

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.

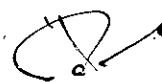
At the very outset, learned Deputy District Attorney resisted the present service appeal on the ground of want of jurisdiction of this Tribunal to entertain the same, being a matter of up-gradation.

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

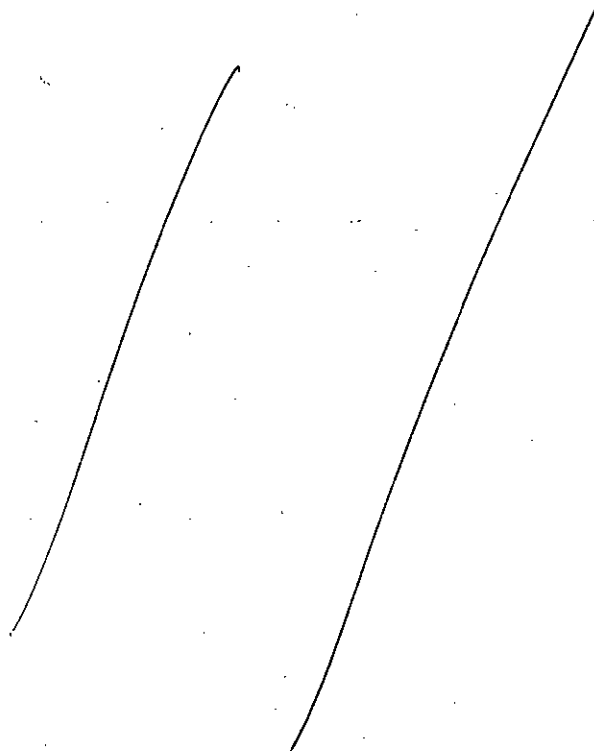
26.04.2019

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

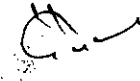


08.01.2019

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

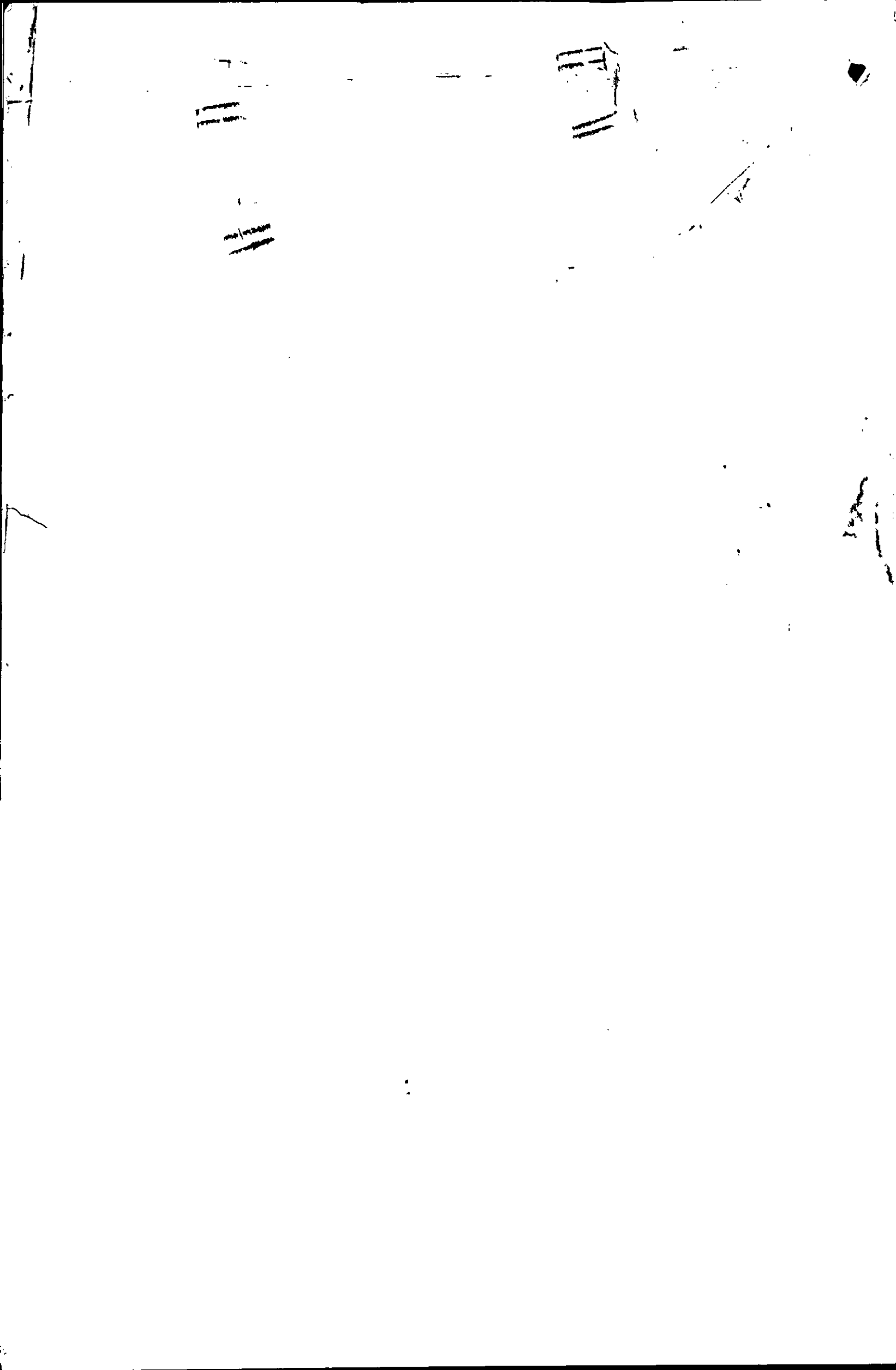


Member



Member

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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.

