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 oi_	 	
se No -	794/ 2022	

	7 34/2022
Date of order proceedings	Order or other proceedings with signature of judge
2	3
16/05/2022	The appeal of Mr. Amjad Khan resubmitted 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. REGISTRAR
27/5/52	This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on $26-5-22$. Notices be issued to appellant and his counsel for the date fixed.
	CHAIRMAN
26.05.2022	Learned counsel for the appellant present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for preliminary hearing on 20.07.2022 before S.B. (Mian Muhammad) Member (E)
	16/05/2022

The appeal of Mr. Amjad Khan Assistant Agricultural Engineer in Agricultural Engineering wing of Agriculture Department Peshawar received today i.e. on 11.05.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of first departmental appeal mentioned in para-6 of the memo of appeal in respect of appellant is not attached with the appeal.

No. 1001 /S.T.

Dt. 12-5-/2022

REGISTRAR SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Oue to clevel metale Collection Depot all appeal attacled With Pera 6. defect affect of affectable ownex "J' Rose 23 to 29 expreal, More 100 Glothal Cases Monsombal & are lating helps the hable The Mosert appeal be also clubed with the seme. Re- ph-shed.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

s.a. No. 794 /2022

Amjad Khan

versus

Secretary & Others

INDEX

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
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8.	Notification dated 07-07-2021 for modification of Notification dated 19-10-2018	"G"	16
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10	Judgment / order dated 22-03-2022	"I"	22
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Appellant

Through

Saadullah Khan Marwat

Advocate

21-A, Nasir Mansion, Shoba Bazaar, Peshawar

Ph: 0300-5872676

Dated 09-05-2022

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Appeal No._____/2022

VERSUS

- 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 09-04-2021 as Assistant Engineer 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 $1^{\rm st}$ 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:

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, 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

AFFIDAVIT

I, Amjad Khan (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:

Dated: 09-05-2022

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

ADVOCATE







www.agriengineering.kp.gov.p.

DIRECTORATE OF AGRICULTURAL ENGINEERING, KHYBER PAKHTUNKHWA, TARNAB, PESHAWAR



区G.T.Road, Tarnab Peshawar 图&墨 091-2964063 E-mail daekpktarnab@gmail.com

No 3959 /DAE/Estt

Dated the_____

/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:

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

nay of

Alledo



OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE

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

The Secretary to Government of Khyber Pakhtunkhwa, Finance Department

Subject:

ETING HELD WITH KHYBER PAKHTUNKHWA ASSOCIA GOVERNMENT ENGINEERS (KPAGE) DATED 25/04/2018

Dear Sir. I am directed to refer to the gubject 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, Kliyber 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

ும் வரக்கி விற

(MANZOOK AHWAD AFRIDI) SECTION OFFICER-ESTT:

Endst. Of even No. & Date,

Copy to the:

1. DG OFWM, Khyber Pakhtuilldiwa Peshawar

2. Director Agriculture Engineering: Khyper Pakhtunkhwa Peshawar.

3. P.S to Secretary Agriculture Department.

4.. PA to DS (Admn.), Agriculture Department.

SECTION OFFICER-ESTT:

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA IRRIGATION DEPARTMENT

No.SO (G) /lrr/2-16/2017 Dated Peshawar the 11th June, 2018.

The Secretary to Govt of Khyber Pakhtunkhwa, Finance Department.

!Subject:

DECISION OF MEETING OF THE PROVINCIAL CABINET DATED 24.05.2018.

Dear Sir,

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."

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.

SECTION OFFICER (GENERAL)



Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing)

Dated Peshawar the 19" October, 2018

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 Covernment Departments, Govt. of Khyber-Pakhtunkliwa with effect from 1" November

2018 :-		Rate of Technical
S.# T	Pay Scales	Initial Basic Pay of Pay Scales 2017 Allowance Per Monus (@ 1.5 initial Basic Pays as per 1.5 i
1 1	•	Pay Scales 2017)
	66 60	Rs 69.090/- Rs 1.03.635/-
1.	Engineers in BS - 20 Engineers in BS - 19	Rs 59,210/- Rs 68,610/- Rs 57,525/-
111.	Engineers in BS - 18	Rs 38,350/- (\text{\text{Rs}} 45,550/-
: iv.	Engineers in BS - 17	185 00,07 0/-

