

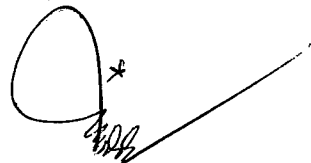
28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.05.2022 for the same as before.


Reader

26.05.2022

Appellant in person present and requested for adjournment as his counsel is not available today. Adjourned. To come up for preliminary hearing on 08.07.2022 before S.B.


(Mian Muhammad)
Member (E)

08.07.2022

Due to Public Holiday on account of Eid-UI-Adha case to come for the same on 12.09.2022.


Reader

29.10.2021

Appellant in person present and seeks adjournment for fixing this appeal on the date i.e 13.12.2021 when an execution petition filed by him is also fixed. Request accorded. To come up on 13.12.2021 before S.B.


Chairman

13.12.2021

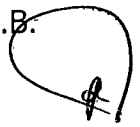
Appellant in person present.

Appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 03.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

03.01.2022

Appellant present in person and requested for adjournment due to non-availability of his learned counsel. Request accorded. To come up for preliminary hearing on 28.02.2022 before S.B.



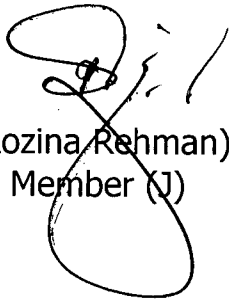

(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7299 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/08/2021	<p>The appeal of Mr. Mohammad Arshad presented today personally may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on <u>15/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	15.10.2021	<p>Appellant in person present.</p> <p>He made a request for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 29.10.2021 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 2299 of 2021

Mohammad Arshad ----- Appellant.

VERSUS

The Provincial Government through Chief Secretary, Khyber Pakhtunkhwa and three
others ----- Respondents.

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL ACT, 1974 (KHYBER PAKHTUNKHWA ACT NO. I OF 1974)
AGAINST THE NON-PAYMENT/STOPPAGE OF EXECUTIVE ALLOWANCE,
TELEPHONE, NEWSPAPER AND POL BILL, NON-ALLOTMENT OF
OFFICIAL VEHICLE AND OTHER FRINGE BENEFITS FROM 10.07.2020 TILL
18.07.2021 i.e. THE PERIOD DURING WHICH IT WAS STOPPED.


Prayer: The part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. "Executive Allowance will not be admissible to OSD posts", being ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), therefore, illegal, void ab-initio, may be expunged from the notification. Similarly, any other law/rule/instructions/notification if any is also ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973, therefore, illegal and void ab-initio. The Establishment Department may be directed to make payment to the appellant of unpaid Executive Allowance, telephone, newspaper and POL bill, non-allotment of official vehicle and other fringe benefits from 10.07.2020 till 18.07.2021 i.e. the period during which it was stopped along with cost.

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4	LPC dated 11.09.2020 issued by the AG office.	Annex-III	10
5	AC Bill of the Academy for telephone, newspaper and POL charges.	Annex-IV	11-12
6	Notification dated 22.07.2020 , 09.10.2020, 18.01.2021 and 02.04.2021 for creation of OSD post.	Annex-V	13-16
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17	Charge Relinquishment as OSD (BPS-20) & Charge Assumption as Member-I, Board of Revenue (BPS-20) dated 19.07.2021.	Annex-XI	54-55

Dated 19.08.2021 Appellant-in-Person



Mohammad Arshad, PCS(SG-BPS-20), Present Official
 Address: MBR-I, Board of Revenue, Revenue & Estate
 Department, Civil Secretariat, Peshawar. Mailing Address:
 House No. 11, Provincial Civil Officers Colony, Dabgari
 Gardens (New), Opposite Habib Medical Complex, Peshawar
 Cantt.

CNIC No. 15402-9170027-1

Email Address: arshadedo@gmail.com

Mobile No. 0348-9745323

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. ----- of 2021

Mohammad Arshad, PCS(SG-BPS-20), Present Official Address: MBR-I, Board of Revenue, Revenue & Estate Department, Civil Secretariat, Peshawar. Mailing Address: House No. 11, Provincial Civil Officers Colony, Dabgari Gardens (New), Opposite Habib Medical Complex, Peshawar Cantt. CNIC No. 15402-9170027-1, Email Address: arshadedo@gmail.com; Mobile No. 0348-9745323 ----- Appellant.

V E R S U S

1. The Provincial Government through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
4. The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar -----
----- Respondents.

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 (KHYBER PAKHTUNKHWA ACT NO. I OF 1974) AGAINST THE NON-PAYMENT/STOPPAGE OF EXECUTIVE ALLOWANCE, TELEPHONE, NEWSPAPER AND POL BILL, NON-ALLOTMENT OF OFFICIAL VEHICLE AND OTHER FRINGE BENEFITS FROM 10.07.2020 TILL 18.07.2021 i.e. THE PERIOD DURING WHICH IT WAS STOPPED.

Prayer: The part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. "Executive Allowance will not be admissible to OSD posts", being ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), therefore, illegal, void ab-initio, may be expunged from the notification. Similarly, any other law/rule/instructions/notification if any is also ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973, therefore, illegal and void ab-initio. The Establishment Department may be directed to make payment to the appellant of unpaid Executive Allowance, telephone, newspaper and POL bill, non-allotment of official vehicle and other fringe benefits from 10.07.2020 till 18.07.2021 i.e. the period during which it was stopped along with cost.

Respectfully sheweth that:-

Facts of the Case

1. The Government of Khyber Pakhtunkhwa, Establishment Department has ordered the posting/transfer of the appellant from Director, Khyber Pakhtunkhwa Higher Education Academy of Research and Training (HEART), Peshawar to Establishment Department vide notification No. SO(E-I)/E&AD/9-88/2020 dated 09.07.2020 (Annex-I).

- (2)
2. The appellant has relinquished the charge of the former post on 10.07.2020 (FN) and submitted arrival report on 10.07.2020 (FN) in the Establishment Department (Annex-II).
 3. The appellant as per Last Pay Certificate (LPC) issued by the Accountant General, Khyber Pakhtunkhwa, Peshawar office was entitled to draw Executive Allowance at the rate of Rs. 103,635/- per month against the erstwhile post of Director, Higher Education Academy of Research and Training (HEART), Peshawar (Annex-III).
 4. The appellant as per Abstract Contingent (AC) Bill of the Academy was entitled to receive charges of residential telephone, POL and newspaper bill till July, 2020 while posted in the Academy (Annex-IV).
 5. The Government of Khyber Pakhtunkhwa in the Finance Department on the request of Establishment Department has created OSD post for the appellant amongst others for the period from 10.07.2020 to 30.09.2020 vide its sanction letter No. BOIV/FD/2-21/OSD/12 dated 22.07.2020, extended for a period from 01.10.2020 to 31.12.2020, extended for the period from 01.01.2021 to 31.03.2021 and further extended for a period from 01.04.2021 to 30.06.2021 vide sanction letter of even No. dated 09.10.2020, 18.01.2021 and 02.04.2021 respectively (Annex-V).
 6. The appellant has not been paid Executive Allowance, telephone and newspaper bill, cost of POL and also stopped allotment of official vehicle by the Establishment Department/AG office from 10.07.2020 against the post of Officer on Special Duty. (OSD-BPS-20). The copy of Monthly Salary Statement for the Month of October, November and December, 2020, January, February, March, April, May, June and July 2021 are attached herewith (Annex-VI).
 7. The non-payment continued till the Government of Khyber Pakhtunkhwa in the Establishment Department decided to transfer/post the appellant against one of the Scheduled Posts as Member Board of Revenue-I vide notification No. SO(E-I)/E&AD/5-168/2021 dated 19.07.2021 (Annex-VII).
 8. The Executive Allowance has been sanctioned to the tune of 1.5 Initial Basic Pay per month as per Pay Scale 2017 to PAS, PCS and PMS officers working against scheduled posts of Establishment and Administration Department vide Government of Khyber Pakhtunkhwa in the Finance Department notification No. FD(SOSR-II)8-7/2016-17 dated 02.02.2018 (Annex-VIII). The apparent reason for non-payment of Executive Allowance to the appellant is the part of the condition No. 5 of the notification which provides that "Executive Allowance will not be admissible to OSD posts and officers who are on leave reserve posts."

3

9. The appellant has requested the Establishment Department vide application dated 16.04.2021 to allot him an official vehicle along with grant of arrears of POL cost since 10.07.2020 and to clear outstanding telephone and newspaper bill w.e.f. 10.07.2020 or otherwise provide a copy of law wherein these facilities are not available to the holders of OSD posts but no response has been received from the department till filing of instant appeal (Annex-IX).
10. The scheduled posts of Establishment and Administration Department in the appellant's case are the service/cadre posts of the appellant, which have been mentioned in the Khyber Pakhtunkhwa Province Provincial Civil Service (Secretariat Group) Rules, 1997, notified at Page-218 and onwards of the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 29th September, 1997 (Annex-X).
11. The updated list of scheduled posts attached with the Khyber Pakhtunkhwa Province Provincial Civil Service (Secretariat Group) Rules, 1997 were provided by Establishment Department vide its letter No. SO(HRD-II)/ED/1-10/2021(RTI)/Mohammad Arshad-I dated 21.04.2021 (Annex-XI). While in the case of PMS Officers, scheduled posts are mentioned in their respective service rules.
12. The appellant had filed departmental representation to the competent authority i.e. Chief Minister, Khyber Pakhtunkhwa through proper channel i.e. through Secretary Establishment Department vide letter dated 22.04.2021 which was received by them through diary No. 2983 dated 23.04.2021 (Annex-XII).
13. The honourable Khyber Pakhtunkhwa Services Tribunal has declared the undersigned as entitled to the payment of Executive Allowance for a period from 19.11.2018 to 19.03.2019, the period during which the undersigned remained as OSD (BPS-19), Establishment Department vide its judgement/order dated 09.06.2021, passed in Service Appeal No. 1132/2019, titled Mohammad Arshad-versus-The Government of Khyber Pakhtunkhwa through Chief Secretary & others (Annex-XIII).
14. The appellant has requested the Secretary Establishment Department vide letter dated 15.07.2021 to implement the judgement/order dated 09.06.2021 of the honourable Khyber Pakhtunkhwa Services Tribunal, passed in Service Appeal No. 1132/2019, titled Mohammad Arshad-versus-The Government of Khyber Pakhtunkhwa through Chief Secretary & others and also extend its benefit to the appellant in the instant case in light of the legal principle enunciated by the august Supreme Court of Pakistan in Para. 16 (citation C) of its judgement reported as 1996 SCMR 1185, titled, Hameed Akhtar Niazi-versus-The Secretary Establishment Division, Government of Pakistan & others (Annex-XIV).