Appellant Deposited
Security & Process Fee

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.



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

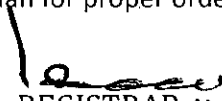




Member

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 12-7-2018	<p>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.</p> <p style="text-align: right;"> REGISTRAR 11/7/18</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>7-8-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
07.08.2018		<p>Neither appellants nor his counsel present. Case to come up for preliminary hearing on 27.09.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 883 /2018

Nizar Ali VS The Secretary, etc;

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4	Service Book.	"B"	9 -- 25
5	Notification dated 30-06-2018	"C"	26 -- 27
6	Notification dated 17-08-2015.	"D"	28 -- 29
7	Notification dated 11-10-2017.	"E"	30
8	Application dated 08-02-2018.	"F"	31
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Total:- 37

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.

Khyber Pakhtukhwa
Service Tribunal

Versus

Diary No. 1143

Dated: 11-7-18

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.

Filed to-day

Registrar
Registrar

11/7/18

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.

GROUND:-

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:-

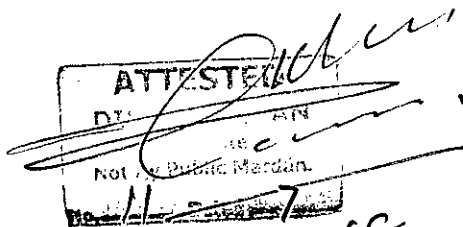

Muhammad Adam Khan
Advocate, Mardan.

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
Notary 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

N
(Nizar Ali)

Through:-

A Khan
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.

N
(Nizar Ali)

A Khan
ATTESTED
MUHAMMAD ADAM KHAN
Advocate
Notary Public Mardan.
No. 11 Dated 10/7/2018

2018

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

S#	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:-

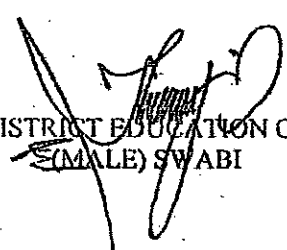
1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case of his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded 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. 110100-11103 / 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

SERVICE BOOK

OF

Mr. D.M. (S. V.)

G.M.S. Ala Dier.

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

Price: Rs. 15.00

Passed SSC (A) Exam in 1989 from BISE
 Dist, under R.No 26829, marks obtained
 472/850 and placed in Grade "C" Page: 10

Hairs,

[Signature]
 District Education Officer
 (Male) Secy: Swabi

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

Left thumb-impression.

[Signature]
 District Education Officer
 (Male) Secy: Swabi

Passed B-A Exam in 1995, from university
 of Quetta, under R.No 35346, marks obtained
 247/550 and placed in 2nd Div. Result Declared
 on 18.3.96.

Pashu

B.L. of *[Signature]*
 District Education Officer
 (Male) Secy: Swabi

Passed Ad. Dvae. in 1993 from BISE Dist Swabi
 under R.No 49914, marks obtained 70/100.

Plan-weaving

Training School Final examination

Finger print

[Signature]
 District Education Officer
 (Male) Secy: Swabi

Passed D.M Course from TANU Malakand Agency
 in 1995-96, under R.No 229, marks obtained
 591/1070 and placed in 2nd Div. Result
 Declared on 13.5.97.

Reserve duties

Passed B-Ed Exam from
 Allama Iqbal Open University
 Islamabad, under R.No. K-6150421
 (Biol) Marks obtained 495/500
 900. Result declared on 12-08-2002

[Signature]
 District Education Officer
 (Male) Secy: Swabi

SST, BPS 1847
 GHS. NO. 2 Yar Hussain
 (Swabi)

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 of P-o Adina mah, Dawatkhel
Teh, Distt. Swabi



4. Father's name and residence Sherullah

5. Date of birth by Christian eras
nearly as can be ascertained 10-4-1973
10th April 14-4 Seventy Three

6. Exact height by measurement 5'-6"

7. Personal marks for identification A mole on face

8. Left hand thumb and Finger impres-
sion of (non-gazetted) officer

Little Finger  Ring Finger 

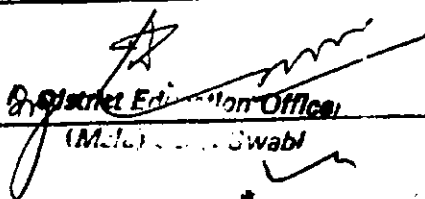
Middle Finger  Pure Finger 

Thumb 

9. Signature of Government servant

Nizar Ali
Nizar Ali

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


District Education Officer
(Male) Swabi

A.W.
SST, BPS 151
QMS NO. 2 Yr 11/11/53
(Swabi)

