

13.05.2022

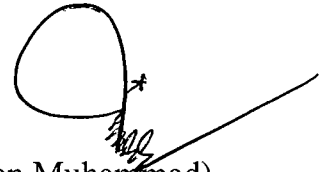
Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. To come up for preliminary hearing before the S.B on 20.07.2022.



(Kalim Arshad Khan)
Chairman

20.07.2022

Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 19.10.2022 before S.B.



(Mian Muhammad)
Member (E)

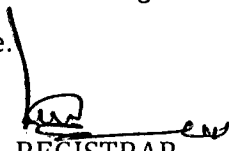
Form- A

FORM OF ORDER SHEET

Court of _____

Case No.-

769/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/05/2022	<p>The appeal of Mr. Hazrat Nabi presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR ,</p>
2-		

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 769 /2022

Hazrat Nabi

versus

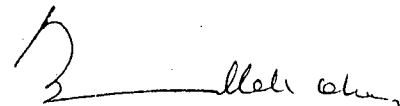
Secretary & Others

I N D E X

S. No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Minutes of Meeting for grant of Technical Allowance etc dated 08-05-2018	"A,"	5-6
3.	Demand approved by Cabinet dated 11-06-18	"B"	7
4.	Notification dated 19-10-2018 for four Deptt:	"C"	8
5.	Appeal for grant of TA dated 29-10-2018	"D"	9-11
6.	Allowed benefits of TA to Engineers of Punjab dated 30-05-2019	"E"	12-13
7.	Allowed TA to Engineers of GB & AJK dated 03-07-2020 and 25-11-2020	"F"	14-15
8.	Notification dated 07-07-2021 for modification of Notification dated 19-10-2018	"G"	16
9.	Writ Petition dated 06-01-2022	"H"	17-21
10.	Judgment / order dated 22-03-2022	"I"	22
11.	Representation dated 10-01-2022	"J"	23-26

Appellant

Through



Saadullah Khan Marwat
Advocate
21-A, Nasir Mansion,
Shoba Bazaar, Peshawar

Dated 09-05-2022

Ph: 0300-5872676

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Appeal No. _____/2022

Hazrat Nabi S/O Nazir Mohammad,
Agricultural Engineer In Agricultural
Engineering Wing of Agriculture
Department, Government of KP,
Peshawar. Appellant

VERSUS

1. Secretary, Govt. of KP, Finance
Department Peshawar.
2. Chief Secretary, Govt. Of KP,
Peshawar.
3. Secretary, Govt. of KP, Agriculture
Department Peshawar.
4. Secretary, Govt. of KP, Establishment
Department, Peshawar Respondent(s)

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1974 AGAINST OFFICE
NOTIFICATION NO. FD (SO-SR-II) 8-7 / 2018-19
DATED 19-10-2018 OF R. NO. 01 WHEREBY
TECHNICAL ALLOWANCE WAS NOT ALLOWED TO
APPELLANT.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respected Sheweth:

1. That appellant is serving the department since the year 2016 as Agricultural Engineer in Agriculture Engineering Department.
2. That since the date of appointment of appellant in service, dedicated performances were given to the department without any complaint and his services were highly appreciated in this respect.

3. That Khyber Pakhtunkhwa Association of Government Engineers (KPAGE) put forth demand before the Government of KP to allow them Technical Allowance along with other benefits to the Graduate Engineers of Agricultural Engineering Wing working in Agriculture Engineering Department. The Director Agriculture Engineering KP Peshawar forwarded the said demand of Technical Allowance and other benefits before R. No. 03 vide letter dated 08-05-2018 for necessary action, followed by subsequent letter of R. No. 01 dated 28-05-2018 for the said purpose. (Copies as annex "A")
4. That on 11-06-2018, R. No. 03 forwarded the said request to R. No. 01 for the reason that his demand was approved by the Cabinet in its meeting held on 24-05-2018 as under:-
- "The Cabinet approved the Technical Allowance @ 1.5 times of the initial Basic Pay Scale to All Engineers working in Provincial Government Department with effect from 1st July 2018".
- Finance Department was requested to issue Notification regarding Technical Allowance to the Government Engineers. (Copy as annex "B")
5. That on 19-10-2018, R. No. 01 sanctioned Technical Allowance to Engineers holding Engineering qualification registered with the Higher Education Commission and Pakistan Engineering Council to C & W, Irrigation, Public Health Engineering and Local Government Department KP with effect from 01-11-2018 by leaving aside other departments for no legal reasons. (Copy as annex "C")
6. That on 29-10-2018, appellant submitted representation before R. No. 02 to also treat him at par with the employees of the aforesaid departments regarding grant of Technical Allowance. (Copy as Annex "D")
7. That on 30-05-2019, the Government of Punjab also benefited Engineers of Agricultural Department with Technical Allowance to various categories. (Copy as annex "E")

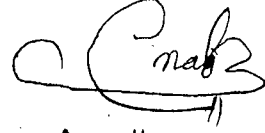
8. That on 03-07-2020 and 25-11-2020, the Engineers of Gilgit Baltistan and Azad Jammu Kashmir were also granted the benefit of Technical Allowance but deprived the Engineers of KP in Agricultural Department for no legal reason. (Copies as annex "F").
9. That on 07-07-2021, R. No. 03 modified Notification dated 19-10-2018 to the extent of Engineers of Mines & Mineral Department again by leaving aside the Agricultural department of the petitioners. (Copy as annex "G")
10. That on 06-01-2022, appellant filed Writ Petition for the aforesaid benefit which came up for hearing on 22-03-2022 and then the hon'ble court allowed appellant to approach before the proper forum. (Copies as annex "H" & "I")
11. That on 10-01-2022, appellant submitted subsequent representation to the authority but of no avail. (Copy as annex "J")

Hence, this appeal, inter alia on the following grounds:

GROUND S.