- The above allowance will be admissible subject to the following conditions:
 - i. It will not be counted towards pension or gratuity.
 - ii. It will not be admissible in any kind of leave as well as posting against OSD and leave reserve posts.
 - iii. 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,
 - iv. It will not be admissible to deputationists

Secretary to Government of Khyber Pakhtunkhwa Finance Department

- Endst: No & Date Even

 1. The Accountant General, Klyber Pakhtunkhwa, Peshawar

 2. The Additional Chief Secretary P&D Department

 3. The Principal Secretary to Chief Minister, Klyber-Pakhtunkhwa

 4. All the Administrative Secretaries to Goyt of Klyber-Pakhtunkhwa

 5. All the Divisional Commissioners in Klyber-Pakhtunkhwa

 6. All The Deputy Commissioners in Klyber-Pakhtunkhwa

 7. All the District Accounts Officers in Klyber-Pakhtunkhwa

All the District Accounts Officers in Khyber-Pakhtunkhwa
Director, FMIU, Finance Department
PSO to Chief Secretary, Khyber-Pakhtunkhwa, Peshawar
D. All Budget Officer, Finance Department

PS to Secretary Finance Department

12. PS to Special Secretary Finance Department
13. Assistant Director (HR Data Base) Finance Department
14. PA to Additional Secretary (Regulation) Finance Department

15. PA to Deputy Secretary (Regulation-II), Finance Department

(Naccin) Section Office



The Chief Secretary, Government of Khyber Pakhtunkhwa

Through:

Proper Channel:

Subject:

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

SIr,

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:

Engineering Qualification from accredited Engineering Program

University of Qualification be recognized from Higher Education Commission and Pakistan Engineering Council.

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.

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.Rafiullah Khar Engr.Mahmood Jan Musick! LAID. Engr.Muhammad Musa Khan_ Engr. Nasim Javed Engr.Fakhar-U-Din Engr.Nazeer Abbas Engr.Kalsoom Rehman Engr.Zahld Rabbanl Engr.Muhammad Usman Engr.Marisoor Ullah Kha Engr. Hazrat Nabl Engr.Marla Javed

ATTESTEL

•	Detail o	f the Engineers Working in Agricultural Eng	Pakistan Engineering Council	University Recognized from Higher Education Comission
.No	Name of Officer	Designation	Registration No. AGRI/00376	University of Engineering and Technology (UET) Peshawar
	Engr.Mahmood Jan Babar (BPS-19)	Director Agricultural Engineering Khyber Pakhtunkhwa	AGRI/00665	University of Engineering and Technology (UET) Peshawar
	Engl. Rahullah Man (2)	Agricultural Engineer Kohal Agricultural Engineer/Deputy Director	AGRI/01666	University of Engineering and Technology (UET) Peshawar
3	Engr.Nasim Javed (BPS-18)	Agricultural Engineer/Deputy Director Planning (HQ) Deputy Director Agricultural Engineering	AGRI/01245	University of Agriculture, Faisalabad
4	Engr.Muhammad Musa Khan (BPS-18)	Khyber Pakhtunkhwa Assistant Agricultural Engineer Swat	AGRI/3686	University of Engineering and Technology (UET) Peshawar
5	Engr.Nazeer Abbass (BPS-17)	Assistant Agricultural Engineer/Assistan	AGRI/03619	Sindh Agriculture University, Tandojam
6	Engr.Fakhar-U-Din (BPS-17) Engr.Zahid Rabbani (BPS-17)	Director Planning	AGR1/2988	University of Engineering and Technology (UET) Peshawar University of Engineering and Technology (UET) Peshawar
8	Engr.Kalsoom Rehman	Assistant Agricultural Engineer (HQ)	AGRI/02985	University of Engineering and Technology (UET) Peshawar
9	(BPS-17) Engr.Mansoor Ullah Khan	Agricultural Engineer Batkhela (OPS)	AGRI/03956 AGRI/3523	University of Engineering and Technology (UET) Peshawar
10		Assistant Agricultural Englneer Haripur	AGRI/04102	University of Engineering and Technology (UET) Peshawar
1:	(BPS-17) Engr.Maria Javed (BPS-17)	Assistant Agricultural Engineer Mansehra Assistant Agricultural Engineer Kohat	AGRI/03957	University of Engineering and Technology (UET) Peshawa

Director, Agficultural Engineering, Khyber Pakhtunkhwa, Tamab Peshawar ATTESTED



www.agriengineering.kp.gov.pk DIRECTORATE OF AGRICULTURAL ENGINEERING, KHYBER PAKHTUNKHWA, TARNAB, PESHAWAR



図G.T.Road, Tarnab Peshawar 密&器 091-2964063 E-mail daekpktamab@gmail.com

	. •	
sia.	. 852.1	IDAE/Estt
NO		

10 12018 Dated the

·Το

The Secretary.