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15. The appellant was transferred and posted from the post of OSD (BPS-20), Establishment Department as Member-I, Board of Revenue (MBR-I-BPS-20) vide Establishment Department notification No. SO(E-1)/E&AD/5-168/2021 dated 19.07.2021 (Annex-XV).
16. The appellant has relinquished the charge of the post of OSD (BPS-20), Establishment Department on 19.07.2021 (FN) and assumed the charge of the post of Member-I, Board of Revenue (MBR-I-BPS-20) on 19.07.2021 (FN) (Annex-XVI).

Grounds of the Case

17. The appellant feeling aggrieved from the non-payment of Executive Allowance, telephone, POL and newspaper bill from 10.07.2020 and non-allotment of official vehicle till 18.07.2021 and having received no response/decision on the departmental representation, submits the instant appeal on the following grounds amongst others:-
 - i. That, the appellant has not been treated according to law, which is the inalienable right of every citizen, as enshrined in Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. The adverse action against the appellant is also in violation of fundamental right to fair trial and due process guaranteed under Article 10A of the Constitution.
 - ii. That, the second proviso to Section 10 of the Khyber Pakhtunkhwa Province Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) provides that "where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve."
 - iii. That, the OSD post (BPS-20) against which the salary of the appellant has been drawn by the Establishment Department is not the service/cadre post of the appellant because no-where OSD post is included in the category of posts mentioned in the Schedule of Posts appended to the Khyber Pakhtunkhwa Province Provincial Civil Service (Secretariat Group) Rules, 1997.
 - iv. That, the part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. "Executive Allowance will not be admissible to OSD posts" is in violation of second proviso to Section 10 of the Act *ibid*. Therefore, ultra-vires of the basic law, illegal and void ab-initio.

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- v. That, similarly non-allotment of official vehicle, non-payment of POL, telephone and newspaper bill to the appellant since 10.07.2020 is also in violation of second proviso to Section 10 of the Act *ibid*. Therefore, its non-allotment and non-payment is also ultra-vires of the basic law, illegal and void *ab-initio*.
- vi. That, the non-payment of Executive Allowance to the appellant is a continuous cause of action since 01.11.2020, the day the pay was received for the period from 10.07.2020 to 31.10.2020 in the Monthly Salary Statement for October 2020. The allowance has continuously remained unpaid in November and December 2020, January, February, March, April, May, June and July 2021. Similar is the case of other fringe benefits/charges.
- vii. That, the honourable Federal Service Tribunal has declared in numerous judgments namely 2006 PLC (C.S.) 1124 and 1995 PLC (C.S.) 1026 that in appeals relating to pays and allowances an aggrieved civil servant has a continuing cause of action. Hence, no limitation period under the law is applicable either at department or service tribunal level or any other legal forum.
- viii. That, making the appellant as OSD for such a long period of time is in violation of the judgement/order of the august Supreme Court of Pakistan in Constitutional Petition No. 23/2012, titled Anita Turab-v-Federation of Pakistan and reported as PLD 2013 SC 195. The concerned officers have committed an offence of a contempt of court also.
- ix. That, making the appellant as OSD for such a long period of time is also in violation of the Provincial Government own instructions issued vide Establishment Department letter No. SOR.VI(E&AD)1-4/2005/Vol-II dated 27.02.2013 as a sequel to the above-judgement.
- x. That, junior officers are working against higher posts and some officers hold posts on additional charge but the appellant is denied posting on a scheduled post. The appellant, therefore, suffers a big financial loss without any rhyme or reason and without any trial.
- xi. That, the appellant is entitled to get the benefit of receiving executive allowance for the impugned period in the instant case in light of the legal principle enunciated by the august Supreme Court of Pakistan in Para. 16 (citation C) of its judgement reported as 1996 SCMR 1185, titled, Hameed Akhtar Niazi-versus-The Secretary Establishment Division, Government of Pakistan & others. The principle is reproduced *ad verbatim* as follows:
"We may observe that if the Tribunal or this Court decides a point of law relating to a terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also of other civil servants, who

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may have not taken any legal proceedings; in such a case the dictates of justice and rule of good governance demand that the benefit of the above judgement may be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forum.”

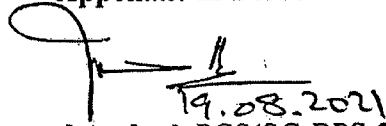
PRAYER

Keeping in view the above-mentioned facts and law on the subject, it is, therefore, prayed that:-

- (i) The part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. “Executive Allowance will not be admissible to OSD posts”, being ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973, therefore, illegal, void ab-initio, may be expunged from the notification.
- (ii) Similarly, any other law/rule/instructions/notification if any is also ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973, therefore, illegal and void ab-initio.
- (iii) The Establishment Department may be directed to make payment to the appellant of un-paid Executive Allowance, telephone, newspaper bill and POL cost for the period from 10.07.2020 till 18.07.2021, allotment of official vehicle and other fringe benefits along with cost.

Dated 19.08.2021

Appellant-in-Person


19.08.2021

Mohammad Arshad, PCS(SG-BPS-20),
Present Official Address: MBR-I, Board of
Revenue, Revenue & Estate Department, Civil
Secretariat, Peshawar.

Mailing Address: House No. 11, Provincial
Civil Officers Colony, Dabgari Gardens (New),
Opposite Habib Medical Complex, Peshawar
Cantt.

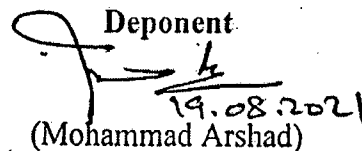
CNIC No. 15402-9170027-1

Email Address: arshadedo@gmail.com

Mobile No. 0348-9745323

Affidavit: It is certified on oath that the contents of the appeal are true to the best of my knowledge and belief and nothing has been concealed from this honourable tribunal.

Deponent


19.08.2021
(Mohammad Arshad)



(7)

Annex-I
P-7

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar July 09, 2020

NOTIFICATION

NO. SO(E-I)/E&AD/9-88/2020. The Provincial Government is pleased to order posting/transfers of the following officers, in the public interest, with immediate effect:-

S.#	NAME OF THE OFFICERS	FROM	TO
1.	Muhammad Arshad (PCS SG BS-20)	Director, Khyber Pakhtunkhwa Higher Education Academy of Research and Training (HEART), Peshawar	Report to Establishment Department
2.	Mr. Tasbih Ullah (Professor BS-20)	Principal GDC Shabqadar, Charsadda	Director, Khyber Pakhtunkhwa Higher Education Academy of Research and Training (HEART), Peshawar on deputation basis Vice Sr. No. 1

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Higher Education Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Director Higher Education Academy of Research & Training, Peshawar.
6. Principal GDC Shabqadar, Charsadda.
7. Director General Information, Khyber Pakhtunkhwa.
8. PSO to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Secretary Establishment/PS to Secretary Administration Departments.
10. PS to Special Secretary (E)/ AS (Litigation)/D.S.(Admn), D.S. (Estt.)/ SO(Secret)/SO(HRD-I)/SO(E-II)/DD(IT) and ACSO Cypher E&AD.
11. Officers concerned.
12. Manager, Govt. Printing Press Peshawar.

(ZIA-UL-HAQ) 9/7/2020
SECTION OFFICER (ESTT. I)
PH: # 091-9210529

8



**KHYBER PAKHTUNKHWA HIGHER EDUCATION ACADEMY OF RESEARCH
AND TRAINING, PESHAWAR**

Inside Government Degree College for Boys, Sector F-2, Phase-4, Hayatabad, Peshawar
Phone: 091-8863684, 091-8844028 E-Mail: heta.ka@gmail.com

Academy.HEART, @HEARTKP



No. 22(So-6)/Personal/Ret/S. No. 60/HEART/Mohammad Arshad

Dated: 10/07/2020

CHARGE RELINQUISHMENT REPORT

In compliance with the Government of Khyber Pakhtunkhwa, Establishment Department Notification No. SO(E-I)/E&AD/9-88/2020 dated 09th July, 2020, I, Mohammad Arshad (PCS SG BS-20) hereby relinquish the charge of Director, Khyber Pakhtunkhwa Higher Education Academy of Research and Training, Peshawar today on 10th July, 2020 (Forenoon).

(Signature)
10.07.2020
(Mohammad Arshad)
(PCS SG BS-20)
Cell No. 0348-9745323

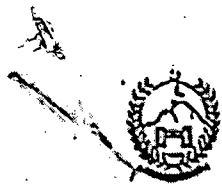
Copy forwarded to the:

1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. Secretary to Government of Khyber Pakhtunkhwa, Higher Education Department
4. Accountant General, Khyber Pakhtunkhwa
5. Principal, GDC Shabqadar, Charsadda (May be read as GDC Ekkaghund, Mohmand District)
6. Director General Information, Khyber Pakhtunkhwa
7. PSO to Chief Secretary, Khyber Pakhtunkhwa
8. PS to Special Secretary Establishment
9. PS to Secretary Administration Department
10. PS to Special Secretary (E) AS (Litigation) D.S. (Admin) D.S. (Estt.)/ SO (Secret)/ SO (HRD-I)/ SO (E-II)/ DD(IT) and ASCO Cypher E&AD.
11. Officer Concerned
12. Manager, Government Printing Press Peshawar

(Signature)

Deputy Director (Admin)
Khyber Pakhtunkhwa Higher Education Academy
of Research and Training, Peshawar

(Signature)



(9)

**KHYBER PAKHTUNKHWA HIGHER EDUCATION ACADEMY OF RESEARCH
AND TRAINING, PESHAWAR**

Inside Government Degree College for Boys, Sector F-2, Phase-6, Hayatabad, Peshawar
Phone: 091-3863454, 091-5644025 E-Mail: hello.kp@gmail.com

Academy.HEART, HEARTKP



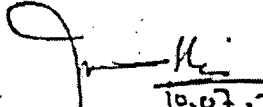
Received by

No. 2267-15 / Personal Files / No. 40/HEART/Mohammad Arshad

Dated: 10/07/2020

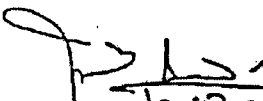
ARRIVAL REPORT

In compliance with the Government of Khyber Pakhtunkhwa, Establishment Department Notification No. SO(E-1)/E&AD/9-88/2020 dated 09th July, 2020, I, Mohammad Arshad (PCS SG BS-20) hereby report my arrival to the Establishment Department, Government of Khyber Pakhtunkhwa on 10th July, 2020 (Forenoon).


