Service Appeal No. 883/2018

Date of Institution: 11.07.2018
Date of Decision: 17.06.2019

Nizar Ali

Vs

The Secretary, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar and 2 others.

Judgment/Order:
17.06.2019

MUHAMMAD HAMID MUGHAL, MEMBER (J) Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Heard. File perused.

Through the present service appeal, the appellant seeks one step up-gradation in BPS-16 w.e.f 01.07.2015.

At the very outset, learned Deputy District Attorney resisted the present service appeal on the ground of want of jurisdiction of this Tribunal to entertain the same, being a matter of up-gradation.

Since the controversy revolves around the issue of up-gradation and this Tribunal while relying upon the judgments of august Supreme Court of Pakistan titled **"Regional Commissioner of Income Tax Company Zone, Income Tax Officer, Peshawar Vs. Syed Manawar Ali and others"** (2016-SCMR-859) and "**FEDERAL PUBLIC SERVICE COMMISSION through Secretary---- Petitioner Versus ANWAR UL HAQ (PRIVATE SECRETARY) ISLAMABAD and others----Respondents** (2017 SCMR 890) has already held that this Tribunal has got no jurisdiction vis a vis the issue of up gradation.

Resultantly the present service appeal is hereby returned for want of jurisdiction. The appellant may approach the proper forum for the redressal of his grievance under the law. Parties are left to bear their own. File be consigned to the record room.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED
17.06.2019

07.03.2019 Appellant in person and Mr. Usman Ghani learned District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 26.04.2019 before D.B

Member Member

26.04.2019 Clerk to counsel for the petitioner and Adll: AG for the respondents present.

Due to general strike on the call of Bar Association instant matter is adjourned to 17.06.2019 before D.B.

(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

08.01.2019 Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Fazal Khaliq H.C for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for rejoinder and arguments on 07.03.2019 before D.B

Member

Member

NOTE:

07.08.2018

Appellant Nizar Ali in person alongwith his counsel Mr. Muhammad Adam Khan, Advocate present and heard in limine.

Contends that the appellant is entitled for the fixation of pay in BPS-15 by including the grant of one pay scale upgradation by the respondents without any lawful justification.

Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.09.2018 before S.B.

Appellant Deposited Security & Process Fee

Chairman

27.09.2018

Mr. Nizar Ali, Appellant in person present. Mr. Saeedullah, Superintendent alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present. Written reply submitted. To come up for rejoinder, if any, and arguments on 19.11.2018 before D.B.

Chairman

19.11.2018

Appellant in person and Mr. Riaz Paindakheil learned Assistant Advocate Genera present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 08.01.2019 before D.B.

Member

Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 883/**2018**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/07/2018	The appeal of Mr. Nizar Ali presented today by Mr. Muhammad Adam Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR 11/7/18
2-	12-7-2018	This case is entrusted to S. Bench for preliminary hearing to be put up there on 7-8-2018. CHAIRMAN
	07.08.2018	Neither appellant nor his counsel present. Case to come up for preliminary hearing on 27.09.2018 before S.B. **Chairman**

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 883 /2018

Nizar Ali VS The Secretary, etc;

INDEX

Dated:- 11/07/2018

APPELLANT

(Nizar Ali)

Through;

Muhammad Adam Khan
Advocate Mardan

Before The Service Tribunal KPK Peshawar.

Service Appeal No. 883 / 2018.

Nizar Ali S/o Sherullah village Adina, District Swabi (S.D.M Govt; High School No.2, Yar Hussain Swabi).

Appellant.

Versus

1. The Secretary, Elementary & Secondary Education Deptt; KPK Peshawar.

2. The Director Elementary & Secondary Education Deppt; KPK Peshawar.

3. The District Education Officer (Male) Swabi.

Respondents.

Appeal under Section-4 of the Service Tribunal Act,1974, against the order of The DEO/ Respondent No.3, as contained in Letter No.1499/G Dated 13/02/2018, whereby the Application of Appellant for fixation of his pay in BPS-15, by including the grant of one pay scale up-gradation from 01-07-2015 was refused and the Appeal there-against rejected by the Director / Respondent No.2 vide Letter No.4745 dated 24-05-2018.

---

1. That Appellant is employed as Senior D.M(BPS-16) & posted at The GHS No.2 Yar Hussain Swabi.

(Copy Annexure:- "A").

2. That the Appellant was appointed as D.M (BPs-9) on 15-01-1998, as per the Service Book.

(Copy Annexure:-"B").

3. That Appellant was promoted to BPs-14 Vide Letter dated 11-05-1998.

4. That there-after Appellant was promoted to BPs-15 from 01-10-2007 vide Endorsement No.1354 dated 17-03-2009, as per the service book, above.

5. That the Appellant, while posted as DM at GHS No.2 yar Hussain (Swabi),one pay scale upgradation was granted to all Provincial Government employees in the Province from BPs-06 to BPs-15 w.e.f 01-07-2015 vide Notification No.FD/SO(FR)7-20/2015 dated 30-06-2015 as further clarified by Notifications dated 17-08-2015, 24-08-2015 and 11-10-2017.

(Copy Annexure-"C" to "E").

6. That on 08-02-2018,while drawing monthly salary, the Appellant noticed that his salary is not properly fixed and that he was not granted the benefits of the one pay scale upgradation from 01-07-2015 in compliance of notification dated 30-06-2015, (Annexure "c"), above.

7. That the Appellant submitted application for the said purpose to The DEO/Respondent No.3 on the same day i.e; on 08-02-2018. **(Copies Annexure:-"F").**

8. That the aforesaid application was rejected by the Respondent No.3 vide Letter No.1499 dated 13-02-2018. **(Copies Annexure:-"G").**

9. That the Appellant grieved therefrom, preferred Appeal to Director/Respondent No.2 on 05-03-2018.

(Copy Annexure:-"H").

10. That the Director / Respondent No.2, rejected said Representation vide No.4745 dated 24-05-2018 as conveyed to the D.E.O vide Letter 5850 dated 31-05-2018. **(Copy Annexure:-"I" & "J").**

11. That the aforesaid letters (Copies Annexure-"I & J"). were neither endorsed to Appellant nor conveyed to him. He learnt above the same on 20-06-2018 and obtained the copies thereof privately. Hence, this Appeal is within time. Yet, application for the condonation of delay is appended herewith.

GROUNDS:-

The impugned orders are incorrect, illegal and void, on the following amongst many other grounds:-

(i). that the Appellant getting his salary in BPs-15 On 01-07-2015, was entitled to the grant of the benefits of one step upgradation i.e; BPs-16.

(ii). that the was deprived therefrom illegally.

(iii). that the Appellant had the right to be fixed in BPs-16 w.e.f 01-07-2015, in compliance of the Government direction, by grant of one step upgradation.

(iv). That the omission on the part of the Respondents in respect of the aforesaid benefits of "grant of one step upgradation, is illegal and void.

(v). that cause of action accrues to Civil Servant, every month when he is paid salary deficiently. Hence, limitation does not run in case of fixation of salary.

(Vi). that the Appellant has the right to be granted the benefits of one step

upgradation w.e.f 01-07-2015, with arrears thereof.

(vii). that the Appellant seeks leave of this Honourable Tribunal to claim further grounds also.

It is prayed that on acceptance of this Appeal, the Respondents may be directed to grant the benefits of "one step upgradation" in BPs-16 from 01-07-2015, refixing his salary accordingly, with arrears, along with any other relief, deemed appropriate by this Hon'ble Tribunal.

The costs of this appeal may also be awarded in favour of Appellant against the Respondents.

Dated:- 16.07.2018

Appellant

(Nizar Ali)

Through:-

Muhammad Adam Khan
Advocate, Mardan.

AFFIDAVIT

I, Nizar Ali S/o Sherullah village Adina, District Swabi /the Appellant, do hereby state on solemn affirmation that the contents of this appeal are true and correct to the best of my knowledge and belief.

Deponent

(Nizar Ali)

ATTESTED
Not Public Mardan
2018

Before The Service Tribunal Peshawar.

Appeal No. /2018.

Nizar Ali VS The Secretary, etc;

Application for condonation of delay:-

1. That the grievance of Appellant is related to the fixation of pay.

2. That both the impugned orders dated 24-05-2018 and 31-05-2018 (Copies Annexure "I" and "J") were neither endorsed to Appellant nor Communicated to him till 20-06-2018, when he, while, pursuing the fate of the Representation came across the same and obtained the copies thereof.

3. That limitation dose not run against the effected person till he gains the knowledge of the order, adverse to his right.

4. That valuable right of Appellant are involved in the captioned Appeal, which needs adjudication on merit.

5. That though the captioned Appeal is not hit by limitation. Yet, if this Honourable Tribunal

considers it otherwise, the limitation so involved merits condonation thereof.

It is prayed that in case, this Appeal is considered, as time barred, the delay, so occurred may be condoned in favourably.

Dated:-10.07.2018.

Appellant

(Nizar Ali)

Through:-

Muhammad Adam Khan

Advocate Mardan

AFFIDAVIT

I, Nizar Ali S/o Sherullah village Adina, District Swabi / the applicant do hereby state on solemn affirmation that the contents of this application are true and correct to the best of my knowledge and belief.

Deponent.

(Nizar Ali)

ATTESTED
DILARAM KHAN
Advocate
Notary Public Mardan
No. 11 Dated 7
2018

Page: 8

ANNEXURE "A"

ATTESTED

ADAM KHAN

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI.

ADJUSTMENT OF SDM (B-16)

Consequent upon the promotion order issued by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Endst: No.4404-10/File No.1/Promotion Senior DM B-16 dated 22/7/2015, the following male DMs B-16 are hereby adjusted against the posts of SDM in the schools noted against their names on the terms and conditions given below in the best interest of public Service w.e.f. 22/7/2015

Sl#	Name of Teacher	Name of school	Name of school where adjusted	Remarks of adjustment/posting
1	Sabit Khan	GMS Seen Khel	GHS Qadra	Against vacant Post of S.DM
2	Abdul Baseer	GMS Roshan Pura	GHS Sheikh Jana	Against vacant Post of S.DM
3	Nizar Ali	GHS No 3 Yar Hussain	GHS No 2 Yar Hussain	Against vacant Post of S.DM

Terms and conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case of his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se-seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light of this order will be recovered and if he is wrongly promoted he will be reversed.

(NISARMUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst: No. 11010-11103 /Dated Swabi the 27/7 /2015.

Copy of the above is forwarded for information and n/action to the:-

1. Director (E&SE) Khyber Pakhtunkhwa, Peshawar w/r to his No. cited above.
2. District Accounts Officer, Swabi.
3. Principal/Head Master concerned school.
4. Officials concerned.

DISTRICT EDUCATION OFFICER
(MALE) SWABI

A

Page-9

ANNEXURE "B"

ATTESTED

ADVOCATE

SERVICE BOOK

OF

Mr. D.M. نظار علی

GMS- Ala Dher.

GS & PD. N.W.F.P. 498 PB -- 50.000 B. --- 12.8.95 (4)
Price: Rs. 15.00

B

Passed SSC (A) Exam in 1989 from BISE Pesh, under R.No 26829, marks obtained 472/850 and placed in Grade "C"

(For use in Police Department only).

Page: 10

Heirs.

1

2

District Education Officer (Male) Secy: Swabi

Passed F.A (A) Exam in 1991 from BISE Pesh, under R.No 58718 marks obtained 501/1100 and placed in Grade "D"

Verification Roll No. Dated Received back

Left thumb-impression.

District Education Officer (Male) Secy: Swabi

Passed B.A Exam. in 1995, from university of Peshawar, under R.No 35344 marks obtained 247/550 and placed in 2nd Div. Result Declared on 18-3-96.