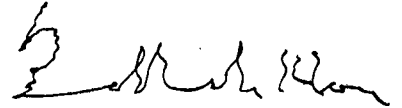
- a. That in the Meeting of the Provincial Government dated 24-05-2018 circulated vide letter dated 11-06-2018, Technical Allowance was allowed to ALL Engineers working in the Provincial Government Department with effect from 01-07-2018. No classification, whatsoever, was made to allow the said benefit to particular departments.
- b. That no reason in Notification dated 19-10-2018 was given to allow the benefits of Technical Allowance only to four departments, C & W, Irrigation, Public Health Engineering and Local Government Department and to let the Engineers of the other departments.
- c. That it is also against the law and the verdicts of the apex court to classify similarly and equally placed employees, Engineers working in the same department were benefited, while Engineers working in other departments were deprived. Such act is based on malafide.

It is, therefore, most humbly prayed that on acceptance of the Appeal, Notification dated 19-10-2018 of R. No. 01 be altered / modified / set aside and Technical Allowance @ 1.5 times of the initial basic pay scales be awarded / allowed to appellant, with effect from 01-07-2018 with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

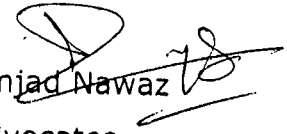
Through



Saadullah Khan Marwat



Arbab Saiful Kamal



Amjad Nawaz

Advocates

Dated: 09-05-2022

AFFIDAVIT

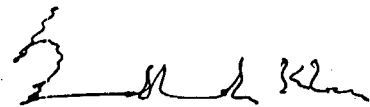
I, Hazrat Nabi (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief



DEPONENT

CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.



ADVOCATE

A

5

8-5-18

www.agriengineering.kp.gov.pk

**DIRECTORATE OF AGRICULTURAL ENGINEERING, KHYBER
PAKHTUNKHWA, TARNAB, PESHAWAR**

G.T.Road, Tarnab-Peshawar ☎️📠 091-2964063
E-mail daekpktarnab@gmail.com

No 3959 /DAE/Estt

Dated the 8/5 /2018

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperation Department

Subject: MEETING HELD WITH KHYBER PAKHTUNKHWA ASSOCIATION OF
GOVERNMENT ENGINEERS:(KPAGE) DATED 25/04/2018:

Memo:

It is submitted for your kind information that in a high-level meeting held on 25th April 2018 under the chairmanship of Honorable Chief Secretary Khyber Pakhtunkhwa with KPAGE, the Government of Khyber Pakhtunkhwa has accepted some of the demands of KPAGE. A photocopy of the leading newspaper "Aaj" dated 26th April, 2018 showing the accepted demands of KPAGE is attached for ready reference as Annexure A.

Therefore, it is requested that the benefits of monthly Technical Allowance along with all other benefits, as per accepted demands of KPAGE by the Government of Khyber Pakhtunkhwa should be extended to all the Graduate Engineers of Agricultural Engineering Wing working under your control.

Total strength of Graduate Engineers working presently in Agricultural Engineering Department is twelve (12). Out of this One (01) Engineer is in BPS-19, three (03) Engineers are in BPS-18 while Eight (08) Engineers are in BPS-17. Detail of all the Engineers working in different scales is attached as Annexure-B.

It is requested that the case of all the Engineers of Agricultural Engineering Department may kindly be forwarded to the concerned quarter for further necessary action please.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab
Peshawar

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28-5-18



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

NO.SOE(AD)VI-106/2017/Engg:
Dated: Peshawar, the May 28, 2018

To

The Secretary to Government of Khyber Pakhtunkhwa,
Finance Department

Subject: MEETING HELD WITH KHYBER PAKHTUNKHWA ASSOCIATION
OF GOVERNMENT ENGINEERS (KPAGE) DATED 25/04/2018

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith copies of DG On Farm Water Management Department letter No.1827 dated 04/05/2018, Director Agricultural Engineering Khyber Pakhtunkhwa letter No.3959 dated 08/05/2018 and application filed by Mr. Nazrullah Khan District Officer, Soil Conservation Dir Upper dated to state that a meeting was held on 25/04/2018 under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa Peshawar with KPAGE, the Government of Khyber Pakhtunkhwa has accepted some demands of KPAGE. A photocopy of Daily newspapers, "Aaj" dated 26/04/2018 is attached at Annex-A.

The attached formations of Agriculture Department has therefore requested that the benefits of monthly Technical Allowance alongwith all other benefits as per accepted demands of KPAGE by high ups, may be extended to all the Graduates Engineers of Agriculture Department.

I am therefore directed to request the Finance Department for necessary action/ advice in the matter please.

Encl: As above

Yours faithfully,

3342
6-18

(MANZOOR AHMED ATRIDI)
SECTION OFFICER-ESTT:

Encl. Of even No. & Date.

Copy to the:

- 1. DG OFWM, Khyber Pakhtunkhwa, Peshawar.
- 2. Director Agriculture Engineering, Khyber Pakhtunkhwa Peshawar.
- 3. P.S to Secretary Agriculture Department.
- 4. PA to DS (Admin.), Agriculture Department.

DD/ Syed
Estt-Asst
16/5/18

(Signature)
SECTION OFFICER-ESTT:

ATTESTED

(Signature)

B 7

H-6-18

GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

No.SO (G) /Irr/2-16/2017

Dated Peshawar the 11th June, 2018.

To

The Secretary to Govt of Khyber Pakhtunkhwa,
Finance Department.

Subject: DECISION OF MEETING OF THE PROVINCIAL CABINET DATED
24.05.2018.

Dear Sir,

1. I am directed to refer to Establishment and Admin Department Cabinet wing letter No SOC(E&AD)27-312/2018 dated 5th June 2018 on the subject noted above and to state that "Demands of the Khyber Pakhtunkhwa Association of Government Engineers" have been approved by the Cabinet in its meeting held on 24.05.2018 wherein the following decision was taken:-

"The Cabinet approved Technical Allowance @1.5 times of the initial basic pay scale to all Engineers working in Provincial Government Department with effect from 1st July 2018."