10.07.2020
(Mohammad Arshad)
(PCS SG BS-20)
Cell No. 0348-9745323

Copy forwarded to the:

- 1. Secretary, Establishment Department, Government of Khyber Pakhtunkhwa
 - 2. PSO to Chief Secretary, Government of Khyber Pakhtunkhwa ← 11.8.20 14/07
 - 3. Section Officer (E-1), Establishment Department, Government of Khyber Pakhtunkhwa
- 14-07-2020


10.07.2020
(Mohammad Arshad)
(PCS SG BS-20)
Cell No. 0348-9745323

24.

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Annex-III
P.10



OFFICE OF THE
ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA, PESHAWAR
Phone: 091 9211250-53

P.No. 44152

No. PR-8/Gaz/Seat-3 /AR-Vol-8 /Page No 155/2020-21/

Dated: 11-09-2020

To

The Branch officer,
PR-5 Section.

Subject:

LPCINRO Muhammad Arshad, Director, Higher
Education Teachers Training Academy, K.P. Peshawar.

The above named officer has been transferred to your audit jurisdiction. His/Her last pay certificate is sent herewith for further necessary action. His/Her other particulars are as under:

He/She has been paid up to 09-07-2020.

DEDUCTIONS		PAYMENTS	
Description	Amount	Description	Amount
GPF	= 8050/=	B.PAY	= 105170/=
I.Tax	= 28978/=	P.PAY Q. Pay	= 3000/=
B.F	= 800/=	HRA	—
R.B & DC	= 2000/=	CON.	—
EEF	—	MED	= 4418/=
PROF. Tax	= 3000/=	ENT. ALL	= 600/=
5% HRD	= 5258/=	SPL. ALL	—
		AR-13	= 2190/=
		AR-15	= 1471/=
		AR-16	= 7497/=
		AR-17	= 10517/=
		AR-18	= 10517/=
		Sr. Post Allow	= 1250/=
		Executive Allow	= 103635/=
		TOTAL	= 2502657/=

He/She is authorized to draw Pay & Allowances from _____ to _____ at the above rates. Overpayment of Pay & Allowances from _____ to _____ is recoverable at the above rates.

Handed over charge/Retired on Dated: 10-07-2020 (F.N/A.N)

Availed leave on full/without pay _____ to _____

HBA Rs. _____ is recoverable.
MCA Rs. _____ is recoverable.
TA Advance Rs _____ is also recoverable.

ACCOUNTS OFFICER
ACCOUNTS OFFICE (PR-8)

11/9/22

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24

24

11-19-2019

[Handwritten Signature]

Net Amount = 9654/-

NTC Bill of Director HEART
 for the month of June-2030
 = 4899/-

Less:
 Deduction of 5% = 245/-
 Total = 4654/-

(ii) DOR charges of 09 days of
 Director HEART = 500/-

245/-

9899/-

Assignment Account

July 2030

Deputy Director (Admin) IITRA, Patna

Director
 IITRA, Patna
 2011-12-13
 2011-12-13
 2011-12-13

Abstract Control Bill No. _____		Date: _____	
Title: Deputy Director (Admin) HEETA, Peshawar		Month in which incurred: _____	
01 Education Affairs & Services 0111-Tertiary Education Affairs & Services 011101-General Universities/Colleges/Institutes Fund: NC 22664 Demand: (19, GS)		Financial Year: _____ Part of: _____ Particulars: _____	
Category of Charges	Detailed Head of Charges (with description where necessary) and justification of expenses for charges not being specified	Rs.	P.
	Newspaper bills of the Director HEETA for the month of June 2022 and (07) days of July 2022 Payee's Name: Shaukat Newspaper Amount: _____		1880/-
	Net Amount =		1880/-
	Carried over		

[Signature]
 Deputy Director
 HEETA, Peshawar

[Signature]
 Deputy Director
 HEETA, Peshawar

[Signature]



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Amex-V
P. 13-16
3-21

Finance Department Civil Secretariat Peshawar

<http://www.finance.gko.pk>

facebook.com/Go KPFD

twitter.com/Go PFD

NO.BOIV/FD/2-21/2020-21/OSD/12

Dated Peshawar the 22-07-2020

To
The Secretary,
Establishment Department,
Khyber Pakhtunkhwa, Peshawar.

PS/Secy E&AD KP
Memo No. 1500
LTO No.
Date: 27-07-20

Subject:- 1. CREATION OF OSD POST IN (BS-20) IN RESPECT OF MR. MUHAMMAD ARSHAD (PCS SG BS-20)
2. CREATION OF OSD POST IN (BS-19) IN RESPECT OF MR. NISAR AHMAD (PAS BS-19)

Dear Sir,

I am directed to refer to your U.O. letters No SO (E-I)/E&AD/5-168/2020 (OSD) dated 15-07-2020 and No. SO(E-I)/E&AD/1-528/2020 (OSD) dated 10-07-2020 on the subjects noted above and to state that Finance Department agrees to the creation of two OSD posts in respect of the following Officers for the period mentioned against each:-

S. #	NAME OF OFFICER & BPS	PERIOD
1.	Mr. Muhammad Arshad (PCS SG BS-20)	10-07-2020 to 30-09-2020
2.	Mr. Nisar Ahmad (PAS BS-19)	10-07-2020 to 30-09-2020

2. The expenditure involved is chargeable under grant No. 002, NC21002 (002) Function Classification 01-General Public Service, 015-General Services, 0151-Personal Services, 015101-Establishment Services General Administration Department PR-4017-Establishment & Administration and will be met out within the sanctioned budget grant during current financial year 2020-21.

Yours faithfully

(JEHANZEB KHAN)
BUDGET OFFICER-IV

Endst: of even No. & date.

Copy forwarded to the Accountant General, Khyber Pakhtunkhwa.

Handwritten: 28/7
SO(E-I)

Handwritten: 27/7
Private Secretary to
Secretary Estab...

BUDGET OFFICER-IV

jehanzeb.khan@finance.gko.pk

+92 (91) 9211132

Handwritten: copy sent up
Account section.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

2-22

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

facebook.com/Go KFPD

twitter.com/Go PFD

NO.BOIV/FD/2-21/2020-21/OSD/12

Dated Peshawar the 09-10-2020

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department.

Subject:-

EXTENSION IN CREATION OF OSD POST (BS-20) IN RESPECT
OF MR. MUHAMMAD ARSHAD (PCS SG BS-20)

EXTENSION IN CREATION OF OSD POST (BS-19) IN RESPECT
OF MR. NISAR AHMAD (PAS BS-19)

Dear Sir,

P 85/c

I am directed to refer to your U.O. letter No.SO(E-I)/E&AD/5-168/2020 dated 23-09-2020 on the subject noted above and to state that Finance Department agrees to extend the period of OSD posts in respect of the following Officers as per break up mentioned against each:-

S/N	NAME OF OFFICER & BPS	PERIOD
1.	Muhammad Arshad (PCS SG BS-20)	01-10-2020 to 31-12-2020
2.	Mr. Nisar Ahmad (PAS BS-19)	01-10-2020 to 31-12-2020

2. The expenditure involved is chargeable under grant No. 002, NC21002 (002) Function. Classification 01-General Public Service, 015-General Services, 0151-Personal Services, 015101-Establishment Services General Administration Department PR-4017-Establishment & Administration and will be met out within the sanctioned budget grant during current financial year 2020-21.

Yours faithfully

BUDGET OFFICER-IV

Endst: of even No. & date.

Copy forwarded to the Accountant General, Khyber Pakhtunkhwa.

BUDGET OFFICER-IV



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

2-11

Finance Department Civil Secretariat Peshawar <http://www.finance.kp.gov.pk> facebook.com/Go KPFD twitter.com/Go PFD

NO. BOIV/FD/2-21/2020-21/OSD/12

Dated Peshawar the 18-01-2021

To

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department, Peshawar.

PS/Secy E&AD KP

Diary No. 473

FTS No. 194-24

Date. 19-1-21

Subject:- CONTINUANCE OF POSTS OF OFFICERS ON SPECIAL DUTY IN
THE E&A DEPARTMENT

Dear Sir,

I am directed to refer to your U.O. letter No. SO(E-I)/E&AD/1-1/2020 (OSD) dated 29-12-2020 on the subject noted above and to state that Finance Department agrees to the creation/extension of OSD posts in respect of the following Officers for the period mentioned against each:-

S/N	NAME OF OFFICER & BPS	PERIOD
1.	Syed Alamgir Shah (PCS SG BS-21)	01-12-2020 to 28-02-2021
2.	Muhammad Arshad (PCS SG BS-20)	01-01-2021 to 31-03-2021
3.	Imtiaz Altaf (PSP BS-21)	17-12-2020 to 31-03-2021
4.	Mukhtiar Ahmad (PCS SG BS-20)	14-01-2021 to 31-03-2021
5.	Fazal Akbar (PAS BS-18)	21-01-2021 to 21-04-2021 22-04-2021 to 30-04-2021

2- The expenditure involved is chargeable under grant No. 002, NC21002 (002) Function Classification 01-General Public Service, 015-General Services, 0151-Personal Services, 015101-Establishment Services General Administration Department PR-4017-Establishment & Administration and will be met out within the sanctioned budget grant during current financial year 2020-21.

Yours faithfully

(NASEEM KHAN)
BUDGET OFFICER-IV

Endst: of even No. & date.

Copy forwarded to the Accountant General, Khyber Pakhtunkhwa.

BUDGET OFFICER-IV

SO(E-I)
Private Secretary to
Secretary Establishment

naseemkhanjedocon@gmail.com

+92 (91) 9211132



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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

2-21

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> facebook.com/Go KPPD twitter.com/Go PFD

NO.BOIV/FD/2-2472020-21/OSD

Dated 02-04-2021

To

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department, Peshawar.

