

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 478 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.08.2022	<p style="text-align: center;">The joint execution petition of Mr. Ahmad Zaman & 170 submitted today by Mr. Muhammad Liaqat Advocate. It is fixed for implementation report before touring Single Bench at A.Abad on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: center;">REGISTRAR</p>

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

E.P No. 478 of 2022

Ahmed Zaman and others

..... APPELLANTS / PETITIONERS

V E R S U S

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

EXECUTION / IMPLEMENTATION PETITION

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..... APPELLANTS / PETITIONERS

Through:

Dated:- 20/08/2022


(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

①

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

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1032 E.P No. 478 of 2022

Dated 22/8/2022 Appeal No ^{IN} 12889/20

- 1) Ahmed Zaman S/o Muhammad Suleman, CT, GHSS, Sara-e-Salah, P No.00254364.
- 2) Waseem Javed S/o Ghulam Nabi, SCT, GHSS, Sara-e-Salah, P No.00253983
- 3) Khan Bahadur, SCT, GHSS, Sara-e-Salah, P No.00251853.
- 4) Ishtiaq Ahmed, CT, GHSS, Sara-e-Salah, P No.00253701.
- 5) Muhammad Ishtiaq, CT, GHSS, Sara-e-Salah, P No.00254220.
- 6) Malik Riaz Ahmed, SDM, GHSS, Sara-e-Salah, P No.0025008.
- 7) Shoukat Zaman S/o Muhammad Rafique, SPET, Higher Secondary School No.1 P.No.00252115. *Haripur.*
- 8) Atif Zaffar S/o Rashid-ul-Zafar SPET, Higher Secondary School No.1 P.No.00250951. *Haripur.*
- 9) Zahid Mehmood S/o Ghulam Rasheed, SST, Higher Secondary School No.1 P.No.00251837. *Haripur.*
- 10) Zulfiqar Ahmed S/o Muhammad Siddique, Higher Secondary School No.1 P.No.00251503. *Haripur.*
- 11) Safdar Zaman S/o Muhammad Suleman, SPST GPS Sara-E-Salah, P No.0253376.
- 12) Ayaz Ahmed S/o Muhammad Ghulab, SPST, GPS Sara-E-Salah, P No.0252243.
- 13) Khan Afsar S/o Shan Muhammad, PST, GPS Sara-E-Salah, P No.00433708.
- 14) Sultan Muhammad S/o Sultan Bahadur TT, GPS Sara-E-Salah, P No.0252393.



- 15) Tahir Bashir S/o Muhammad Bashir SDM, GHSS No.2 Haripur, P No.0253006.
- 16) Saeed Ahmed S/o Hassan Din SCT, GCMHSS No.1 Haripur, P No.00251879.
- 17) Babar Elahi S/o Noor Elahi, CT Middle School Mankraye, P No.00253677. *Haripur.*
- 18) Himad Ejaz S/o Ejaz Ahmed, SPET High Secondary School No.2, P No.00344741. *Haripur.*
- 19) Akhtar Nawaz S/o Khushal Khan, SCT High Secondary School No.2, P No.00252072. *Haripur.*
- 20) Muhammad Ajmal Khan S/o Sultan Muhammad, SST, High Secondary School No.2, P No.00249488. *Haripur.*
- 21) Mujista Siddique SST, GGMS, Bandi Sher Khan, P No.00250836.
- 22) Bakhsish Elahi GMS, *Battal... DM-p/No 00256997*
- 23) Zahid Iqbal S/o Rasheed Ahmed, CT, GHSS, Sara-E-Salah, P No.00253433.
- 24) Sarwar Hussain S/o Maqbool, SCT, No.1 Haripur. P No.00253579.
- 25) Abid Saeed Khan S/o Muhammad Saeed Khan SCT, No.1 Haripur, P No.00250348.
- 26) Muhammad Younas S/o Muhammad Yousaf, Qari, Rehana, P No.00254274.
- 27) Sajjad Aziz S/o Abdul Aziz, SS No.1 Haripur, P No.00014328.
- 28) Qari Abdul Hameed S/o Moulana Ahmed Gul, AT Sara-e-Salah, P No.00309237.
- 29) Hafiz Sami-ul-Haq Qureshi S/o Zia-ul-Haq Qureshi, SST Sara-e-Salah, P No.00720062.
- 30) Muhammad Imtiaz S/o Sher Afzal Khan, SCT No.1 Haripur, P No.00247271.

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- 31) Basheer Ahmed S/o Jalal Khan, SCT No.1, Haripur. P No.00249256.
- 32) Muhammad Intasar S/o Ismahil, SST No.1 Haripur, P No.00515249.
- 33) Waseem Mehraj S/o Mehraj-ud-Din, SCT, No.1 Haripur, P No.00250196.
- 34) Sana-ur-Rehman PSHT P.No.00252604.
- 35) Zafar Mehmood PSHT, P No.00252012.
- 36) Muhammad Ishfaq S/o Abdul Razaq, SDM, GHSS No.1, P No.00253437. *Hanipur.*
- 37) Rab Nawaz S/o Abdul Qayyum Khan, CT, GHSS No.1, Haripur, P No.00252654.
- 38) Naeemullah Khan S/o Ali Asghar DM, GMS Chitti Dhaki, P No.00247592.
- 39) Naseer Khan S/o Sajawal Khan, SCT, GHSS No.1, Haripur, P No.00256002.
- 40) Mushtaq Ahmed Khan S/o Sher Afzal Khan, SST, GMS Chitti Dhaki, P No.00247518.
- 41) Anees Khan S/o Safdar Zaman, CT GMS Chitti Dhaki, P.No.00343658.
- 42) Hafeez-ur-Rehman S/o Ghulam Fareed, CT GMS Chitti Dhaki, P.No.00252459.
- 43) Shafiq-ur-Rehman S/o Ghulam Fareed, CT GMS Chitti Dhaki, P.No.00482970.
- 44) Sajid Khan S/o Muhammad Sadiq, SPST, GPS Bharka, P No.00284270.
- 45) Hafeez Khan S/o Jalal Khan, PSHT, P No.00253977.
- 46) Abdul Hakeem SPST, GPSS Sara-E-Salha, P No.00252690.

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- 47) Muhammad Rafique Asghar SPET G.H.S No.2 Haripur P No.00306981.
- 48) Shoukat Mehmood CT, G.H.S No.2, Haripur, P No.00253484.
- 49) Ajmal Khan SST, G.H.S No.3 Haripur, P No.00252651.
- 50) Javed Iqbal SST, G.H.S No.3 Haripur, P No.00249886.
- 51) Imran Jillani SST, G.H.S No.3 Haripur, P No.00250401.
- 52) Mujtaba Ahmed Hashmi SCT, G.H.S No.3 Haripur, P No.00250406.
- 53) Wajid Mehmood SCT, G.H.S No.3 Haripur, P No.00253424.
- 54) Saeed-ur-Rehman, CT, G.H.S No.3 Haripur, P No.00247355.
- 55) Muhammad Safdar Khan, CT, G.H.S No.3 Haripur, P No.00251902
- 56) Zubair Ahmed, CT, G.H.S No.3 Haripur, P No.00251088.
- 57) Muhammad Ameen , CT, G.H.S No.3 Haripur, P No.00253919
- 58) Amanauallah Khan , SAT, G.H.S No.3 Haripur, P No.00250661
- 59) Muhammad Touseef Akhtar STT, G.H.S No.3 Haripur, P No.00252535.
- 60) Gul Muhammad PET, G.H.S No.3 Haripur, P No.00448069.
- 61) Qazi Artaza Rafique, DM , G.H.S No.3 Haripur, P No.00783395
- 62) Qari Muhammad Ayan Qari, G.H.S No.3 Haripur, P No.00249327.
- 63) Qari Shafiq-ur-Rehman Qari, G.H.S No.3 Haripur, P No.00249546.
- 64) Muhammad Ali, SST Haripur, P No.00763751.
- 65) Javed Masood, SR.CT Haripur, P No.00253390.
- 66) Umer Gul Sr.DM, Haripur, P No.00253169.
- 67) Abdul Wahid CT, Haripur, P No.00253995.
- 68) Muhammad Ishfaq Khan SST, Haripur, P No.00254004.
- 69) Muhammad Ajmal Khan Sr.AT, Haripur, P No.00254082.
- 70) Muhammad Waseem, Sr.PET, Haripur P No.00251232.