Qualification Date Qualifications Obtained

English

Pashto

First Aris

B.L. or B.T.

District Education Officer (Male) Secy: Swabi

passed Ad. Draw. in 1993 (A) from BISE Peshawar under R.No 49914, marks obtained 70/100.

Plan-drawing

Leadership examination

Training School Final examination

Finger print

District Education Officer (Male) Secy: Swabi

Other qualifications

Passed D.M Course from TAHA Malakand Agency in 1995-96, under R.No 229, marks obtained 591/1000 and placed in 2nd Div. Result Declared on 13-5-97.

Drill instructing

Chart duties

Reserve duties

Passed B.Ed Exa. from Allama Iqbal open University Islamabad. under R.No. K-615042 (2001) Marks obtained 468 out of 900. Result declared on 12-08-2002.

District Education Officer (Male) Secy: Swabi

Line drawn under the qualification passessed

SST, BPS 16/17
GHS. NO. 2 Yar Hussain
(Swabi)

(2)

Note— The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated

1. *Name* Nizar Ali

2. *Race* Afghan.

3. *Residence* Village & P.O Adina mah, Dawatkhel Teh, Distt. Swabi,

4. *Father's name and residence* Sherullah.

5. *Date of birth by Christian era as nearly as can be ascertained* 10-4-1973
10th April H.H Seventy Three

6. *Exact height by measurement* 5'-6".

7. *Personal marks for identification* A mole on face.

8. *Left hand thumb and Finger impression of (non-gazetted) officer*

Little Finger. *Ring Finger*

Middle Finger *Fore Finger*

Thumb

Nizar Ali

9. *Signature of Government servant* Nizar Ali

10. *Signature and designation of the Head of the Office, or other Attesting Officer.*

District Education Officer
(Male) Swabi

Ali

SST, BPS 15
GHS NO. 2 Yar Hussain
(Swabi)

9	10	11	12	13			14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave: Nature and duration of leave taken	Leave: Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government: Period	Leave: Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Consequent upon his selection by the Departmental selection Committee, He has been appointed against D-m post of Mrs. Ala Dher vide DDE(S) Mardan Endstt. No 698-711				
Dy: D.E.O M Secy: Swabi	Endg Revised of B-4 2nd Div		D.E.O (M) Secy. Swabi					
D.E.O (M) Secy. Swabi	30/11/98	A/Inc	Dy: D.E.O M Secy: Swabi	dated 15-1-98 at S. No 9 in BPS 9 (1605-97-30 (a)) plus usual allowances as admissible under the rules.				
Dy: D.E.O M Secy. Swabi	Term of 31.3.99		Dy: D.E.O M Secy. Swabi				District Education Officer (Male) Secy: Swabi	
Dy: D.E.O M Secy: Swabi	30/11/99	A/Inc	Attested Dy: D.E.O M Secy: Swabi	Awarded BPS 14 (2065-161-4480) on B-A 2nd Div. wef 21.1.98 vide DDE(S) Mardan Endstt No 6263-64 dated 11-5-98.				
Attested Dy: D.E.O M Secy: Swabi	30/11/00	A/Inc	Attested Dy: D.E.O M Secy. Swabi					
Attested Dy: D.E.O M Secy. Swabi	30/11/2001	A/Inc	Attested Distt: Officer Secy: Edu: Swabi				District Education Officer (Male) Secy: Swabi	
			Arrears of pay due to award B-14 wef 21/1/98 to 31/5/98 Rs 2544/-					
			do (2065-E605)				Services Verified w.e.f 21.1.98 to 30.11.98 from the office record	
Attested Distt: Officer Secy: Edu: Swabi	1/12/2001	Pay Revised	Attested Distt: Officer Secy: Edu: Swabi				Dy: Distt: Education Officer (M) Swabi	
Attested Distt: Officer Secy:	30/11/2002	A/Inc	Attested Distt: Officer Secy: Edu: Swabi				Services Verified w.e.f 1-12-98 to 30.11.99 from the office record	
Attested Distt: Officer Secy:	01/12/2002 A.N	Transfer	Attested Distt: Officer Secy: Edu: Swabi				Attested Dy: Distt: Edu officer (M) Swabi	

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substative appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
		BPS 9 (1605-97-3060)					
D.M GMS. Ala Dher.	Temp		Rs	1605/-		21/1/98	Nizam
		BPS.14 (2065-161-4480)					
do	do		Rs	2065/-		21/1/98	Nizam
do	do		Rs	2226/-		1/12/98	Nizam
D.M GMS. Lazi Kot.	do		Rs	2226/-		1/4/99	Nizam
do	do		Rs	2387/-		1/12/99	Nizam
do	do		Rs	25487/-		1/12/2000	Nizam
		Reverted to pay on 1/12/2001 of the Accounts Cadre					
						Hes office NWFP	
do	do		Rs	2709/-		1/12/2001	Nizam
do				D-14 (3100-240-10300) 4060/-		1/12/2001	Nizam
do				4300/-		1/12/2002	Nizam

SST, BPS 16/17
GHS. NO. 2 Yar Hussain
(Swabi)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substative appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
			B-14 (3100-240-10300)-				
DMS SMS Yar Hussain	Sub/Off		Rs	4300/PM		12/2002	
do	do		Rs	4540/-		12/03	
-do-	do		Rs	4780/-		12/04	
Pay Revised wef 1-7-05 B-14 (3565-275-11815).							
-do-	do-		Rs: 5490/- PM			7/05	
-do-	do-		Rs: 5765/- PM			12/05	
-Do-	-Do-		Rs: 6040/- PM			12/06	
Pay Revised wef 1-7-07 B-14 Rs (4100-315-13550).							
—							
-Do-	-Do-		Rs: 6935/- PM			7/07	
-Do-	-Do-		Rs. 7250/- PM			12/07	
Pay Revised wef 01-7-08 BPS-14 (Rs. 4920-380-16320)							
-Do-	-Do-		Rs. 8720/- PM			7/08	
-Do-	-Do-		Rs 9167/- PM			12/08	

SST, BPS 16/17
G.H.S. NO. 2 Yar Hussain
(Swabi)

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9	10	11	12	13			14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave: Nature and duration of leave taken	Leave: Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government: Period	Leave: Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government: Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
Distt Officer Secy: Edu: Swabi.	30/11/03	A/Inc	Distt: Officer Secy: Edu: Swabi.		Services Verified w.e.f. 1-12-99 to 30-11-2002	from the Office record	Dy; Distt: Edu: Officer (M) Swabi	
Distt Officer Secy: Edu: Swabi.	30/11/04	A/Inc	Distt Officer Secy: Edu: Swabi.					
D.O: (M) (S & L) SWABI	30/6/05	Pay Revised	D.O: (M) (S & L) SWABI					
D.O: (M) (S & L.) SWABI	30/11/05	A/Inc	D.O: (M) (S & L) SWABI					Passed B.Ed Passed M.A Exam in parts Annual Examinal 2002 from Peshawar university Securing Marks 507/1100 Placed in 2nd Division - Result declared 18-03-2003.
D.O: (M) (S & L) SWABI	30/11/06	A/Inc	General D.O: (M) (S & L) SWABI					
D.O: (M) (S & L) SWABI with [illegible]		3100-290-10 [illegible] 1-12-2001 1-12-2003	D.O: (M) (S & L) SWABI				Distt Officer Secy: Edu: Swabi.	
	30/6/07	Pay Revised	Officer NWFP, Peshawar		Services Verified w.e.f. 1-12-2002 to 30-11-2005	from the Office recor		
							Distt: Edu: officer Swabi	
D.O: (M) (S & L.) SWABI	30/11/07	A/Inc	D.O: (M) (S & L) SWABI		Service Verified w.e.f. from 1-12-03 to 30-11-06 from the Attendance Roll of the School			
D.O: (M) (S & L.) SWABI	30/6/08	pay Revised	D.O: (M) (S & L) SWABI				D.O. (M) (S & L.) SWABI	
D.O: (M) (S & L) SWABI	30/11/08	A/Inc	DO (E&SE) Swabi		Service verified w.e.f. 1-12-05 To 30-11-06 from the A/Roll & other office record.			
DO (E&SE) Swabi	31/3/09	Entries & pay Revised due to upgradation	DO (E&SE) Swabi				D.O: (M) (S & L) SWABI	

SST, BPS 16/4
GHS NO. 2 Yar Hussain (Swabi)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substative appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
	Entries revised w.e.f 02-12-2007 due to upgradation BPS-15 (Rs. 4350-350-14850)						
D.M G.M.S							
Yar Hussain	Sub/Offg		Rs. 7500/= PM			02/12/07	
	Pay Revised w.e.f 01-7-08 BPS-15 (Rs. 5220-420-17820)						
-DO-	-DO-		Rs 9000/=			01/7/08	
-DO-	-DO-		Rs. 9420/=			01/12/08	

2005
OFFICE OF THE ACCOUNTANT GENERAL
N.W.F.P. PESHAWAR
PAY FIXED IN THE REVISED BASIC PAY SCALES
OF RS. 3565-275-11815 (2-15)
AT RS. 5499/- P.M.W.E.F. 1-07-2005 / 1-12-2005
With Next Increment on
Accounts Officer
Pay Fixation Party N.W.F.P. Peshawar

2007
OFFICE OF THE ACCOUNTANT GENERAL
N.W.F.P PESHAWAR.
PAY FIXED IN THE REVISED BASIC PAY SCALES
OF RS. 4100-345-13550 (2-15)
AT RS. 6935/- P.M.W.E.F. 1-07-2007 / 1-12-2007
With Next Increment on
Accounts Officer
Pay Fixation Party N.W.F.P. Peshawar

5499/14 05

6935/14 07

9420/15 08

SST BPS 16/17
G.H.S. NO. 2 Yar Hussain
(Swabi)

9	10	11	12	13			14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave: Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government: Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
							Service Verified w.e.f. 01-12-06 to 30-11-07 from the Office Record.	
DO (E&SE) Swabi	30/6/08	pay fixed	DO (E&SE) Swabi				D.O. (M) (S & L) SWABI	
							Service Verified w.e.f. 01-12-07 to 30-11-08 from the Office Record.	
DO (E&SE) Swabi	30/11/08	A/Inc	DO (E&SE) Swabi				District Officer (M) Elementary & Secondary Education SWABI	
DO (E&SE) Swabi	30/6/2009	Transferred to High due to upgradation of School	DO (E&SE) Swabi					

2008

OFFICE OF THE ACCOUNTANT GENERAL
N.W.F.P. PESHAWAR
PAY FIXED IN THE REVISED BASIC PAY SCALES 1

OF RS 522-12-17820 (BPS-15)
AT RS 9000/- P.M.W.E.F. 1-07-2008
With Next Increment on 1-12-2008

Accounts Officer
Pay Fixation Party N.W.F.P. Peshawar

Sanction is hereby accorded to the grant of BPS-15 on passing B.A Exam w.e.f 01-10-2007 vide NWFP ~~[illegible]~~ Finance Deptt. Notification No-FD/SOCFR)/10-22/2007 Vol-II dt 12-11-08 and EDO (E&SE) Swabi Endst No-1354-G dt 17/3/09.

District Officer (M)
Elementary & Secondary Education
SWABI

UNDER TAKING

I Mr. NIZAR ALI ~~S/O MIR~~ do hereby give an under taking to the effect that if any over payment is made to me due to incorrect fixation of pay in BPS-15 and it data interest. The same will be deducted from my pay/pension or any what so ever the Government deem necessary.

