.00	3017 CPF Subscription	4,270.00											
201	House Rent Allowance	4,650.00	3501 Benevolent Fund	800.00											
210	Convey Allowance 20	5,000.00	3970 Emp. Edu. Fund RPK	250.00											
274	Medical Allowance 20	1,847.00	4004 R. Benefits & Death C	900.00											
146	15% Adhoc Relief All	820.00	3609 Income Tax	1,176.00											
199	Adhoc Relief All 201	634.00													
211	Adhoc Relief All 201	3,316.00													
224	Adhoc Relief All 201	4,417.00													
247	Adhoc Relief All 201	4,417.00													
255	Adhoc Relief All 201	2,208.00													
PAYMENTS		77,513.00	DEDUCTIONS		7,396.00	NET PAY		66,122.00	01.07.2019		31.07.1				
Branch Code: 220404		University Campus, Peshawar.	HABIB BANK LIMITED		University Campus, Peshawar.	PESHAWAR		Accot.No: 0404990070803							
3740396	SIDRA SHAH MAHAZ	Prev Pers No: 173015441255	Desig: ASSISTANT DIRECTOR (00100159)	Grade: 17 RTR	Buckle No:	Casette/No-Gazette:									
3740396	SIDRA SHAH MAHAZ	Prev Pers No: 173015441255	Desig: ASSISTANT DIRECTOR (00100159)	Grade: 17 RTR	Buckle No:	Casette/No-Gazette:									
201	Basic Pay	39,570.00	3017 CPF Subscription	4,270.00											
201	House Rent Allowance	4,650.00	3501 Benevolent Fund	800.00											
210	Convey Allowance 20	5,000.00	3970 Emp. Edu. Fund RPK	250.00											
274	Medical Allowance 20	1,840.00	4004 R. Benefits & Death C	900.00											
146	15% Adhoc Relief All	800.00	3609 Income Tax	850.00											
199	Adhoc Relief All 201	554.00													
211	Adhoc Relief All 201	2,970.00													
224	Adhoc Relief All 201	3,957.00													
247	Adhoc Relief All 201	3,957.00													
255	Adhoc Relief All 201	1,978.00													
PAYMENTS		66,998.00	DEDUCTIONS		7,070.00	NET PAY		59,928.00	01.07.2019		31.0				
Branch Code: 211570		MEN FRUIT MARKET	UNITED BANK LIMITED					Accot.No: 220997281							
10729	ASIF JILANI	Prev Pers No: 173015441255	Desig: ASSISTANT (00100130)	Grade: 16 RTR	Buckle No:	Casette/No-Gazette:									
10729	ASIF JILANI	Prev Pers No: 173015441255	Desig: ASSISTANT (00100130)	Grade: 16 RTR	Buckle No:	Casette/No-Gazette:									
201	Basic Pay	23,470.00	3016 CPF Subscription	3,340.00											

June-2019.

You

today at 2:41 pm

Accounts Office: GC KP Peshawar
PAYROLL REGISTER
For the month of June, 2019

Page: 1,512
Date: 26.06.2019

DEB		CRED		PAYROLL Section : 008 Payroll B	
1691 House Rent Allowance	6,650.00				
1210 Convey Allowance 20	5,000.00				
1974 Medical Allowance 20	1,847.00				
2148 15% Adhoc Relief All	930.00				
2199 Adhoc Relief Allow E	634.00				
2211 Adhoc Relief All 201	3,316.00				
2224 Adhoc Relief All 201	4,417.00				
2247 Adhoc Relief All 201	4,417.00				
5002 Adjustment House Rent	11,635.00	3017 GPF Subscription - Rs	4,270.00-	GPF#	185,427.00
5011 Adj. Conveyance Allow	3,750.00	5102 Adj Unattractive Area	1,970.00-		
5012 Adjustment Medical &	3,232.00	3661 E.C.F (Exchange)	200.00-		
5309 Adj. 15% Adhoc Allow	650.00	3701 Benevolent Fund(Exoha)	250.00-		
5322 Adj. Adhoc Relief All	3,313.00	3704 Group Insurance(Exoha)	230.00-		
5601 Adj Basic Pay	25,126.00	3705 R. Ben & Death ConptE	900.00-		
5764 Adj Adhoc Relief All	476.00	3711 Adhl Group InsuranceE	25.00-		
5875 Adj Adhoc Relief All	2,487.00	3609 Income Tax	1,239.00-		
5990 Adj Adhoc Relief All	3,313.00				
PAYMENTS	133,345.00	DEDUCTIONS	7,084.00-	NET PAY	124,311.00
Branch Code: 211017	SADDA	UNITED BANK LIMITED	SADDA	KURRAM AGENCY	01.06.2019 30.06.2019 Acct.No: 223809338