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- 71) Ghulam Murtaza, Sr.CT Haripur P No.00253038.
- 72) Ali Akbar, Sr.TT Haripur P No.00364743.
- 73) Zamurd Khan SST Haripur P No.00732632.
- 74) Muhammad Nasir CT Haripur P No.00742157
- 75) Naveed SST Haripur P No.00252100.
- 76) Qari Muhammad Saeed, SR.Qari Haripur P No.00250505.
- 77) Zahid Khaleel, SCT, GHSS Sara-e-Salah, P No.00282798.
- 78) Amjid Khaleel, SPST, GHSS Miara Toot Haripur, P No.00250881.
- 79) Gul Shereen, SST, GGHS Sara-e-Salah, P No.00742158.
- 80) Qazi Muhammad Saleem, PSHT, GPS Kholian Pain Haripur, P No.00339289.
- 81) Arif Mehmood, SPST GPS Bagra No.2, P No.00254016.
- 82) Muhammad Siddique PSHT, GPS Toro Dhook, P No.00254051.
- 83) Javed Iqbal S/o Abdul Wahid, SPST, GPS Sara-e-Salha, P No.00252731.
- 84) Saeed-ur-Rehman S/o Muhammad Aslam, GPS Bharka, P No.00247355
- 85) Muhammad Siddique S/o Abdul Ghaffar GPS Bharka, P No. 00250826
- 86) Ghulam Nabi S/o Muhammad Bashir GGPS Baldher, P No.00356412
- 87) Shoukat Nawaz S/o Muhammad Saleem, PSHT GPS Chak Shah Muhammad, P No.00250193.
- 88) Abdur Rasheed PSHT, GPS Maira Ali Khan, P No.00249743.
- 89) Muhammad Naeem SCT GHSS No.1 Haripur. P No.00252103.
- 90) Sardar Anwar Khan, CT P No.00252984.
- 91) Muhammad Bashir CT, GHSS Sara-e-Salah P No.00284279.

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- 92) Muhammad Rasheed DM, GHSS, Sara-e-Salah P No.00252606.
- 93) Nasir Muhammad CT, GHSS, Sara-e-Salah P No.00257006.
- 94) Qazi Shafiq-ur-Rehman, CT, GHSS, Sara-e-Salah P No.00250242.
- 95) Babar Zia, CT, GHSS, Sara-e-Salah P No.00284355.
- 96) Saeed-ur-Islam SST, No.1 Haripur P No.00251494.
- 97) Malik Bilal Ahmed, CT, GHSS, Sara-e-Salah P No.00873168.
- 98) Hafiz Masood-ur-Rehman, SAT, GHSS, Sara-e-Salah P No.00691590.
- 99) Sifatullah SST, ADO DEO Office Haripur. P No.00714929.
- 100) Haq Nawaz Khan SST, Laban Bandi, High School. P No.00250633.
- 101) Murad Khan, CT, Luban Bandi High School P No.00343317.
- 102) Zaheer Abbas CT, GHSS, Sara-e-Salah P No.00284350.
- 103) Abdur Razzaq STT, GHSS, Sara-e-Salah P No.00254298.
- 104) Muhammad Gulzar DM, GHSS, Sara-e-Salah P No.00250739.
- 105) Farmanullah SAT, GHSS, Sara-e-Salah P No.00251080.
- 106) Muhammad Saleem SCT, GHSS, Sara-e-Salah P No.00253200.
- 107) Ali Akhtar SST, GHSS, Sara-e-Salah P No.00249738.
- 108) Zia-ur-Rehman SPET GHS, Luban Bandi. P No.00343474.
- 109) Ishtiaq Ahmed SSS Bio, P No.00079564.
- 110) Muhammad Niaz SS English, P No.00380530.
- 111) Hassan Shah SS Math, P No.00343155.
- 112) Asif Shah SS State, P No.00256941.
- 113) Khalid Iqbal SS Economic, P No.00253625.
- 114) Muhammad Imran SS Islamiyat, P No.00251225.
- 115) Zia-ur-Rehman Zia SS H/Civ, P No.00257345.
- 116) Saif-ur-Rehman SS Chemistry, P No.00283742.



- 117) Abbas Gillani SS Physic, P No.00582420.
- 118) Sajjad Khan SS Urdu, P No.00252904.
- 119) Abdul Qadeer SS English, P No.00004245.
- 120) Haleem Khan SS English, P No.00344741.
- 121) Taimur Riaz SIPE, P No.0001338.
- 122) Fakhar Zaman SPET, P No.00252073.
- 123) Akhtar Ali Shah CT GHS Dheri Laqarjan, P No. 00252661.
- 124) Babar Ali Shah PSHT GPS Mian Dheri, P No. 00250837
- 125) Naveed Ali PSHT GPS Jamu P No. 00658089.
- 126) Azhar Ali Shah CT GHS Qazi Pur, P No. 00253408
- 127) Muhammad Ismahil SPST, GPS Mian Dehri, P No. 00253587.
- 128) M.Ajmal PSHT, P No. 00248968.
- 129) Safeer Hayat SPST Dheri Laqarjan, P No. 00658088
- 130) Iqbal Shah GHSS Barkot, P No.00251556.
- 131) Tahir Gul SS, GHSS Sara-e-Salah, P No.00253253.
- 132) Zahida Bibi SET Pait Public School Haripur, P. No. 00254200.
- 133) Yasir Mehmood SST, GHSS Sara-e-Salah P No.00679529.
- 134) Janzaib SST, GMS Bhatari P No.00340674.
- 135) Abdul Razaq CT, 00660548.
- 136) Waheed ul Hassan CT GHSS, Kangra P No. 00252718.
- 137) Qari Muhammad Iqbal SST GHSS Sara-e-Salah P No.00253369
- 138) Mehmoona Iqbal D/o Qari Muhammad Iqbal, STT, P No.00360301.
- 139) Qari Ghulam Haider, Qari, GHSS Sara-e-Salah, P No.00252246.
- 140) Muhammad Irfan PSHT, Hilmat Hari Pur, P No.00252783.
- 141) Saifullah Khan SST, GHSS Sara-e-Salah Hari Pur, P No. 00249444

- 142) Shabna Iqbal SS, GHSS Chapra P. No.00288674.
- 143) Rubina Shabnam GHSS Sara-e-Salah P. No.00253015.
- 144) Naheeda Bibi S/o Muhammad Bashir, GGPS Baldher, P No.00356412.
- 145) Robina Bibi D/o Muhammad Aslam GGMS Murad Abad, P No.251012.
- 146) Ghazala Bibi, SPST Haripur, P No.00253692.
- 147) Azra Bibi, SCT, GGHS Sara-e-Salah, P No.00250677.
- 148) Naima Siddiqa Haripur P No.00717717
- 149) Shumaila Nazeer SST Haripur P No.00718364.
- 150) Shabnam Siddique SSS, Kot Najeebullah, P No.00252645.
- 151) Asia Gul D/O Bakhsish Elahi, PET, GGMS, Bandi Khan, P No.00742148.
- 152) Akhtar Nawaz, PET, GMS Naslu, P No.00252908.
- 153) Matti-ur-Rehman, CT, GMS Naslu, P No.00251068.
- 154) Umer Shahzad DM, GMS Naslu P No.00657116.
- 155) Qazi Iftikhar Rehman, PET GMS Naslu, P No.00257005.
- 156) Saeed-ur-Rehman CT, GMS Banda Mughlan P No.00254009.
- 157) Ishfaq Ahmed PT, GMS Nelu, P No.00745330.
- 158) Saif-ur-Rehman CT, GMS Nelu, P No.00250901.
- 159) Usman Ghanni, ET GHSS Sara-e-Salah P No.00796778.
- 160) Ehtisham-ul-Haq AT, GMS Nelu, P No.00691577.
- 161) Sobia Ashraf PET, GMS Nelu, P No.00730767.
- 162) Robina Shaheen SS, P No.00251569.
- 163) Nasira Bibi SS, GHSS Chaprha, P No.00254199.
- 164) Muhammad Imran, SET GHSS, P No.00247333.