Sig. NIZAR ALI, DM

District Officer (M)
Elementary & Secondary Education
SWABI

GHS. NO. 2 Yar Hussain (Swabi)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substative appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emoluments falling under the term "Pay"	Date of Appointment	Signature of Government Servant
DM GHS No=3 Yar-Hussain	Sub/off		Rs 9420/=	PM		1-7-2009	
—Do—	—Do—		Rs. 9840/=	PM		1-12-2009	
—Do—	—Do—		Rs=10260/=	PM		1-12-2010	
	Revised B.P.S No=15 (8500-700-29500) 1-7-2011						
—Do—	—Do—		Rs=16900/=	P.M		1-7-2011	
—Do—	—Do—		Rs=17600/=	P.M		1-12-2011	
—Do—	—Do—		Rs=	18300/=	PM	1-12-2012	
DM post GMS Yaqoobi	—Do—		Rs	18300/=	PM.	26 02 2013 (AN)	
DM Post GHS YAQOOBI	—Do—		Rs	18300/= 18300/=	PM	04 01 2013	
DM GHS No 3 Yar Hussain	—do—		Rs	18300/=	PM	11 10 2012 (AN)	
—do—	—do—		Rs.	19000/=	PM	1 12 2013	

NW

CERT. BPS 16/17
GHS NO. 2 Yar Hussain
(Swabi)

9	10	11	12	13			14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave: Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government: Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30-4-2009	A/increment	Head Master G.H.S. No. 3 Yar Hussain (Swabi)				OPTION FOR RE-FIXATION 31.12.08 GMS 30-6-2009 I hereby opt for re-fixation of my pay as 2/12/2007 as allowed/admissible under FR-22	
Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30/11/2010	A/Inc	Head Master G.H.S. No. 3 Yar Hussain (Swabi)					
Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30/6/2011	Pay revised	Head Master G.H.S. No. 3 Yar Hussain (Swabi)				District Officer (M) Elementary & Secondary Education SWABI	
Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30/11/2011	A/Inc	Head Master G.H.S. No. 3 Yar Hussain (Swabi)				CC04/09	
Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30/11/2012	A/Inc	Head Master G.H.S. No. 3 Yar Hussain (Swabi)				Drawing & H.O.A	
Head Master G.H.S. No. 3 Yar Hussain (Swabi)	28/02/2013	Transferred to GMS Yaqubi	Head Master G.H.S. No. 3 Yar Hussain (Swabi)				B-5754/ award of B-15 w.e.f 02-10-07 & 31-3-09	
Dy: D.E.O (M) Swabi	31/03/2013	School upgraded to High status	Dy: D.E.O (M) Swabi				Service verified w.e.f 1/12/2009 & 29/1/2009 from the office record	Head Master G.H.S. No. 3 Yar Hussain (Swabi)
HEAD MASTER G.H.S Yaqubi (Swabi)	11/10/2013	Transferred to GHS. 3 Yar Hussain.		Mr Nizar Ali DM of this school is granted Ex-PAK leave w.e.f 19-4-2012 to 09-5-2012 (21 days) with full pay under office EDO Endst No 2815 dt 14-5-2012				
	30/11/2013	A/Inc						
Head Master G.H.S. No. 3 Yar Hussain (Swabi)	29/5/2014	Pre-mature increment on promotion						Head Master G.H.S. No. 3 Yar Hussain (Swabi) 19.5.2012
		Transferred to GMS Yaqubi	Head Master G.H.S. No. 3 Yar Hussain (Swabi)	Served w.e.f 1-12-2009 To 30-11-2012 from office record			SST, BPS 16 G.H.S. NO. 2 Yar Hussain (Swabi)	Head Master G.H.S. No. 3 Yar Hussain (Swabi)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substative appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant

SST, BPS 16/17
GHS NO. 2 Yar Hussain
(Swabi)

9	10	11	12	13			14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave: Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government: Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
						Service verified w.e.f ~~from~~ 1.10.2012 To 25.2.2013 from This Office record,	Head Master G.H.S. No. 3 Yar Hussain (Swabi)	
						Service Verified w.e.f 26.2.2013 to 31.3.2013 from the Office Record.	Dy: Distt: Education Officer (Male) Swabi	
		Transferred to G.H.S. Yar Hussain w.e.f	HEAD MASTER G.H.S Yaqubi District Swabi				Service Verified w.e.f 01-04-13 to 11-10-13 (FN) from the office record	HEAD MASTER G.H.S Yaqubi District Swabi
						Service Verified w.e.f 12.10.13 to 30.11.2013. From The Office Record	Head Master G.H.S. No 3 Yar Hussain (Swabi)	
						Services verified w.e.f 01-12-2013 To 22-07-2015 (AN) from the School record.	Head Master G.H.S. No. 3 Yar Hussain (Swabi)	

SST, BPS 16/17
G.H.S. NO. 2 Yar Hussain
(Swabi)

Page 22 (1X)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substative appointment, or (ii) whether service counts for pension under Art. 371 CSR	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
D.M							
	Allowed pre-mature increment w.e.f						
GHS No-03 YAR HUSSAIN	30-5-2014 (on Account of UDS B-14 to B-15	on 2-12-2007			B-15 (8500-700-29500)		
	vide FD (SO SR-1) 2-123/2014						
Pay on 29-5-2014			Rs.	19000/- P.M			
Pay fixed on 30-5-2014			Rs.	19700/- P.M			
do —	Sub/Off		Rs	20400/- P.M		1/12/2014	
		Pay Revised. Revised BPS-15 (10985-905-38135)					
	Pay on 1-7-2015 in the existing BPS 15 Rs=20400/- P.M						
	Pay in the Revised BPS-15 on 1/7/2015 Rs=26370/- P.M						
D.M Post GHS No.3 YAR-Hussain	Sub/Off	Revised BPS-15 (10985-905-38135)	Rs=26370/- P.M			01/07/2015	
SENIOR DM GHS No2 YAR-Hussain	Sub/Off		BPS-16 (12910-1035-43960) Rs 27400/- P.M			23/07/2015 (F.N.)	
	Pre-mature increment on Promotion		Rs. 1035/-				
	TOTAL Pay		Rs=28435/- P.M.				

PRINCIPAL
GHS No.2 Yar Hussain
(Swabi)

SST, BPS 16/17
G.H.S. NO. 2 Yar Hussain
(Swabi)

(74)

Under Taking

I Mr. Nizar Ali DM hereby give an undertaking to the effect that any over payment is made to me as a result of fixation of award pre-mature increment wef 30-05-2014 the amount of over payment will be recovered from my pay /gratuity what so ever the education deptt: may deem necessary

Sig. of Nizar Ali DM

Attested
Head Master
G.H.S. No. 3
Yar Hussain (Swabi)

9	10	11	12	
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Natu and duri tion leav take
				TRAIN: TA2 11/8/2014 S-2 Rs. 1968/- omit 87 one premature increment in aggregation wef 30/05/2014.
Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Head Master G.H.S. No. 3 Yar Hussain (Swabi)	22-07-2015	Promoted to SDM Post B-16 and Transferred to GHS No. 2 Yar Hussain	Head Master G.H.S. No. 3 Yar Hussain (Swabi)	
	30-06-2015	Pay Revised		
Head Master G.H.S. No. 3 Yar Hussain (Swabi)	22-07-2015 (AM)	Promoted To SDM Post B-16 AND TRANSFERRED To GHS No. 2 YAR-HUSSAIN.	Head Master G.H.S. No. 3 Yar Hussain (Swabi)	
PRINCIPAL GHS No. 2 Yar Hussain (Swabi)				

PROMOTED TO SDM POST BPS-16 WEF 22-07-2015 VIDE DIRECTOR ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR ENDST: NO. 4404-10/FILE NO.1/PROMOTION SENIOR DM B-16 D/22-7-2015 AND ADJUSTED AGAINST VACANT POST OF SDM B-16 WEF 22-07-2015 VIDE DEO (M) SWABI ENDST: NO: 110100-111031 DATED SWABI THE 27/7/2015

PRINCIPAL
GHS No. 2 Yar Hussain
(Swabi)

Page: 24

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substative appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant

SST, BPS 18/19
GHS No. 2 Yar Hussain
Rawalpindi

9	10	11	12	13			14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave			Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period	Government to which debitable		
				UNDERTAKING. I MR. NIZAR ALI SDM B-16 GHS NO. 2 YAR HUSSAIN HEREBY GIVE AN UNDERTAKING TO THE EFFECT THAT IF ANY OVER-PAYMENT IS MADE TO ME, IN THE LIGHT OF PROMOTION ORDER ISSUED VIDE DEO (M) SWABI ENDST: NO 11010-11103 D 27-7-15 THE SAME WILL BE RECOVERED FROM MY PAY/PENSION OR GRATUITY WHATEVER THE GOVT. DEPTT. MAY DEEM NECESSARY AND IF WRONGLY PROMOTED I WILL BE REVERSED				
				(Nizar Ali) MR. NIZAR ALI SDM.				
				ATTESTED				
				PRINCIPAL GHS No.2 Yar Hussain (Swabi)				
				Ali				
				Asst. BPS 16/17 G.H.S. NO. 2 Yar Hussain (Swabi)				

Page: 26 ANNEXURE "C"

ATTESTED

ADAM KHAN

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 30-06-2015

NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to the upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.

b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15.

c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.

d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.

e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.

f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.

2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

4. The above upgradation scheme shall not be applicable to employees of Autonomous Bodies, Semi Autonomous Bodies and Public Sector Companies.

5. Explanatory note and subsidiary instructions on the subject will be issued separately.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

C

~~ACTA~~
~~MARDAN~~

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

1) PS to Additional Chief Secretary, FATA.
2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8) All Heads of Attached Departments in Khyber Pakhtunkhwa
9) Registrar, Peshawar High Court, Peshawar.
10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12) Registrar, Service Tribunal Khyber Pakhtunkhwa
13) Secretary to Govt; of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan
15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
16) The Treasury Officer, Peshawar.
17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
21) PS to Finance Secretary.
22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
23) All Section Officers/Budget Officers in Finance Department
24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.

(MUMTAZ AHMED)
SECTION OFFICER (FR)

Page No. 28

ANNEXURE D

ATTESTED

ADAM KHAN

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. KC/FD/SO(FR)/7-20/2015
Dated Peshawar, the 17-08-2015

To,

The all Administrative Secretaries
Govt of Khyber Pakhtunkhwa.

Subject: - CLARIFICATION ON BENEFICIARIES OF PARA-1 OF THE NOTIFICATION DATED 30-06-2015 TO ALL EMPLOYEES FROM BS-01 TO BS-16 IN THE KHYBER PAKHTUNKHWA GOVERNMENT.

Dear Sir,

I am directed to refer to this department notification bearing No. KC/FD/SO(FR)/7-20/2015 dated 30-06-2015 and to state that a question has been arisen about beneficiaries of para-1 of notification ibid. It is clarified that: -

i. Two pay scales upgradation will be allowed to all provincial government employees from BS-01 to BS-05 and One pay scale upgradation from BS-06 to BS-15 will be allowed to those employees who have been appointed under Khyber Pakhtunkhwa Civil Servants Act 1973.

ii. One pre-mature increment will be allowed to all the upgraded employees as defined in Finance Department letter No. SO(PRC)/1-21/77 dated 30-05-2014.

iii. Fresh appointment including Technical and Non Technical staff will be made in new pay scale instead of existing pay scale as already mentioned in para-1(a) of this department notification bearing No. SO(FR)/FD/7-20/2015 dated 30-06-2015.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.