06694140 LURKA SUL		Prev Pers No: 173015441255 Desig: ASSISTANT DIRECTOR (00100159)		Grade: 17 MTH:		Buckle No.:		Gazette/Non-Gazette: X	
Father Name: BAKHTIAR KHAN		Date Of Birth: 28.11.1983		Date Of Appointment: 21.11.2012		CNIC: 1730154412550			
P A Y M E N T S		A M O U N T		D E D U C T I O N S		A M O U N T		BALANCE	
3001 Basic Pay	44,173.00	3017 GPF Subscription - Rs	4,270.00-	GPF#	674140			250,445.00	
1691 House Rent Allowance	6,650.00	3501 Benevolent Fund	800.00-						
1210 Convey Allowance 20	5,000.00	3990 Emp. Edu. Fund KPK	250.00-						
1974 Medical Allowance 20	1,846.00	4004 R. Benefits & Death C	900.00-						
2148 15% Adhoc Relief All	960.00	3609 Income Tax	166.00-						
2199 Adhoc Relief Allow E	634.00								
2211 Adhoc Relief All 201	3,316.00								
2224 Adhoc Relief All 201	4,417.00								
2247 Adhoc Relief All 201	4,417.00								
PAYMENTS	71,310.00	DEDUCTIONS	6,386.00-	NET PAY	64,924.00	01.06.2019	30.06.2019		
Branch Code: 220404	University Campus, Peshawar.	HABIB BANK LIMITED	University Campus, Peshawar.	PESHAWAR				Acct.No: 04047900707803	

00740396 SIDRA SHAH HANAZ		Prev Pers No: 173015441255 Desig: ASSISTANT DIRECTOR (00100159)		Grade: 17 MTH:		Buckle No.:		Gazette/Non-Gazette: X	
Father Name: SHAH HANAZ		Date Of Birth: 07.04.1984		Date Of Appointment: 00.00.0000		CNIC: 1730151906558			
P A Y M E N T S		A M O U N T		D E D U C T I O N S		A M O U N T		BALANCE	
0001 Basic Pay	39,576.00	3017 GPF Subscription - Rs	4,270.00-	GPF#				205,332.00	
1691 House Rent Allowance	6,650.00	3501 Benevolent Fund	800.00-						
1210 Convey Allowance 20	5,000.00	3990 Emp. Edu. Fund KPK	250.00-						
1974 Medical Allowance 20	1,600.00	4004 R. Benefits & Death C	900.00-						
2148 15% Adhoc Relief All	800.00	3609 Income Tax	82.00-						
2199 Adhoc Relief Allow E	556.00								
2211 Adhoc Relief All 201	2,930.00								
2224 Adhoc Relief All 201	3,367.00								

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT.

Writ Petition No. 3162-P/2019 Akhtar Hussain and 607
 others..vs..Govt of Khyber Pakhtunkhwa



JUDGMENT

Date of hearing.....01.10.2019.....

Petitioner(s) by Mr. Noor Mohammad Khattak, Advocate.

Mr. Mujahid Ali Khan, AAG, for respondents.

ROOH-UL-AMIN KHAN, J:- Through this common judgment we, proposed to decided the instant as well as the connected writ petitions as all having involved common question of law and facts, the particulars of which are given below.

- i. WP No. 3162-P/2019 titled Akhtar Hussain etc..vs..Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 4 others.
- ii. WP No. 3064-P/2019 titled Habeeb Ullah etc...Vs.. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 7 others.
- iii. WP No. 3084-P/2019 titled Sikandar Khan etc...Vs.. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 4 others.
- iv. WP No. 3178-P/2019 titled Abdur Rehman etc...Vs.. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 4 others.