29

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 debitible to another Government		
				Period	Government to which debitible		
<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>30/11/98 2nd Div</p>	<p>A/gm</p>	<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>Consequent upon his selection by the Departmental Selection Committee, He has been appointed against D.M Post at Pms. Ala Dhar vide DDETS) mardan Endstt. NO 698-711</p>		<p><i>[Signature]</i></p>	<p></p>
<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>30/11/98</p>	<p>A/gm</p>	<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>dated 15.1.98 at S.M.69 in BPS 9 (1605-97-306a) plus usual allowances as admissible under the rules.</p>		<p><i>[Signature]</i></p>	<p></p>
<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>30/11/99</p>	<p>A/gm</p>	<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>Awarded BPS 14 (2065-161-4480) on B.P. 2nd Div. w.e.f 21.1.98 vide DDETS) mardan Endstt NO 6263-64 dated 11.5.98.</p>		<p><i>[Signature]</i> District Education Officer (Male) Secy: Swabi</p>	<p></p>
<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>30/11/2001</p>	<p>A/gm</p>	<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>Arrangd of pay due 2 ansan 98-14 w.e.f 21/1/98 R2544/98</p>		<p><i>[Signature]</i> District Education Officer (Male) Secy: Swabi</p>	<p></p>
<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>30/11/2001</p>	<p>A/gm</p>	<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>(2065-1605)</p>		<p><i>[Signature]</i> District Education Officer (Male) Secy: Swabi</p>	<p>Services Verified w.e.f 21.1.98 to 30.11.98. In the Office record</p>
<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>1/12/2001</p>	<p>Pay Revision</p>	<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p></p>		<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p></p>
<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>30/11/2002</p>	<p>A/gm</p>	<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p></p>		<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>Services Verified w.e.f 1-12-98 to 30.11.99. In the Office record</p>
<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p>30/11/2002</p>	<p>A/gm</p>	<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p></p>		<p><i>[Signature]</i> Dy: D.E.O M Secy: Swabi</p>	<p></p>

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive 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 Mrs. Aladher	Temp		Rs 1605/-			21/98	Nizal
BPS 14 (2065-161-4480)							
do	do		Rs 2065/-			21/98	Nizal
do	do		Rs 2226/-			12/98	Nizal
D.M Mrs. Gazi Kot	do		Rs 2226/-			12/99	Nizal
do	do		Rs 2387/-			12/99	Nizal
do	do		Rs 25487/-			12/2000	Nizal
Retard pay on 11/2/2001 only 22000/-							
do	do		Rs 2709/-			12/2001	Nizal
do	do		D-14 (3100-240-70300)			12/2001	Nizal
do	do		4060/-			12/2001	Nizal
do	do		4300/-			12/2002	Nizal

SST, BPS 16/17
M.S. NO. 2 Yal 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) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substance Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
DMS SST 2 Yar Hussain	Sub off		B-14 (3100-240-10300)			12/25/02	[Signature]
do	do		Rs 4540/-			12/03	[Signature]
do	do		Rs 4780/-			12/04	[Signature]
Pay Revised w.e.f 1-7-05			B-14 (3565-275-11815)				
do	do		Rs. 5490/- Pm			12/05	[Signature]
do	do		Rs. 5765/- Pm			12/05	[Signature]
do	do		Rs. 6040/- Pm			12/06	[Signature]
Pay Revised w.e.f 1-7-07			B-14 Rs. (4100-315-13550)				
do	do		Rs. 6935/- Pm			12/07	[Signature]
do	do		Rs. 7250/- Pm			01/12/07	[Signature]
Pay Revised w.e.f 01-7-08			BPS-14 (Rs. 4920-380-16320)				
do	do		Rs. 8720/- Pm			01/08	[Signature]
do	do		Rs 9100/- Pm			01/12/08	[Signature]

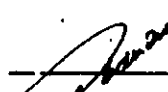
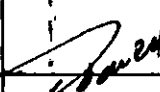
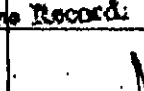

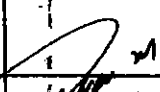
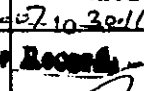
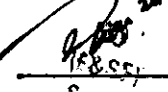
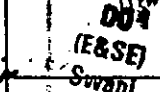
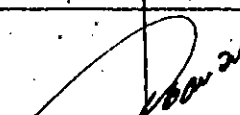
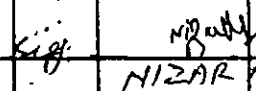
SST, BPS 16/17
G.S. NO. 2 Yar Hussain
(Swabi)

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		Signature of the head of the office or other attesting officer	Reference to any record of 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		
<i>All record</i> Officer Secy: Edu: Swabi.	30/03	A/Inch	<i>All record</i> Officer Secy: Edu: Swabi.	Services	Verified w.o. 1-12-99 30-11-2002 30-11-2002		from the Office record
<i>All record</i> Officer Secy: Edu: Swabi.	30/04	A/Inch	<i>All record</i> Officer Secy: Edu: Swabi.				
<i>All record</i> Officer Secy: Edu: Swabi.	30/05	pay Revised	<i>All record</i> Officer Secy: Edu: Swabi.				
<i>All record</i> Officer Secy: Edu: Swabi.	30/05	A/Inch	<i>All record</i> Officer Secy: Edu: Swabi.		Passed M.A Exam in facts Annual Examinat 2002 from Peshawar University		
<i>All record</i> Officer Secy: Edu: Swabi.	30/07	A/Inch	<i>All record</i> Officer Secy: Edu: Swabi.		Receiving marks 507/1100 placed in 2nd Division. Result declared 18-03-2003.		
<i>All record</i> Officer Secy: Edu: Swabi.	30/07	pay Revised	<i>All record</i> Officer Secy: Edu: Swabi.				
<i>All record</i> Officer Secy: Edu: Swabi.	30/07	A/Inch	<i>All record</i> Officer Secy: Edu: Swabi.				
<i>All record</i> Officer Secy: Edu: Swabi.	30/08	pay Revised	<i>All record</i> Officer Secy: Edu: Swabi.				
<i>All record</i> Officer Secy: Edu: Swabi.	30/08	A/Inch	<i>All record</i> Officer Secy: Edu: Swabi.		Service verified w.o. 1-12-30-11-03 from the Office record of the School		
<i>All record</i> Officer Secy: Edu: Swabi.	31/09	pay Revised	<i>All record</i> Officer Secy: Edu: Swabi.		Service verified w.o. 1-12-05 to 30-11-06 from the A/Roll & other office record.		