Government of Khyber Pakhtunkhwa,

Agriculture, Livestock & Cooperative Department,

Subject:

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

Enclosed please find herewith a joint appeal regarding the above cited subject in Memo: 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, Kijyber Pakhtunkhwa, Tarnab Peshawar

ATTESTED



AUTOPOLISE PROJECT CHARLESTAL



HOTHING IS WANTE GOVERNMENT OF THE PUNJAB FINANCE DEPARTMENT.

Dutted Latining true 20 R May, 2010

From

Mr. Abdullah Khan Sumbal Financo Secretary

Ta

- All Administrative Secretaries to Government of the Punjab
- The Secretary to Governor Punjob Lahore 2
- The Secretary to Chief Minister Punjati Litticia 3
- The Military Secretary to Governor, Punjub Lahore 4.
- The Secretary, Punjab Provincial Autombly, Luliara
- The Secretary, Punjab Public Service Commissioni, Labore 5
- All Heads of Attached Departments in the Punjau 7
- All Commissioners in the Punjab В
- All Deputy Commissioners in the Punjab
- All District & Sessions Judges in the Punjab . 10
 - The Chief Pilot, VIP Flight, Lahore 11
 - The Registrar, Lahore High Court, Lahore 12.
- The Provincial Director, Local Fund Audit, Punjab, Lahore 13.
- The Chief Inspector of Treasures & Accounts, Punjab, Lahore 14.

Subject

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 2019 to Engineers, registered with Pakistan Engineering Council (PEC) and holding Engineering Degree from the accredited engineering programmes of Higher Education Institutional Universities duly recognized by Higher Education Commission, working against the sanctioned posts in Agriculture, Communication & Works, Housing, Urban Development & Public Health Engineering, Imgation. Local Government & Community Development, Mines & Minerals and Planning & Development Departments at the following rates:

BP5	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
	man and an and a second and a second as a second a



The above allowance is subject to the following conditions

- It will not be counted lowards pension 1)
- It will not be admissible in any kind of leave of 120 days and above as ii) well as posting against OSD and leave reserve posts
- The Engineers, in receipt of such allowances other than regular allowances, shall be entitled to one of the allowances, whichever is more (iii) beneficial
- 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 IV) departments
- All the Departments/ Attached Departments are requested to take further 3. necessary action to implement the above policy. Alleah

(AMAN ULLAH) DEPUTY SECRETARY (PC)

NO. & DATE EVEN:

A copy is forwarded for information and necessary action to:

- The Accountant General Punjab, Lahore.
- All the District Accounts Officers in the Punjab. ١. 2.
- The Treasury Officer, Lahore. 3.
- The Director General Audit, Lahore.
- The Director General Works (Accounts), Lahore. 4.
- The Director General Works (Audil), Lahore. 5.
- The Director General Audit (District Governments). Punjab, Lahore. 6. 7.

NO. & DATE EVEN:

A copy is forwarded for information and necessary action to:

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

ATTESTED

DEPUTY SECRETARY (PC)



GOVERNMENT OF GILGITIER WEISTAN GILGIT-BALTISTAN SERCRETARIAT FINANCE DEPARTMENT

Olight duted the 3rd July: 2020 13

No. Fin-Rep-21331/2020: Consequent upon recommendations of the Gilgir-Baliffran Cablust and subsequent approval of the Finance Bill 2020-2021 by the Gilgit-Haltistan Assembly, the Governor Gilgit-Balthanhas been pleased in sanction Technical Allowance (i) 5 times of initial fluste Pay Scales Triggie unitation has been pleased to sonetion Technical Allowance (a) 5 times of intuitive engineering 2017 with effect from 1" July, 2020 in favour of the professional Engineers Holding engineering qualification from the accordined engineering programmes of Higher Education Institutions (HPIVLintercities that a secretary and representations). (HEI) Ministering Council (Dec.) and recognized by Higher Education Commission (HEC) and regimental with Pakistan Universities duly recognized by Higher Education Commission (HEC) and regimental related Ungineering Council (PEC), serving against the sanctioned posts in B5-17 & above in engineering related