Noor Muhammad

EXAMINED
EXAMINER
 Peshawar High Court

EXAMINED
EXAMINER
 Peshawar High Court

- v. WP No. 3233-P/2019 titled Amjid Ali etc...Vs..
Government of Khyber Pakhtunkhwa through Chief
Secretary, Peshawar and 4 others.
- vi. WP No. 3283-P/2019 titled Gul Saeed etc...Vs..
Government of Khyber Pakhtunkhwa through Chief
Secretary, Peshawar and 4 others.
- vii. WP No. 3287-P/2019 titled Syed Israr Shah etc...Vs..
Government of Khyber Pakhtunkhwa through Chief
Secretary, Peshawar and 7 others.
- viii. WP No. 3288-P/2019 titled Firdous Khan etc...Vs..
Government of Khyber Pakhtunkhwa through Chief
Secretary, Peshawar and 4 others.
- ix. WP No. 3353-P/2019 titled Hafiz Inam Ur Rehman
etc...Vs.. Government of Khyber Pakhtunkhwa
through Chief Secretary, Peshawar and 6 others.
- x. WP No. 3366-P/2019 titled Jehanzeb Khan etc...Vs..
Government of Khyber Pakhtunkhwa through Chief
Secretary, Peshawar and 4 others.
- xi. WP No. 3390-P/2019 titled Haji Rehman etc...Vs..
Government of Khyber Pakhtunkhwa through Chief
Secretary, Peshawar and 2 others.
- xii. WP No. 3520-P/2019 titled Mohammad Khalid
etc...Vs.. Government of Khyber Pakhtunkhwa
through Chief Secretary, Peshawar and 4 others.

Kashmiri

ATTESTED
EXAMINER
Peshawar High Court

- xiii. WP No. 3567-P/2019 titled Husnur Rehman etc... Vs.. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 3 others.
- xiv. WP No. 3667-P/2019 titled Maqsad Hayat etc... Vs.. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 4 others.
- xv. WP No. 3939-P/2019 titled Syed Khurshid Shah etc... Vs.. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 5 others.
- xvi. WP No. 4072-P/2019 titled Subhan Ullah etc... Vs.. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 6 others.
- xvii. WP No. 4758-P/2019 titled Sohrab Hayat etc... Vs.. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 4 others.

2. As per averments of the writ petition, the petitioners are serving in the Elementary & Secondary Education Department on their respective posts. On 14.7.2011 the Government of Khyber Pakhtunkhwa enhanced the conveyance allowance to all the Civil Servants i.e. from BPS-1 to 15, including the petitioners, which was subsequently revised vide another notification dated 20.12.2012 and was further enhanced. But the respondents without any valid and justifiable reasons stopped / deducted the payment of conveyance

15

100/2019

ATTESTED
EXAMINER
Peshawar High Court

allowance under the wrong and illegal pretext that the same is not allowed for the leave period.

3. In essence, the grievance the petitioners is that they were receiving the conveyance allowance under the notifications mentioned above, which was stopped without any justifiable reason.

4. Since the matter pertain to grant of conveyance allowance which is part and parcel of pay. Similar controversy came before this Court in Writ Petition No. 3509-P/2014 titled (Hafiz Mohammad Ilyas etc..vs..Government of Khyber Pakhtunkhwa), wherein the pay and salary were defined in the following manner.

“7. To resolve the controversy as to whether payment of allowances to a civil servant falls in chapter-2 of Khyber Pakhtunkhwa Civil Servants Act, 1973 i.e. terms and conditions of service, it is necessary to reproduce the definition of “pay” provided in section 2(e) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 which reads as under:

“ 2. (e)—“Pay” means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid.” (emphasis provided).