PS/Secy E&A

Diary No. 2613

FTS No.

Date. 7/4/21

Subject: - CONTINUANCE OF POSTS OF OFFICERS ON SPECIAL DUTY IN THE E&A DEPARTMENT.

Dear Sir,

I am directed to refer to your U.O. letter No.SO(E-I)/E&AD/1-1/2021(OSD) dated 24-03-2021 on the subject noted above and to state that Finance Department agrees to the creation of OSD post in respect of the following officers for period mentioned against each during the current financial year 2020-21 subject to the observance of all codal formalities:-

S-168

S#	Name Of Officer	BPS	Period
1.	Muhammad Arshad	PCS SG BS-20	01.04.2021 to 30.06.2021
2.	Mr. Imliaz Altaf	PSP BS-21	01.04.2021 to 30.06.2021
3.	Ms.Kaneez Sughra	PCS EG BS-20	01.04.2021 to 30.06.2021
4.	Mr. Ikram Ullah Khan	PCS EG BS-20	01.04.2021 to 30.06.2021
5.	Ms. Nosheen Azam	PMS BS-19	01.04.2021 to 30.06.2021
6.	Mr. Iftikhar Alam	PAS BS-18	01.04.2021 to 30.06.2021

2. The expenditure involved is chargeable under grant No. 002, NC21002 (002) Function Classification 01-General Public Service, 015-General Services, 0151-Personal Services, 015101-Establishment Services General Administration Department PR-4017-Establishment & Administration and will be met out within the sanctioned budget grant during current financial year 2020-21.

Yours faithfully

(NASEEM KHAN)
BUDGET OFFICER-IV

Endst: of even No. & date.

Copy forwarded to the Accountant General, Khyber Pakhtunkhwa.

BUDGET OFFICER-IV

SO (E-1)

an
8/4

Principal Secretary to

Secretary, Government of Khyber Pakhtunkhwa

budgetofficer4@gmail.com

+92 (91) 9211132

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Annex-VI

Pr. 17-26



Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (October-2020)

Personal Information of Mr MR MUHAMMAD ARSHAD d/w/s of SULTANI ROOM

Personnel Number: 00044152 CNIC: 1540291700271 NTN: 6554146-4
Date of Birth: 15.02.1966 Entry into Govt. Service: 08.01.1992 Length of Service: 28 Years 09 Months 025 Days

Employment Category: Active Temporary

Designation: OFFICER ON SPECIAL DUTY 80003822-GOVERNMENT OF KHYBER PAKH

DDO Code: PR4017-ESTABLISHMENT & ADMINISTRATION DEPARTMENT.

Payroll Section: 005

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance:

158,770.00

Vendor Number: 30002970 - MR MUHAMMAD ARSHAD

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 20

Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	105,170.00	0010	Qualification Pay	3,000.00
1210	Convey Allowance 2005	5,000.00	1518	Entertainment Allowance	600.00
1549	Senior Post Allowance	1,250.00	1947	Medical Allow 15% (16-22)	4,418.00
2148	15% Adhoc Relief All-2013	2,190.00	2199	Adhoc Relief Allow @10%	1,471.00
2211	Adhoc Relief All 2016 10%	7,497.00	2224	Adhoc Relief All 2017 10%	10,517.00
2247	Adhoc Relief All 2018 10%	10,517.00	5011	Adj Conveyance Allowance	13,548.00
5012	Adjustment Medical All	11,971.00	5028	Adj Entertainment Allowan	1,626.00
5056	Adj Senior Post Allowance	3,387.00	5309	Adj. 15% Adhoc Allowance	5,934.00
5322	Adj Adhoc Relief All 2018	28,498.00	5801	Adj Basic Pay	284,977.00
5810	Adj Qualification Pay	8,129.00	5858	Adj Special Allowance 20%	142,488.00
5964	Adj Adhoc Relief All 2015	3,986.00	5975	Adj Adhoc Relief All 2016	20,314.00
5990	Adj Adhoc Relief All 2017	28,498.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3020	GPF Subscription	-8,050.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-11,968.00	3620	House Rent Deduction 5%	-5,258.00
4004	R. Benefits & Death Comp:	-2,000.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 107,703.75 Recovered till OCT-2020: 11,968.00 Exempted: 0.89- Recoverable: 95,736.64

Gross Pay (Rs.): 704,986.00 Deductions: (Rs.): -28,076.00 Net Pay: (Rs.): 676,910.00

Payee Name: MR MUHAMMAD ARSHAD

Account Number: 01736

Bank Details: THE BANK OF KHYBER, 080015 SECRETARIAT BR. PESHAWAR. SECRETARIAT BR. PESHAWAR, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: PESHAWAR

City: Peshawar

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: arshadedo@gmail.com

System generated document in accordance with APPM 4.6.12.9(SERVICES/02.11.2020/11:30:19/v2.0)

* All amounts are in Pak Rupees
* Errors & omissions excepted

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(18)

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (November-2020)



Personal Information of Mr MR MUHAMMAD ARSHAD d/w/s of SULTANI ROOM

Personnel Number: 00044152 CNIC: 1540291700271 NTN: 6554146-4
Date of Birth: 15.02.1966 Entry into Govt. Service: 08.01.1992 Length of Service: 28 Years 10 Months 024 Days

Employment Category: Active Temporary

Designation: OFFICER ON SPECIAL DUTY 80003822-GOVERNMENT OF KHYBER PAKH
DDO Code: PR4017-ESTABLISHMENT & ADMINISTRATION DEPARTMENT.

Payroll Section: 005 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: Yes GPF Balance: 166,820.00

Vendor Number: 30002970 - MR MUHAMMAD ARSHAD
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 20 Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	105,170.00	0010	Qualification Pay	3,000.00
1210	Convey Allowance 2005	5,000.00	1518	Entertainment Allowance	600.00
1549	Senior Post Allowance	1,250.00	1947	Medical Allow 15% (16-22)	4,418.00
2148	15% Adhoc Relief All-2013	2,190.00	2199	Adhoc Relief Allow @10%	1,471.00
2211	Adhoc Relief All 2016 10%	7,497.00	2224	Adhoc Relief All 2017 10%	10,517.00
2247	Adhoc Relief All 2018 10%	10,517.00	2283	Secretariat Perform Allow	52,585.00
5858	Adj Special Allowance 20%	52,585.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3020	GPF Subscription	-8,050.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-20,841.00	3620	House Rent Deduction 5%	-5,258.00
4004	R. Benefits & Death Comp:	-2,000.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax -

Payable: 178,693.50 Recovered till NOV-2020: 32,809.00 Exempted: 0.40- Recoverable: 145,884.90

Gross Pay (Rs.): 256,800.00 Deductions: (Rs.): -36,949.00 Net Pay: (Rs.): 219,851.00

Payee Name: MR MUHAMMAD ARSHAD

Account Number: 01736

Bank Details: THE BANK OF KHYBER, 080015, SECRETARIAT BR. PESHAWAR, SECRETARIAT BR. PESHAWAR, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: PESHAWAR

City: Peshawar

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

Email: arshadco@gmail.com

City:

24.

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Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (December-2020)



Personal Information of Mr MR MUHAMMAD ARSHAD d/w/s of SULTANI ROOM

Personnel Number: 00044152 CNIC: 1540291700271 NTN: 6554146-4
Date of Birth: 15.02.1966 Entry into Govt. Service: 08.01.1992 Length of Service: 28 Years 11 Months 025 Days

Employment Category: Active Temporary

Designation: OFFICER ON SPECIAL DUTY 80003822-GOVERNMENT OF KHYBER PAKH
DDO Code: PR4017-ESTABLISHMENT & ADMINISTRATION DEPARTMENT.

Payroll Section: 005 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: Yes GPF Balance: 174,870.00

Vendor Number: 30002970 - MR MUHAMMAD ARSHAD

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 20 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	109,680.00	0010	Qualification Pay	3,000.00
1210	Convey Allowance 2005	5,000.00	1518	Entertainment Allowance	600.00
1549	Senior Post Allowance	1,250.00	1947	Medical Allow 15% (16-22)	4,418.00
2148	15% Adhoc Relief All-2013	2,190.00	2199	Adhoc Relief Allow @10%	1,471.00
2211	Adhoc Relief All 2016 10%	7,497.00	2224	Adhoc Relief All 2017 10%	10,968.00
2247	Adhoc Relief All 2018 10%	10,968.00	2283	Secretariat Perform Allow	54,840.00

Deductions - General

Wage type		Amount	Wage type		Amount
3020	GPF Subscription	-8,050.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-21,991.00	3620	House Rent Deduction 5%	-5,484.00
4004	R. Benefits & Death Comp:	-2,000.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 186,743.85 Recovered till DEC-2020: 54,800.00 Exempted: 0.35- Recoverable: 131,944.20

Gross Pay (Rs.): 211,882.00 Deductions (Rs.): -38,325.00 Net Pay (Rs.): 173,557.00

Payee Name: MR MUHAMMAD ARSHAD

Account Number: 01736

Bank Details: THE BANK OF KHYBER, 080015 SECRETARIAT BR. PESHAWAR. SECRETARIAT BR. PESHAWAR, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: PESHAWAR

City: Peshawar

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: arshadedo@gmail.com

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Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (January-2021)



Personal Information of Mr MR MUHAMMAD ARSHAD d/w/s of SULTANI ROOM

Personnel Number: 00044152 CNIC: 1540291700271 NTN: 6554146-4
Date of Birth: 15.02.1966 Entry into Govt. Service: 08.01.1992 Length of Service: 29 Years 00 Months 025 Days

Employment Category: Active Temporary

Designation: 80003822-GOVERNMENT OF KHYBER PAKH
DDO Code: PR4017-ESTABLISHMENT & ADMINISTRATION DEPARTMENT.
Payroll Section: 005 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: Yes GPF Balance: 182,920.00
Vendor Number: 30002970 - MR MUHAMMAD ARSHAD
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 20 Pay Stage: 9

Wage type	Amount	Wage type	Amount
0001 Basic Pay	109,680.00	0010 Qualification Pay	3,000.00
1210 Convey Allowance 2005	5,000.00	1518 Entertainment Allowance	600.00
1549 Senior Post Allowance	1,250.00	1947 Medical Allow 15% (16-22)	4,418.00
2148 15% Adhoc Relief All-2013	2,190.00	2199 Adhoc Relief Allow @10%	1,471.00
2211 Adhoc Relief All 2016 10%	7,497.00	2224 Adhoc Relief All 2017 10%	10,968.00
2247 Adhoc Relief All 2018 10%	10,968.00	2283 Secretariat Perform Allow	54,840.00