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- 165) Manzoor-ur-Rehman SS, GHSS Sara-e-Salah P No.00286615.
166) Shahid Mehmood S/o Abdul Hameed, DM, P No.00250675.
167) Shahid Mehmood PSHT, GPS Gorr, P No.00253582.
168) Tosia Anwar SST, GMS, Labanbandi, P No.00692808.
169) Syed Hussain Raja, SCT, GHSS Haripur, P No.002553824.
170) Bakhsish Elahi SDM GHSS No.1 Haripur, P No.00253080.
171) Sadia Bibi, SDM, GGHS Baldher Haripur, P No.00251071.

..... APPELLANTS / PETITIONERS

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The secretary (E&SE) Department Khyber Pakhtunkhwa, Peshawar.
3. The secretary Finance Department Khyber Pakhtunkhwa, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. The Director (E&SE), Khyber Pakhtunkhwa, Peshawar.
6. The Distract Education Officer (Male) Haripur.
7. The Distract Education Officer (Female) Haripur.
8. The Distract Account Officer, Haripur.

...RESPONDENTS

EXECUTION / IMPLEMENTATION PETITION

EXECUTION PETITION SEEKING FOR
IMPLEMENTATION OF JUDGMENT IN REMF DATED
12/07/2021 PASSED IN SERVICE APPEAL NO.
12889/2020 BY THIS HON'BLE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Respectfully Sheweth,

1. That, the appellant Mr. Jalal ud Din filed service Appeal No. 12889/2020 before this Honorable Tribunal with the prayer that respondents may kindly be directed not to make deduction of

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conveyance allowance during vacations period (Summer & Winter Vacation) and make the payment of all outstanding amount of conveyance allowance which have been deducted previously with all back benefits.

2. That this Honorable Tribunal allowed the Service Appeal No. 12889/2020 dated 12-07-2021 and the operative part of the judgments is reproduced as under:

“The appeal in hand as well as clubbed appeals mentioned in the appendix-A stands allowed and the respondents are directed not to deduct the conveyance allowance from the salaries of the appellants during summer/ winters vacations. The conveyance allowance if any already deducted should be reimbursed to the appellants forthwith. The instant judgment shall be considered as Judgment in rem, therefore, the respondents should pay the said allowance to all similarly placed employees of the Education Department so as to avoid the discrimination under Article-4 & 25 of the Constitution of Islamic Republic of Pakistan as well as unnecessary Litigation”.
(Attested copy of Judgment dated 12-07 2021 is annexed herewith as Annexure "A")

3. That In pursuance of the judgment in rem dated 12-07-2021 being similar placed employees of the Education Department an application alongwith the judgment dated 12-07-2021 was submitted before respondents regarding implementation of the Judgment In rem but respondent No. 6 categorically refused to implement the judgment and Issued directions to all the DDEOS that no Notification was endorsed by the department regarding conveyance allowance vide letter No. 298-392 dated 13-01-2022. **(Copies of the application & letter dated 13-01-**

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2022 are annexed herewith as Annexure "B" & "C" respectively).

4. That the respondents are legally bound to implement the Judgment In rem of this Hon'ble Tribunal in its true letter & spirit but respondents are reluctant to implement the same.
5. That when the Tribunal decides a point of law relating to the Terms of services of a civil servant which covers not only the case of the civil servants might not take any legal proceeding, the dictates of justice and rules of good governance demand that the benefits of the decision be extended to other civil servants, who might not be parties to the litigation Instead of compelling them to approach the Tribunal or any other legal forum (2005-SCMR 499) and the same is mentioned in the judgment of this Honorable Tribunal at page-9.
6. That as the judgment of this Honorable Tribunal dated 12-07-2021 has been considered as Judgment in rem, therefore, petitioners being similarly placed employees of the education department are entitled for benefit of this judgment and respondents are bound to implement the judgment In order to avoid discrimination under Article 4 & 25 of Constitution of Islamic Republic of Pakistan as well as unnecessary litigation.
7. That one Mr. Maqsd Hayat filed Execution Petition No. 145/20 in Service Appeal No. 1452/19 regarding admissibility of conveyance allowance and respondent No. 3 issued letter No. SO(SR-II) FD/8 7/2017/40 dated 17-06-2021 to respondent No. 4 wherein, it is mentioned that Competent Authority has been pleased to provisionally implement the decision of the Khyber Pakhtunkhwa Service Tribunal In Service Appeal No. 1452/19 as the case is regarding payment of conveyance allowance to Civil Servants (Vacation Departments) during summer & winter.

(12)

vacations. The decision will be provisionally Implemented and shall be recoverable subject to final decision / outcome of Supreme Court recoverable subject to final decision / outcome of Supreme Court of Pakistan in CPLA. Hence, petitioners are also entitled for the same benefit. **(Copy of letter No. SO(SR-II) FD/8-7/2017/40 dated 17-06-2021 is annexed herewith as Annexure "D")**

8. That the present petitioners submitted separate Execution Petitions in Service Appeal No. 12889/20 on 22-02-2022 but the same were returned by the Registrar of this Honorable Tribunal with the remarks that as the judgment dated 12-07-2021 is judgment in rem and there is no need to file separate Execution Petitions as this Honorable Tribunal already entertained the joint Execution Petition No. 94 of 2010 hence, the instant Execution Petition is being filed jointly on the same precedent. Attested **(Copy of the EP No. 94/2010 is annexed herewith as Annexure "E")**


It is therefore, very humbly prayed that on acceptance of Instant execution petition Judgment in rem dated 12-07-2021 passed by this Honorable Tribunal may graciously be Implemented in its true letter & spirit and any other relief which this Honorable Tribunal deems fit may also be granted accordingly.



..... APPELLANTS / PETITIONERS

Through:

Dated:- 20/08/2022


(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

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

E.P No. _____ of 2022

Ahmed Zaman and others

..... APPELLANTS / PETITIONERS

V E R S U S

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

EXECUTION / IMPLEADMENT PETITION

AFFIDAVIT

I, Ahmed Zaman S/o Muhammad Suleman, CT, GHSS, Sara-e-Salah, P No.00254364, **Appellant No.1**, do hereby solemnly affirm and declare on Oath that the contents of instant **Execution Petition** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Dated:- 20/08/2022


...Deponent



19/8/2022

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

APPEAL NO. 12889 /2020

Mr. Jalalud Din, SCT (BPS-16),
GHSS Asbanr, Dir Lower.



13368
27/10/20

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

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

PRAYER:

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

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R/SHEWETH:
ON FACTS:

1- That the appellant is serving in the Elementary & Secondary Education Department as SCT (BPS-16) quite efficiently and up to the entire satisfaction of their superiors.

ATTESTED
[Signature]

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

That the Conveyance Allowance is admissible to all the Civil Servants and to this effect a Notification No. FD (PRC)1-1/2011 dated 14.07.2011 was issued. That later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees

(15)

(11)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.**



Service Appeal No. 12889/2020

Date of Institution ... 27.10.2020

Date of Decision ... 12.07.2021

Jalalud Din, SCT (BPS-16),
GHSS Asbanr, Dir Lower

...(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar and four others. ... (Respondents)

Mr. NOOR MUHAMMAD KHATTAK,
Advocate

For appellant.

MR. JAVED ULLAH,
Assistant Advocate General

For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through this single judgment, we intend to dispose of the instant Service Appeal as well as the clubbed appeals mentioned in appendix-A consisting of 141 sheets, appended with this judgment as its part, as all the appeals involve similar questions of law and facts.

2. The appellant has filed the Instant Service Appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned action of the respondents, making deduction of conveyance allowance from the salaries of the appellant during the summer/winter vacations and not responding

ATTES

to the departmental appeal of the appellant within the statutory period of ninety days.

3. In order to have a clear picture of the matter in issue, the admitting note dated 18.06.2021 of the instant appeal is reproduced as below:-

"Counsel for the appellant present.

Due to influx of abnormally large number of service appeals by individual appellants against the same set of respondents, and including one and the same subject matter with common questions of fact and law; the Registrar of this Tribunal, vide order dated 27.05.2021 on a miscellaneous application, was required to prepare a chronological list of all the appeals obviously for the sake of their management in a way to make their disposal doable by a single judgment instead of hearing each and every appeal separately for disposal by separate orders. For merger of the order dated 27.05.2021, contents thereof are reproduced below:-

Application for early hearing has been put up by the Reader with file. Counsel for the appellant present and heard.