SST, BPS 1647
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) Substantive 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/d 02-12-2007 due to upgradation BPS-15 (R.S. 4350-350-14850)						
D.M G.M.S							
Yas Hussain Sub/Off			Rs. 7500/- PM			02/12/07	<i>[Signature]</i>
	Pay Revised w/d 01-7-08 BPS-15 (R.S. 5220-420-17820)						
- DO -	- DO -		Rs. 9000/-			01/2/08	<i>[Signature]</i>
- DO -	- DO -		Rs. 9420/-			01/12/08	<i>[Signature]</i>
	2005 OFFICE OF THE ACCOUNTANT GENERAL N.W.F.F PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES				2007 OFFICE OF THE ACCOUNTANT GENERAL N.W.F.F PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES		
	OF RS. 3565-2750-11815 (B.15) AT RS. 5490/- P.M.W.E.F. 1-07-2005 With Next Increment on 1-12-2005				OF RS. 4400-3150-13550 (B.15) AT RS. 6935/- P.M.W.E.F. 1-07-2007 With Next Increment on 1-12-2007		
	Accounts Officer Pay Fixation Party N.W.F.F. Peshawar				Accounts Officer Pay Fixation Party N.W.F.F. Peshawar		
	5490/14						
	6935/14						
	9000/75						

SST BPS 16/17
GHS NO. 2 Yas Hussain
(2/2/08)

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		
 DO (E&SE) Swabi	30/6/08	pay revised	 DO (E&SE) Swabi		Service Verified w.e.f. 01-12-06 to 30-11-07 from the Office Record.	 D.O. (M) (S & L) SWABI	
 DO (E&SE) Swabi	30/11/08	Absence	 DO (E&SE) Swabi		Service Verified w.e.f. 01-12-07 to 30-11-08 from the Office Record.	 District Officer (M) Elementary & Secondary Education SWABI	
 DO (E&SE) Swabi	30/6/2009	Transferred to High due to reorganization of school	 DO (E&SE) Swabi		Sanction is hereby accorded to the grant of BPS-15 on passing B.A Exam vide N.W.F.P notification Finance Deptt. Notification No- FD/SOCFR/10-22/2007 vol-II dt 12-11-08 and EO-0 CE, SE Swabi Enclt No-1354-Gdt, 17/3/09.		
OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES 1 OF RS. 5725 dt 12-01-2008 (B-15) AT RS 9000 P.M.W.E.F. 1-07-2008 With Next Increment on 1-12-2008							
Accounts Officer Party N.W.F.P Peshawar				 District Officer (M) Elementary & Secondary Education SWABI			
				UNDER TAKING			
				I Mr. NIZAR AZI do hereby give an undertaking to the Government that if any over payment is made to me due to incorrect calculation of pay in BPS-15 and if detected later on, the same will be deducted from my pay/penstom/ gratuity what so ever the Government deem necessary.			
				 NIZAR AZI, DM			

BPS 16/17
 G.S. NO. 2 Yaf Hussainy
 (Swabi)

District Officer (M)
 Elementary & Secondary Education
 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) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substance Post	Additional Pay for officiating	Other emolument 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	M/S - 100
- Do -	- Do -		Rs. 9840/- PM			1-12-2009	M/S - 100
- Do -	- Do -		Rs. 10260/- PM			1-12-2010	M/S - 100
- Do -	- Do -	Revised B.P.S No = 15 (8500-700-29500)				1-7-2011	M/S - 100
- Do -	- Do -		Rs. 16900/- P.M			1-7-2011	M/S - 100
- Do -	- Do -		Rs. 17600/- P.M			1-12-2011	M/S - 100
- Do -	- Do -		Rs. 18300/- PM			1-12-2012	M/S - 100
DM post GMS Yaqoobi	- Do -		Rs. 18300/- PM			26 ⁰² / ₂₀₁₃ (PM)	M/S - 100
DM Post GHS YAGOOBI	- Do -		Rs. 18300/- PM			04 ⁰¹ / ₂₀₁₃	M/S - 100
DM GHS No 3 Yar Hussain	- Do -		Rs. 18300/- PM			11 ¹⁰ / ₂₀₁₃ (PM)	M/S - 100
- Do -	- Do -		Rs. 19000/- PM			1 ¹² / ₂₀₁₃	M/S - 100