Deductions - General

Wage type	Amount	Wage type	Amount
3020 GPF Subscription	-8,050.00	3501 Benevolent Fund	-800.00
3609 Income Tax	-21,991.00	3620 House Rent Deduction 5%	-5,484.00
4004 R. Benefits & Death Comp:	-2,000.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 186,743.85 Recovered till JAN-2021: 76,791.00 Exempted: 0.40- Recoverable: 109,953.25

Gross Pay (Rs.): 211,882.00 Deductions: (Rs.): -38,325.00 Net Pay: (Rs.): 173,557.00

Payee Name: MR MUHAMMAD ARSHAD

Account Number: 01736

Bank Details: THE BANK OF KHYBER, 080015 SECRETARIAT BR. PESHAWAR. SECRETARIAT BR. PESHAWAR,
Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: PESHAWAR

City: Peshawar

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: arshadedo@gmail.com

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Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (February-2021)



Personal Information of Mr MR MUHAMMAD ARSHAD d/w/s of SULTANI ROOM

Personnel Number: 00044152 CNIC: 1540291700271 NTN: 6554146-4
Date of Birth: 15.02.1966 Entry into Govt. Service: 08.01.1992 Length of Service: 29 Years 01 Months 022 Days

Employment Category: Active Temporary

Designation: 80003822-GOVERNMENT OF KHYBER PAKH

DDO Code: PR4017-ESTABLISHMENT & ADMINISTRATION DEPARTMENT.

Payroll Section: 005 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: Yes GPF Balance: 190,970.00

Vendor Number: 30002970 - MR MUHAMMAD ARSHAD

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 20 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	109,680.00	0010	Qualification Pay	3,000.00
1210	Convey Allowance 2005	5,000.00	1518	Entertainment Allowance	600.00
1549	Senior Post Allowance	1,250.00	1947	Medical Allow 15% (16-22)	4,418.00
2148	15% Adhoc Relief All-2013	2,190.00	2199	Adhoc Relief Allow @10%	1,471.00
2211	Adhoc Relief All 2016 10%	7,497.00	2224	Adhoc Relief All 2017 10%	10,968.00
2247	Adhoc Relief All 2018 10%	10,968.00	2283	Secretariat Perform Allow	54,840.00

Deductions - General

Wage type		Amount	Wage type		Amount
3020	GPF Subscription	-8,050.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-21,991.00	3620	House Rent Deduction 5%	-5,484.00
4004	R. Benefits & Death Comp:	-2,000.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 186,743.85 Recovered till FEB-2021: 98,782.00 Exempted: 0.47- Recoverable: 87,962.32

Gross Pay (Rs.): 211,882.00 Deductions: (Rs.): -38,325.00 Net Pay: (Rs.): 173,557.00

Payee Name: MR MUHAMMAD ARSHAD

Account Number: 01736

Bank Details: THE BANK OF KHYBER, 080015 SECRETARIAT BR. PESHAWAR. SECRETARIAT BR. PESHAWAR, Peshawar

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: PESHAWAR

City: Peshawar

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Email: arshadedo@gmail.com

20

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Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (March-2021)



Personal Information of Mr MR MUHAMMAD ARSHAD d/w/s of SULTANI ROOM

Personnel Number: 00044152

CNIC: 13-40291700271

NTN: 6554146-4

Date of Birth: 15.02.1966

Entry into Govt. Service: 08.01.1992

Length of Service: 29 Years 02 Months 025 Days

Employment Category: Active Temporary

Designation:

80003822-GOVERNMENT OF KHYBER PAKH

DDO Code: PR4017-ESTABLISHMENT & ADMINISTRATION DEPARTMENT.

Payroll Section: 005

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance:

199,020.00

Vendor Number: 30002970 - MR MUHAMMAD ARSHAD

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 20

Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	109,680.00	0010	Qualification Pay	3,000.00
1210	Convey Allowance 2005	5,000.00	1518	Entertainment Allowance	600.00
1549	Senior Post Allowance	1,250.00	1947	Medical Allow 15% (16-22)	4,418.00
2148	15% Adhoc Relief All-2013	2,190.00	2199	Adhoc Relief Allow @10%	1,471.00
2211	Adhoc Relief All 2016 10%	7,497.00	2224	Adhoc Relief All 2017 10%	10,968.00
2247	Adhoc Relief All 2018 10%	10,968.00	2283	Secretariat Perform Allow	54,840.00

Deductions - General

Wage type		Amount	Wage type		Amount
3020	GPF Subscription	-8,050.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-21,991.00	3620	House Rent Deduction 5%	-5,484.00
4004	R. Benefits & Death Comp:	-2,000.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 186,743.85

Recovered till MAR-2021: 120,773.00

Exempted: 0.56-

Recoverable: 65,971.41

Gross Pay (Rs.): 211,882.00

Deductions: (Rs.): -39,025.00

Net Pay: (Rs.): 172,857.00

Payee Name: MR MUHAMMAD ARSHAD

Account Number: 01736

Bank Details: THE BANK OF KHYBER, 080015 SECRETARIAT BR. PESHAWAR. SECRETARIAT BR. PESHAWAR, Peshawar

Leaves:

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address: PESHAWAR

City: Peshawar

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: arshadedo@gmail.com

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Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (April-2021)



Personal Information of Mr MR MUHAMMAD ARSHAD d/w/s of SULTANI ROOM

Personnel Number: 00044152 CNIC: 1540291700271 NTN: 6554146-4
Date of Birth: 15.02.1966 Entry into Govt. Service: 08.01.1992 Length of Service: 29 Years 03 Months 024 Days

Employment Category: Active Temporary

Designation: OSD S0003822-GOVERNMENT OF KHYBER PAKH

DDO Code: PR4017-ESTABLISHMENT & ADMINISTRATION DEPARTMENT.

Payroll Section: 005 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: Yes GPF Balance: 207,070.00

Vendor Number: 30002970 - MR MUHAMMAD ARSHAD

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 20 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	109,680.00	0010	Qualification Pay	3,000.00
1210	Convey Allowance 2005	5,000.00	1518	Entertainment Allowance	600.00
1549	Senior Post Allowance	1,250.00	1947	Medical Allow 15% (16-22)	4,418.00
2148	15% Adhoc Relief All-2013	2,190.00	2199	Adhoc Relief Allow @10%	1,471.00
2211	Adhoc Relief All 2016 10%	7,497.00	2224	Adhoc Relief All 2017 10%	10,968.00
2247	Adhoc Relief All 2018 10%	10,968.00	2283	Secretariat Perform Allow	54,840.00

Deductions - General

Wage type		Amount	Wage type		Amount
3020	GPF Subscription	-8,050.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-21,991.00	3620	House Rent Deduction 5%	-5,484.00
4004	R. Benefits & Death Comp:	-2,000.00	4200	Professional Tax	-3,000.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 186,743.85 Recovered till APR-2021: 142,764.00 Exempted: 0.73- Recoverable: 43,980.58

Gross Pay (Rs.): 211,882.00 Deductions: (Rs.): -42,025.00 Net Pay: (Rs.): 169,857.00

Payee Name: MR MUHAMMAD ARSHAD

Account Number: 01736

Bank Details: THE BANK OF KHYBER, 080015 SECRETARIAT BR. PESHAWAR. SECRETARIAT BR. PESHAWAR, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: PESHAWAR

City: Peshawar

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: arshadedo@gmail.com

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Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (May-2021)



Personal Information of Mr MR MUHAMMAD ARSHAD d/w/s of SULTANI ROOM

Personnel Number: 00044152 CNIC: 1540291700271 NTN: 6554146-4
Date of Birth: 15.02.1966 Entry into Govt. Service: 08.01.1992 Length of Service: 29 Years 04 Months 025 Days

Employment Category: Active Temporary

Designation: OSD 80003822-GOVERNMENT OF KHYBER PAKH

DDO Code: PR4017-ESTABLISHMENT & ADMINISTRATION DEPARTMENT.

Payroll Section: 005

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance:

215,120.00

Vendor Number: 30002970 - MR MUHAMMAD ARSHAD

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 20

Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	109,680.00	0010	Qualification Pay	3,000.00
1210	Convey Allowance 2005	5,000.00	1518	Entertainment Allowance	600.00
1549	Senior Post Allowance	1,250.00	1947	Medical Allow 15% (16-22)	4,418.00
2148	15% Adhoc Relief All-2013	2,190.00	2199	Adhoc Relief Allow @10%	1,471.00
2211	Adhoc Relief All 2016 10%	7,497.00	2224	Adhoc Relief All 2017 10%	10,968.00
2247	Adhoc Relief All 2018 10%	10,968.00	2283	Secretariat Perform Allow	54,840.00

Deductions - General

Wage type		Amount	Wage type		Amount
3020	GPF Subscription	-8,050.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-21,990.00	3620	House Rent Deduction 5%	-5,484.00
4004	R. Benefits & Death Comp:	-2,000.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 186,743.85 Recovered till MAY-2021: 164,754.00 Exempted: 0.09- Recoverable: 21,989.94

Gross Pay (Rs.): 211,882.00 Deductions: (Rs.): -39,024.00 Net Pay: (Rs.): 172,858.00

Payee Name: MR MUHAMMAD ARSHAD

Account Number: 01736

Bank Details: THE BANK OF KHYBER, 080015 SECRETARIAT BR. PESHAWAR. SECRETARIAT BR. PESHAWAR, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: PESHAWAR

City: Peshawar

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: arshadedo@gmail.com

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Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (July-2021)



Personal Information of Mr MR MUHAMMAD ARSHAD d/w/s of SULTANI ROOM

Personnel Number: 00044152 CNIC: 1540291700271 NTN: 6554146-4
 Date of Birth: 15.02.1966 Entry into Govt. Service: 08.01.1992 Length of Service: 29 Years 06 Months 025 Days