Learned counsel for the appellant seeks early hearing of Appeals No. 13797/2020 and 38 others. It has been brought into the notice of this Bench that this appeal pertains to grievance of the appellant relating to grant of Conveyance Allowance and thousands of similar appeals are pending before this Tribunal at preliminary

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hearing stage. It would result in abuse of the process of Tribunal, if the similar appeals are separately heard despite being the similarity of claim in all the appeals. Therefore, it would be in the fitness of things to club all appeals with one the oldest in order of chronology in light of the time of institution. The Worthy Registrar of this Tribunal has been called and assigned the duty that list of all the appeals be prepared in chronological order and all the appeals be clubbed with the oldest one, and be submitted for preliminary hearing before this Bench on 18.06.2021, irrespective of the previous dates given on the diary. This application is disposed of accordingly.

The order dated 27.05.2021 as reproduced above has been placed on this file vide order dated 17.06.2021, as the appeal in this file is the oldest in chronological order from the date of institution. Rest of appeals enumerated/ described in the chronological list making part of this file, due to commonalty of the subject matter and questions of law and facts, are clubbed with the appeal at hand for disposal conjointly to prevent multiplicity of processes, when judgment passed in a single appeal will enable to settle the particular issue of conveyance allowance similarly in respect of the other appellants who have filed appeals individually because of procedural constraints.

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Preliminary arguments have been heard. A brief history of Conveyance Allowance as

submitted by learned counsel for the appellant has been placed on this file. The copy of judgment dated 11.11.2019 in Service Appeal No. 1452/2019 titled "Maqsad Hayat Versus the Government" has also been annexed with the said brief. According to which a Single Bench of this Tribunal disposed of the said appeal while relying on the judgment of the Hon'ble Peshawar High Court Peshawar in Writ Petition No. 3162-P/2019 with the direction for implementation of the said judgment by the respondents within shortest possible time. The course was also kept open for the appellant to seek remedy in accordance with law, in case his grievance is not redressed by the respondents within reasonable time. There is no cavil to the resolution of matter by judgment dated 11.11.2019 but the likelihood of multiplicity of proceedings cannot be ruled out unless a self-speaking judgment is passed by the Tribunal under due course of law to settle the matter once for all.

The proceedings for hearing will take-place in appeal in hand and shall be deemed to have been applied to clubbed appeals without repetition/replication.

During pendency of this appeal, if any fresh appeal is instituted involving similar questions of law and facts relating to the Conveyance Allowance against the same departmental authorities, office shall also club the same with this appeal.

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Points raised need consideration. The appeal, alongwith all clubbed appeals, is admitted to regular hearing. The appellant in this appeal is directed to deposit security and process fee within 10 days. Thereafter, notices of this appeal alongwith list of clubbed appeals be given to the respondents but their comments/written reply as filed in connection with appeal in hand shall be deemed to have been filed in all the clubbed appeals. There is no need of filing reply/comments individually in each and every clubbed appeal. Similarly, the appellants in all the clubbed appeals are exempted from the deposit of security and process fee. The respondents shall submit written reply/comments, as discussed above, in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 12.07.2021 before the D.B"



4. Precise facts of the Instant Service Appeal as well as the clubbed Service Appeals are that the appellants are employees of Education Department, who were receiving conveyance allowance as admissible under the law and rules but the respondents without any valid and justifiable reasons stopped/deducted the payment of conveyance allowance for the period of summer as well as winter vacations on the ground that as the said vacations is leave period, therefore, the employees are not entitled to be paid conveyance allowance during the summer/winter vacations. After availing the remedy of departmental appeal, the appellants have approached


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this Tribunal through filing of the appeals for redressal of their grievance.

5. Comments on behalf of respondents submitted, which are placed on file.

6. Learned counsel for the appellant has contended that conveyance allowance is being paid by both provincial as well as central government to the civil servants, in order to accommodate them in their travel expenses incurred by them in travelling to and from the workplace; that the summer and winter vacations are not granted upon the request of the employees, rather they remain available for any call of duty, therefore, the respondents are wrong in considering the summer and winter vacations as kind of leave for deduction of conveyance allowance for the said period; that the civil servants of vacation departments are allowed only 01 leave in a month and thus earned leave for 12 days per year is credited to their account, while civil servants of other departments can avail 04 leave in a month, making 48 days earned leave as credited to their account, therefore, the respondents are required to consider the said aspect, while dealing with conveyance allowance of the appellants; that action of the respondents is in utter violation of Article-4 and Article-25 of the Constitution of Islamic Republic of Pakistan 1973; that conveyance allowance is part and parcel of salary/pay and the appellant is entitled to its payment, even during the period of summer/winter vacations. Reliance was placed on an unreported judgment of August Peshawar High Court, Peshawar in Writ Petition No. 3162-P/2019 titled "Akhtar Hussain and 607 others Versus Government of Khyber Pakhtunkhwa", order/judgment dated 11.11.2019 of Khyber Pakhtunkhwa Service Tribunal rendered in Service Appeal No. 1452/2019 titled "Maqсад Hayat Versus Government of Khyber Pakhtunkhwa", judgment of Federal Service Tribunal in

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 Service Tribunal

Appeal No. 1888(R) CS/2016, 2020 PLC (C.S) 741 [Supreme Court (AJ&K)] and 2020 PLC (C.S) 747.


7. Respective learned counsel for the appellants in the clubbed Service Appeals have adopted the arguments advanced by the learned counsel for the appellant in the instant appeal.

8. Conversely, learned Assistant Advocate General for the respondents has contended that the teaching staff remains on leave during the period of winter and summer vacations and do not perform any duty during the said period, therefore, they are not entitled to any conveyance allowance during the summer/winter vacations; that being employees of vocational department, the appellants cannot claim any conveyance allowance during the vacation period and in respect of conveyance allowance, they cannot be treated at par with civil servants of non vocational departments. Reliance was placed on 2020 SCMR 1689 and 2020 SCMR 98.

J.T. 9. We have heard the arguments of learned counsel for the appellants as well as learned Assistant Advocate General for the respondents and have perused the record.

10. The controversy, which needs to be resolved, is with regard to the issue as to whether the appellants, who are employees of vacation department, are entitled to payment of conveyance allowance during the period of summer/winter vacation or not. In order to appreciate the matter in a proper legal way, it would be advantageous to reproduce Clause-(b) of FR-82 as below:-

"(b) Vacation counts as duty but the period of total leave in rules-77, 81 (a) and 81 (b) should ordinarily be reduced by one month for each year of duty in which the government servant availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be

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deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation".

In light of Clause (b) of FR-82, it is crystal clear that vacation counts as duty. Even during vacation, the employees of Education Department remain on call for any duty assigned to them. Moreover, the summer vacations are not granted on demand or option of the employees of the Education Department, rather the period of their earned leave is curtailed by one month for each year. The respondents are wrong in considering the summer/winter vacations as kind of leave. The conveyance allowance is admissible to the government servants who are on duty and in view of clause (b) of FR-82, the summer/winter vacation period also count as duty, therefore, the respondents are not justified in depriving the employees of the Education Department from the receipt of conveyance allowance during summer/winter vacations. The deduction of conveyance allowance from the salaries of the appellants and other teaching staff during summer/winter vacations is in violation of their rights available to them under the Constitution of Islamic Republic of Pakistan 1973. Reliance is placed on 2020 PLC (C.S) 741. The judgment dated 17.10.2017 passed by Federal Service Tribunal in identical nature appeals bearing No. 289 to 298 (R) C.S/2015 has been upheld by august Supreme Court of Pakistan vide order dated 13.07.2018 passed in CPs No. 4957 to 4966 of 2017. Furthermore, this Tribunal has also granted such relief to other employees of Education Department in identical nature appeals.

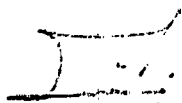
11. In light of the above discussion, the appeal in hand as well as clubbed appeals mentioned in the appendix-A stands allowed and the respondents are directed not to deduct the conveyance allowance from the salaries of the appellants during summer/winter vacations. The conveyance allowance if any,


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already deducted should be reimbursed to the appellants forthwith. The instant judgment shall be considered as judgment *in rem*, therefore, the respondents should pay the said allowance to all similarly placed employees of the Education Department so as to avoid the discrimination under Article-4 & 25 of the Constitution of Islamic Republic of Pakistan as well as unnecessary litigation. Attested copy of this judgment be placed on files of all the clubbed appeals mentioned in appendix-A. Parties are left to bear their own costs. This file as well as files of clubbed Service Appeals mentioned in appendix-A be consigned to the record room.