The word “emolument” used in the above quoted definition clause of the Civil Servants Act, 1973, according to its dictionary meaning, denotes wages and benefits received as compensation for

ARRESTED
EXAMINER
Peshawar High Court

holding an office or having employment. The word emolument is basically derived from the Latin word emolumentum. It originally meant "the sum paid to a miller for grinding a customer wheat". Today, the term exists mostly as a bit of archaic legalese, but it might be within the route of expression i.e. "grinding out a living". From the above it is manifest that emoluments are essentially the benefits that one gets from the working of being employed. **Emolument** is the profit from employment and is compensation in return of services, hence the emoluments are part and parcel of pay. Section 17 being part of chapter-2 i.e. terms and conditions of service of a civil servant provides that, a civil servant appointed to a post shall be entitled, in accordance with rules, to the pay sanctioned for the post. Likewise, Rule 9(21) of (FR/SR) provide, the definition of pay which means the amount drawn monthly by a government servant as ;

(i) the pay, other than special pay or pay granted in view of his personal qualification, which has been sanctioned for the post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and (ii) overseas pay, technical pay, special pay and personal pay and

(iii) any other **emoluments** which may be specially classed as pay by the governor general.

The legislature in its wisdom has wisely used the word "pay" instead of salary in definition clause and section 17 of Khyber Pakhtunkhwa Civil Servants Act, 1973. The word 'pay' connotes

ATTESTED
EXAMINER
Peshawar High Court

payment of wages including emolument in broader spectrum while the salary is used for amount that one receives in return for work and or service provided, which is paid periodically i.e. over a specified interval of time such as weekly or most commonly monthly. The term "salary" has been dealt with at page-553 of Corpus Juris Secundem Vol. 77 as under:-

"Salary". The word "Salary" is defined has meaning fixed compensation regularly paid by the year, quarter, month or week; fixed compensation for regular work, or for continuous services over a period of time; periodical compensation for services; compensation for services rendered; per annum compensation mean in official and in some other situation, or station; legal compensation.

Salary is also defined as meaning stipulated periodical recompense; or consideration paid, or stipulated to be paid to a person on regular interval for services usually a fixed sum to be paid by the year or half year, quarter; reward or consideration paid or agreed to be paid to a person on a regular intervals by the year, month or week for services; reward of fixed or recompense for services rendered or performed; reward or compensation of services rendered or performed.

From the above mentioned definition it is manifest that the "salary" of a civil servant is a fixed amount regularly paid as compensation to the employee, whereas the pay means an amount received by a civil servant including other emoluments i.e. allowances."

ATTESTED
EXAMINER
Peshawar High Court

5. Besides, certain other petitions filed by the Teachers /employees of the same department serving from other corners of the province which were decided by Abbottabad Bench of this Court, wherein it was held that the conveyance allowance being part of pay fall in terms and conditions of civil servant and it can adequately be claimed through an appeal by adopting the prescribed procedure under the Khyber Pakhtunkhwa Civil Servants Act, 1974.

6. For the reasons given hereinabove, the petitioners are civil servants and their claim falls in terms and conditions of service enumerated in Chapter-2 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, wherein the jurisdiction of this Court is expressly barred by Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. Resultantly, this and the connected writ petition mentioned above stand dismissed being not maintainable. However, the petitioners are liberty to approach the proper forum, if so desire. Z

Announced on;
1st of October, 2019
Zarshad

Kat Sami
JUDGE
[Signature]
JUDGE

(1B) Mr. Justice Rooh Ul Amin Khan & Mr. Justice Mohammad Nacem Anwar

[Signature]
CONFIDENTIAL TO THE COURT
[Stamp]

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SB

No.

Appeal No. 3499/2020... 12/12... 7/12/20 21

Secretary of Higher Education Appellant/Petitioner

Versus

Bakht Zamin Respondent

Respondent No. 4

Recd

Notice to:

Bakht Zamin Lecturer (BPS-17) presently posted
as Assistant Director (P&D) at Directorate Higher Education Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 31/5/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

Office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 21/12/2021

of 21/12/2021



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Please quote Case No. While making any correspondence.