Employment Category: Active Temporary

Designation: 80003822-GOVERNMENT OF KHYBER PAKH
 DDO Code: PR4017-ESTABLISHMENT & ADMINISTRATION DEPARTMENT.
 Payroll Section: 005 GPF Section: 001 Cash Center:
 GPF A/C No: Interest Applied: Yes **GPF Balance: 231,220.00**
 Vendor Number: 30002970 - MR MUHAMMAD ARSHAD
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 20 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	109,680.00	0010	Qualification Pay	3,000.00
1210	Convey Allowance 2005	5,000.00	1518	Entertainment Allowance	600.00
1549	Senior Post Allowance	1,250.00	1947	Medical Allow 15% (16-22)	4,418.00
2148	15% Adhoc Relief All-2013	2,190.00	2199	Adhoc Relief Allow @10%	1,471.00
2211	Adhoc Relief All 2016 10%	7,497.00	2224	Adhoc Relief All 2017 10%	10,968.00
2247	Adhoc Relief All 2018 10%	10,968.00	2283	Secretariat Perform Allow	54,840.00
2309	Adhoc Relief All 2021 10%	10,968.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3020	GPF Subscription	-8,050.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-18,791.00	3620	House Rent Deduction 5%	-5,484.00
4004	R. Benefits & Death Comp:	-2,000.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 225,484.83 Recovered till JUL-2021: 18,791.00 Exempted: 0.57- Recoverable: 206,694.40

Gross Pay (Rs.): 222,850.00 Deductions: (Rs.): -35,825.00 Net Pay: (Rs.): 187,025.00

Payee Name: MR MUHAMMAD ARSHAD

Account Number: 01736

Bank Details: THE BANK OF KHYBER, 080015 SECRETARIAT BR. PESHAWAR. SECRETARIAT BR. PESHAWAR, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: PESHAWAR

City: Peshawar

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: arshadedo@gmail.com

Housing Status: No Official

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Annex-VII
P. 27

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar July 19, 2021

NOTIFICATION

NO. SO(E-I)/E&AD/5-168/2021. The Competent Authority is pleased to post Mr. Muhammad Arshad (PCS SG BS-20) awaiting posting in Establishment Department as Member-I, Board of Revenue, Khyber Pakhtunkhwa, against the vacant post, in the best public interest, with immediate effect.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa
3. Principal Secretary to Governor, Khyber Pakhtunkhwa
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Divisional Commissioners in Khyber Pakhtunkhwa.
6. Accountant General, Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. Director General, Information & P.Rs Khyber Pakhtunkhwa.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary (Estt)/Special Secretary (Estt)/ Special Secretary (R)/PA to AS(Estt)/AS (HRD)/ SO(Secret)/ SO(HRD-I) & SO(E-II) Establishment Department.
11. PS to Secretary (Admn)/AS(Admn)/D.S.(Admn)/SO(Transport)/Estate Officer/DD(IT) and ACSO Cypher Administration Department.
12. Officer concerned.
13. Manager, Govt. Printing Press Peshawar.

(ZIA-UL-HAQ)

SECTION OFFICER (ESTT. I)

PH: # 091-9210529

IMDAD KHAN**

(28)

Annex-VIII
P. 28



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 02/02/2018

NOTIFICATION

No.FD(SOSR-II)8-7/2016-17. The Government of Khyber Pakhtunkhwa has been pleased to sanction Executive Allowance to the tune of 1.5 Initial Basic Pay per month as per Pay Scale 2017 to PAS, PCS and PMS officers working against scheduled posts of Establishment and Administration Department as per rates mentioned against each in the following table with immediate effect:-

S #	Pay Scale	Initial Basic Pay	Rate of Executive Allowance Per Month
01.	PAS/PCS/PMS officers in BS-21	Rs.76,720/-	Rs.1,15,080 /-
02.	PAS/PCS/PMS officers in BS-20	Rs.69,090/-	Rs.1,03,635 /-
03.	PAS/PCS/PMS officers in BPS-19	Rs.59,210/-	Rs.88,815/-
04.	PAS/PCS/PMS officers in BS-18	Rs.38,350/-	Rs.57,525/-
05.	PAS/PCS/PMS officers in BS-17	Rs.30,370/-	Rs.45,550/-

- The above allowance will be admissible subject to the following conditions:-
1. It will be admissible to PAS, PCS and PMS officers working against scheduled posts only
 2. Officers of other cadres working against scheduled posts are not entitled to the above allowance.
 3. PAS, PCS and PMS officers posted against scheduled post and are in receipt of such allowances other than regular allowances shall be entitled to one of the allowances, whichever is more beneficial.
 4. Executive Allowance shall not be counted towards pension and gratuity.
 5. Executive Allowance will not be admissible to OSD posts and officers who are on leave reserve posts.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

ENDST: NO. & DATE EVEN.

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. The Senior Member Board of Revenue.
5. The Additional Chief Secretary FATA.
6. The Additional Chief Secretary P&D Department.
7. The Secretary KP-Public Service Commission, Peshawar.
8. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
9. All the Divisional Commissioners in Khyber Pakhtunkhwa.
10. All the Deputy Commissioners in Khyber Pakhtunkhwa.
11. All the District Account Officers in Khyber Pakhtunkhwa.
12. Director, FMIU Finance Department.
13. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
14. Budget Officer-IV, Finance Department.
15. The PS to Secretary Finance Department.
16. The PS to Special Secretary Finance Department.
17. The PA to Additional Secretary (Regulations), Finance Department.
18. Master File.

SECTION OFFICER (SR.II)

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Annex-IX
P.29

To,

The Section Officer (E-1), Establishment Department, Civil Secretariat,
Peshawar.

Subject:

**REQUEST FOR PROVISION OF OFFICIAL VEHICLE,
RESIDENTIAL TELEPHONE AND NEWSPAPER BILL.**

I am to refer to the subject noted above and to state that the undersigned is working against the OSD post in BPS-20 since 10.07.2020. The Establishment Department has got sanctioned OSD post for the undersigned from Finance Department from time to time. The undersigned was entitled to official vehicle, residential telephone and newspaper bill at my erstwhile post of Director, HEART before making OSD.

It is, therefore, requested to allot me an official vehicle along with grant of arrears of POL cost since 10.07.2020 and to clear my outstanding telephone and newspaper bill w.e.f. 10.07.2020 or otherwise provide me a copy of law wherein these facilities are not available to the holders of OSD posts.

As a matter of fact according to my own understanding the undersigned is entitled to all these facilities under the provisions of Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

Dated 16.04.2021

Requester,


(Mohammad Arshad)

Mailing Address: House No. 11, Provincial
Civil Officers Colony, Dabgari Gardens (New),
Opposite Habib Medical Complex, Peshawar
Cantt.

CNIC No. 15402-9170027-1

Email Address: arshadedo@gmail.com

Mobile No. 0348-9745323



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Annex-X
P. 30-34

1

**¹[Khyber Pakhtunkhwa]
Provincial Civil Service (Secretariat Group) Rules, 1997**

[Gazette of ²[Khyber Pakhtunkhwa], Extraordinary, Page No. 57-59, July 17, 1997]

No. SORIV(S&GAD)3-7/95.Vol. II., Dated 26-06-1996.--In exercise of the powers conferred by section 26 of the ³[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (⁴[Khyber Pakhtunkhwa] Act XVIII of 1973), the Governor of the ⁵[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:--

PART I--GENERAL

1. **Short title and commencement.**---(1) These rules may be called the ⁶[Khyber Pakhtunkhwa] Provincial Civil Service (Secretariat Group) Rules, 1997.

(2) They shall come into force at once.

2. **Definitions.**---In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:---

- (a) "Appointing Authority" means the authority specified in column 3 against serial No. 1 of the Table in rule 4 of the ⁷[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989;
- (b) "Attached Department" means a Department as defined in rule 2 (b) of the ⁸[Khyber Pakhtunkhwa] Government Rules of Business, 1985;
- (c) "Commission" means the ⁹[Khyber Pakhtunkhwa] Public Service Commission;
- (d) "Government" means the Government of the ¹⁰[Khyber Pakhtunkhwa];

1 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
2 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
3 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
4 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
5 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
6 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
7 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
8 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
9 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
10 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.



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- (e) "Governor" means the Governor of the ¹¹[Khyber Pakhtunkhwa];
- (f) "Initial recruitment" means appointment made otherwise than by promotion or transfer;
- (g) "recognised University" means any University incorporated by law in Pakistan or any other University which may be declared as recognised by Government;
- (h) "post" means a post specified in the Schedule appended to these rules;
- (i) "Schedule" means the Schedule appended to these rules at Appendix "A" to be revised from time to time;
- (j) "Secretariat" means the ¹²[Khyber Pakhtunkhwa] Civil Secretariat, as defined in rule 2 (r) of the ¹³[Khyber Pakhtunkhwa] Government Rules of Business, 1985 ;
- (k) "service" means the ¹⁴[Khyber Pakhtunkhwa] Provincial Civil Service (Secretariat Group);
- (l) "share" means the share of the Officers of the service in the posts as allocated under these rules; and
- (m) "Province" means the ¹⁵[Khyber Pakhtunkhwa].

PART II - RECRUITMENT

3. Number and Nature of Posts.---The service shall comprise--

- (a) 80% of the total number of posts of Section Officers in the Secretariat; and
- (b) various other posts in B-17 to B-21 as per share allocated under rule 6 of these rules.

4. Appointing Authority.— Appointment to the service shall be made by

11 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
12 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
13 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
14 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.
15 Subs by the Khyber Pakhtunkhwa Act No IV of 2011.



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the authority as specified in rule 2 (a).

5. **Method of Recruitment.**-The members of the service shall be recruited in BPS-17 as per following method:--

- (i) 50% of posts in B-17 shall be filled by initial recruitment based on the result of a Competitive Examination to be held by the Commission for this purpose in accordance with Appendix B to these rules ; and
- (ii) the remaining 50% of the posts in B-17 shall be filled in by way of promotion on the basis of seniority-cum-fitness from amongst the Superintendents and Private Secretaries who have undergone a training course of nine (9) weeks at the Provincial Management Academy / provincial Staff Training Institute.

Note.--A common seniority list shall be maintained of the Superintendents and Private Secretaries for the purpose of promotion to the posts of Section Officers.

6. **Share of the Service in Schedule Posts.**---(1) The share of Provincial Officers in Schedule posts in various grades shall be distributed between Provincial Civil Service (Secretariat Group) and Provincial Civil Service (Executive Group) at the ratio worked out on the basis of their cadre strength i.e. the total, sanctioned posts of Section Officers and Extra-Assistant Commissioners respectively (less 10% of the Secretariat Posts in B-18 and above which shall be reserved for the Officers of the Technical Departments on tenure basis) as may be revised from time to time.