2. In order to implement decision of the provincial cabinet, I am therefore directed to request to kindly issue notification regarding Technical Allowance to the Government Engineers.

Encl AA.

Sd.....

SECTION OFFICER (GENERAL)

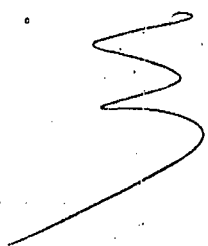
Copy forwarded to the

1. PS to Secretary Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary C&W Department, Khyber Pakhtunkhwa, Peshawar.
3. The Section officer (Cabinet) Administration Department, Khyber Pakhtunkhwa, Peshawar.
4. The President, Khyber Pakhtunkhwa, Association Of Engineers.

Sd.....

SECTION OFFICER (GENERAL)

ATTESTED



C 8 19-10-18

**Government of Khyber Pakhtunkhwa
Finance Department
(Regulation Wing)**

Dated Peshawar the 19th October, 2018

NOTIFICATION

No FD (SO SR-II) 8-7/2018-19: The Government of Khyber-Pakhtunkhwa has been pleased to sanction Technical Allowance as per the following rates to Engineers holding Engineering qualification from the accredited engineering programme of Higher Education Institutions (HEI) / Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against the sanctioned posts in the C&W, Irrigation, Public Health Engineering and Local Government Departments, Govt. of Khyber-Pakhtunkhwa with effect from 1st November 2018 :-

S.#	Pay Scales	Initial Basic Pay of Pay Scales 2017	Rate of Technical Allowance Per Month (@ 1.5 initial Basic Pays as per Pay Scales 2017)
i.	Engineers in BS - 20	Rs 69,090/-	Rs 1,03,635/-
ii.	Engineers in BS - 19	Rs 59,210/-	Rs 88,815/-
iii.	Engineers in BS - 18	Rs 38,350/-	Rs 57,525/-
iv.	Engineers in BS - 17	Rs 30,370/-	Rs 45,550/-

2. The above allowance will be admissible subject to the following conditions:-
- It will not be counted towards pension or gratuity.
 - It will not be admissible in any kind of leave as well as posting against OSD and leave reserve posts.
 - The Engineers in receipt of such allowances other than regular allowances as classified under major object A012-1 A012-2 shall be entitled to one of the allowances, whichever is more beneficial.
 - It will not be admissible to deputationists.

Secretary to Government
of Khyber Pakhtunkhwa
Finance Department

Endst: No & Date Even

- The Accountant General, Khyber Pakhtunkhwa, Peshawar
- The Additional Chief Secretary P&D Department
- The Principal Secretary to Chief Minister, Khyber-Pakhtunkhwa
- All the Administrative Secretaries to Govt. of Khyber-Pakhtunkhwa
- All the Divisional Commissioners in Khyber-Pakhtunkhwa
- All The Deputy Commissioners in Khyber-Pakhtunkhwa
- All the District Accounts Officers in Khyber-Pakhtunkhwa
- Director, FMIU, Finance Department
- PSO to Chief Secretary, Khyber-Pakhtunkhwa, Peshawar
- All Budget Officer, Finance Department
- PS to Secretary Finance Department.
- PS to Special Secretary Finance Department
- Assistant Director (HR Data Base) Finance Department
- PA to Additional Secretary (Regulation) Finance Department
- PA to Deputy Secretary (Regulation-II), Finance Department

(Naeem Tabassum)
Section Officer (SR-II)

ATTESTED

D 9

29-10-18

To: The Chief Secretary,
Government of Khyber Pakhtunkhwa

Through: Proper Channel:

Subject: APPEAL AGAINST ISSUANCE OF TECHNICAL ALLOWANCE FOR ENGINEERS WORKING IN PROVINCIAL GOVERNMENT DEPARTMENTS:


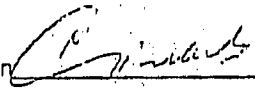

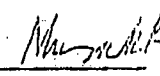
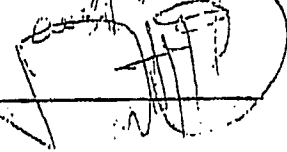

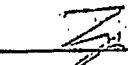
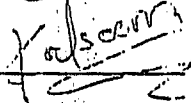

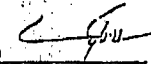

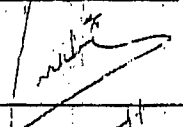
Sir,

1. Reference Finance Department Notification No.FD (SO SR-II)8-7/2018-19 Dated Peshawar 19th October, 2018, with due respect we the Engineers of Agricultural Engineering Wing of Agriculture, Livestock and Cooperation Department want to submit appeal to your good self against the injustice met out to us as regard above mentioned order by Finance Department, Government of Khyber Pakhtunkhwa, depriving engineers of this department who clearly qualify all the three basic criteria's set forth for Technical Allowance under the said Notification. They are:

- a) Engineering Qualification from accredited Engineering Program
- b) University of Qualification be recognized from Higher Education Commission and Pakistan Engineering Council.
- c) Should be serving against sanctioned posts of Provincial Government

Our Engineers have excellent academic record and serving with full devotion and dedication and playing important role in field by executing Public Welfare Projects. We request you to please amend/modify the Notification from same date (1st Nov,2018). Proper Corrigendum may kindly be issued in this regard. Agricultural Engineering Wing of Agriculture Department Government of Khyber Pakhtunkhwa be included in the said list of Departments.