[illegible]

11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. Secretary to Govt; of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
14. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
15. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
16. The Treasury Officer, Peshawar.
17. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
18. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
19. PSO to Chief Secretary, Khyber Pakhtunkhwa.
20. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
21. PS to Finance Secretary.
22. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
23. All Section Officers/Budget Officers in Finance Department.
24. Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar
25. Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
26. Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.

(MURAD AHMAD)
SECTION OFFICER (FR)
0919212635

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

ANNEXURE E

NO. FD (SOSR-1) 2-123/ 2017
Dated Peshawar the: 11-10-2017

To:

The Accountant General, Khyber Pakhtunkhwa,
Peshawar.

ATTESTED
ADAM KHAN

Attention: Accounts Officer (HAD)

Subject: FIXATION OF PAY ON PROMOTION.

Dear Sir,

I am directed to refer to your office letter No.H-24(77)/Dir Lower/Vol-VI/2016/-17/203 dated 25-04-2017 on the subject noted above and to state that opinion of your office contained in para-3 of the above referred letter is hereby confirmed as the 03 years condition had already been relaxed by this Department vide letter No.FD (SOSR-1)/30/Vol-III dated 19-04-1988 (copy enclosed) please.

Yours faithfully,

(BARKAT KHAN)
Section Officer (SR-1)

Accountant General Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-54

No.H-24/ Master/Circulation /2017-18/319
Copy for information and Compliance to:

Dated: 17/10/2017

1. All DAOs/AAOs in Khyber Pakhtunkhwa.
2. All payrolls sections (L)
3. AO Fixation Party I&II
4. Master file Promotion file
5. Local Audit file

ACCOUNTS OFFICER (HAD)

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) ضلع صوابی

عنوان: درخواست برائے منظوری بابت ون سٹیپ اپ گریڈیشن

از یکم جولائی 2015ء ڈی ایم BPS-15 سے ڈی ایم BPS-16

ANNEXURE "F"

ATTESTED
Akram
ADAM KHAN

جناب عالی!

مؤدبانہ گزارش یہ کی جاتی ہے کہ

1) محکمہ تعلیم نے بجٹ 2015-16ء کے فیصلے کے مطابق ان تمام اساتذہ کو یکم جولائی 2015ء سے ون سٹیپ اپ گریڈیشن کی منظوری دی ہے جن کو یکم جولائی 2015ء کے بعد کوئی ترقی نہیں ملی تھی۔

2) ون سٹیپ اپ گریڈیشن کے نوٹیفیکیشن کے مطابق بندہ بھی یکم جولائی 2015ء سے ڈی ایم BPS-15 سے ڈی ایم BPS-16 میں ترقی پانے کا حق دار ہے۔

3) بندہ کا 23 جولائی 2015ء پر ڈی ایم BPS-15 سے ایس ڈی ایم BPS-16 کو ترقی ہوئی ہے۔ نوٹیفیکیشن کے اجراء میں تاخیر کی وجہ سے بندہ ون سٹیپ اپ گریڈیشن سے محروم رہ گیا ہے۔ جس کے لیے بندہ درخواست گزار ہے۔

اس لیے آپ صاحبان مہربانی کر کے مجھے یکم جولائی 2015ء سے ڈی ایم BPS-15 سے ڈی ایم BPS-16 میں ون سٹیپ اپ گریڈیشن کی منظوری دینے اور پھر 23 جولائی 2015ء پر ڈی ایم BPS-16 سے ایس ڈی ایم BPS-16 میں تنخواہ ایڈجسٹ کرنے کے احکامات صادر فرما کر ممنون فرمادیں۔

بندہ تاحیات دعاگو رہے گا۔

العارض

نظر علی SDM

گورنمنٹ ہائی سکول نمبر 2 یار حسین (صوابی)

SST, BPS 16/17
G.H.S. NO. 2 Yar Hussain
(Swabi)

8/02/2018 :- مورخہ

Forwarded to D.E.O (M) for n/a pls.

PRINCIPAL
GHS No.2 Yar Hussain
(Swabi)

Page:- 32

ANNEXURE "G"

ATTESTED
ADAM KHAN

DISTRICT EDUCATION OFFICE (MALE) SWABI.
(Office phone & Fax No 0938-280239. *emis_swabi@yahoo.com*)

No: 1499 / Dated 13/2 /2018

To

The Principal,
GHS No 2 Yar Hussain.

Subject:- APPLICATION FOR ONE STEP UPGRADATION.
Memo,

Reference your letter No 14 dated 09-2-2018 on the above noted subject.

The original application alongwith original Service book for once step up gradation in respect of Mr Nizar Ali SDM of your School is returned herewith with the remarks that the concerned teacher is working against SDM post wef: 22-7-2015 and his case for once step up gradation has been time bard.

Therefore he is not eligible for once step up gradation.

DISTRICT EDUCATION OFFICER
(MALE) SWABI

SST, BPS 16/17
G.H.S. NO. 2 Yar Hussain
(Swabi)

6

0301-8183345

بخدمت جناب ڈائریکٹر صاحب محکمہ تعلیم ایلیمنٹری اینڈ سیکنڈری خیبر پختونخوا

Page: 33

ANNEXURE "H"

ATTESTED
Adam
ADAM KHAN

عنوان: اپیل/درخواست برائے منظوری ونظرثانی بابت ون سٹیپ اپ گریڈیشن
از یکم جولائی 2015ء ڈی ایم BPS-15 سے ڈی ایم BPS-16
بوجہ نامنظوری "ٹائم بارڈ" بحکم ڈی ای او صاحب (مردانہ) ضلع صوابی

جناب عالی!

مؤدبانہ گزارش یہ کی جاتی ہے کہ

1) بندہ محکمہ تعلیم ضلع صوابی میں مورخہ 21-1-1998 سے بطور DM اور 23/7/15 سے بطور SDM سکول ھذا میں اپنے فرائض انجام دے رہا ہے۔

2) صوبائی حکومت کے بجٹ 2015-16ء کے مطابق محکمہ تعلیم نے بھی ان تمام اساتذہ کو یکم جولائی 2015ء سے ون سٹیپ اپ گریڈیشن کی منظوری دے دی ہے جن کو یکم جولائی 2014ء کے بعد کوئی ترقی نہیں ملی تھی۔

3) اس نوٹیفکیشن کے مطابق بندہ بھی یکم جولائی 2015ء سے DM پوسٹ پر BPS-15 سے BPS-16 میں ون سٹیپ اپ گریڈیشن کے ذریعے ترقی پانے کا حق دار ہے کیونکہ بندہ کو یکم دسمبر 2007ء کے بعد کوئی ترقی نہیں ملی ہے۔

4) بندہ نے بذریعہ چٹھی نمبر 14 بمورخہ 8/2/2018 پر اپنی جائز حق کے حصول کے لیے درخواست دی تھی کہ مجھے SDM کے ایڈجسٹمنٹ سے پہلے DM پوسٹ پر BPS-15 سے BPS-16 میں ون سٹیپ اپ گریڈیشن کے ذریعے ترقی دے دی جائے۔

5) مگر DEO (مردانہ) صوابی نے بذریعہ چٹھی نمبر 1499 بمورخہ 13/2/18 پر میرے جائز حق "ٹائم بارڈ" قرار دے کر نامنظوری کر دی ہے۔

اس لیے بندہ مجبوراً آپ صاحبان کی خدمت درخواست کرتا ہے کہ مجھے SDM کے ایڈجسٹمنٹ سے پہلے DM پوسٹ پر یکم جولائی 2015ء سے ون سٹیپ اپ گریڈیشن کے ذریعے BPS-15 سے BPS-16 میں ترقی دینے کے احکامات صادر فرما کر ممنون فرمائیں۔

بندہ تاحیات دعاگو رہے گا۔

العارض

نظر علی SDM
گورنمنٹ ہائی سکول نے یار حسین ضلع صوابی

مورخہ: 5-3-2018

SST, BPS 16/17
G.H.S. NO. 2 Yar Husain
(Swabi)

D.No. 532 Dated 8.3.2018

1247
29/8/18

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ANNEXURE "I"

ATTESTED
ADAM KHAN

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 4745/F.No.162/Vol:14/Appeal of PST(M)General.
Dated Peshawar the 24.5/2018.

To,

The District Education Officer (M)
Swabi.

Subject:- **DEPARTMENTAL APPEAL.**

Memo:-

I am directed to refer to your letter No.2858 dated 24.03.2018 on the subject cited above and to state that the appeal of Mr. Nizar Ali SDM GHS No.2 Yar Hussain District Swabi in light of DEO (M) Swabi report is hereby rejected.

I am further directed to ask you to inform the teacher concerned accordingly.

Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Endst: No. /

1. P.A to Director Elementary and Secondary Education local office.

Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

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ANNEXURE J

ATTESTED
ADAM KHAN

DISTRICT EDUCATION OFFICE (MALE) SWABI
(Office phone & Fax No 0938-280239, *emis_swabi@yahoo.com*).

No 5850 / Dated Swabi the:- 31/5/ /2018.

To

The Principal,
Govt: High School No 2 Yar Hussain.

Subject:- DEPARTMENTAL APPEAL.
Memo,

An Departmental appeal in respect of Mr Nizar Ali SDM of your School received from the Director E & SE Khyber Pakhtunkhwa Peshawar No 4745 dated 24-5-2018 with the remarks that the Departmental appeal of the above named teacher is hereby rejected the teacher concerned may be informed accordingly .(Copy attached)

DISTRICT EDUCATION OFFICER
(M) SWABI

VAKALAT NAMA

In the Court of Service Tribunal, Peshawar.

Appeal No. _____ of 2018

Nizar Ali — (Petitioner) (Plaintiff) (Appellant) ✓

VERSUS

The Secy; etc; — (Respondent) (Defendant)

I/We Nizar Ali the above noted Appellant do hereby appoint and constitute **Muhammad Adam Khan, Advocate Mardan** as Counsel in subject proceedings and authorize him to appear, plead etc., compromise, withdraw or refer to arbitration for me/us, as my/our Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel at my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

(Nizar Ali)

Dated: 10.07.2018

(Signature of Client)

MUHAMMAD ADAM KHAN,
Advocate,
District Courts, Mardan.
03139363450
03469310850
03005720320

Accepted

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.883 of 2018

Mr.Nizar Ali S/O Sher Ullah Village Adina, District Swabi SDM (GHS No.2 Yar Hussain.....**Appellant**

VERSUS

1. Secretary E&SE Khyber Pakhtunkhwa Peshawar
2. Director E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education (E&SE) Male Swabi

.....**Respondents**

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DISTRICT EDUCATION OFFICER
(MALE) SWABI

District Education Officer
(Male) Swabi

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.883 of 2018

Mr.Nizar Ali S/O Sher Ullah Village Adina, District Swabi SDM (GHS No.2 Yar Hussain.....**Appellant**

VERSUS

1. Secretary E&SE Khyber Pakhtunkhwa Peshawar
2. Director E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education (E&SE) Male Swabi

.....**Respondents**

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 01 TO 03

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the up-gradation is outside the scope and ambit of Service Tribunal, hence, the instant service appeal is not maintainable.
2. That fixation and re-fixation of pay is outside the scope and ambit of the Service Tribunal, hence, the instant appeal is not maintainable.
3. That appeal of the appellant is hit by the Principle of laches,hence not maintainable and is also liable to be dismissed.
4. That no scope of repeated appeals/representations available to the Civil Servant and the period of limitation could not be extended by repeated representations, hence the instant appeal is not maintainable.
5. That the departmental appeals and Service appeal are badly time barred, hence the instant appeal is not maintainable.
6. That the Appellant has no locus standi or cause of action to file the instant Appeal
7. That the Appellant has not come to the Tribunal with clean hands.
8. That the Appellant concealed the material facts from the Honourable Tribunal.
9. That the Appellant has filed the instant Appeal just to pressurize the respondents.
10. That the Appellant is estopped by his own conduct to file the instant appeal.
11. That, the Appeal is not maintainable in the present form and also in the present circumstances of the issue.