"B"

S.B

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *Ref*

12(2) - 74/2021

Appeal No. 3499 of 2020

~~Secretary~~ Higher Education Appellant/Petitioner

Versus

Bakht Zamin Respondent

Respondent No. 1

Notice to: Bakht Zamin Govt. Degree College Sadda, Kurram

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 28/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 24.10.2021
 Day of Sep 21

[Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

CM/Application u/s 12[2] CPC No. 74/2021

IN

S.A # 3499/2020


Govt. of Khyber PakhtunkhwaApplicants

Versus

Bakht Zamin.....Respondent

INDEX

S. No	Description of documents	Annexure	Page No.
1.	CM Application		1
2.	Affidavit		2
3.	Address of Respondent	A	3


Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar
Respondent

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

CM/Application u/s 12[2] CPC No. 74/2021

IN

S.A # 3499/2020

Govt. of Khyber PakhtunkhwaApplicants

Versus

Bakht Zamin.....Respondent

AFFIDAVIT

I, Jehanzeb Awan, Superintendent (Litigation), Higher Education Department do hereby declare and affirm on oath that the contents of 12[2] Application are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified by:


Deponent

Superintendent
Directorate of Higher Education
Khyber Pakhtunkhwa Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

**GOVT; OF KHYBER PAKHTUNKHWA
V/S
BAKHT ZAMIN**

C.M / Application u/s 12[2] CPC No.74/2021

IN

Service Appeal No. 3499/2020


Subject: SUBMISSION OF NEW ADDRESS OF THE RESPONDENT

Respectfully Sheweth:-

1. That the instant 12[2] application is pending before this Hon'ble Tribunal.
2. That in compliance of order dated: 03-08-2021 new address of the respondent is attached herewith (**Annex-A**).

Prayer:

It is, therefore humbly prayed that new address of the respondent may be placed on file for further necessary action.


Director,
Higher Education, Peshawar
Khyber Pakhtunkhwa

Name of Respondent:

Bakht Zamin

Service Appeal No.

3499/2020

New place of Posting:

Govt; Degree College, Sadda, Kurram

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

Appeal No. 3499/2020 12(2)74 of 2021

Secretary Higher Education.....Appellant/Petitioner
 Versus

Bakht Zamin.....Respondent

Respondent No. 1

Regd

Notice to: —

Bakht Zamin Govt: Degree college
Sadda Kurram

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 14/2/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 6th.....

Day of..... Jan 20 22


 Registrar

Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA**

RANO GARHI, NEW CHAMKANI CHOWK, PESHAWAR

Tel # 091-2650024 Fax # 091-2260181

E-mail:- dhekpkesh@gmail.com Facebook.com/dhekpkeshwar Twitter.com/dhekpkeshwar1

No.DHE/AD (Lit)/SA/ 9901 /

Dated Peshawar the 8 / 12 /2021

To

The Principal,
Govt; Degree College, Sadda
Kurram.

Attention: Mr. Bakht Zamin (Lecturer)

SUBJECT: - SERVICE APPEAL NO. 6276/2020 BAKHT ZAMIN VS GOVERNMENT OF KHYBER PAKHTUNKHWA

Respected Sir,

I am directed to refer to the subject noted above and to enclose herewith last order dated: 28-10-2021 in the subject case with the remarks that the respondent namely Bakht Zamin may be informed to take notice of the instant case and attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar on next date of hearing i.e 23-12-2021. Receiving of the same may be shared with this office, please.

Note: Being Court matter may be dealt with on urgent basis.

(Handwritten signature)
8/12/21

(Lubna Farman)

Assistant Director (Litigation)

Endst No. 9902-4 /

Copy to;

1. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal, Peshawar
3. Section Officer (Litigation), Higher Education Department.

(Handwritten signature)
8/12/21

Assistant Director (Litigation)

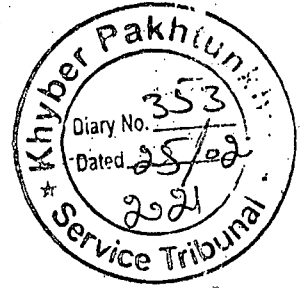
(Handwritten mark)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M / Application u/s 12[2] CPC No. 74 /2020

IN

Service Appeal No. 3499/2020



Date of Decision **08/06/2020**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Higher Education Department Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Directorate Higher Education Department of Khyber Pakhtunkhwa Peshawar.