2. List of the Engineers serving in Agricultural Engineering Department against Sanction/Technical Post is attached for ready reference please. (Copy Attached as Annexure-A)

Engr.Mahmood Jan		Engr.Rafiqullah Khan	
Engr.Nasim Javed		Engr.Muhammad Musa Khan	
Engr.Nazeer Abbas		Engr.Fakhar-U-Din	
Engr.Zahid Rabbani		Engr.Kalsoom Rehman	
Engr.Marisoor Ullah Khan		Engr.Muhammad Usman	
Engr.Maria Javed		Engr.Hazrat Nabi	

ATTESTEL



Detail of the Engineers Working in Agricultural Engineering Wing of Agriculture Department Khyber Pakhtunkhwa

S.No	Name of Officer	Designation	Pakistan Engineering Council Registration No.	University Recognized from Higher Education Commission
1	Engr.Mahmood Jan Babar (BPS-19)	Director Agricultural Engineering Khyber Pakhtunkhwa	AGRI/00376	University of Engineering and Technology (UET) Peshawar
2	Engr.Rafiullah Khan (BPS-18)	Agricultural Engineer Kohat	AGRI/00665	University of Engineering and Technology (UET) Peshawar
3	Engr.Nasim Javed (BPS-18)	Agricultural Engineer/Deputy Director Planning (HQ)	AGRI/01666	University of Engineering and Technology (UET) Peshawar
4	Engr.Muhammad Musa Khan (BPS-18)	Deputy Director Agricultural Engineering Khyber Pakhtunkhwa	AGRI/01245	University of Agriculture, Faisalabad
5	Engr.Nazeer Abbass (BPS-17)	Assistant Agricultural Engineer Swat	AGRI/3686	University of Engineering and Technology (UET) Peshawar
6	Engr.Fakhar-U-Din (BPS-17)	Assistant Agricultural Engineer/Assistant Director Planning	AGRI/03619	Sindh Agriculture University, Tandojam
7	Engr.Zahid Rabbani (BPS-17)	Agricultural Engineer Haripur (OPS)	AGRI/2988	University of Engineering and Technology (UET) Peshawar
8	Engr.Kalsoom Rehman (BPS-17)	Assistant Agricultural Engineer (HQ)	AGRI/02985	University of Engineering and Technology (UET) Peshawar
9	Engr.Mansoor Ullah Khan (BPS-17)	Agricultural Engineer Balakohla (OPS)	AGRI/03956	University of Engineering and Technology (UET) Peshawar
10	Engr.Muhammad Usman (BPS-17)	Assistant Agricultural Engineer Haripur	AGRI/3523	University of Engineering and Technology (UET) Peshawar
11	Engr.Maria Javed (BPS-17)	Assistant Agricultural Engineer Mansehra	AGRI/04102	University of Engineering and Technology (UET) Peshawar
12	Engr.Hazrat Nabi (BPS-17)	Assistant Agricultural Engineer Kohat	AGRI/03957	University of Engineering and Technology (UET) Peshawar

10

ATTESTED

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tamab
Peshawar

11

29-10-18

www.agriengineering.kp.gov.pk
**DIRECTORATE OF AGRICULTURAL ENGINEERING,
KHYBER PAKHTUNKHWA, TARNAB, PESHAWAR**
☒ G.T. Road, Tarnab Peshawar ☎ & ☎ 091-2984063
E-mail daekpktarnab@gmail.com

No. 8521 /DAE/Estt

Dated the 29/10 /2018

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Agriculture, Livestock & Cooperative Department,

Subject:

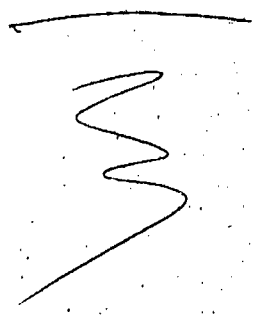
APPEAL AGAINST ISSUANCE OF TECHNICAL ALLOWANCE FOR
ENGINEERS WORKING IN PROVINCIAL GOVERNMENT DEPARTMENTS::

Memo:

Enclosed please find herewith a joint appeal regarding the above cited subject in respect of the undersigned and all the Agricultural Engineers/Assistant Agricultural Engineers of this Department for perusal and further necessary action please.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab
Peshawar

ATTESTED



E 12

30-5-19

SAVE THE ENVIRONMENT



NOTED ON 12/05/2018
GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT

Dated Lahore, the 30th May, 2019

From

Mr. Abdullah Khan Simbal
Finance Secretary

To

- 1 All Administrative Secretaries to Government of the Punjab
- 2 The Secretary to Governor Punjab, Lahore
- 3 The Secretary to Chief Minister Punjab, Lahore
- 4 The Military Secretary to Governor, Punjab, Lahore
- 5 The Secretary, Punjab Provincial Assembly, Lahore
- 6 The Secretary, Punjab Public Service Commission, Lahore
- 7 All Heads of Attached Departments in the Punjab
- 8 All Commissioners in the Punjab
- 9 All Deputy Commissioners in the Punjab
- 10 All District & Sessions Judges in the Punjab
- 11 The Chief Pilot, VIP Flight, Lahore
- 12 The Registrar, Lahore High Court, Lahore
- 13 The Provincial Director, Local Fund Audit, Punjab, Lahore
- 14 The Chief Inspector of Treasuries & Accounts, Punjab, Lahore

Subject

PAY PACKAGES OF ENGINEERS WORKING IN VARIOUS DEPARTMENTS OF THE GOVERNMENT OF PUNJAB

I am directed to refer to the subject cited above and to state that the Governor of the Punjab has been pleased to allow Technical Allowance @ 1.5 times of the initial of Basic Pay Scales, 2017 w.e.f. 01.07.2018 to Engineers, registered with Pakistan Engineering Council (PEC) and holding Engineering Degree from the accredited engineering programmes of Higher Education Institutions/Universities duly recognized by Higher Education Commission, working against the sanctioned posts in Agriculture, Communication & Works, Housing, Urban Development & Public Health Engineering, Irrigation, Local Government & Community Development, Mines & Minerals and Planning & Development Departments at the following rates:

BPS	Amount of Technical Allowance
20	Rs 103,635/- p.m.
19	Rs 88,815/- p.m.
18	Rs 57,525/- p.m.
17	Rs 45,555/- p.m.