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

9 Signature and designation of the head of the office or other attesting officer in Attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 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 upto four months for which leave salary is debit to another Government		
				Period	Government to which debit to		
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30-4-2009	Promotion	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)			OPTION FOR RE-ELECTION 30-12-08 GMS No. 6-2009 is hereby opt for re-election of my pay as 2112/2007 as allowed/admissible under FR-25	
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30/11/2010	Absc.	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30/6/2011	pay revised.	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30/11/2011	Absc.	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30/11/2012	Absc.	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)	26/02/2013	Transferred to G.M.S. Tarubi	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)	31/03/2013	School upgraded to High status.	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)	11/10/2013	Transferred to G.H.S. 3 Yar Hussain.	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)	30/11/2013	Absc.	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)	19/5/2014	Promotion	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)		Transferred to G.M.S. Tarubi	Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				
Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)			Jalil Head Master G.H.S. No. 3 Yar Hussain (Swabi)				

District Officer (M)
Elementary & Secondary Education
SWABI

CC04/09
Drawing of H.K. ad
B-5754/mand of
B-5 w/f of 02-10-07
01-309

Service verified w/f
1/2/2009 to 29/1/2012 from
The office of

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

Mr Nizar Ali DM of this school
is granted EX-PAN leave w/f
19-4-2012 To 09-5-2012 (21 days)
with full pay under office EDO Gndrd No 2815 dt 14-5-2012

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

EST. EPS 16/11/2012 trans office record
G.H.S. No. 2 Yar Hussain (Swabi)

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

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-nature increment wef 30-07-2014 the amount of over payment will be recovered from my pay/gratuity what so ever the education deptt. may deem necessary

Nizar Ali
 Sig. of Nizar Ali DM
Jasb
 Head Master
 G.H.S. No. 3
 Yar Hussain (Swabi)

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 duration leave take
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Jasb
 Head Master
 G.H.S. No. 3
 Yar Hussain (Swabi)

TR No: 792
 11/8/2014 S-2 Yar Hussain
 Rs. 1968/000 of over promotion increment in effect wef 30/5/2014.

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

22-07-2015 Promoted to SDM Post B-16 and transferred to G.H.S. No. 2 Yar Hussain (Swabi)
 30-06-2015 Revised pay

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

Nizar Ali
 13/8/14
 11/8/14

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

22-07-2015 Promoted to SDM Post B-16 and transferred to G.H.S. No. 2 Yar Hussain (Swabi)

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

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

Nizar Ali
 PRINCIPAL
 G.H.S. No. 2 Yar Hussain (Swabi)

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

1



Page: 26 ANNEXURE
GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 30-06-2015

C
ATTESTED
ADAM KHAN

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.

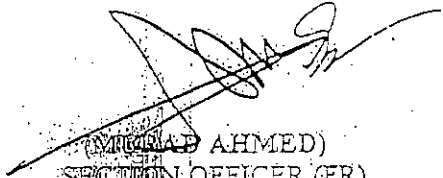
SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

ADAM KHAN
ATTESTED
C

Encl 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, 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, Mansohra 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.


(MIRZA E AHMED)
SECTION OFFICER (FR)

Page No 28

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)
NO. KC/FD/SO(FR)/7-20/2015
Dated Peshawar, the 17-08-2015

ANNEXURE
ATTESTED
ADAM KHAN



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)/FD7-20/2015 dated 30-06-2015.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

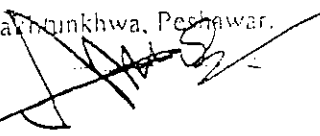
Endst No. & Date even.

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.

ملفوظات - دفتر وزیر امور محترم - عمل سہولت و روان

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, Manshra 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



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Page-30

ANNEXURE

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

To:

The Accountant General, Khyber Pakhtunkhwa,
Peshawar.

ATTESTED

Adam Khan
ADAM KHAN

Attention: Accounts Officer (H.A.D.)

Subject: FIXATION OF PAY ON PROMOTION.

Dear Sir,

I am directed to refer to your office letter No.H-24(77)/Dir Lower/Vol-VII/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 DAGs/AOs in Khyber Pakhtunkhwa.
2. All Payroll sections (L)
3. FD Fixation Party I&II
4. Party file promotion of B&S
5. Correspondence file

Myd
ACCOUNTS OFFICER (H.A.D.)

E

خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) ضلع ہونہ

عنوان: درخواست برائے منظوری بابت ون سٹیپ اپ گریڈیشن

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

ANNEXURE

F

جناب عالی!

ATTESTED
Akhwan
ADAR KHAN

فوجدانہ 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 15-BPS سے ڈی ایم 16-BPS میں ترقی پانے کا حق دار ہے۔

(3) بندہ کا 23 جولائی 2015ء پر ڈی ایم 15-BPS سے ایس ڈی ایم 16-BPS 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 میرا بیانی کر کے مجھے یکم جولائی 2015ء سے

ڈی ایم 15-BPS سے ڈی ایم 16-BPS میں ون سٹیپ اپ گریڈیشن کی منظوری دینے اور پھر 23 جولائی 2015ء پر ڈی ایم 16-BPS سے ایس ڈی ایم 16-BPS میں تنخواہ ایڈجسٹ کرنے کے احکامات ہمارے فرما / فنون فرما دیں بندہ تمنا ہے دعا گو رہے گا۔

مورخہ: 8/2/2018

Forwarded to D.R.O (MA) for m/a. plz.

العارض

SDM نظر علی

PRINCIPAL
GHS No. 2 Yar Hussain
(Swabi)

گورنمنٹ ہائی سکول یار حسین (ہونہ)

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



Page: 32

ANNEXURE

AG 4
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.