ANNOUNCED
12.07.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

Certificate of true copy

MINER
Khyber Pakhtunkhwa
Service Journal
Peshawar

Date of Preparation of Collection 22-2-2022
 Number of copies 4000
 Quantity 44
 Usual 4
 Total 48
 Name of the Officer [Signature]
 Date of Completion of Copy 22-2-22
 Date of Delivery of Copy 22-2-22

8/8/2009
روز

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ANNEXURE D

25

P-2

Adl
G.M.
M

To

The Accountant General,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

NO.80(SR-II)PD/8-7/2017/40
Dated Peshawar the 17.06.2021

Subject:-

IMPLEMENTATION OF THE JUDGEMENT OF EXECUTION PETITION 145/2020 IN SERVICE APPEAL REGARDING ADMISSIBILITY OF CONVEYANCE ALLOWANCE DURING SUMMER & WINTER VACATIONS TO THE EMPLOYEES OF VACATION DEPARTMENT.

Dear Sir,

I am directed to refer to your department's letter No.Lit/S.T/S.A/1452-2019. Maqsad Hayat/2018-19/259-61 dated 22.02.2021 on the subject noted above and to state that the Competent Authority has been pleased to provisionally implement the decision of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.1452/2019 filed by Mr.Maqsad Hayat, SCT versus Government of Khyber Pakhtunkhwa through Chief Secretary. The case is regarding payment of Conveyance Allowance to Civil Servants (Vacation Departments) during summer & winter vacations. The decision will be provisionally implemented and shall be recoverable subject to final decision/outcome of the Supreme Court of Pakistan in CPLA file by the Provincial Government against the decision date 11.11.2019 of Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Yours faithfully,

(Muhammad Ilyas Khattak)
SECTION OFFICER (SR, II)

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ANNEXURE "E" ✖

26

Before the Khyber Pakhtun Khwah Service Tribunal, Peshawar

Execution Petition No. 94 of 2010.



Case No. 693
Date: 07-07-10

- ✓ 1. Syed Mudassir Shah date of Appointment 18.01.1990 GHSS, Karak S.NO.767. of the Notification Dated 27-09-2008.
2. Khiali Mar khan, date of Appointment 06.04.88 GHSS, Karak, at S. No 244
3. Ghanimat kahn, date of Appointment 18-01-1990, GNS Karak city at S. No 765
4. Gulbat khan, date of Appointment 23-05-1995, GHS Ghundi Killa Karak, at S. No. 1367.
5. Habib shah, date of Appointment 22-01-1987, GHS Ghundi Killa, at S.No 45
6. Azizullah khan, date of Appointment 28-11-1989, GHS, Dabb Karak, at S.No. 696
- ✓ 7. Mohammad Khalil, date of Appointment 24-05-1995 GHs Dabb sangini Karak. at S. No 1794.
8. Mohammad Asim Iqbal date of Appointment 10-11-1994, GHS Dabb Karak, at S.No 1233.
9. Omar Farooq date of Appointment 25-03-1996, GHS TC, Karak, at S.No 2153.
10. Rafiq-ur-Rehman, date of Appointment 25-03-1996, GMS Tope Killa karak. At S. No. 2319.
11. Azad khan date of Appointment 24-05-1995, GMS Zar Khan Killa Karak.
12. Faizullah Jan, date of Appointment 24-05-1995, ADO/O/S DO Karak, at S.No 1902
13. Aftab Ahmad, date of Appointment 10-11-1994, GHS TC Karak, at S.No. 118.
14. Mohammad Inam, date of Appointment 26-11-1990, GMS Tarha Koi Karak.
15. Mir Atlas Khan, date of Appointment 29-03-1996, GHS, Tarha Koi Karak, at S.No. 2323.
16. Amir Mohammad, date of Appointment 24-05-1995 GHS, Mitha Khel. Karak at S.No 1874.
17. Ahmad Gul date of Appointment 14-10-87, GHS Mitha khel Karak, at S.No. 153.
18. Kaleem Khan, date of Appointment 24-05-1995, GHS Mitha khel. Karak. at S.NO. 1831.
19. Ashraf Khan, date of Appointment 11-12-89, GHS Jandri Karak, at S.No 729.
20. Jumatur-Rasheed, date of Appointment 28-11-89, GHS Pinda banda Karak, at S.No. 711.
21. Subhan-ud-din, GHS, Shanki Banda, at S.No 1382.
22. Omer Farooq. GHS Jandi Karak, at S.No 2064
23. Awal Zaman, GHs Gumbati Mian Khel Karak at S.No 1226.
24. Munawar Jan, GHS Shaheendan karak, at S.No: 156.
25. Mansoor Khan, GMS, Yaqoobi Killa, Karak, at S.No 358
26. Fazal-r-Reham, GMS Sabir Abad Karak, at S.No 144
27. Azmat Ullah Khan, GHs, Ghunda Sham Shaki Karak, at S.No. 1918
28. Nabi ullah, GHSS Bogara Karak, at S.no. 2210
29. Mohammad Nacem, GHSS Bogara Karak, at S.No. 1829
30. Mohammad Ali, GMS, Warna Mir Khan khel Karak. at S.No.676.
31. Alaf Jan, GMS Mahmood-khel karak. at S.No. 1932
32. Gul khandan Shan, GMS Nari Khawara Karak at S.No 386

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Service Tribunal
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35. Zulfar Ali Khan, GCMHS Chokara Karak at S.No. 1050
36. Lal pio, GCMHS Chokara Karak at S.No. 1153
37. Wali dad, GCMHS Chokara karak at S.No. 1255
38. Linqat Khan, GHS Essaf khel karuck at S.No. 1240
39. Faweez Gul, ADO karak, at S.No. 356
40. Shah Alam khan, GMS jangrazi karak at S.No.732
41. Mohammad Zafran, GHS Surati Killa karak
42. Mohammad Farooq, GHS Aurati killa, karak, at S.No.82
43. Imtiaz Ahmad, GMS, Gardi Banda karak, at S.No.2163
44. Mir Saleem Khan, GHS Essak Khumari karak
45. Mohammud ismail, GMS Odin Shuh karak at S.No. 452
46. Fida Mohammad, GHSS Shah Slim karak
47. Abdul Ghani, GHSS Shuh Slim karak at S.No.883
48. Mohammad Nascor, GHS, Esak Khumari karak at S.No.1043
49. Aman Ullah, GMS Kakh Banda Karak at S.No.32
50. Muslim Khan, ADO(M) B.D. Shah karak at S.No.1599
51. Khusdil Khan, GHS Sarki Luwagher karak at S.No. 1380
52. Fazal Hayat, GHS Ganderi Khattak karak at S.No.2237
53. Atlas khan, GHS Gumbati Mina Khel karak at S.No.701
54. Farid Shah, GHSS Shah Slim karak at S.No.147
55. Mir Subir Rehman, GHS Takht-c-Nasrati karak
56. Damsaz Khan, GHS Dubli Luwagherkarak at S.No.1944
57. Jamshaid Ali GHSS jahangiri karak at S.No.1038
58. pio-ur-Rehman, ADO(M) Takht-e-Nusrati karak at S.No.690
59. Amal Bad Shah, ADO(M) Takht-e-Nusrati, karak, at S.No.560
60. Daraz khan, GHS Latambar karak at S.No.692
61. Arab Gul GHS, GHS G.S. khel karak at S.No.154
62. Ajmal khan, GHS T. Nasrati karak at S.No.697
63. Mureed khan, GHS Sarki Lawargher karak at S.No.1048
64. Niaz Farid, GHS G.S khel karak, at S.No.1056
65. Noor Ali Shah, GHS Gurguri karak at S.No.422
66. Siddique Ahmad, GHS Tatta khel karak at S.No.900
67. Said kahn, GHS T.Nasrati karak at S.No. 1114
68. Niaz Pio, GHS T.Nusrati karak, at S.No.1161
69. Abdul Hamid, GHS, T.Nusrati karak
70. Abdul Qayu.. GHS Mona khel karak at S.No.764
71. Mohammad jahan, GHSS karak at S.No.1211
72. Rafia Naheed, GGCMHS karak
73. Shamsa Ghulam, GHS Bangi killa karak at S.No.735
74. Mohammad Zia-ul-Haq, GHSS karak city at S.No.768
75. Hazrat Ali, GHS jandri karak at S.No.1034
76. Siddiq-ur-Rehman, GHS Surdag Karak
77. Mir jamal, GHS Thor Dhand karak at S.No.1383
78. Gulab khan GMS lakki Marwat at S.No.63
79. yousaf khan, GHS No. 2 Lukky Marwat at S.No.65
80. Amir sardar GHS Dallo khel Lukky Marwat at S.No. 83
81. Adbul Qadoos GHS Dallo Khel Lukky Marwat at S.No.85
82. Abdul Jalil GCMHS Lukky At S.No.101
83. Sher AFzal khan GHS Kherukhel Lukky at S.No.126
84. Sarwar khan ADO Lukky at S.No.138
85. Pir Ghulam Miha Shahab khel Lukky at S.No.146
86. Amir khan GHS Wanda Amir Lukky at S.No.155
87. Samiullah GHSS Masha Mansoor Lukky at S.No.159
88. Misal Khan GMS Hayat khel Lukky at S.No.160
89. Shah Mohammad GMS Sheri khel Lukky at S.No.162