ATTESTED

The above allowance is subject to the following conditions

- i) It will not be counted towards pension
- ii) It will not be admissible in any kind of leave of 120 days and above as well as posting against OSD and leave reserve posts
- iii) The Engineers, in receipt of such allowances other than regular allowances, shall be entitled to one of the allowances, whichever is more beneficial
- iv) It will not be admissible to the deputationists on their posting out of above said departments and who are posted on deputation in the above said departments

3. All the Departments/ Attached Departments are requested to take further necessary action to implement the above policy.

Amman Ullah

(AMAN ULLAH)
DEPUTY SECRETARY (PC)

NO. & DATE EVEN:

A copy is forwarded for information and necessary action to:

1. The Accountant General Punjab, Lahore.
2. All the District Accounts Officers in the Punjab.
3. The Treasury Officer, Lahore.
4. The Director General Audit, Lahore.
5. The Director General Works (Accounts), Lahore.
6. The Director General Works (Audit), Lahore.
7. The Director General Audit (District Governments), Punjab, Lahore.

Zafar Ahmad
(ZAFAR AHMAD)

SECTION OFFICER (PR)

NO. & DATE EVEN:

A copy is forwarded for information and necessary action to:

1. The Finance Secretary, Government of Pakistan, Islamabad.
2. The Finance Secretary, Government of Sindh, Karachi.
3. The Finance Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
4. The Finance Secretary, Government of Balochistan, Quetta.
5. The Finance Secretary, Azad State of Jammu & Kashmir, Muzaffarabad.
6. The Finance Secretary, Government of Gilgit Baltistan, Gilgit.
7. All Officers of the Finance Department, Government of the Punjab.

ATTESTED

Amman Ullah

(AMAN ULLAH)
DEPUTY SECRETARY (PC)

3

GOVERNMENT OF GILGIT-BALTISTAN
GILGIT-BALTISTAN SECRETARIAT
FINANCE DEPARTMENT

Gilgit dated the 3rd July, 2020 / 12

NOTIFICATION

No.Fin-Rec-2(33)/2020: Consequent upon recommendations of the Gilgit-Baltistan Cabinet and subsequent approval of the Finance Bill 2020-2021 by the Gilgit-Baltistan Assembly, the Governor Gilgit-Baltistan has been pleased to sanction Technical Allowance @ 1.5 times of Initial Basic Pay Scales 2017 with effect from 1st July, 2020 in favour of the professional Engineers holding engineering qualification from the accredited engineering programmes of Higher Education Institutions (HEI)/Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against the sanctioned posts in BS-17 & above in engineering related Departments under Government of Gilgit-Baltistan as per rates mentioned below against each:

S#	Pay Scales	Initial Basic Pay	Rate Per Month
1	BS-20	Rs. 69,090/-	Rs. 103,635/-
2	BS-19	Rs. 59,210/-	Rs. 88,815/-
3	BS-18	Rs. 38,350/-	Rs. 57,525/-
4	BS-17	Rs. 30,370/-	Rs. 45,555/-

The above allowance will be admissible subject to the following conditions:

- It shall not be counted toward pension or gratuity.
- It shall not be admissible in any kind of leave as well as posting against OSD and leave reserve posts.
- The Engineers in receipts of such allowances other than regular allowances as classified under major object A012-1 A012-2 shall require to opt one of the allowances whichever is more beneficial.

The above Technical Allowance shall be accommodated from within the budgetary allocation for the year 2020-2021 by the respective departments.

MUHAMMAD SALEEM RAJPUT (PAS)
SECRETARY TO GOVERNMENT
OF GILGIT-BALTISTAN

No. & Date Even:

Copy forwarded for information and further necessary action:

- The Accountant General, Gilgit-Baltistan, Gilgit
- The Secretary Works, Gilgit-Baltistan, Gilgit
- The Secretary Water & Power, Gilgit-Baltistan, Gilgit
- The Secretary Education, Gilgit-Baltistan, Gilgit
- The Secretary Local Government & Rural Development, Gilgit-Baltistan, Gilgit
- The Secretary Agriculture, Livestock & Fisheries Department, Gilgit-Baltistan, Gilgit
- The Additional Secretary (SuM) to Chief Secretary, Gilgit-Baltistan.

Secretary, W&P

And, Bureau

(HUSSAIN ALI)

DEPUTY SECRETARY (FINANCE)

PH: (0581) 920806

ATTESTED



FINANCE DEPARTMENT
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
MUZAFFARABAD

"Muzaffarabad"
Dated: 25.11.2020

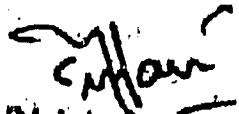
NOTIFICATION

No. FDR/17607-17676 /2020. The President Azad Jammu & Kashmir has been pleased to accord the approval for grant of the Technical Allowance @ 1.5 of Initial Basic Pay per month relevant Basic Pay Scales-2017 to the Engineers, w.e.f 01.12.2020 to the engineer registered with Pakistan Engineering Council and holding Engineering Degree from the accredited engineer programs of Higher Education Institutions / Universities duly recognized by Higher Education Commission, working against the sectioned posts of the Physical Planning & Housing / Commutation & Work / Central Design Office / Electricity / Local Government & Rural Development / Planning & Development Departments:-

Sr.#	Basic Pay Scale	Initial Basic Pay of Basic Pay Scales- 2017	Technical Allowance @1.5 times of Initial Basic Pay of Basic Pay Scales- 2017 per month.
I.	Engineers in BS-20	Rs. 69,090/-	Rs. 1,03,635/-
ii.	Engineers in BS-19	Rs. 59,210/-	Rs. 88,815/-
iii.	Engineers in BS-18	Rs. 38,350/-	Rs. 57,525/-
iv.	Engineers in BS-17	Rs. 30,370/-	Rs. 45,550/-

2. The above allowance shall be admissible subject to the following conditions:-
- (i) It will not be counted towards Pension / Commutation or Gratuity.
 - (ii) It will not be admissible against OSD and leave reserve posts.
 - (iii) It will not be admissible during extra ordinary leave, study leave, long leave for more than 120 days, training abroad or suspension;
 - (iv) The engineers, in receipt of such allowances other than regular allowances, shall be entitled to one of the allowances, whichever is more beneficial.
 - (v) It will not be admissible to the deputationists on their posting out of their departments and who are posted on deputation in the Government Departments.