Departments under Government of Gilgit-Baltistan as per roles muniformed below against each:

	serving against the nent of Gilgit-Balti	in Initial B	BUIC FRY		(s. 103.63
#	Pay Seales		Tri UNIVIONI	The state of the s	Rs. 88,81
	BS-20		Rs 59,210/-		Rs. 57.5
7	RS-19		RE 38,350/-		Ru. 45.5
	DS-18	1	Ry 30,370/-		

The above allowance will be minimized a subject to the following conditions:

(i) It shall not be admissible in any that of leave as well as presting against ()51) and leave i) It shall not be counted toward pension or grandly. The Engineers in receipts of such allowances office than regular allowances as classified

under major object A012-1 A012-2 shall require to opt one of the allowinger whichever

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

Muhammad Saleent Radput (PAS) SECRETARY TO GOVERNMENT OF GILGIT-BALTISTAN

Copy forwarded for information and further necessary action: o & Dale Eveni

The Accountant General Gilelt-Haltistan, Gilgit

The Secretary Works, Cillyli-Bultidan, Gilgit.

The Secretary Water & Power, Cligit-Italiant, Cilgit.

The Suretary Agriculture Livening & Fisherica Department, Cilgit-Baltistan, Cilgit.
The Suretary Agriculture Livening & Fisherica Department, Cilgit-Baltistan, Cilgit.

The Additional Secretary (Statt) to Chief Secretary, Chigh Bullisian





FINANCE DEPARTMENT AZAD GOVT.OF THE STATE OF JAMMU & KASHMIR <u>MUZAFFARABAD</u>

"Muraiferahad" Dated 25.11.2020

NOTIFICATION

No. FD/R/17607-17676 /2020. The President Azed Jammu & Kashmir has been pleased to accord the approval for grant of the Technical Allowance @ 1.5 of Initial Besic Pay per month relevant Basic Pay Scales-2017 to the Engineers, w.e.f 01.12.2020 to the engineer registered with Paldstan Engineering Council and holding Engineering Degree from the accredited engineer programs of Higher Education Institutions / Universities dully 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:-

DESIGN FOR COMMO	of Basic Pay Scales- 2017	Initial Basic Pay of Basic Pay Scales- 2017 per month.
noineers in BS-20		Rs. 1,03,635/-
velopers in BS-19	Rs. 59,210/-	Rs. 88,815/-
minere in RS-18	Rs. 38,350-	Rs. 57,525/-
PRINCES IN RS.17	Rs. 30,370/-	Rs. 45,550-
	Basic Pay Scale Igineers in BS-20 Ingineers in BS-19 Ingineers in BS-18 Ingineers in BS-17	Scales- 2017 Ingineers in BS-20 Rs. 69,090/- Ingineers in BS-19 Rs. 59,210/- Ingineers in BS-18 Rs. 38,350/-

The above allowance shall be admissible subject to the following conditions:-2

It will not be counted lowerds Pension / Commutation or Gratuity. **(1)**

It will not be admissible against OSD and leave reserve posts.

It will not be admissible during extra ordinary leave, study leave, long leave for more (EII) than 120 days, training abroad or suspension;

The engineers, in receipt of such allowances other than regular allowances, shall (N) be entitled to one of the allowances, whichever is more beneficial.

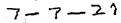
it will not be admissible to the deputationists on their posting out of their **(v)** decariments and who are posted on deputation in the Government Departments.

ATTESTED

 Λ

Mehrban Husslan Ch.) Additional Secretary (Rags.)