Facts.

1. Incorrect, hence denied. As evident from annexure-A of the appeal, the appellant was not employed but in fact, promoted as SDM BPS-16 regular and posted at GHS No.2 Yar Hussain (Swabi) vide the competent authority order dated 27.07.2015.

2. That the para relates to the initial recruitment of the appellant as DM BPS-09.

3. Incorrect, hence denied. The appellant was not promoted but awarded BPS-14 on BA 2nd Davison w.e.f. 21.01.1998 vide Divisional Director Education (Schools) Mardan dated 11.05.1998.

4. Incorrect, hence denied. The appellant was not promoted but granted/up-graded BPS-15 on passing BA Examination w.e.f. 01.10.2007 vide order dated 17.03.2009.

5. Admitted to the extent that the clarification of one step up-gradation in pursuance of the Finance Department Govt.of Khyber Pakhtunkhwa, Peshawar No.FD/SO(FR)/7-

District Education Officer
(Male) Swabi

20/2015 dated 30.06.2015 and No..KC/FD/SO(FR)/7-20/2015-16 dated Peshawar the 23.02.2016 was made and the order of deserving incumbents was issued thereby dated Swabi the 26.03.2016 while the appellant was promoted to BPS-16 regular from BPS-15 on 27.07.2015. He was already promoted to BPS-16 regular before the issuance of up-gradation order. It is stated that" Civil Servant, under the garb and cloak of financial benefits, could not demand up-gradation of the post retrospectively from Service Tribunal, such being outside the scope and ambit of the Service tribunal." The same is reported in 2009 PLC (CS) 712 Supreme Court. It is mind boggling to note how can a person already promoted to BPS-16 regular claims same BPS-16 personal in one step up-gradation? Furthermore, two benefits on the same designation in the same month and year are against the Pay Fixation Rules.

6. Incorrect, hence denied. He has been promoted on regular basis to BPS-16 and he claims one step up-gradation in BPS-16 personal during the same month and year which is illogical and against the Pay Fixation Rules. Furthermore, it is stated that" Civil Servant, under the garb and cloak of financial benefits, could not demand up-gradation of the post retrospectively from Service Tribunal, such being outside the scope and ambit of the Service tribunal." The same is reported in 2009 PLC (CS) 712 Supreme Court.
The issue of Pay Fixation and Re-Fixation is elaborately discussed in the judgment reported as 1990 SCMR 1106 wherein it has been held that such matter falls out of jurisdiction of this Tribunal. The similar nature case Service Appeal No.770 of 2016 with title Muhammad Siddique V/S Accountant General Khyber Pakhtunkhwa and 04 others, has been dismissed due to lack of jurisdiction of this Tribunal.
Furthermore, in the present appeal where the matter of up-gradation is involved and the appellant has prayed for up-gradation, therefore, this Tribunal has got no jurisdiction to entertain the instant appeal. Same is reported in 2016 SCMR 859.
Service Appeal No.1248 of 2013 has already been dismissed for want of jurisdiction by this Honouralbe Tribunal vide judgment order dated 10.05.2017 SA No.770 of 2016, SA No.1248 of 2013 and formal sanction for award of one step up-gradation are annexed as A,B&C.

7. That the application/representation of the appellant has been rejected due to barred by time badly. Furthermore, he was promoted from BPS-15 to BPS-16 on regular basis vide DEO(M) Swabi order dated 27.07.2015 while the one step up-gradation from BPS-15 to BPS-16 personal was issued vide DEO(M) Swabi order dated 26.03.2016.

8. Admitted, the respondent No.3 rejected the appeal on solid/cogent reasons as mentioned earlier.

9 That the appellant instead of filling service appeal, he made a repetitive departmental appeal, which has no legal effect. As there is," no scope for repeated appeals/representations available to the civil servants and the period of limitations could not be extended by the repeated representations." the same is reported in 2001 SCMR 912, 2004 SCMR 497,2009 PLC (CS)89 and 2007 PLC(CS)15. That the appeal of the appellant has not legal effect and the service appeal is badly time barred.

10. Admitted to the extended, that the Director Elementary and Secondary Education Khyber Pakhtunkhwa , rejected his representation and conveyed to the DEO(M) Swabi. The DEO(M) Swabi also conveyed the rejection of the repetitive Departmental appeal to the appellant through his immediate boss i.e. Principal GHS No.2 Yar Hussain accordingly. (Copy annexed as D).

District Education Officer
(Male) Swabi

11. Incorrect and strongly denied. The rejection order of the departmental repetitive appeals was conveyed to the appellant through proper channel accordingly as discussed in length in the previous para.

Grounds.

That the impugned orders are correct, legal and effective on the following grounds.

i. That the appellant is getting his salary in BPS-16 regular w.e.f. 22.07.2015. It is pertinent to say that the up-gradation is outside the scope and ambit of this Tribunal.

ii. Incorrect, hence denied. He was awarded BPS-16 on regular basis in the month of July, 2015. His claim for the award of BPS-16 personal in the same month and year is quite ludicrous.

iii. Incorrect, hence strongly denied. The appellant has been given BPS-16 regular w.e.f. 22.07.2015. He has also been granted pre-mature increment on promotion to BPS-16 regular w.e.f. 22.07.2015. He admitted all such benefits with out any agitation. Now, after passing a reasonable period of three (03)years, his agitation is beyond the scope of human mind as well as contradiction with the rules, law and policy. Double benefits on the same qualification, length of service, same month and year, has no legal effect and rightly not entertained by the time.

iv. Incorrect, hence denied. He has been awarded promotion which is more beneficial than up-gradation. If he options up-gradation instead of promotion, the department will have no objection but as per recruitment/ transfer/ posting rules, 1989. If he declines his promotion and option for up-gradation, he shall not claim such promotion for the next four (04) years. Due to want of jurisdiction, this Tribunal can not entertain the matter of up-gradation.

v. Incorrect, hence denied. The appellant has been promoted on the basis of same qualification, same length of service in the same month and year he has already been granted pre-mature increment, there is no any financial loss occur to the appellant. He is receiving his salary as per his stage and length of service and there is no deficiency in salary admissible to him according to pay fixation rules. Hence, limitation runs in this particular case. Furthermore, the matter of fixation and re-fixation of pay falls out of jurisdiction of this Tribunal.

vi. Incorrect, hence denied. the appellant has no right to be granted the benefits of one step up-gradation because he has already availed benefits on the same qualification, length of service in the same month and year in the shape of promotion.

vii. That the respondents seek permission of this Honurable Tribunal to raise/claim further grounds on the day of arguments

In wake of the above submissions, it is requested that this Honourable Service Tribunal may graciously be pleased to dismiss the instant appeal in favour of the respondent department with cost.

District Education Officer
(Male) Swabi
District Education Officer
(Male) Swabi

Director Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Secretary Elementary & Secondary Education
Department Govt:of KPK

(4)

AFFIDAVIT

We do hereby solemnly affirm and declare on oath that the contents of the para wise comments are true and correct to the best of our knowledge and belief, nothing has been concealed from this Honourable Tribunal.

DISTRICT EDUCATION OFFICER
(MALE) SWABI

District Education Officer
(Male) Swabi

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.883 of 2018

Mr.Nizar Ali S/O Sher Ullah Village Adina, District Swabi SDM (GHS No.2 Yar Hussain.....**Appellant**

VERSUS

1. Secretary E&SE Khyber Pakhtunkhwa Peshawar
2. Director E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education (E&SE) Male Swabi

.....**Respondents**

Reply to the application for condonation of delay

1. That the appellant himself admits, his grievance is related to the fixation of pay. The issue of pay fixation and re-fixation is elaborately discussed in the judgment reported as 1990 SCMR 1106, wherein it has been held that such matter falls out of jurisdiction of this Tribunal.
2. Incorrect, hence denied. Both the impugned orders were endorsed and conveyed to the appellant within time accordingly. The excuse of the appellant in this regard has no legal effect.
3. Incorrect, hence denied. The appellant is not effected/aggrieved person. He is regularly receiving his salary as per his stage and length of service and there is no deficiency in salary admissible to him according to pay fixation rules. Hence, limitation runs in this particular case. His departmental repetitive appeals as well as service appeal are badly time barred.
4. Incorrect, hence denied. He has been awarded promotion which is more beneficial than up-gradation. Furthermore, double benefits on the same qualification, length of service in the same month and year has no legal effect. Hence valuable rights of the appellant are not involved in the captioned appeal.
5. Incorrect, hence denied. The captioned appeal is hit by limitation and the principle of laches, because no valuable rights of the appellant are involved in the captioned appeal.

In wake of the above submissions, it is requested that this Honourable Service Tribunal may graciously be pleased to reject the application for condonation of delay.

District Education Officer
(Male) Swabi
District Education Officer
(Male) Swabi

AFFIDAVIT

We do hereby solemnly affirm and declare on oath that the contents of the reply to the application for condonation of delay are true and correct to the best of our knowledge and belief, nothing has been concealed from this Honourable Tribunal.

DISTRICT EDUCATION OFFICER
(MALE) SWABI
District Education Officer
(Male) Swabi

Annexure-A

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL, PESHAWAR

Appeal No. 770/2016

Date of Institution ... 26.07.2016

Date of Decision ... 29.11.2017

Khyber Pakhtunkhwa Service Tribunal Peshawar

Muhammad Siddique,
C.T.(G) Teacher Govt: High School Haryan District Swabi.
... (Appellant)

VERSUS

1. Accountant General Khyber Pakhtunkhwa, Peshawar and 4 others.
... (Respondents)

MR. ZIA-UR-REHMAN TAJIK, Advocate ... For appellant

MR. ZIAULLAH, Deputy District Attorney, ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant is aggrieved from pay fixation dated 25.01.2016 against which he filed departmental appeal on 10.02.2016 which was not responded to and thereafter the appellant filed the present service appeal on 26.07.2016.

Dist. Education Officer
(Male) Swabi

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ARGUMENTS.

3. The learned counsel for the appellant argued that the present appeal is though barred by time by one months and 16 days but the appeal involves the financial loss to the appellant which does not attract the period of limitation. He further argued that the post of the appellant was up-graded first from BPS-12 to BPS-14 in the year 2013 and then to BPS-15 in the year 2015. That the pay of the appellant was fixed in BPS-15 and later on through impugned entry dated 25.01.2016 the pay was reduced. The learned counsel for the appellant next contended that once a valuable right had accrued to the appellant it could not be withdrawn on the principle of *locus-poenitentiae* and also on the ground that valuable right once accrued cannot be withdrawn. He further added that the department also ordered for the recovery of some amount which was paid to the appellant. That this recovery cannot be effected as once payment of salary made to the civil servant it cannot be recovered. In support of these arguments the learned counsel for the appellant relied upon some judgments reported as 2015 PLC (C.S) 500, 2007 SCMR 1451,2011 SCMR 1220, 2007 PLC (C.S) 364 and 2014 CLC 643.

4. On the other hand, the learned Deputy District Attorney argued that this Tribunal cannot enter into merits of the appeal as it lacks the jurisdiction. He further argued that in view of judgment reported in 1990 SCMR 1106 and 2016 SCMR 1206 the matter of pay fixation is outside of the ambit of Service Tribunal. He also relied upon a judgment delivered by this Tribunal in appeal no. 467/2012 entitled *"Sajid Ferdous-vs-Govt: of Khyber Pakhtunkhwa"* decided on 20.09.2017.