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Signature
 Name of the Officer
 Designation
 Office

- Munawar din GHS Tattar khel ut S.No.167
 Ghulam Mohammad GHS Dawalat khel ut S.No.170
 Jamal Nasir GHS Zafar Mama khel Lukky at S.No.171
 91. Mohammad Ali GHS Tattar khel Lukky at S.No.361
 92. Khan Wali GHSS Darra pezu Lukky at S.No.484
 93. Nawaz khan GHSS Tajuzi Lukky ut S.No.485
 94. Mohammad Qasim GHS Bachkhan Ahmad Zai Lakki at S.No.590
 95. Sabir Ahmad khan GHS Ghazni khel Lukky ut S.No.595
 96. Habibullah khan GHs No. at S.No.641
 97. Sadullah jan GHS wanda Aurangzab Lukky at S.No.661
 98. Abdul Qayum GCMHS at S.No.693
 99. Mohammad Abdur Rashid GHS Khawaja Khel Lakki at S.No.70
 100. Badshah Khan GMS Aba khel Lakki ut S.No.728
 101. Rustam jan GHS Abdul khel Lakki at S.No.728
 102. Saifur Rehman GCMHS No.1 Lakki at S.No.831
 103. Muhammad Ishaq GHSS saray Naurang Lakki at S.No.856
 104. Mohammad Yousaf GHSS Aba khel Lakki at S.No.896
 105. Rashid Ahmad GHS Zaraf Mama khel Lakki at S.No.903
 106. Sharifullah khan GHS Tatar khel Lakki at S.No.909
 107. Mir Ali khan GHS Gandhi khan khel Lukki at S.No.943
 108. Haq Nawaz GMS Narsamand Adnan Zai at S.No.956
 109. Amin khan GHS Beru khel Lakki at S.No.1047
 110. Muhammad Naseer GHS Normazaffar khan Lakki at S.No.1063
 111. Muhammad Hashim khan GHSS Sary Naran Lakki at S.No.1111
 112. Faizullah GHS Zangi khel Lakki at S.No.1112
 113. Khan Muhammad GHS wand Baru Lakki at S.No.1115
 114. hussain Ali GHs Zafar Mamakhel Lakki at S.No.1130
 115. Bashir Ahmad GHs Wanda Amir Lakki at S.No.1178
 116. Khaliq Raza GMS Adamzai Lakki at S.No.1199
 117. Muhammad Aleem Khan GMS Langerkhel pakka lakki at S.No.1201
 118. Abdul Rauf khan GHS No. lakki at S.No.1257
 119. Khairullah jan GHSS Sari Norang lakki at S.No.1267
 120. Saifullah khan GMS Mush Masti khani Lakki at S.No.1272
 121. Saifur Rehman GHS Chandu khel Lakki at S.No.1329
 122. Zahid Ali khan GHS Mila shahab khel Lakki at S.No.1336
 123. Abdul Baqi jan GHS Esak khel Lakki at S.No.1338
 124. Rehmanullah GHs Zangi khel Lakki at S.No.1358
 125. Zahid Ali Khan GHs No.2 Lakki at S.No.1359
 126. Abdur Rashid GHS Kakakhel Lakki at S.No.1360
 127. Altaf Ali khan GHs Ghazni khel Lakki at S.No.1643
 128. Norrani shah GHs khan Khel Lakki at S.No.1752
 129. Noor Aslam GCMHS No.1 Lakki at S.No.1781
 130. Mohammad Khan GHS Chohar khel lakki at S.No.1946.
 131. Mohammad Iqbal GMS Zar jano Lakki at S.No.1951
 132. Naimat ullah GHSS Sarai Naurang Lakki at S.No.1955
 133. Abdullah khan GHs Abdul khel Lakki at S.No.1958
 134. Aseel Badshah, at S.No.152 GHs Dab karak
 135. Ihsan ullah GMS Gawarika Syed khel Lakki at S.No.2276
 136. Mst. Zeenat Ara GGHS No.1 Lakki at S.No.89
 137. Mst.zakia Begum GGHS No.1 Sarai Naurang Lakki at S.No.119
 138. Mst. Yasmeen Akhter GGHS NSM khel Lakki at S.No.306
 139. Mohammad Ayub khan GHs Tab Murad Lakki at S.No.1303
 140. Abdus saraf, GHs Bandkoai D.I.khan at S.No.74
 141. Mir Sadiq, GHs Kotka Muhammad khan Bannu at S.No.111
 142. Mujtaba Hussain GMS Kalogar DIK(L) at S.No.148

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 Examiners
 Khair Akhtarkhwa
 Service Tribunal
 Peshawar

143. Shabir Ahmad, GMS Wanda Killi D.i.khan at S.No.166
 144. Rustam khan, GHS Bagwani Shumali DIK at S.No.213
 145. Sar jan, GHs Akborwal FR kohat, at S.No.220
 146. Inamullah, GHs Gul Akram FR Bannu, at S.No. at S.No.231
 147. Sadinullah khan, GMS Jahangir Lalo zai Bannu, at S.No.364
 148. Gul Rehman, GHSS Garhi kapura Mardan, at S.No.369
 149. Ikramullah GHS DAwalat Zai Mardan, at S.No.373
 150. Muhammad Nasir kha, ADO (M) Bannu, at S.No.406
 151. Mohammad Irgan, GHS Band Kurai DIK at S.No.407
 152. Gul Hatim shah, GHSS Bannu, at S.No.479
 153. Faizur Rehman, GHs No.2 Paharpur DIK at S.No.480
 154. Masal kahn, GHSS Utmanzai, charsadda at S.No.529
 155. Mukarram khan, GHSS gari kaura Mardan, at S.No.647
 156. Mir shahzad Gul GHS pinda khel FR Bannu at S.No.663
 157. Abdul Aziz GHSS Domel Bannu at S.No.689
 158. Haji Ahmad Saeed, GHS No.1 Rajjar charsadda at S.No.800
 159. Fazli mauula, GHS Rajar No.1 charsadda at S.No.811
 160. Muhammad Riaz GHS Boobak charsadda at S.No.817
 161. Amanullah khan, GMS jamal Abad swabi at S.No.829
 162. Ali Rehman, GHs Spalga Nowshera, at S.No.861
 163. Muhammad Sadiq GHS chaparai FR Bannu at S.No.869
 164. Abdur Rahim GMS Shahdak DIK at S.No.893
 165. Musarrat LLahi, GHs Dhap shumali DIK at S.No.911
 166. Fazli Manan GHS Mian Issa charsadda at S.No.924
 167. Fazal Maula GHS Mian issa charsadda at S.No.1002
 168. NAdar khan GHSS No.1 peshawar city at S.No.1020
 169. Mir Saleem kahn GHs shenawari Naryab Hangu, at S.No.1041
 170. Noorul Haq GHs Ranolia Pattan Kohistan, at S.No.1054
 171. Abdul Sattar, AAEO Khyber Agency at S.No.1071
 172. Jehanzeb, GHs Subhan khanwar Mohamand Agenc at S.No.1075
 173. Muhammad Javed GHs No.1 Bannu at S.No.1078
 174. Waheedullah khan, AAEO FR Bannu at S.No.1048
 175. Irshad Ali, GHs Rajar No.1 Charsadda at S.No.1117
 176. Fida Muhammad GHs Boobak Charsadda at S.No.1122
 177. Hassaini shah GHSS utmanzai charsadda at S.No.1124
 178. Muhammad Saqlain GHs Bigwani DIK at S.No.1131
 179. Mafroozullah GHs Ghani kor Mohmand Agency at S.No.1167
 180. Misal khan GMS Sohail Kor Mohmand Agency at S.No.1193
 181. Farhad Ali GHSS umarzai charsadda at S.No.1209
 182. Murad Ali GHSS Garhi kapura Mardan at S.No.1215
 183. Arsala kahn, GHs Dabkor Mohmand Agency at S.No.1217
 184. Ayub khan, GHSS umarzai charsadda at S.No.1224
 185. Nasir khan, GHs Sheraki FR Kohat at S.No.1236
 186. Saeedullah, GHS utla Sawabi at S.No.1247
 187. Muhammad yousaf, GMS khwaja Mad Ma at S.No.1262ndan Bannu,
 188. Hassan Habib Afridi, GHS Sherakai FR Kohat, at S.No.1266
 189. Gul SALim GHS sheraki FR kohat, at S.No.1295
 190. Muhammad Tayyab, GCMHS Bannu at S.No.1326
 191. Muhammad Ikramul Haq, GHSS Bannu at S.No.1366
 192. Mehrab khan, GMS Rajan Pur DIK at S.No.1372
 193. Muhammad Bakhsh, GHS No.1 par pur DIK V1384
 194. Ataullah, GMS Alizai Peshawar at S.No.1402
 195. Muhammad zia-ul-Islam GMS Mehmood Aba at S.No.1427d Mardan
 196. Zainullah, GCMHS Bannu at S.No.1532
 197. Muhammad Rashid khan, GHS No.1 Ba at S.No.1535nnu