ATTESTED


 (Mehrban Hussain Ch.)
 Additional Secretary (Rgs.)

(cont. page 2)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the: 07-07-2021

NOTIFICATION

No. FO(SOSR-II)2-5/2021-22/Tech Allow: In partial modification of this Department notification No FO (SO SR-II) 8-7/2018-10, dated 19-10-2018, the Government of Khyber Pakhtunkhwa has been pleased to accord sanction to Technical Allowance as per the following rates to the Engineers holding Engineering qualification from the accredited engineering programme of Higher Education Institutions (HEI) / Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against positions that are required to be filled by engineers for C&W, Irrigation, Public Health Engineering, Local Government & Mines & Mineral Development Departments with effect from 01.07.2021:

S.No.	Pay Scale	Initial Basic Pay of Pay Scales 2017	Rate of Technical Allowance per Month @ 1.5 Initial Basic pay Scales 2017
1	Engineers in BPS 20	Rs. 80,080/-	Rs. 103,635/-
2	Engineers in BPS 19	Rs. 59,210/-	Rs. 88,015/-
3	Engineers in BPS 18	Rs. 38,350/-	Rs. 67,925/-
4	Engineers in BPS 17	Rs. 30,370/-	Rs. 45,550/-

2. The above allowance will be admissible subject to the following conditions:
- It will be subject to Income Tax.
 - It will not be counted towards pension and gratuity.
 - It will not be admissible in any kind of leave (except casual leave) as well as posting against OSD and Leave Reserve Posts.
 - Those engineers who are posted against other posts and are in receipt of cadre allowance other than regular allowances shall only be entitled to one of the allowances, whichever is more beneficial.
3. All Autonomous/Semi-Autonomous/Medical Teaching Institutions/Other Institutions and Authorities under Provincial Government shall adopt this notification within their respective organizations with the approval of concerned Competent Forum subject to availability of their resources.

[Signature]
Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

End of No. & Date over.

A copy of the above is forwarded for information & necessary action to the;

- The Accountant General, Khyber Pakhtunkhwa.
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- All Administrative Secretaries to government of Khyber Pakhtunkhwa.
- All the Divisional Commissioners in Khyber Pakhtunkhwa.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- All the District Accounts Officers in Khyber Pakhtunkhwa.
- The Director-FMIU, Finance Deptt. with the request to upload the same on FD's Website.
- PSO to Chief Secretary, Khyber Pakhtunkhwa.
- All Section Officers/Budget Officers in Finance Deptt. Khyber Pakhtunkhwa.
- The Manager, Government printing Press, Peshawar.
- The Private Secretary to Secretary, Finance Deptt. Khyber Pakhtunkhwa.
- PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
- PA's to Addl. Secretaries/Deputy Secretaries in Finance Deptt. Peshawar.
- Master File.

ATTESTED

[Signature]
(Muhammad Ilyas Khattak)
Section Officer (SR: II)

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. -P/2022

- 1. Mansoorullah Khan S/O Muhammad Ikram.
- 2. Nasim Javed S/O Niaz Mohammad.
- 3. Nazeer Abbas S/O Abbas Ghulam.
- 4. Fakhar-ud-Din S/O Abdul Qayyum.
- 5. Zahid Rabbani S/O Ghulam Rabbani.
- 6. Kalsoom Rehman D/O Abdul Rehman.
- 7. Muhammad Usman S/O Din Mohammad.
- 8. Maria Javed D/O Javed Iqbal.
- 9. Hazrat Nabl S/O Nazir Mohammad.
- 10. Saadia Rehman D/O Abdul Rehman.
- 11. Sajad Ullah S/O Amir Zaman Khan.
- 12. Anjad Khan S/O Amal Khan.

All petitioners are Agricultural Engineers
 In Agricultural Engineering Wing of
 Agriculture Department, Government
 Of KP, Peshawar Petitioner(s)

VERSES

- 1. Chief Secretary, Govt.
Of KP, Peshawar.
- 2. Secretary, Govt. of KP,
Agriculture Department
Peshawar.
- 3. Secretary, Govt. of KP,
Finance Department
Peshawar.
- 4. Secretary, Govt. of KP,
Establishment Department,
Peshawar Respondent(s)

=====

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973:

=====

ATTESTED



Respectfully Sheweth:

1. That petitioners are serving the department since the year 2016 (P. No. 01), since the year 1996 (P. No. 02), since the year 2014 (P. No. 03), since the year 2014 (P. No. 4), since the year 2014 (P. No. 5), since the year 2016 (P. No. 6), since the year 2017 (P. No. 7), since the year 2016 (P. No. 8), since the year 2016 (P. No. 9), and petitioners No. 10 to 12 since 09-04-2021.
2. That since the date of appointment of petitioners in service dedicated performances were given to the department without any complaint and their services were highly appreciated in this respect.
3. That Khyber Pakhtunkhwa Association of Government Engineers (KPAGE) put forth demand before the Government of KP to allow them Technical Allowance along with other benefits to the Graduate Engineers of Agricultural Engineering Wing working in various grades in Agriculture Engineering Department. The Director Agriculture Engineering KP Peshawar forwarded the said demand of Technical Allowance and other benefits before R. No. 02 vide letter dated 08-05-2018 for necessary action followed by subsequent letter of R. No. 03 dated 28-05-2018 for the said purpose. (Copies as annex "A")
4. That on 11-06-2018, R. No. 02 forwarded the said request to R. No. 03 for the reason that their demand was approved by the cabinet in its Meeting held on 24-05-2018 as under:-

"The Cabinet approved the Technical Allowance @ 1.5 times of the initial Basic Pay Scale to all Engineers working in Provincial Government Department with effect from 1st July 2018".