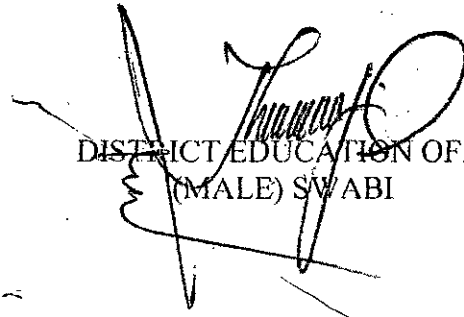
Subject:-
Memo,

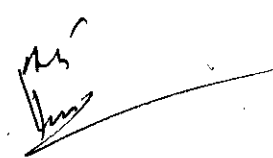
APPLICATION FOR ONE STEP UPGRADATION.

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

معلومات إضافية عن المشروع
الذي تم إنجازه في إطار
البرنامج الوطني للتعليم

الذي تم إنجازه في إطار
البرنامج الوطني للتعليم

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الذي تم إنجازه في إطار
البرنامج الوطني للتعليم

0301-8183345

عبدالله



126
24/5/18

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

ATTESTED
ADAN KHAN

No. h7h5 / 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.

[Signature]
Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.
24/5/18

Endst: No. _____

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

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

I



ATTESTED
Adam Khan

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

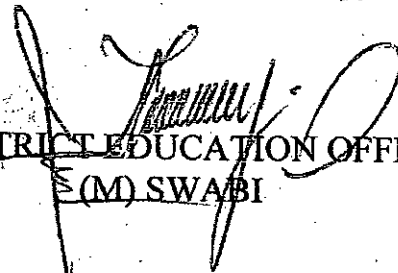
No 5850 / Dated Swabi the:- 31/5/2018.

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

J
A
11

VAKALAT NAMA

In the Court of Service Tribunal, Peshawar.

Appeal No. _____ of 20 18

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)

CA

(Signature of Client)

Dated: 10.07.2018

Adam

Accepted

MUHAMMAD ADAM KHAN,
Advocate,

District Courts, Mardan.

03139363480

0346 9310850

0300 5720320

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

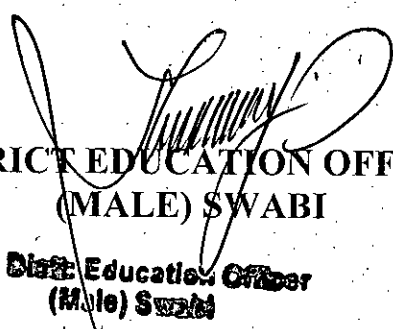
VERSUS

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

.....Respondents

INDEX

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1	Para Wise Comments with affidavit	-	01 to 04
2	Reply to the application condonation of delay	-	05
3	Service Tribunal Judgment in SA No.770 of 2016 regarding pay fixation and re-fixation	A	06-09
4	Service Tribunal Judgment in SA No.1248 of 2013 regarding up-gradation	B	10-12
5	Up-gradation order dated 26.03.2016	C	13-19
6	Departmental appeal	D	20-21


DISTRICT EDUCATION OFFICER
(MALE) SWABI

~~Dist. 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**

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 01 TO 03

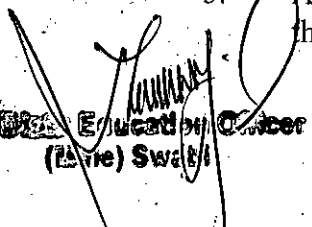
Respectfully Sheweth,

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 Honourable 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).

Dist. Education Officer -
(Male) Swabi

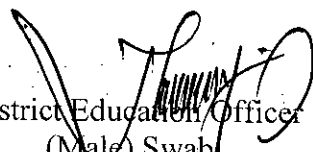
- 11. Incorrect and strongly denied. The rejection order of the departmental repetitive appeals was conveyed to the appellant through proper channel accordingly as discussed in length in the previous para.

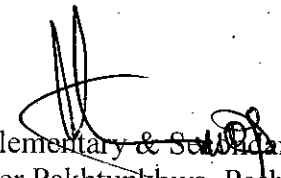
Grounds.

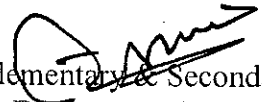
That the impugned orders are correct, legal and effective on the following grounds.

- 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 Honourable 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.

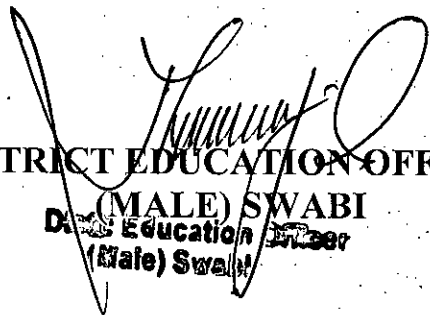

 District Education Officer
 (Male) Swabi
District Education Officer
(Male) Swabi


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


 Secretary Elementary & Secondary Education
 Department Govt:of KPK

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
Dist. 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

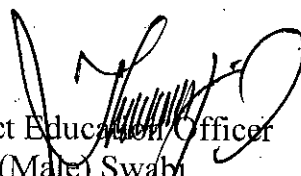
- 1. Secretary E&SE Khyber Pakhtunkhwa Peshawar
- 2. Director E&SE Khyber Pakhtunkhwa, Peshawar
- 3. District Education (E&SE) Male Swabi

.....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
District Education (MALE) SWABI
 (Male) Swabi

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 770/2016

Date of Institution ... 26.07.2016

Date of Decision ... 29.11.2017



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, ... For appellant
Advocate

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

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

ATTESTEDJUDGMENT

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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.