.....Petitioners

Versus

Bakht Zamin Lecturer (BPS-17) presently posted as Assistant Director (P&D) at Directorate Higher Education.

.....Respondents

APPLICATION UNDER SECTION 12 (2) (CPC) CIVIL PROCEDURE CODE 1908 AGAINST THE IMPUGNED JUDGEMENT DATED 08/06/2020 OF THIS HONORABLE TRIBUNAL PASSED IN SERVICE APPEAL NO. 3499/2020.
BAKHT ZAMIN VS SECRETARY HIGHER EDUCATION DEPARTMENT AND OTHERS FOR GRANT OF CONVEYANCE ALLOWANCE DURING WINTER AND SUMMER VACANTIONS.

Place on file
25/11/21

28.10.2021.

Mr. Jehanzaib, Superintendent alongwith Mr. Muhammad Adeel Butt, Addl: AG for the applicants present

The notice was sent to the respondents for today's date on his address at GDC, Sadda Kurram. The postal receipt bear the sticker of post I.D for its tracking. Let the concerned post office be asked to report about the destination of the relevant post. Adjourned. To come up for further proceedings on 23.12.2021 before S.B.

400
6/11/21
24/11/21

[Signature]
Chairman

[Signature]

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No:

Recd

Appeal No. *2499/2020 12/2 - 79 of 20 21*

Secretary Higher Education Appellant/Petitioner
 Versus

Bakht Zamin Respondent

Respondent No. *(1)*

Notice to: — *Bakht Zamin Lecturer (BPS-17) presently posted as Assistant Director (P&D) at Directorate Higher Education*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....*27.06/2022*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....*20th*.....

Day of.....*April*.....20 *22*

[Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

“B”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No. *Recd* *S. Appeal 3499/20 (12-2) Application*
 Appeal No. *C.P.C. 74* of 20 *20*
 *Bokht Zamin* Appellant/Petitioner
 Versus
 Through *Chief Secy K.P.K. Peshawar* Respondent
 Respondent No. *(1)*

Notice to: — *Bokht Zamin Lecturer (BPS-17) presently posted as Assistant Director (P&D) at Directorate Higher Education*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....*27/06/2022*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ ✓ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....*02*.....
 Day of.....*June*.....20*22*.....

[Signature]

**Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

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

Note: 1 Always enter Case No. While writing any correspondence.
2 The mode of attendance in the court are the same as in the High Court viz. 1. Regular and casual days and 2. Special and casual days.

BESHAWAR
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
REGISTRAR

Day of June 2020

Given under my hand and the seal of this Court at Beshawar this 05.....

Office Notice No. dated

Copy of appeal is attached. Copy of appeal has already been sent to you vide this
this appeal/petition
notice posted to this address by registered post will be deemed sufficient for the purpose of
address given in the appeal/petition will be deemed to be your correct address and further
address. If you fail to furnish such address your address contained in this notice which the
given to you by registered post. You should inform the Registrar of any change in your
Notice of any alteration in the date fixed for hearing of this appeal/petition will be

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default of your appearance on the date fixed and in the manner aforementioned, the
alongwith any other documents upon which you rely. Please also take notice that in
this Court at least seven days before the date of hearing 4 copies of written statement
advocate and your counsel by your power of attorney you are therefore, required to file in
the case may be postponed either in person or by authorized representative or by any
appeal/petition. You are at liberty to do so on the date fixed, or any other day to which
on at 8.00 A.M. If you wish to urge anything against the
regularly informed that the said appeal/petition is fixed for hearing before the Tribunal
the above case by the petitioner in this Court and notice has been ordered to issue. You are
Province Service Tribunal Act, 1974 has been presented/registered for consideration in

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa

Notice to: — *Bank of Punjab (BOP) of District Beshawar*
Bank of Punjab (BOP) of District Beshawar
Bank of Punjab (BOP) of District Beshawar

Respondent No. (1)

Bank of Punjab Respondent

Bank of Punjab Applicant/Petitioner

Address No. *11-11-11* of 2020

No. *11-11-11* of 2020

BESHAWAR
JUDICIAL COMPLEX (OGD), KHYBER ROAD,
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, BESHAWAR

cc B...