Finance Department was requested to issue Notification regarding Technical Allowance to the Government Engineers. (Copy as annex "B")
5. That on 19-10-2018, R. No. 03 sanctioned Technical Allowance to Engineers holding Engineering qualification registered with the Higher Education Commission and Pakistan Engineering Council to C & W, Irrigation, Public Health Engineering and Local Government Department KP with effect from 01-11-2018 by leaving aside other departments for no legal reasons. (Copy as annex "C")

ATTESTED



6. That on 29-10-2018, petitioners submitted representation before R. No. 01 to also treat them at par with the employees of the aforesaid departments regarding grant of Technical Allowance. (Copy as Annex "D")
7. That on 30-05-2019, the Government of Punjab also benefited Engineers of Agricultural Department with Technical Allowance to various categories. (Copy as annex "E")
8. That when the aforesaid request of the petitioners was not acceded to, so in the compelling circumstances W.P No. 5877-P/18 was filed before this hon'ble court for the aforesaid purpose which came up for hearing on 21-11-2019 and then the hon'ble court was pleased to direct R. No. 01 to decide the representations of the petitioners within shortest possible time in accordance with law. (Copies as annex "F" & "G")
9. That when the matter was not dealt with as per the law, so in the same circumstances, the hon'ble apex court had decided the matter that when the matter was not decided in prescribed period of time by the authority as well as by the Service Tribunal or any other forum then the remand of the case to direct the authority to decide the representation was not justified in any manner but was illegal vide order dated 17-10-2016. (Copy as annex "H")
10. That on 03-07-2020 and 25-11-2020, the Engineers of Gilgit Baltistan and Azad Jammu Kashmir were also granted the benefit of Technical Allowance but deprived the Engineers of KP in Agricultural Department for no legal reason. (Copies as annex "I")
11. That the said judgment was remitted to R. No. 01 for compliance but no heed was paid to the same, so COC No. 145-P/20 was filed before the hon'ble court for compliance and then on 29-07-2020, R. No. 01 decided the matter not per the Cabinet decision dated 11-06-2018, whereby the Cabinet had approved Technical Allowance to all Engineers working in Provincial Government Departments but not in particular departments. (Copy as annex "J")

ATTESTED




12. That same excuses were advanced in order dated 29-07-2020 as in the Cabinet decision, no classification of the Engineers of Agriculture Department as well as of other departments was made but emphasized to allow the Technical Allowance to all Engineers working in various departments. (Copy as annex "K")
13. That on 07-07-2021, R. No. 03 modified Notification dated 19-10-2018 to the extent of Engineers of Mines & Mineral Department again by leaving aside the Agricultural department of the petitioners. (Copy as annex "L")
14. That on 12-10-2021 the said COC was turned down relying upon order dated 29-07-2020 of R. No. 01 and not upon the decision of the Provincial Cabinet dated 24-05-2018. (Copy as annex "M")

Hence this Writ Petition, inter alia, on the following grounds:-

GROUNDS

- a. That in the Meeting of the Provincial Government dated 24-05-2018 circulated vide letter dated 11-06-2018, Technical Allowance was allowed to all Engineers working in the Provincial Government Department with effect from 01-07-2018. No classification, whatsoever, was made to allow the said benefit to particular departments.
- b. That no reason in Notification dated 19-10-2018 was given to allow the benefits of Technical Allowance only to four departments mentioned therein and to let the Engineers of the other departments.
- c. That in office order dated 29-07-2020 of R. No. 01, no cogent reasons were advanced but to deprive petitioners from the benefits, categorized Engineers of various departments.
- d. That the hon'ble court fell in legal error to rely on office order dated 29-07-2020 and to leave aside the Cabinet decision dated 24-05-2018.

ATTESTED



- e. That it is also against the law and the verdicts of the apex court to classify similarly and equally placed employees, Engineers working in the same department were benefited, while Engineers working in other departments were deprived. Such act is based on discrimination, malafide and favoritism.

It is, therefore, most humbly prayed that on acceptance of the Writ Petition in exercise of the extraordinary constitutional jurisdiction, this hon'ble Court may graciously be pleased to:


- Declare office order dated 29-07-2020 of R. No. 01 to be illegal, improper, unjust, discriminatory, malafide, arbitrary, without lawful authority and of no legal effect.
- Direct the authority to issue Notification for allowing Technical Allowance to petitioners with effect from 01-07-2018 with all consequential benefits;


AND / OR

- Any other writ/order/direction deemed proper and just in the circumstances of the case, be also issued/ordered/given.

Petitioners

Through


Saad Ullah Khan, Marwat


Arbab Salf-ul-Kamal


Amjad Nawaz

Advocates,

Dated: 21-12-2021

LIST OF BOOKS:

Constitution

CERTIFICATE:

As per instructions of my client, Writ Petition No. 5877-P/18 has earlier been filed by the petitioners before this Hon'ble Court. Copy of which is appended with the Writ Petition.