(cont. sace 2)





GOVERNMENT OF KAYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

Dated Poshswar the: 07-07-2021

No. FD[SOSR-II]2-5/2021-22/Tech Allow: In partial modification of this Department notification No FD (SO SR-II) 8-7/2018-19, dated 19-10-2018, the Government of Khyber Pakhtunkhwa has been pleased to accord spection to Technical Allowance as per the following rates to the Following rates and the Following rates are the Following rates are the Following rates and the Following rates are the Following rates are the Following rates and the Following rates are the Following rates and the Following rates are the Following rates and the Following rates are the Following rates NOTIFICATION rekniunktwa has been pleased to accord sention to Technical Allowance as per the following rates to the Engineers holding Engineering qualification from the according engineering programmo of Higher Education Institutions (HEI) / Universities duty recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against positions that are required to be filled by angineous for C&W, Imagailon, Public Health Engineering, Local Government & Mines & Mineral Davelopment Departments with effect from 01.07,2021;

S.No.	Pay Scelo	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. 80,090/-	Rs. 103,635/-
2	Engineers in BPS 19	Rs. 50,210/-	Rs. 88,015/-
3	Engineers in BPS 18	Rs. 38,350/-	Rs. 57,525/-
4	Engineers in BPS 17	Rs. 30,370/-	Ra. 45,550/-

The above allowance will be admissible subject to the following conditions: 2.

If will be subject to income Tax. It will not be counted towards pension and grafulty.

it will not be admissible in any kind of leave (except casual leave) as well as M.

posting against OSD and Leave Reserve Posts.

Those engineers who are posted against other posts and are in receipt of cadro allowance other than regular allowances shall only be entitled to and of the allowances, whichever is more baneficial.

Autonomous/Seml-Autonomous/Modical Teaching 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

> Secretary to Govt of Khyber Pakhlunkhwa. Finance Department

Endat: No. & Date even.

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

The Accountant General, Khyber Pakhlunkhwa,

2. The Principal Secretary to Chief Minister, Khyber Pakhlunkhwa. 3. The Principal Secretary to Governor, Khyber Pakhlunkhwa.

4. All Administrative Secretaries to government of Khyber Pakhtunkhwa.

6. All the Divisional Commissioners in Khyber Pakhtunkhwa.

6. All Deputy Commissioners in Khyber Pakhtunkhwa.

7. All the District Accounts Officers in Khyber Pakhtunkhwa.

The Director-FMIU, Finance Deptt, with the request to upload the same on FD's

B. PSO to Chief Secretary, Knyber Pakhlunkhwa.

10. All Section Officers/Budget Officers in Finance Dept, Khyber Pakhlunkhwa.

11. The Manager, Government printing Press, Peshawar.

12. The Private Secretary to Secretary, Finance Deptt. Khyber Pakhtunkhwa.
13.PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
14.PAs to Addi. Secretarios/Deputy Secretarios in Finance Dept. Peshawar.

15. Marler File.

(Muhammad IIyas Khattak) Section Officer (SR: II)

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ATTESTED

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Page I of I

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 Igbal.
- 9. Hazrat Nabi S/O Nazir Mohammad.
- 10. Saadia Rehman D/O Abdul Rehman.
- 11. Sajad Ullah S/O Amlr Zaman Khan.
- 12. Amjad Khan S/O Amal Khan.

All petitioners are Agricultural Engineers
In Agricultural Engineering Wing of
Agriculture Department, Government

VERSES

- Chief Secretary, Govt.
 Of KP, Peshawar.
- Secretary, Govt. of KP,
 Agriculture Department
 Peshawar.
- 3. Secretary, Govt. of KP,
 Finance Department
 Peshawar.
- 4. Secretary, Govt. of KP, Establishment Department,

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 "P.")

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")



- 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 aforesald 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 aforesald 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 Gligit 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. (Coples 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")



- 12. That Lame excuses was 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 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 sald 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 alla, on the following grounds:-

GROUNDS

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- 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 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 was 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.



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:

- a. 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.
- b. Direct the authority to issue Notification for allowing Technical Allowance to petitioners with effect from 01-07-2018 with all consequential benefits;

AND / OR

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

Petitioners

Arbab Salf-ul-Kamal .

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. ATTESTEL

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	C.M No. 12-P of 2022.
	Present: Mr. Saadullah Khan Marwat, Advocate for applicants.
	LAL JAN KHATTAK, J 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.
	Announced: 22.03.2022. JUDGE
	JUDGE

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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:

- That appellants are serving the Agriculture Engineering Department as Agricultural Engineers since the dates mentioned against their names:-
 - Hansborullah 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.
- 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 $1^{\rm st}$ 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.
 - 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:

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 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

W. My

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

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