(2) For the purpose of sub-rule (1) above, the number of posts falling to the share of Provincial Officers shall be worked out at the following ratio:--

<u>BPS/Grade of the Posts</u>	<u>Share of Provincial</u>
<u>Officers</u>	
21	35 %
20	40 %
19	50 %
18	60 %
17	75 %

7. **Age.**---(1) No person shall be appointed to the service by initial recruitment in PBS-17 who is less than twenty-one years or more than twenty-eight years of age; provided that in the case of persons serving in connection with the affairs of the Federation (on regular basis) who are domiciled in the Province and the persons serving in connection with the affairs of the Province (on regular basis), with at least

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three (3) years service as such, the upper age limit shall be 35 years.

(2) The age shall be reckoned from the 1st January of the year in which the Competitive Examination is proposed to be held by the Commission.

8. **Qualifications.**—(1) No person shall be appointed to the service by initial recruitment unless he is a Graduate from a recognised University.

(2) No person, not already in Government service, shall be appointed to the service unless he produces a certificate of character from the Head of Academic Institution last attended, and also certificate of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

PART III—PROMOTION

9. **Promotion.**—The appointments against various posts to BPS-18 and above shall be made by way of promotion as per following manner:--

- (a) To ensure minimum possible standards, the promotion to the posts in B-18 as worked out under rule 6(1) shall be made on the basis of seniority / fitness from amongst the members of the service, holding posts in BPS-17 who have successfully completed the prescribed training course at the Provincial Academy for Management and have passed the prescribed departmental examination, if any, and have completed the minimum length of service in B-17 as notified by the Government from time to time.
- (b) Promotion to the posts in B-19, 20 and 21 shall be made on the basis of seniority / fitness from amongst the officers holding posts in BPS-18, 19 and 20 respectively who have completed the minimum length of service as prescribed by the Government.

10. **Repeal.**—The West Pakistan Secretariat (Section Officer) Service Rules, 1962 and the West Pakistan Deputy Secretaries Recruitment Rules, 1963 are hereby repealed.



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APPENDIX 'A'
See rule 2 (1) & 6

AS PER ADMINISTRATIVE REFORMS PACKAGE NEW
SCHEDULE OF POSTS APPENDED TO S&GAD.

NOTIFICATION NO. SORIV (S&GAD) 3-7/95. Vol. II
Dated 26th June, 1997.

Name of the posts	BPS	No. of Posts	
Chief Secretary	B-21/22	1	
Addl: Chief Secretary	B-21	1	
Senior Member B.O.R.	B-21	1	7
Secretaries	B-21	3	
Chairman S.D.A.	B-21	1	
Secretaries	B-20	20	
Commissioners	B-20	7	
Member B.O.R.	B-20	1	
Director S.T.I.	B-20	1	
Chairman P.I.T.	B-20	1	
D.G. Population Welfare	B-20	1	
Member P.S.C.	B-20	2	39
Chairman G.I.T./Member P.I.T.	B-20	1	
Member Service Tribunal	B-20	1	
D.G. SDU/PE&D	B-20	1	
M.D.F.V.D.B.	B-20	1	
M.D. Frontier Edu: Foundation	B-20	1	
Director (Finance) S.D.A.	B-20	1	
Director Industries	B-19	1	
Director Food	B-19	1	
D.G. LG&RD	B-19	1	
M.D. SIDB	B-19	1	
Registrar Co-operative Societies	B-19	28	
Addl: Secretaries	B-19	5	
Chief of Section PE&D	B-19	6	
Addl: Commissioners	B-19	1	47
Member G.I.T.	B-19	1	
G.M. (Finance/Admn:) F.D.C.	B-19	1	
Senior Economist Finance Deptt:	B-19	1	
Deputy Commissioners	B-18	23	
Political Agents	B-18	8	
Addl: Deputy Commissioners	B-18	2	
Settlement Officers	B-18	2	
Secretary P.S.C.	B-18	1	
Secretary B.O.R.	B-18	1	
Director Land Record	B-18	1	107
Director Social Welfare	B-18	1	
Div: Director LG&RD	B-18	2	
Dy: Director Provincial Services Academy	B-18	1	
Administrator A.R.O.	B-18	1	
Deputy Secretaries	B-18	49	
Asstt: Chief of Section	B-18	9	
Director Anti-Corruption	B-18	1	
Dy: Director (Admn:) S.T.J.	B-18	1	
Dy: Director (Trg:) STI	B-18	1	
Jr: Economist Finance Deptt:	B-18	1	
Asstt: Economic Advisor (Ind:)	B-18	1	
Secretary P.T.A.	B-18	1	
Assistant Commissioners	B-17	41	
Assistant Political Agents	B-17	22	82
Asstt: to Commissioner/Secretary to Commissioners	B-17	19	

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Annex-81
PP. 35-36



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(HRD WING)

No. SO (HRD-II)/ED/1-10/2021 (RTI)/Mohammad Arshad - I
Dated Peshawar the 21st April, 2021

To .

Mr. Mohammad Arshad,
R/o H#11, Provincial Civil Officers Colony,
Dabgari Gardens (New),
Opposite Habib Medical Complex,
Peshawar Cantt (0348-9745323).

Subject:

REQUEST FOR PROVISION OF INFORMATION/ REOCRD OF COPY OF LEATEST
APPENDIX/ SCHEDULE OF POSTS ATTACHED WITH THE KHYBER PAKHTUNKHWA
PCS (SECRETARIAT & EXECUTIVE GROUPS), 1997 UNDER RTI ACT, 2013.

Kindly refer to the subject noted above and to forward herewith copy of the requisite
information under Right to Information Act 2013 for information.

Encl: As above:

Public Information Officer (PIO)
Establishment Department

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DETAILS OF SCHEDULED POSTS OF BS-20

S. NO.	NAME OF POST
1.	Secretaries (Settled/FATA)
2.	Member Board of Revenue-I Member Board of Revenue-II Member Board of Revenue-III
3.	Special Secretaries
4.	Chairman, Governor's Inspection Team
5.	Member (General) PIT
6.	Director Staff Training Institute.
7.	Divisional Commissioners.
8.	Commissioner, Afghan Refugees.
9.	D.G. Galiyat Development Authority, Abbottabad
10.	Director General, Excise & Taxation
11.	Secretary, Provincial Ombudsman
12.	Chairman, Khyber Pakhtunkhwa Text Book Board
13.	DG, Provincial Service Academy
14.	Director General, LG&RD
15.	Secretary, Benevolent Fund Cell
16.	MD, FATA Elementary Education Foundation
17.	DG, Provincial Disaster Management Authority
18.	MD, Technical Education & Vocational Training, Authority (TEVTA)
19.	DG, KP Revenue Authority
20.	MD, KP Public Procurement Regulatory Authority
21.	DG, Projects FATA
22.	DG, M&EP&D
23.	DG, Khyber Pakhtunkhwa Food and Safety and Halal Food Authority
24.	Director General (Rescue) 1122
25.	Secretary, Public Service Commission
26.	Chairman, Higher Education Regulatory Authority
27.	Director General, Provincial Ombudsman Sect:
28.	Executive Director, ETEA
29.	Director General, Sports
30.	Managing Director, Khyber Pakhtunkhwa Tourism Corporation, Khyber Pakhtunkhwa
31.	DG (Law &HR) Law
32.	Managing Director, SIDB
33.	Managing Director, Forest Development Corporation FDC
34.	Technical Member, Khyber Pakhtunkhwa Appellate Tribunal For Sales tax on Services
35.	Director General, SDU
36.	Director General Prosecution
37.	Managing Director, Elementary Edu: Foundation
38.	• G.M. (Finance) F.D.A. • G.M. (Planning) F.D.A.
39.	Executive Director, Urban Policy Unit (UPU) P&D
40.	Project Director "Clean Drinking Water for All" Project, LG&RD.
41.	PD, Land Computerization Phase-II, BOR
42.	DG, PERRA
43.	MD, KPLissail-e-Wal Mahroom Foundation
44.	Director General, Education Monitoring Authority (EMA), E&SE Department
45.	DG, Post Crises Need Assessment (PCNA) P&D Department
46.	Director, P&D Peshawar High Court, Peshawar
47.	Director General, Mines & Minerals Development
48.	Chairmen, Board of Intermediate & Secondary Education BISE
49.	Director General, Commerce Education & Management Sciences
50.	Director, Khyber Pakhtunkhwa Higher Education Academy of Research and Training
51.	Managing Director, Khyber Pakhtunkhwa Urban Mobility Authority (KPUA)
52.	Director General, Provincial Housing Authority
53.	Director General, Information & Public Relations
54.	Director General, Population Welfare
55.	Director General, Employees Social Security Institution
56.	Director General, Environmental Protection Agency
57.	Director General, Pakistan Forests Institute
58.	Collector, Khyber Pakhtunkhwa Revenue Authority
59.	Director, Higher Education

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(37)

Annex-XII
PR. 37-43

To,

The Secretary, Establishment Department,
Government of Khyber Pakhtunkhwa, Civil Secretariat,
Peshawar.

Subject:

REPRESENTATION UNDER SECTION 22(2) OF THE KHYBER
PAKHTUNKHWA PROVINCE CIVIL SERVANTS ACT, 1973
(Khyber Pakhtunkhwa Act No. XVIII of 1973) AGAINST THE NON-
PAYMENT/STOPPAGE OF EXECUTIVE ALLOWANCE,
TELEPHONE, NEWSPAPER AND POL BILL AND NON-
ALLOTMENT OF OFFICIAL VEHICLE FROM 10.07.2020 TILL
ITS DENIAL/NON-PAYMENT CONTINUES.

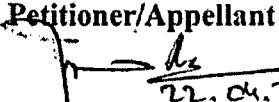
Prayer: The part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. "Executive Allowance will not be admissible to OSD posts", being ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), therefore, illegal, void ab-initio, may be expunged from the notification. Similarly, any other law/rule/instructions/notification if any is also ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973, therefore, illegal and void ab-initio. The Establishment Department may be directed to make payment to the petitioner/appellant of un-paid Executive Allowance, telephone, newspaper bill and POL cost for the period from 10.07.2020 till the date its denial/non-payment continues along with allotment of official vehicle.