ATTESTED

Handwritten signature and official stamp of the District Officer, Bannu.

- 198. Muhammad Ali, GHs Nadir Bodra khel FR Bannu at S.No.1578
- 199. Faiz Muhammad GHs Parang Ghar Mohmand Agency at S.No.1585
- 200. Attaur Rehman, GHSS Bannu at S.No.1595
- 201. Masood Akhter, GHs Muhanunad khel , FR at S.No.1605 Bannu
- 202. Hikmat khan, GMS Sama Ghari Khyber Agency at S.No.1610
- 203. Umar Farooq GHs ARa khel jawaki FR kohat at S.No.1624
- 204. Sanaullah, GHs Danishkool Mohmand, Mohmand Agency at S.No.1629
- 205. Muhammad irshad, GHs umarzai charsadda at S.No.1640
- 206. Azam khan, GHs chashma khaidar khel Nowshera, at S.No.1646
- 207. Muhammad Rohsan, GMS Dheri Ghazi charsadda at S.No.1648
- 208. Khan Zuda GHSS No.1 peshawar city at S.No.1672
- 209. Rasool kahn, GMS Ghazi Baig Mohmand Agency at S.No.1694
- 210. Noor ul basar GHs parang Ghar Mohmand Agency at S.No.1701
- 211. Sardar khan, GHs Sama Ghari Bara Khyber Agency at S.No.1706
- 212. Mohammad Ali khan, GHs spulga Nowhera at S.No.1708
- 213. Wadan shah, GHs Danish kool Mohmand Agency at S.No.1709
- 214. Said Rehman GHs Muhammad khel at S.No.1714
- 215. Abdus Sattar GHs Kog pund Mohmand Agency at S.No.1717
- 216. Waheed Gul GHs Tarang zai charsada at S.No.1733
- 217. Linqat ali GMS Cham Rang Mardan, at S.No.1743
- 218. Fida Hussain GMS Wanda Nadir shah DIK at S.No.1748
- 219. Tilawat shah, GMS Huyatubad Peshawar at S.No.1782
- 220. Khairur Rehman, GHs Mathra Peshawar at S.No.1784
- 221. S. Izhar, GHs kachi Kat Gar DIK at S.No.1805
- 222. Turab Ali shah, GHs Gharibabad Peshawar at S.No.1821
- 223. Mujeeb Ali, GHs Gulbadshah Kor mohmand Agency at S.No.1823
- 224. Jan Alam GHs No.1 Rajnr charsadda at S.No.1852
- 225. Muhammad Iqbal GMS No.2 charsadda at S.No.1879
- 226. Abdul Qayyum GHS jana kot FR Peshawar at S.No.1880
- 227. Inayat ullah, GMS Bashirabad Peshawar at S.No.1885
- 228. Sanoobar kahn, ADO S&L Bannu at S.No.1917
- 229. Fida Muhammad GHS Braban Kalan, DIK at S.No.1940
- 230. Rahim Dad, GHSS Bannu at S.No.1942
- 231. Sakhi Marjan, GCMHS Bannu at S.No.1945
- 232. Sher Daud kha, GHSS Mamash kehl, B at S.No.1948
- 233. Hamid latif GHs Mera khel, Bannu at S.No.1950
- 234. Muhammad Afzal GHS No.1 paharpur DIK at S.No.1956
- 235. Musafar khan, GHSS umarzai charsadda at S.No.1978
- 236. Fazli khuda, GHs Dhab kor Mohmand Agency at S.No.2072
- 237. Javed khan, GHs Navikali iaman Mohamand Agency at S.No.2092
- 238. Hidayatullah, GMS Navi kalli mohamand Agency at S.No.2115
- 239. Muhammad zaman GHS charibabad, Peshawar at S.No.2117
- 240. Hazir Rehman, GHs Sari shah Mohmand Agency at S.No.2127
- 241. Nihar Mohammad GHSS utmanzai at S.No.2136
- 242. Hussain Ahmad GHSS utmanzai charsadda at S.No.2155
- 243. Muhammad Ayub GHs Bigwani shumali at S.No.2159
- 244. Mujeeb khan, GHS Dara Adam khel FR Kohat at S.No.2204
- 245. Jehanzeb GMS Zaid Abad charsada at S.No.2236
- 246. iftikhar Muhammad GHSS ghari Kapura, Mard at S.No.2269an
- 247. Muhammad Basher, GMS Bilot Sharif DIK at S.No.2281
- 248. Ayub khan, GHSS No.1 peshawar at S.No.2284
- 249. Muhammad Nazir, GMS Samandi Mela Bosti khel FR Kohat at S.No.2304
- 250. Azam jan, GHSS utmanzai charsadda at S.No.2327
- 251. Gul faraz GHS Pind Band at S.No.1357

ATTESTED


 ATTESTOR
 Khyber Pakhtunkhwa
 Service Tribunal

FEMALE SETS

39

Mst. Gulshan Bibi, GGHS Bangash khail Bannu at S.No.173
Mst. Yasmin Anwar GGCMHS Bannu Sith Bannu at S.No.174

254
255
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~~GGHS~~ Technical SETs
Farhad khan, GHs Subhan Khwar Mohmand Agency at S.No.8
Jehanzeb GHs Subhan, Khwar Mohmand Agency at S.No.13
..... (Petitioners)

VS

- 1) Secretary (E. & S Ed) Khyber pakhtun khwah Peshawar & others
 - 2) Secretary Finance Khyber pakhtun khwah Peshawar.
 - 3) Director (E & S.E) Khyber pakhtun khwah Peshawar.
 - 4) Director FATA K.P.K peshawar
- (Respondents)


Execution/implementation petition for directing the respondents to obey/implement the judgment of this Honorable Service Tribunal dated 23-02-2010 in service appeal No. 41/2010 (hukum khan Vs Govt. through secretary education Peshawar and others and as well as similar nature appeals No 42/2010 to 93/2010, in letter and spirit where in the department is directed to grant premature advance annual increment if admissible under the rules on up gradation of the appellants.