Advocate

ATTESTED

I 22

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of the Judge
22.03.2022	<p><u>C.M No. 12-P of 2022.</u></p> <p>Present: Mr. Saadullah Khan Marwat, Advocate for applicants.</p> <p>---</p> <p><u>LAL JAN KHATTAK, J.-</u> Learned counsel for applicants seeks withdrawal of instant application so that they could approach the Service Tribunal for redressal of their grievance. In view of above, this application stands dismissed as withdrawn leaving the applicants at liberty to approach the Service Tribunal for the redressal of their grievance.</p> <p>Announced: 22.03.2022.</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">JUDGE</p>

Z/S/ (DB) (Hon'ble Mr. Justice Lal Jan Khattak & Hon'ble. Mr. Justice Mohammad Ibrahim Khan, J.)

AWA

'J' 23

To

Chief Secretary, Govt.
Of KP, Peshawar.

**APPEAL AGAINST OFFICE NOTIFICATION NO. FD
(SO-SR-II) 8-7 / 2018-19 DATED 19-10-2018 OF
THE SECRETARY FINANCE DEPARTMENT
WHEREBY TECHNICAL ALLOWANCE WAS NOT
ALLOWED TO APPELLANT.**

Respected Sheweth:

1. That appellants are serving the Agriculture Engineering Department as Agricultural Engineers since the dates mentioned against their names:-
 - i. Mansborullah Khan since the year 2016,
 - ii. Nasim Javed since the year 1996,
 - iii. Nazeer Abbas since the year 2014,
 - iv. Fakhar-ud-Din since the year 2014,
 - v. Zahid Rabbani since the year 2014,
 - vi. Kalsoom Rehman since the year 2016,
 - vii. Muhammad Usman since the year 2017,
 - viii. Maria Javed since the year 2016,
 - ix. Hazrat Nabi since the year 2016,
 - x. Saadia Rehman since 09-04-2021,
 - xi. Sajad Ullah since 09-04-2021 and
 - xii. Amjad Khan since 09-04-2021.
2. That since the date of appointment of appellants in service dedicated performances were given to the department without any complaint and their services were highly appreciated in this respect.
3. That Khyber Pakhtunkhwa Association of Government Engineers (KPAGE) put forth demand before the Government of KP to allow them Technical Allowance along with other benefits to the Graduate Engineers of Agricultural Engineering Wing working in Agriculture

Engineering Department. The Director Agriculture Engineering KP Peshawar forwarded the said demand of Technical Allowance and other benefits before Secretary, Govt. of KP, Agriculture Department Peshawar vide letter dated 08-05-2018 for necessary action, followed by subsequent letter of R. No. 01 dated 28-05-2018 for the said purpose.

4. That on 11-06-2018, Secretary, Govt. of KP, Agriculture Department Peshawar forwarded the said request to Secretary, Government of KP, Finance Department for the reason that their demand was approved by the cabinet in its Meeting held on 24-05-2018 as under:-

"The Cabinet approved the Technical Allowance @ 1.5 times of the initial Basic Pay Scale to all Engineers working in Provincial Government Department with effect from 1st July 2018".

Finance Department was requested to issue Notification regarding Technical Allowance to the Government Engineers.

5. That on 19-10-2018, Secretary, Government of KP, Finance Department, Peshawar sanctioned Technical Allowance to Engineers holding Engineering qualification registered with the Higher Education Commission and Pakistan Engineering Council to C & W, Irrigation, Public Health Engineering and Local Government Department KP with effect from 01-11-2018 by leaving aside other departments for no legal reasons.
6. That on 29-10-2018, appellants submitted representation before Chief Secretary, Government of KP to also treat them at par with the employees of the aforesaid departments regarding grant of Technical Allowance.
7. That on 30-05-2019, the Government of Punjab also benefited Engineers of Agricultural Department with Technical Allowance to various categories.

8. That on 03-07-2020 and 25-11-2020, the Engineers of Gilgit Baltistan and Azad Jammu Kashmir were also granted the benefit of Technical Allowance but deprived the Engineers of KP in Agricultural Department for no legal reason.
9. That on 07-07-2021, Finance Department modified Notification dated 19-10-2018 to the extent of Engineers of Mines & Mineral Department again by leaving aside the Agricultural department of the petitioners

Hence, this appeal, inter alia on the following grounds:

GROUND S:

- a. That in the Meeting of the Provincial Government dated 24-05-2018 circulated vide letter dated 11-06-2018, Technical Allowance was allowed to ALL Engineers working in the Provincial Government Department with effect from 01-07-2018. No classification, whatsoever, was made to allow the said benefit to particular departments.
- b. That no reason in Notification dated 19-10-2018 was given to allow the benefits of Technical Allowance only to four departments, C & W, Irrigation, Public Health Engineering and Local Government Department and to let the Engineers of the other departments.
- c. That it is also against the law and the verdicts of the apex court to classify similarly and equally placed employees, Engineers working in the same department were benefited, while Engineers working in other departments were deprived. Such act is based on malafide.

It is, therefore, most humbly prayed that Notification dated 19-10-2018 of Finance Department be altered / modified / set aside and Technical Allowance @ 1.5 times of the initial basic pay scales be awarded / allowed to appellants, with effect

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from 01-07-2018 with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Appellants

1. Mansoorullah Khan S/O Muhammad Ikram.

2. Nasim Javed S/O Niaz Mohammad.

3. Nazeer Abbas S/O Abbas Ghulam.

4. Fakhar-ud-Din S/O Abdul Qayyum.

5. Zahid Rabbani S/O Ghulam Rabbani.

6. Kalsoom Rehman D/O Abdul Rehman.

7. Muhammad Usman S/O Din Mohammad.

8. Maria Javed D/O Javed Iqbal.

9. Hazrat Nabi S/O Nazir Mohammad.

10. Saadia Rehman D/O Abdul Rehman.

11. Sajad Ullah S/O Amir Zaman Khan.

12. Amjad Khan S/O Amal Khan.

All are Agricultural Engineers
In Agricultural Engineering Wing of
Agriculture Department, Government
Of KP, Peshawar, while from S. No 10
To 12 are Assistant Engineers.

DATED: 10-01-2022

مکتوبه

ابو جبر

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