ATTESTED

EXAMINER

District Education Officer
(Male) Swabi

5. In reply to these arguments the learned counsel for the appellant argued that the matter of pay fixation falls within the terms and conditions of the civil servant and this Tribunal has the jurisdiction. He further argued that since Code of Civil Procedure, 1908 is applicable to the procedure of this Tribunal, this Tribunal has every power of civil court.

CONCLUSION.

6. Admittedly the issue in this appeal is a matter of pay fixation. The re-fixation was ordered by the Account Office due to deficiency in required length of service. The issue of pay fixation and re-fixation is elaborately discussed in the judgment reported as 1990 SCMR 1106 wherein it has been held that such matter falls out of jurisdiction of this Tribunal. This Tribunal in the above mentioned case has already decided the matter of fixation and re-fixation of pay that the jurisdiction falls with the Civil Court. The arguments of the learned counsel for the appellant regarding the powers of Civil Court vested in this Tribunal are not convincing because the applicability of the Code of Civil Procedure is only to the extent of procedure in those matter on which the special law regulating this Tribunal is silent. Secondly this Tribunal is not the creation of Code of Civil Procedure or the West Pakistan Civil Courts Ordinance 1962, therefore it cannot be termed a Civil Court for assuming jurisdiction under Section-09 of the Code of Civil Procedure 1908. The matter of terms and conditions qua pay has elaborately been discussion in the judgment of the august Supreme Court of Pakistan mentioned above and this Tribunal cannot discuss the same issue again.

ATTESTED

District Education Officer
(Male) Swabi

7. In view thereof this Tribunal lacks jurisdiction and the appeal is therefore dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(NIAZ MUHAMMAD KHAN)
CHAIRMAN

(AHMAD HASSAN)
MEMBER

ANNOUNCED
29.11.2017

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 29-11-17
Number of Words 1600
Copying Fee 10.00
Urgent —
Total 10.00
Name of Copyist
Date of Completion of Copy 13-12-17
Date of Delivery of Copy 13-12-17

Distt. Education Officer
(Male) Swabi

Annexure - B

(10)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 1248/2013

Date of institution ... 26.07.2013
Date of judgment ... 10.05.2017

Abdul Salam S/o Hazrat Gul,
Arabic Teacher,
Govt. High School Beesak, Gadoon, District Swabi.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
2. Director, Elementary & Secondary Education, Government of Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male Swabi).

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 02.03.2013 WHEREBY THE NAME OF THE APPELLANT HAS BEEN DELETED FROM THE UPGRADATION LIST AS ISSUED ON 21.02.2013.

Mr. Tajjamul Shah, Advocate. .. For appellant.
Mr. Ziaullah, Deputy District Attorney .. For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. AHMAD HASSAN .. MEMBER(EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: This service appeal has been directed against the order dated 02.03.2013 whereby the name of the appellant has been deleted from the upgradation list issued on 21.03.2013. The appellant challenged

ATTESTED
Khyber Pakhtunkhwa Service Tribunal, Peshawar

District Education Officer (Male) Swabi

the same through departmental appeal dated 29.03.2013 which was not responded and hence the instant service appeal.

2. Facts of the case are that the appellant was appointed as Arabic Teacher on 22.02.1998. The appellant was then promoted to BPS-15 on 09.01.2007 and according to the final seniority list issued by the Executive District Officer (Male) Swabi for the Arabic Teachers (Male) the appellant name was mentioned at serial No. 34. The process of upgradation was initiated by the respondent-department, the appellant being amongst the senior most in the seniority list was also upgraded to the Senior Arabic Teacher (BPS-16) and his name was placed at serial No. 17 vide notification no. 4223-29 dated 21.02.2013. That just after 10 days another notification no. 695-G dated 02.03.2013 was issued by the District Education Officer (Male) Swabi whereby a fresh list of upgraded promotees was issued by the said respondent. However, the name of the appellant was deleted from the said list and the appellant was again degraded to BPS-15. That the appellant being aggrieved from the above noted act of the respondents filed a departmental appeal dated 29.03.2013 but no response, hence the present service appeal.

3. At the very outset learned Deputy District Attorney for the respondents contended that in the present appeal the matter of upgradation is involved and the appellant has prayed for upgradation, therefore, this court has got no jurisdiction to entertain the present appeal. He also relied on 2016 Supreme Court Monthly Review page 859 in this regard.

4. Learned counsel for the appellant when confronted with the above contention of learned Deputy District Attorney of the respondents could not controvert the contention of the learned Deputy District Attorney of the respondents.

5. Admittedly in the present service appeal the matter of upgradation is involved and the appellant has prayed for upgradation. The issue of upgradation does not form part of the terms and conditions of service of the civil servants, therefore, this court has got not jurisdiction to entertain the present appeal as it was held in Supreme court

ATTESTED

EXAMINER

District Education Officer
(Male) Swabi

Monthly Review 2016 page 859 that the issue of upgradation could be decided by the High Court in exercise of its constitutional jurisdiction under Article 199 of the Constitution.

6. In light of the above discussion this court has got no jurisdiction to entertain the present appeal. As such the appeal is dismissed for want of jurisdiction. Parties are left to bear their own costs. File be consigned to the record room.

DISMISSED.

Sd/- M. Amin Khan Kundi,
Member

Sd/- Ahmad Hassan,
Member

Distt. Education Officer
(Male) Swabi

Annexure-C (13)

DISTRICT EDUCATION OFFICE (MALE) SWABI
(Office phone & Fax No 0938280239, emis_swabi@yahoo.com)

FORMAL SANCTION.

In pursuance of the finance Department Govt: of Khyber Pakhtunkhwa Peshawar No FD/SO (FR) 7-20/2015 dated 30-6-2015 and No KC/FD/SO (FR)/7-20/2015-16 dated Peshawar the 23-2-2016, formal sanction to the award of one step up gradation to the following teachers are hereby accorded with effect from 1/7/2015.

S/No	Name with Designation	Name of School	Remarks
1	Saeed Gul CT	GHS Dodher	
2	Hazrat Hussain CT	GHS Dodher	
3	Mian Muhammad Sohail CT	GMS Bhatai	
4	Noorul Hadi CT	GHS Jalbai	
5	Muhammad Tariq PET	GMS Tordher	
6	Khalid Anwar CT	GMS Miangan Dobian	
7	Amjad Ali DM	GHS Bazargi	
8	Kifayat Ali Shah AT	GHS Bazargi	
9	Ishtiaq Arshad CT	GHS Lahor	
10	Mehmood Ahmad AT	GHS lahor	
11	Umar Ghani CT	GHS Lahor	
12	Iftikhar Ahmad PET	GMS Sandwa	
13	Khair Ul Aman PET	GMS Och Khwar	
14	Muhammad Sadiq PET	GMS Bhatai	
15	Muhammad Wisal DM	GHS Dobian	
16	Nabi Gul CT	GMS Serai Utmanzai	
17	Musadiq Shah CT	GMS Serai Utmanzai	
18	Gul Nawaz Khan DM	GMS Serai Utmanzai	
19	Muhammad Irshad CT	GMS Amrai Bala	
20	Abdul Qayoum Khan CT	GMS Tordher	
21	Waqar Ahmad PET	GMS Dandoqa	
22	Atta Ullah CT	GMS Zikriya Khurd	
23	Pervaz Khan CT	GHSS Dobian	
24	Sabir Khan PET	GHSS Dobian	
25	Shah Kausar CT	GHSS Bobian	
26	Anisul Hassan CT	GHSS Dobian	
27	Haidar Zaman CT	GHS Shahmansoor	
28	Khair Muhammad CT	GHS Shahmansoor	
29	Amjad Ahmad CT	GMS Marghuz	
30	Khalid Muhammad PET	GMS Ghazi Kot	
31	Ghani Gul CT	GMS Jamal Abad	
32	Muhammad Ayaz Qari	GHS Pehure Helmlet	
33	Muhammad Javed CT	GHS Pehure Helmlet	
34	Khan Muhammad CT	GHS Pehure Helmlet	
35	Iqbal Shah CT	GMS Chontrai	
36	Muhammad Ameen CT	GMS Ghazi Khot	
37	Zakir Rehman AT	GMS Ghazi Khot	
38	Khalid Khan DM	GMS NO1Swabi	
39	Qamar Zaman CT	GMS Mathra	
40	Ishtiaq Hussain AT	GHS Sikandari	
41	Muhammad Haroon PET	GHS Sikandari	
42	Fazli Qadar CT	GHSS Saleem khan	
43	Nasur Ullah AT	GMS Bikot	
44	Muhammad Shabir CT	GHS Zarobi	
45	Mufeed Khan PET	GHS Zarobi	
46	Muslim Bhadar CT	GHS Zarobi	
47	Akbar Ali CT	GHSS Saleem Khan	
48	Zar Wali khan CT	GHS Zarobi	

District Education Officer
(Male) Swabi

49	Abdul Wahid CT	GHSS Saleem Khan	
50	Mohammad Ali CT	GHS NO1 Saleem khan	
51	Wasal Khan CT	GMS NO Swabi	
52	Muntasar Khan CT	GMS NO1 Swabi	
53	Waqif Khan PET	GMS NO1 Swabi	
54	Muhammad Wahab CT	GMS NO1 Swabi	
55	Hussain Ahmad CT	GHS NO2 Saleem khan	
56	Altaf Hussain CT	GHS NO2 Saleem Khan	
57	Sher Ali Khan CT	GHS NO2 Saleem khan	
58	Muhammad Inam DM	GHS NO2 Saleem Khan	
59	Shujat Ali CT	GHSS Ayub khan killi	
60	Sher Nawas Khan CT	GHS Asota	
61	Muhammad Raiz DM	GHSS Ayub Khan Killi	
62	Noor Ul Ameen PET	GHSS Ayub Khan Killi	
63	Guzar Ali Shah CT	GMS Amrai Bala	
64	Muhammad Naeem CT	GMS Amrai Bala	
65	Zaid Ur Rahman CT	GMS Nazar Banda	
66	Husnul Amin CT	GMS Nazar Banda	
67	Ikram Ullah PET	GMS Nazar Banda	
68	Naveed Khan CT	GHSS Ismaila	
69	Syed Sultan Ali Shah	GHSS Ismaila	
70	Sardar Hussain CT	GMS No 1 Swabi	
71	Sardar Ali CT	GMS Bhatai	
72	Gulab Sher CT	GMS Bhatai	
73	Iftikhar Ali CT	GHS Turlandi	
74	Shariq Khan AT	GMS Anbar	
75	Wali Ullah CT	GMS No 1 Topi	
76	Sajjad Ahmad Jan PET	GMS No 1 Topi	
77	Saeed Ul Haq AT	GHSS Chanai	
78	Ali Afsar Khan DM	GMS Thand Koi	
79	Ibadullah CT	GMS Thand Koi	
80	Muhammad Haroon DM	GHS Karnal Sher Killi	
81	Inamullah DM	GHS Karnal Sher Killi	
82	Ghani Rahman CT	GHS Karnal Sher Killi	
83	Hamayoun Khan CT	GHS karnal Sher Killi	
84	Zahoor Ahmad CT	GHS karnal Sher Killi	
85	Hassan Muhammad CT	GHS karnal Sher Killi	
86	Akhtar Ali CT	GHS karnal Sher Killi	
87	Muhammad Khalid PET	GHS karnal Sher Killi	
88	Muhammad zada CT	GHS karnal Sher Killi	
89	Basheer Ahmad PET	GCMHS Marghuz	
90	Muhammad Saleem khan lab:Asst	GHSS Kabgani	
91	Shezad Khan Lab:Asst	GHSS Kabgani	
92	Faqir Muhammad Lab:Asst	GHSS Kabgani	
93	Waqas Ahmad Lab:Asst	GHSS Kabgani	
94	Shida Muhammad CT	GHS Turlandi	
95	Khalid Anwar CT	GMS kalu Dher	
96	Sadiq Hussain PET	GMS kalu Dher	
97	Amin Ul Haq CT	GMS Mangal Chai	
98	Abdul khitab CT	GMS Mangal Chai	
99	Muhammad Iqbal AT	GHS NO2 Maneri Payan	
100	Muhammad Tariq CT	GHS Maneri Bala	
101	Atta Ur Rahman CT	GHS Maneri Bala	
102	Jehan Ali PET	GHS NO2 Maneri Payan	
103	Fazli Mabood AT	GMS Kalu Dher	
104	Muhammad Ibrahim CT	GHS karnal Sher Killi	
105	Faqir Hussain CT	GHS karnal Sher Killi	
106	Hamayoun Khan CT	GHS Turlandi	
107	Mukhtiar Mohammad CT	GHS karnal Sher Killi	
108	Said Arab Khan DM	GHS Swabi	
109	Mira Khan CT	GHS Swabi	
110	Saleh Ur Rehman PET	GHS Sher Dara	
111	Syed Bakht Shah CT	GMS Jalsai	
112	Muhammad Raiz AT	GMS Jalsai	
113	Sher Afsar Khan CT	GMS Seen Kheil	