Respectfully sheweth;

The Petitioner humbly submits as under:-

- 1) That the appellants of the above captioned/noted appeals bearing No. 41 to 93 of 2010 file appeals in this honorable service tribunals with the prayer that the appellant may be allowed one annual advance increment among other prayers.
- 2) That this honorable tribunal heard these appeals on 23-02-2010, and all the above noted appeals are accepted in limine, with the direction to the respondents to immediately without further loss of time declare that respective posts effective from 01-10-2007 with all consequential benefits in accordance with the decision of the tribunals dated 03-07-2009 (..... et y)
(Copy of the judgement is Annexed as Annexure A)
- 3) That in paragraph 5 of the judgment at page-3 (as annexure "A" this honorable


ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

tribunal decided that "As regards the grant of premature advance annual increment on promotion, up gradation, suffice it to say that department will have no other option but to grant premature advance annual increment if admissible under the rules on up gradation.

- 4) That the present petitioners are in service S.E.Ts B.P.S-17, performing their duties at various schools of the Khyber pakhtun khwah and were also included/upgraded in the notification dated 27-09-2008 e.g. the similarly placed colleagues of the appellants of the above noted appeals (copy attached as annexure "B")
- 5) That appellants/petitioners of the instant Execution petition are fully entitled for premature annual advance increment on up gradation from B.P.S-16 to B.P.S-17, as per civil servants pay revision rules, 1978. moreover it is pertinent to mention here that the govt. of Khyber pakhtun khwah finance department (regulation wing) has already sanctioned the same special advance increment to the assistants, auditors, senior clerks, and junior clerks as well as employers from B.P.S-01 to B.P.S-04 in their upgraded moved up pay scales w.e.f 01-09-2007 vide notification no. FD(SR-1)2-4/2008 dated the Peshawar 04-04-2009(copy attached as annexure "C")
- 6) That the petitioners/appellants visited the concerned offices and officials, many times, again and again but all in vain. At last the petitions were compelled/forced to request through a legal notice to the respondents to comply with the mentioned judgment/orders of this honorable service tribunal dated 23-02-2010, but no fruitful results are obtained so far.
- 7) That when the tribunal decides a point of law relating to the terms of services of a civil servant which covers not only the case of the civil servants might not taken any legal proceeding, the dictates of justice and rules of good governance demand that the benefits of the decision be extended to other civil servants, who might not be parties to the litigation instead of compelling them to approach the tribunal or any other legal forum(2005-SCMR-499)and the same is mentioned in the judgment of this honorable tribunals at page-4(Attached as annexure "A")
- 8) That the petitioners/appellants, being forced, due to the lack of attention of the respondents and acts of the respondents in ~~defense~~ ^{debarance} this honorable tribunal orders/judgment, having no other remedy but to file the instant execution/implementation petition.

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal

In the wake of above noted submissions, it is most humbly prayed that his

honorable tribunal may very graciously be pleased to compel the respondents to obey the judgment of this honorable tribunal with letter and spirit, and issue a proper notification in favor of the petitioner, as notification of the Finance Department dated 04-04-2009 for the purpose of implementation of the above noted judgment. This honorable tribunal may further be pleased to pay the present litigation cost to the petitioners and any other action against the respondents as per prevailing law and rules, if this honorable tribunal thinks worthy in the present circumstance of the case.

(Petitioners/appellants)

Through,

M. Bashir

M. Bashir Naveed

And

Akif israr
Advocates, Peshawar

Certified to be true copy

EX-100
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 22/2/22
Number of Words 3200
Copying Fee 34/-
Urgent 4/-
Total 38/-
Name of Applicant _____
Date of Completion of Copy 22/2/22
Date of Delivery of Copy 22/2/22

34



Execution Petition No. 94/2010

12.01.2021

Petitioner with counsel present. Mr. Muhammad Jan, DDA for respondents present.

This order shall dispose of Execution/implementation petition No. 94/2010 titled Syed Muddasir Shah and others seeking remedy under the Khyber Pakhtunkhwa Services Tribunal judgement dated 23.02.2010 passed in Appeal No. 41/2010 titled Hukam Khan versus Government of Khyber Pakhtunkhwa through Secretary Education and others.

In pursuance of the said judgement, the Provincial Government issued notification No. 80(P-B) 2-6/SPC/up-Gradation SETs BS-16 to BS-17 dated 03.11.2010 where-under 2804 of SETs were upgraded from BS-16 to BS-17 on "Personal Basis" w.e.f. 01.10.2007. However, the appellants/petitioners did not get satisfied with the said notification and instituted the instant execution petition. The Contentious issue remained unresolved, was the grant of pre-mature increment on their up-gradation from BS-16 to BS-17. As it was not covered under Rule-9 of the pay pension Rules 1978, the same was amended under the directions of this Tribunal subsequent to show cause notice issued to Respondent No.2 (Secretary Finance) dated 19.04.2013 and bailable warrant dated 13.06.2013. Hence notification bearing No. PD(SO SR-I)2-123/2014 dated 30.05.2014, allowing pre-mature increment but without arrears.

Since the issuance of notification dated 30.05.2014 has settled the pending issue with regard to the complete execution/ implementation of the Services Tribunal judgement dated 23.02.2010 and no further arguments or rejoinder submitted by the learned counsel for the petitioner, we therefore, find no issue to have left out of the context of the said judgment, hence, the same stands implemented in toto. File be consigned to the record room.

ANNOUNCED:
12.01.2021

(Signature)
(ROZINA REHMAN)
MEMBER(J)

(Signature)
Certified by the undersigned
MUHAMMAD
MEMBER(E)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 22/2/22
Number of Minutes 855
Copying Fee 4/9/-
Pageant 14/-
Total 14/-
Name of ---
Date of Completion of Copy 22/2/22
Date of Delivery of Copy 22/2/22

HST i... Babar Navab... DSD - ... PSST

HST

HST

HST

HST

2018/2022

Accepted

انہوں نے کہا کہ ...

مقدمہ مقدمہ میں اپنی طرف سے واضح ہوئی ہے کہ ان کے بارے میں ترمیم کرنے کے لیے ایک اور صورت اختیار کرنے کی ضرورت ہے۔

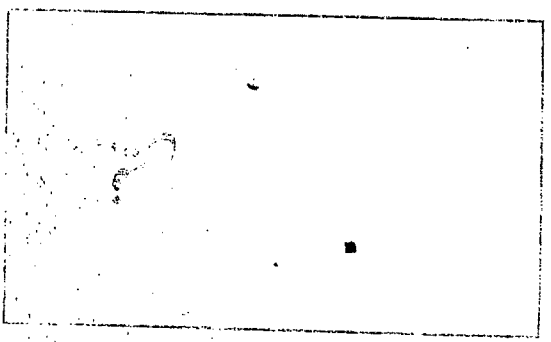
بہت اچھا ہے

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بہت اچھا ہے

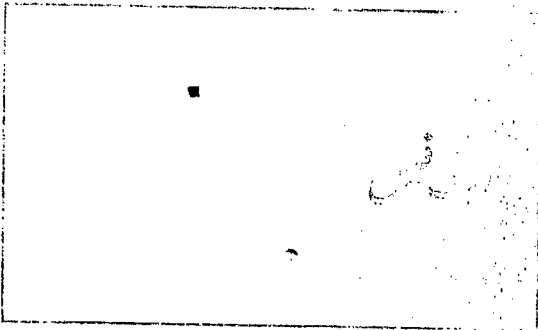
بہت اچھا ہے



والتائم

M. Bilal m-Saddique, Aqil mehd, Q. M. Sultan, Syragulabibi, Pulkhan, Akhbar, Araya, ... PSST

وکالت نامہ



15/08/2022

مستند

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مستند

M. Saad

بعدالت جناب اسٹریٹجی ہونٹل KPK لیسٹ

عنوان: احمد زمان و مہرہ

منجانب: سیدان

نوعیت مقدمہ: درخواست

باعث تحریر

مقدمہ مندرجہ میں اپنی طرف سے واسطے میں کارروائی متعلقہ آن مقام

محمد اسد بت ریلوے کے صاحب کو روکے

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوفہ نے اپنی کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوفہ کو کرنے راضی نامہ و تقرر ثالث و غیرہ اہم اس کے لیے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی ترقی اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لیے روٹوں یا بھاری صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداخت مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو چہ ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوفہ پابند ہوں گے کہ یہ بھی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوفہ مقدمہ کی پیروی کریں پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوفہ کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

Attested.

بمقام Accepted

20/08/2022

محمد اسد بت ریلوے

محمد اسد بت ریلوے

محمد اسد بت ریلوے

محمد اسد بت ریلوے

محمد اسد بت ریلوے

محمد اسد بت ریلوے

محمد اسد بت ریلوے

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