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

**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. _{Y.}

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

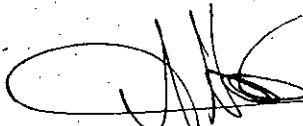
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**Director Education Officer
(Male) Swabi**

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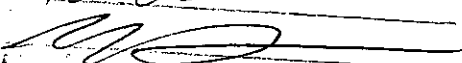
7. In view thereof this Tribunal lacks jurisdiction and the appeal is therefore dismissed. Parties are left to bear their own costs. File be consigned to the record room.

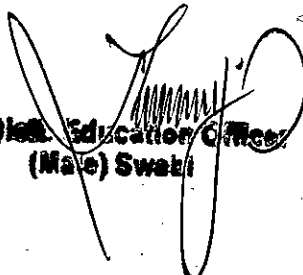

(AHMAD HASSAN)
MEMBER


(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
29.11.2017

Certified to be true copy

MEMBER
Khuzdar District
Service Tribunal,
Peshawar

Date of Presentation of Application 29-11-17
Number of V/ords 1600
Copying Fee 10.00
Urgent —
Total 10.00
Name of Applicant 
Date of Completion of Copy 13-12-17
Date of Delivery of Copy 13-12-17


Dist. Education Officer
(Male) Swat

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.
Mr. Ziaullah, Deputy District Attorney

.. For appellant.
.. For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI
MR. AHMAD HASSAN

.. MEMBER (JUDICIAL)
.. 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

MEMBER
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


 Dist. 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.

Edl. M. Anwar Khan Kundt,
Member

Edl. Ahmad Hassan,
Member

[Signature]
Dist. Education Officer
(Male, Swabi)

[Faint stamp and signature]



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.

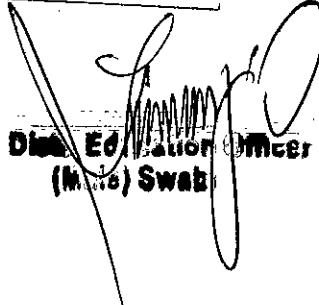
S/No	Name with Designation	Name of School	Remarks
1	Saeed Gul CT	GHS Dodher	
2	Hazrat Hussain CT	GHS Dodher	
3	Mian Muhammad Sohail CT	GMS Bhatai	
4	Noorul Hadi CT	GHS Jalbai	
5	Muhammad Tariq PET	GMS Tordher	
6	Khalid Anwar CT	GMS Miangan Dobian	
7	Anjad Ali DM	GHS Bazargi	
8	Kifayat Ali Shah AT	GHS Bazargi	
9	Ishtiaq Arshad CT	GHS Lahor	
10	Mehmood Ahmad AT	GHS lahor	
11	Umar Ghani CT	GHS Lahor	
12	Ifrikhar 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	Anjad Ahmad CT	GMS Marghuz	
30	Khalid Muhammad PET	GMS Ghazi Kot	
31	Ghani Gul CT	GMS Jamal Abad	
32	Muhammad Ayaz Qari	GHS Pehure Helmiet	
33	Muhammad Javed CT	GHS Pehure Helmiet	
34	Khan Muhammad CT	GHS Pehure Helmiet	
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 NOI Swabi	
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	Nasir 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	Ifikhar 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

[Signature]
 Director General
 (Male) Swabi

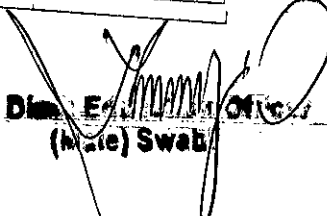
114	Fazal Hussain PET	GMS Seen Khail
115	Mushtaq Ali PET	GHS Gulo Dheri
116	Haq Nawaz CT	GHS Gulo Dheri
117	Anwar Sher PET	GMS Lalo Dheri
118	Abdul Qadeem AT	GMS Lalo Dheri
119	Muhammad Zubair PET	GHS Sudher
220	Nosher Bacha CT	GHS Sudher
221	Raiz Ahmad PET	GHS Swabi
222	Pervez Khan CT	GHS Swabi
123	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 Khwar
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	Tiia 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	Anjad 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
 (M. E.) Swabi

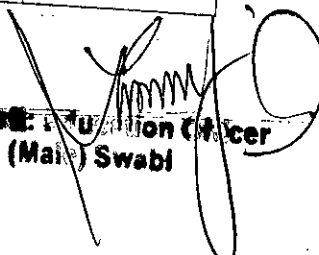
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180	Azghar Ali AT	GMS Wisai Abad
181	Nasrul Wahab CT	GMS Wisai Abad
182	Sarzamin Khan CT	GMS Ahad Khan
183	Naeem Ullah CT	GMS Beka
184	Safdar Ali AT	GMS Beka
185	Alyas Muhammad DM	GMS Gar Aka Khail
186	Abdul Samad CT	GMS Gar Aka Khail
187	Liaqat Ali 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	Khafis 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

Director of Education
(Main, Swabi)