Distt. Education Officer
(Male) Swabi

114	Fazal Hussain PET	GMS Seen Khail	
115	Mushtaq Ali PET	GHS Gulo Dheri	
116	Haq Nawaz CT	GHS Gulo Dheri	
117	Anwar Sher PET	GMS Lalo Dheri	
118	Abdul Qadeem AT	GMS Lalo Dheri	
119	Muhammad Zubair PET	GHS Sudher	
220	Nosher Bacha CT	GHS Sudher	
221	Raiz Ahmad PET	GHS Swabi	
222	Pervez Khan CT	GHS Swabi	
123	Muhib Ullah CT	GHS Seri	
124	Musif Khan CT	GHS Seri	
125	Muhammad Kamal CT	GHS Seri	
126	Mukhtiar Muhammd CT	GHS Sardchina	
127	Mohammad Ali CT	GHS Sardchina	
128	Zafar Ali PET	GHS Sardchina	
129	Abid Hussain DM	GHS Sardchina	
130	Fazli Raziq AT	GHS Sardchina	
131	Shafi Ullah CT	GMS Shah Dad Kalli	
132	Muhammad Alyas CT	GMS Shah Dad Kalli	
133	Muhammad Inam PET	GMS Shah Dad Kalli	
134	Zahir Ali PET	GMS Jangi Dher	
135	Rahman Zeb CT	GHSS Maneri Payan	
136	Hamid Iqbal CT	GHSS Maneri Payan	
137	Sher Ali Khan CT	GHSS Maneri Payan	
138	Mohammadi Esha CT	GHS Bakatra	
139	Faiz Khan DM	GHS Bakatra	
140	Hazar Jamal AT	GHS Batakra	
141	Qurasih Khan AT	GMS Takail	
142	Naeem Khan PET	GMS Takail	
143	Khair Ul Aman PET	GMS Och Khawar	
144	Muhammad Farid CT	GMS Main kalli	
145	Gohar Ali DM	GMS Main kalli	
146	Jehan Afsar CT	GMS Main kalli	
147	Hadim Hussain AT	GMS Main kalli	
148	Shukat Ali CT	GMS Jamal Abad	
149	Muhammad Tahir Dm	GMS Jamal Abad	
150	Zahid ali Khan PET	GMS Jamal Abad	
151	Waqar Ahmad AT	GMS Jangal Khail	
152	Aman Sher DM	GMS Jangal Khail	
153	Tila Mohammad CT	GMS Jangal Khail	
154	Fazli Malik CT	GMS Jangal Khail	
155	Fazli Rabi AT	GMS Garib Abad	
156	Jan Mohammad PET	GMS Bakar	
157	Muhammad Jamil CT	GMS Takail	
158	Khan Bahadar DM	GMS Bakar	
159	Amjad Ali AT	GMS Bakar	
160	Khybar Zaman AT	GMS Rafiq Abad	
161	Muhammad Israil CT	GMS Rafiq Abad	
162	Khair UL Aman PET	GMS Rafiq Abad	
163	Sher Ali PET	GMS Ahad Khan	
164	Gul Rehman CT	GMS Ahad Khan	
165	Imran Khan CT	GSBASHS Shewa	
166	Ibad Ullah CT	GSBASHS Shewa	
167	Badar Munair CT	GSBASHS Shewa	
168	Muhammad Javid CT	GSBASHS Shewa	
169	Noor Ahmad CT	GMS Wisal Abad	
170	Abdul Mustaan AT	GMS Naik Nam	
171	Inam UL Hadi DM	GMS Och Khwar	
172	Almgir Khan DM	GMS Ahad Khan	
173	Qamar Ali Khan	GMS Ahad Khan	
174	Sher Afsar Khan CT	GMS Seen Khail	
175	Fazal Hussain PET	GMS Seen Khail	
176	Anwar Zeb CT	GHS Ghulama	
177	Akhtar Ali CT	GHS Ghulama	
178	Abdul Hameed AT	GMS Musa Banda	

District Education Officer
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179	Muhammad Farooq Khan CT	GMS Musa Banda	
180	Azghar Ali AT	GMS Wisal Abad	
181	Nasrul Wahab CT	GMS Wisal Abad	
182	Sarzamin Khan CT	GMS Ahad Khan	
183	Naeem Ullah CT	GMS Beka	
184	Safdar Ali AT	GMS Beka	
185	Alyas Muhammad DM	GMS Gar Aka Khail	
186	Abdul Samad CT	GMS Gar Aka Khail	
187	Liaqat Ali PET	GHS Anbar	
188	Shah Jehan CT	GHS Anbar	
189	Abdul Wali khan CT	GHS Anbar	
190	Muhammad Sheraz CT	GHS Topi	
191	Zahid Ali Shah CT	GHS Topi	
192	Noor Dad Khan CT	GHS Topi	
193	Abdul Saleem CT	GHS Topi	
194	Muhammad Rehan CT	GHS Topi	
195	Ijaz Muhammad PET	GMS Bori	
196	Rahman Ghani AT	GMS Bori	
197	Shamsutabriz CT	GMS Bori	
198	Jamriz Khan CT	GHS Pabaini	
199	Mukhtiar Ghani AT	GHS Pabaini	
200	Taj Ali CT	GHS NO2 Dagi	
201	Jan E Alam Qari	GHS Murghuz	
202	Abdul Qayum CT	GHS Marghuz	
203	Khalis Khan DM	GHS Lahore	
204	Arshad Basheer PET	GHS Lahore	
205	Bacha Gul CT	GHS lahore	
206	Shakil Udin CT	GHS Lahore	
207	Muhammad Nawaz CT	GHS Lahore	
208	Syed Moeen Shah AT	GHS NO2 Zaida	
209	Maqsood Ahmad CT	GHS NO2 Zaida	
210	Shah Rahman DM	GHS NO2 Zaida	
211	Abdul Waris PET	GHS NO2 Zaida	
212	Noor Ul Wahab PET	GHS NO2 Zaida	
213	Said Muhammad AT	GMS Gandaf	
214	Farooq Ahmad CT	GMS Salah	
215	Muhammad Iqbal CT	GHS Manki	
216	Irfan Ali DM	GHS Sikandari	
217	Zahid Sultan CT	GHS Shiek Dheri	
218	Shahid Anwar PET	GHS Sikandari	
219	Saleem Nawaz DM	GHS Ghulama	
220	Ateeq Ahmad CT	GHS kala	
221	Zaheen Shah CT	GHS kala	
222	Shukat Ali CT	GHS Kalabat	
223	Shakir Ali PET	GHS Kalabat	
224	Bashir Ahmad DM	GHS Kalabat	
225	Muhammad Saeed Khan CT	GHSS BamKhail	
226	Javed Haider CT	GMS NO 2 Swabi	
227	Syed Wiqar Alam DM	GHSS kalu Khan	
228	Syed Nisar CT	GHSS Kalu khan	
229	Malik Taj CT	GHS Sheik Jana	
230	Rajmali Khan CT	GHS Parmoli	
231	Hazar Yousif CT	GMS Adam Abad	
232	Fida Ullah DM	GMS Aman Kote	
233	Saleem Ur Rehman PET	GMS Aman Kote	
234	Anwar Shah DM	GHS Sari	
235	Manzoor Ali PET	GHS Ghulama	
236	Gohar Aman DM	GMS Marghuz	
237	Uzaur Mohammad CT	GHS Hund	
238	Khizar Hayat CT	GHS Pak kaya	
239	Zahid Khan DM	GHS Hund	
240	Raiz Ul Amin CT	GMS NO2 Topi	
241	Wazir Zada AT	GMS NO2 Topi	
242	Shoukat Ali CT	GHSS Jalasi	
243	Satar Ali CT	GHSS Jalasi	

District Education Officer
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244	Bashir Ahmad CT	GHSS Jalsai	
245	Shabir Ahmad PET	GHSS JAlsai	
246	Amjad Ali PET	GHSS Naranji	
247	Muhammad Shafiq PET	GMS Shewa	
248	Jehan Iqbal CT	GHS Spin Kari	
249	Sher Wali Khan PET	GHS Spin Kari	
250	Mujahid Ali CT	GMS Roshan Pura	
251	Mashooq Ali DM	GMS Roshan Pura	
252	Hazar Hussain AT	GMS Karnal Sher killi	
253	Midrar Ahmad DM	GMS Karnal Sher killi	
254	Hafiz Noor UL Hakam CT	GMS Karnal Sher killi	
255	Azghar Khan CT	GMS Karnal Sher killi	
256	Ashraf Ali PET	GHS Jehnda	
257	Mursaleen Khan CT	GHSS Tarakai	
258	Midrar Ullah CT	GHSS Tarakai	
259	Ajmal Frahad CT	GHSS Panjpir	
260	Inyat Ullah CT	GHSS Panjpir	
261	Zarshed Khan CT	GHSS Tarakai	
262	Anwar Zeb PET	GHSS Tarakai	
263	Rohal Amin DM	GHSS Tarakai	
264	Gul Hayat CT	GHSS Tarakai	
265	Raiz Ali CT	GHS NO1 Yarhussain	
266	Dar Ul Aman CT	GHS NO1 Yarhussain	
267	Muhammad Tahir CT	GHS NO1 Yarhussain	
268	Nasur Ullah Khan CT	GHS NO1 Yarhussain	
269	Karam Satar CT	GHS NO1 Yarhussain	
270	Darwish Khan CT	GHS NO1 Yarhussain	
271	Muhammad Fayaz CT	GHS NO1 Yarhussain	
272	Kifyat Shah CT	GHS NO1 Yarhussain	
273	Noor Ul Amin CT	GHS NO1 Yarhussain	
274	Sajjad Hussain Shah CT	GHS NO1 Yarhussain	
275	Shida Younas CT	GMS Och Khwar	
276	Muhammad Sulamin CT	GHS Bazar	
277	Amir Bhadar CT	GHS Bazar	
278	Fazli Malik CT	GHS Jalbai	
279	Sartaj Hussain CT	GHS Jalbai	
280	Mir Aman CT	GHS Jalbai	
281	Mujahid Siad CT	GHS Yaqobi	
282	Sajjad Ahmad PET	GHS Yaqobi	
283	Shad Hussain CT	GMS Nabi	
284	Muhammad Ayaz CT	GMS Nabi	
285	Shahid Zaman CT	GMS Och khwar	
286	Hidyat Ur Rehman CT	GHSS Jehngira	
287	Ihsan ullah CT	GHSS Jehngira	
288	Farooq Zamn CT	GHSS Jehngira	
289	Fazal Wahab DM	GMS NO2 Swabi	
290	Sheraz Muhammad CT	GMS NO2 Swabi	
291	Irfan Ullah CT	GHS Sheik Jana	
292	Sajjad Khan CT	GHS Khota	
293	Muhammad Junaid CT	GHS khota	
294	Manzoor Qadir PET	GHS Khota	
295	Waqif Khan CT	GMS Shewa	
296	Munsif Khan PET	GMS Adam Abad	
297	Raja Khan Ct	GMS Adam Abad	
298	Anwar Mohammad CT	GMS Aman Khot	
299	Lal Badshah CT	GHS Topi	
300	Riaz Muhammad DM	GHS Beesak	
301	Zain Ul Hayat DM	GMS Gar Panj Pir	
302	Bakht Zar Khan PET	GHS Mazghund	
303	Arshad Ahmad DM	GMS No 2 Topi	
304	Fazli Rabi CT	GMS No 1 Topi	
305	Sabz Ali Khan DM	GMS No 1 Topi	
306	Ziad Muhammad CT	GHS Shahmansoor	
307	Faqir Rahman CT	GHS Shahmansoor	
308	Farosh Khan CT	GHS Naro Banda	

Dist. Education Officer
(Male) Swabi

309	Abdul Salam AT	GHS Beesak	
310	Fazli Haq CT	GHS Beesak	
311	Sultan Sher AT	GMS Roshan Pura	
312	Muhammad Saleem PET	GHS sher Ghund	
313	Inayat Khan CT	GMS Ghazi Kot	
314	Ashraf Khan CT	GMS Shagai Maneri	
315	Bakhtiar Khan CT	GMS Miangan Dobian	
316	Muhammad Ayaz CT	GHS Zaida	
317	Fazli Rabi TT	GHS Zaida	
318	Khan Said CT	GHS Zaida	
319	Naseeb Ali CT	GHS Zaida	
320	Muhammad Sadiq PET	GHS Zaida	
321	Arshad Hayat PET	GHS Zaida	
322	Said Bahadar CT	GHS Utla	
323	Muhammad Zahid CT	GHSS Dobian	
324	Inayat Ur Rahman CT	GHSS Dobian	
325	Raza Ullah PET	GHS Manai	
326	Sheraz Khan PET	GHS No2 Salim Khan	
327	Faqir Rahman CT	GMS Gulbahar Maini	
328	Sana Ullah CT	GMS Gulbahar Maini	
329	Sultan Jan PET	GHS Utla	
330	Fida Ullah CT	GMS Urmal Dheri	
331	Fazli Hussain CT	GHS Dagi	
332	Mukhtiar Ali DM	GHS Dagi	
333	Inayat Ur Rehman Qari	GHS Dagi	
334.	Shakil Ahmad DM	GHS Dagi	
335	Javid Anwar AT	GHS Dagi	
336	Rawid Khan PET	GMS Panawal	
337	Shafi Ur Rahman CT	GMS Muhib Banda	
338	Mashooq Ahmad PET	GMS Muhib Banda	
339	Ashraf Ali DM	GMS Muhib Bnada	
340	Abid Ali DM	GMS Kalu Dhier	
341	Inayat Ullah CT	GHSS Jalsai	
342	Zameen Gul PET	GMS Iyren	
343	Ajmad Ali CT	GHS Dagi	
344	Bakht Sher CT	GMS Sandwa	
345	Zafar Iqbal PET	GHS NO2 Dagi	
346	Muhammad Tariq PET	GMS Urmal Dheri	
347	Abdul Qahar DM	GHS NO2 Dagi	
348	Rajmin Khan CT	GHS Gar Munara	
349	Jamshid Iqbal CT	GHS Mangai	
350	Gul Zada DM	GMS Zakarya Khurd	
351	Ajmal Khan PET	GHS Adina	
352	Fazli Elahi CT	GHS Adina	
353	Saleh Zaman AT	GMS Dandoqa	
354	Anwar Zeb DM	GHS NO2 Tordher	
355	Munir Khan AT	GMS Urmal Dheri	
356	Inayat Ullah Shah CT	GHS Beka	
357	Said Rehamn CT	GMS Urmal Dheri	
358	Saeed Gul CT	GHS Maini	
359	Sajjad Ahmad CT	GHS Maini	
360	Bakhtiar Muhammad CT	GHS Maini	
361	Shafi Uz Zaman CT	GHS Maini	
362	Faqir Gul CT	GHS Maini	
363	Jehan Zeb CT	GHS Managi	
364	Abdur Raziq AT	GHS Pajman	
365	Saeed Ullah PET	GHS Pajman	
366	Muhammad Ali CT	GHS Pajman	
367	Fazli Qayyum CT	GHS Managi	
368	Muhammad Qamar CT	GCMHS Marguz	
369	Aziz Ahmad CT	GCMHS Marguz	
370	Sahibzada Rahmat Fahim CT	GMS Kalu Khan	
371	Fazli Hadi DM	GMS Kalu Khan	
372	Fazli Hadi CT	GMS Dandoqa	
373	Sahibzada Muhammad Saleem AT	GMS Kalu Khan	

Distr[illegible]tion Officer
(Mai[illegible]) Swabi

374	Abdul Hameed DM	GSMMHS Kaddi	
375	Fazal Hussain CT	GSMMHS Kaddi	
376	Fazal Malik CT	GMS Zarobi	
377	Muhanimad Shuaib PET	GMS Alla Dheir	
378	Raees Ur Rahman CT	GHS Gar Munara	
379	Shamsul Marif AT	GHS Tano	
380	Khalil Ur Rahman Qari	GHS Tano	
381	Said Rahman CT	GHS Gabasni	
382	Amin Ullah CT	GHS kotha	
383	Imtiaz CT	GHS Mazghund	
384	Noorul Islam CT	GHS Kotha	

Note: - The Drawing and Disbursing Officers should once again check the Service book and insure that the official has not been upgraded after 1-7-2010 and an option from the official be taken in service book that if any over payment is made to him in connection with wrong up gradation it will be deducted from his pay/pension as the Department deemed necessary.

(JEHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
SWABI

Endst No 2730-36 dated Swabi the:- 26/3 /2016.

Copy of the above is forwarded for information and necessary action to the:-

1. Director E & SE Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Swabi.
3. All the Principals/Head Master Concerned.
4. All teachers concerned.
5. ADEO(Estab) Local Office.
6. Budget & Accounts Officer Local Office.
7. Supdn: Secy: Local Office.

DISTRICT EDUCATION OFFICER
(M) SWABI

District Education Officer
(Male) Swabi

Annexure-D (20) (84)

DISTRICT EDUCATION OFFICE (MALE) SWABI

(Office phone & Fax No 0938-280239, *emis_swabi@yahoo.com*).

No 850 / Dated Swabi the:- 31/5/ /2018.

To

The Principal,
Govt: High School No 2 Yar Hussain.

Subject:- DEPARTMENTAL APPEAL.

Memo,

An Departmental appeal in respect of Mr Nizar Ali SDM of your School received from the Director E & SE Khyber Pakhtunkhwa Peshawar No 4745 dated 24-5-2018 with the remarks that the Departmental appeal of the above named teacher is hereby rejected the teacher concerned may be informed accordingly .(Copy attached)

DISTRICT EDUCATION OFFICER
(M) SWABI

District Education Officer
(Male) Swabi

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 4745/F.No.162/Vol:14/Appeal of PST(M)General.
Dated Peshawar the 24.5/2018.

To,

The District Education Officer (M)
Swabi.

Subject:- **DEPARTMENTAL APPEAL.**

Memo:-

I am directed to refer to your letter No.2858 dated 24.03.2018 on the subject cited above and to state that the appeal of Mr. Nizar Ali SDM GHS No.2 Yar Hussain District Swabi in light of DEO (M) Swabi report is hereby rejected.

I am further directed to ask you to inform the teacher concerned accordingly.

Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Endst: No._____/

1. P.A to Director Elementary and Secondary Education local office.

Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

District Education Officer
(Male) Swabi

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL No.883/2018. Hearing 07.03.2019. for arguements

Put up to the court with respondent appeal.

Nizar Ali V/S The Education Department; K.P.K etc;

Rejoinder :-

12/2

Ready

Pry; Objections:-

1. Misconcived. Denied. The Appellant has not claimed the grant of upgradation. But, he has claimed the benifits of upgradation already granted to him i.e; ***The proper fixation of salary.***

Ii to xi:-All the preliminary objections are incorrect, self-made, misconceived, based on malice and misleading. Denied.

Facts:-

1. Misconceived. Denied. The term appointment and promotion means employment. Hence, para-1 of Appeal is correct.

2. No further objection.

3. & 4. Misconceived. Raise in higher pay scale amounts to promotion Para-i & iii of comments are contradictory enter-se.

5. The copies of the referred notifications are not annexed with the comments.

6. Misconceived. The Appellant was Ordered to be granted the one step upgradation, as well as he was holder of requisite qualifications for the grant of the referred benifits. But, inspite of the grant of relevant upgradation. The Appellant, while drawing his salary on 08.02.2018, he learnt that his salary was deficient, as the financial benifits of one pay scale upgradation was not added to his salary. Hence, he has prayed for the proper fixation of his salary by adding the said benifits to his monthly salary.

7. Misconceived. There is no delay. AS, on one side, the limitation starts from the date of knowledge of the relevant matter and secondly, from the date of denial by the relevant authority. Hence, denied. The Appellant had requested for the fixation of his monthly salary, by granting the relevant salary benifits. Hence, the Hon'ble Tribunal has the jurisdiction to direct the relevant financial benefits to the Appelant.

8. No further reply.

9. Incorrect & misleading. Denied. The relevant Appeal was rejected on merits and not on the objection, as being time barred. Hence, the delay, even, if any stands to have been condoned.

10. & 11. Incorrect .Denied. Both the said orders were neither endorsed not communicated to Appellant.

Grounds:-

I. Incorrect and misconceived. Denied. The Appellant has claimed the fixation of his salary as a result of upgradation already granted.

II. To IV. In correct & misleading. Denied, the point is already clarified by the Appellant.

V. Incorrect. Denied. The Appellant was qualified for the proper fixation of his salary with retrospective effect.

VI. Incorrect. Denied.The plea of the Respondents is illegal & incorrect. Both are separate benefits.

VII. Needs no reply.

It is prayed that on acceptance of the captioned Appeal, the Respondents may be directed to be grant the benefits of "one step upgradation" in BPS-16 from 01.07.2015, by Refixation of his salary accordingly, with arrears, along with all other reliefs deemed appropriate by this Hon'ble Tribunal.

The costs of this Appeal may also be awarded in favour of Appellant against the Respondents.

Date.07.01.2017.

Appellant

(Nizar Ali)

Through:-
Muhammad Adam Khan
Advocate Mardan.

Affidavite.

I Nizar Ali/ the Appellant do hereby state on solemn Affirmation that the content of the captioned Appeal and this Rejoinder are true & correct to the best of my knowledge and belief and that the objections raised in the comments are incorrect, illegal and based on malice on the part of respondents.

Date.07.01.2017

Deponent

ATTESTED
ADAM KHAN
Advocate
Notary Public Mardan
09 01
2019