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	GHSS Tarakai
266	Dar Ul Aman CT	GHS NOI Yarhussain
267	Muhammad Tahir CT	GHS NOI Yarhussain
268	Nasur Ullah Khan CT	GHS NOI Yarhussain
269	Karam Satar CT	GHS NOI Yarhussain
270	Darwish Khan CT	GHS NOI Yarhussain
271	Muhammad Fayaz CT	GHS NOI Yarhussain
272	Kifyat Shah CT	GHS NOI Yarhussain
273	Noor Ul Amin CT	GHS NOI Yarhussain
274	Sajjad Hussain Shah CT	GHS NOI Yarhussain
275	Shida Younas CT	GHS NOI Yarhussain
276	Muhammad Sulamin CT	GMS Och Khwar
277	Amir Bhadar CT	GHS Bazar
278	Fazli Malik CT	GHS Bazar
279	Sartaj Hussain CT	GHS Jalbai
280	Mir Aman CT	GHS Jalbai
281	Mujahid Siad CT	GHS Jalbai
282	Sajjad Ahmad PET	GHS Yaqobi
283	Shad Hussain CT	GHS Yaqobi
284	Muhammad Ayaz CT	GMS Nabi
285	Shahid Zaman CT	GMS Nabi
286	Hidyat Ur Rehman CT	GMS Och khwar
287	Ihsan ullah CT	GHSS Jehngira
288	Farooq Zamn CT	GHSS Jehngira
289	Fazal Wahab DM	GHSS Jehngira
290	Sheraz Muhammad CT	GMS NO2 Swabi
291	Irfan Ullah CT	GMS NO2 Swabi
292	Sajjad Khan CT	GHS Sheik Jana
293	Muhammad Junaid CT	GHS Khota
294	Manzoor Qadir PET	GHS khota
295	Waqif Khan CT	GHS Khota
296	Munsif Khan PET	GMS Shewa
297	Raja Khan Ct	GMS Adam Abad
298	Anwar Mohammad CT	GMS Adam Abad
299	Lal Badshah CT	GMS Aman Khot
300	Riaz Muhammad DM	GHS Topi
301	Zain Ul Hayat DM	GHS Beesak
302	Bakht Zar Khan PET	GMS Gar Panj Pir
303	Arshad Ahmad DM	GHS Mazghund
304	Fazli Rabi CT	GMS No 2 Topi
305	Sabz Ali Khan DM	GMS No 1 Topi
306	Ziad Muhammad CT	GMS No 1 Topi
307	Faqir Rahman CT	GHS Shahmansoor
308	Farosh Khan CT	GHS Shahmansoor
		GHS Naro Banda


 Director's Office
 (Police) 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 Utlā
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 Utlā
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 Banda
340	Abid Ali DM	GMS Kailu 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 Maini
364	Abdur Raziq AT	GHS Managi
365	Saeed Ullah PET	GHS Pajman
366	Muhammad Ali CT	GHS Pajman
367	Fazli Qayyum CT	GHS Pajman
368	Muhammad Qamar CT	GHS Managi
369	Aziz Ahmad CT	GCMHS Marguz
370	Sahibzada Rahmat Fahim CT	GCMHS Marguz
371	Fazli Hadi DM	GMS Kalu Khan
372	Fazli Hadi CT	GMS Kalu Khan
373	Sahibzada Muhammad Saleem AT	GMS Dandoqa
		GMS Kalu Khan


 District Education Officer
 (Main) Swabi

374	Abdul Hameed DM	GSMMS Kaddi	
375	Fazal Hussain CT	GSMMS Kaddi	
376	Fazal Malik CT	GMS Zarobi	
377	Muhamamad 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	

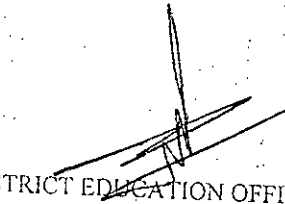
Note: - The Drawing and Disbursing Officers should once again check the Service book and insure that the official has not been upgraded after 1-7-2010 and an option from the official be taken in service book that if any over payment is made to him in connection with wrong up gradation it will be deducted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

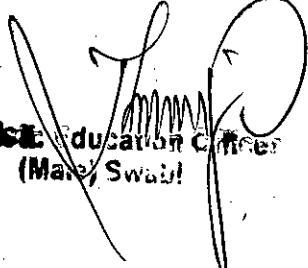
(JEHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
SWABI

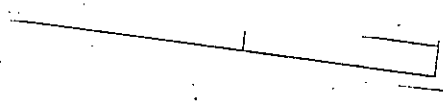
Endst No 2730-36 dated Swabi the:- 26/3 /2016.

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. Supdt: Secy: Local Office.


DISTRICT EDUCATION OFFICER
(M) SWABI


Dist. Education Officer
(Male) Swabi





Annexure-D

20

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

No 450 / 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

Dist: Education Officer
(Male) Swabi



124
29/5/18

21
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**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

No. h7h5 /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.

DA
29/5/18
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.

[Signature]
Dist Education Officer
(Male) Swabi

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL No. 883/2018.

Hearing 07.03.2019.

for arguments

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

Rejoinder :-

Pry; Objections:-

1. Misconceived. Denied. The Appellant has not claimed the grant of upgradation. But, he has claimed the benefits 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 benefits. 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 benefits 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 benefits 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 benefits. Hence, the Hon'ble Tribunal has the jurisdiction to direct the relevant financial benefits to the Appellant.
- 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 nor 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

Naz

(Nizar Ali)

Through:- *Adam*
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

Naz
Deponent

Adam
ATTESTED
M. ADAM KHAN
Advocate
Not a Public Officer
09.01.2017
2019