Enclosed please find herewith a representation in original addressed to the honourable Chief Minister, Khyber Pakhtunkhwa for information and necessary action. The representation is spread over a total of twenty-four (24) pages with following break-up:-

i.	Index	:	One (1) page.
ii.	Text of the representation:	:	Five (5) pages.
iii.	Annexes	:	Nine (09) spreading over eighteen (18) pages.
Total Pages		:	1+5+18=24

Dated 22.04.2021

Petitioner/Appellant


22.04.2021
Mohammad Arshad, PCS(SG-BPS-20), OSD, Estt. Deptt.
Mailing Address: House No. 11, Provincial Civil Officers
Colony, Dabgari Gardens (New), Opposite Habib Medical
Complex, Dabgari Gardens, Peshawar Cantt.

CNIC No. 15402-9170027-1

Email Address: arshadedo@gmail.com

Mobile No. 0348-9745323



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To,

The Honourable Chief Minister,
Khyber Pakhtunkhwa.
Through Proper Channel.

Subject:

REPRESENTATION UNDER SECTION 22(2) OF THE KHYBER PAKHTUNKHWA PROVINCE CIVIL SERVANTS ACT, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) AGAINST THE NON-PAYMENT/STOPPAGE OF EXECUTIVE ALLOWANCE, TELEPHONE, NEWSPAPER AND POL BILL AND NON-ALLOTMENT OF OFFICIAL VEHICLE FROM 10.07.2020 TILL ITS DENIAL/NON-PAYMENT CONTINUES.

Prayer: The part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. "Executive Allowance will not be admissible to OSD posts", being ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), therefore, illegal, void ab-initio, may be expunged from the notification. Similarly, any other law/rule/instructions/notification if any is also ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973, therefore, illegal and void ab-initio. The Establishment Department may be directed to make payment to the petitioner/appellant of un-paid Executive Allowance, telephone, newspaper bill and POL cost for the period from 10.07.2020 till the date its denial/non-payment continues along with allotment of official vehicle.

INDEX

S. No.	Description of the Document	Annex	Page No.
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3	Posting/Transfer Order dated 09.07.2020.	Annex-I	7
4	Charge Relinquishment in HEART & Arrival Report in Estt. Deptt. dated 10.07.2020.	Annex-II	8-9
5	LPC dated 11.09.2020 issued by the AG office.	Annex-III	10
	AC Bill of the Academy for telephone, newspaper and POL charges.	Annex-IV	11-12
6	Notification dated 22.07.2020, 09.10.2020 & 18.01.2021 for creation of OSD post.	Annex-V	13-15
7	Monthly Salary Statement for Oct., Nov., Dec., 2020, Jan., Feb. and March 2021.	Annex-VI	16-21
8	Finance Deptt. Notification dated 02.02.2018 regarding sanction of Executive Allowance.	Annex-VII	22
9	Petitioner/Appellant application dated 16.04.2021 regarding claim of telephone, newspaper and POL charges with vehicle.	Annex-VIII	23
10	Scheduled posts mentioned in KP Province PCS (Secretariat Group) Rules, 1997.	Annex-IX	24

Dated 22.04.2021

Petitioner/Appellant

Mohammad Arshad, PCS(SG-BPS-20), OSD, Estt. Deptt.

Mailing Address: House No. 11, Provincial Civil Officers Colony, Dabgari Gardens (New), Opposite Habib Medical Complex, Dabgari Gardens, Peshawar Cantt.

CNIC No. 15402-9170027-1

Email Address: arshadedo@gmail.com

Mobile No: 0348-9745323

To,

39

The Honourable Chief Minister,
Khyber Pakhtunkhwa.
Through Proper Channel.

Subject: REPRESENTATION UNDER SECTION 22(2) OF THE KHYBER PAKHTUNKHWA PROVINCE CIVIL SERVANTS ACT, 1973 (KHYBER PAKHTUNKHWA ACT NO. XVIII of 1973) AGAINST THE NON-PAYMENT/STOPPAGE OF EXECUTIVE ALLOWANCE, TELEPHONE, NEWSPAPER AND POL BILL AND NON-ALLOTMENT OF OFFICIAL VEHICLE FROM 10.07.2020 TILL THE DATE ITS DENIAL/NON-PAYMENT CONTINUES.

Prayer: The part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. "Executive Allowance will not be admissible to OSD posts", being ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), therefore, illegal, void ab-initio, may be expunged from the notification. Similarly, any other law/rule/instructions/notification if any is also ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973, therefore, illegal and void ab-initio. The Establishment Department may be directed to make payment to the petitioner/appellant of un-paid Executive Allowance, telephone, newspaper bill and POL cost for the period from 10.07.2020 till the date its denial/non-payment continues along with allotment of official vehicle.

Sir,

Respectfully submitted that:-

Facts of the Case

1. The Government of Khyber Pakhtunkhwa Establishment Department has ordered the posting/transfer of the petitioner/appellant from Director, Khyber Pakhtunkhwa Higher Education Academy of Research and Training (HEART), Peshawar to Establishment Department vide notification No. SO(E-I)/E&AD/9-88/2020 dated 09.07.2020 (Annex-I).
2. The petitioner/appellant has relinquished the charge of the former post on 10.07.2020 (FN) and submitted arrival report on 10.07.2020 (FN) in the Establishment Department (Annex-II).
3. The petitioner/appellant as per Last Pay Certificate (LPC) issued by the Accountant General, Khyber Pakhtunkhwa, Peshawar office was entitled to draw Executive Allowance at the rate of Rs. 103,635/- per month against the erstwhile post of Director, Higher Education Academy of Research and Training (HEART), Peshawar (Annex-III).
4. The petitioner/appellant as per Abstract Contingent (AC) Bill of the Academy was entitled to receive charges of residential telephone, POL and newspaper bill till July, 2020 while posted in the Academy (Annex-IV).

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5. The Government of Khyber Pakhtunkhwa in the Finance Department on the request of Establishment Department has created OSD post for the petitioner/appellant amongst others for the period from 10.07.2020 to 30.09.2020 vide its sanction letter No. BOIV/FD/2-21/OSD/12 dated 22.07.2020, extended for a period from 01.10.2020 to 31.12.2020 and further extended for the period from 01.01.2021 to 31.03.2021 vide sanction letter of even No. dated 09.10.2020 and 18.01.2021 respectively (Annex-V).
6. The petitioner/appellant has not been paid Executive Allowance, telephone and newspaper bill, cost of POL and also stopped allotment of official vehicle by the Establishment Department/AG office from 10.07.2020 against the post of Officer on Special Duty (OSD-BPS-20). The copy of Monthly Salary Statement for the Month of October, November and December, 2020, January, February and March 2021 are attached herewith. The non-payment will continue till the Government of Khyber Pakhtunkhwa decides to transfer/post the petitioner/appellant against one of the Scheduled Posts (Annex-VI).
7. The Executive Allowance has been sanctioned to the tune of 1.5 Initial Basic Pay per month as per Pay Scale 2017 to PAS, PCS and PMS officers working against scheduled posts of Establishment and Administration Department vide Government of Khyber Pakhtunkhwa in the Finance Department notification No. FD(SOSR-H)8-7/2016-17 dated 02.02.2018 (Annex-VII). The apparent reason for non-payment of Executive Allowance to the petitioner/appellant is the part of the condition No. 5 of the notification which provides that "Executive Allowance will not be admissible to OSD posts and officers who are on leave reserve posts."
8. The petitioner/appellant has requested the Establishment Department vide application dated 16.04.2021 to allot him an official vehicle along with grant of arrears of POL cost since 10.07.2020 and to clear outstanding telephone and newspaper bill w.e.f. 10.07.2020 or otherwise provide a copy of law wherein these facilities are not available to the holders of OSD posts but no response has been received from the department till filing of instant representation (Annex-VIII).
9. The scheduled posts of Establishment and Administration Department in the petitioner/appellant's case are the service/cadre posts of the petitioner/appellant, which have been mentioned in the Khyber Pakhtunkhwa Province Provincial Civil Service (Secretariat Group) Rules, 1997, notified at Page-218 and onwards of the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 29th September, 1997 (Annex-IX). While in the case of PMS Officers, scheduled posts are mentioned in their respective service rules.

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(41)

Grounds of the Case

10. The petitioner/appellant feeling aggrieved from the non-payment of Executive Allowance, telephone, POL and newspaper bill from 10.07.2020 and non-allotment of official vehicle till the date its non-payment/non-allotment remains continued in future, submits the instant representation on the following grounds amongst others:-

- i. That, the petitioner/appellant has not been treated according to law, which is the inalienable right of every citizen, as enshrined in Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. The adverse action against the petitioner is also in violation of fundamental right to fair trial and due process guaranteed under Article 10A of the Constitution.
- ii. That, the second proviso to Section 10 of the Khyber Pakhtunkhwa Province Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) provides that "where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve."
- iii. That, the OSD post (BPS-20) against which the salary of the petitioner/appellant has been drawn by the Establishment Department is not the service/cadre post of the petitioner because no-where OSD post is included in the category of posts mentioned in the Schedule of Posts appended to the Khyber Pakhtunkhwa Province Provincial Civil Service (Secretariat Group) Rules, 1997.
- iv. That, the part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. "Executive Allowance will not be admissible to OSD posts" is in violation of second proviso to Section 10 of the Act *ibid*. Therefore, ultra-vires of the basic law, illegal and void ab-initio.
- v. That, similarly non-allotment of official vehicle, non-payment of POL, telephone and newspaper bill to the petitioner/appellant since 10.07.2020 is also in violation of second proviso to Section 10 of the Act *ibid*. Therefore, its non-allotment and non-payment is also ultra-vires of the basic law, illegal and void ab-initio.
- vi. That, the non-payment of Executive Allowance to the petitioner/appellant is a continuous cause of action since 01.11.2020, the day the pay was received for the period from 10.07.2020 to 31.10.2020 in the Monthly Salary Statement for October 2020. The allowance has continuously remained unpaid in November and December 2020, January, February and

March 2021 and is certain to remain unpaid in future as well unless the petitioner/appellant is transferred/posted out from the post of OSD. Similar is the case of other charges.

- vii. That, the honourable Federal Service Tribunal has declared in numerous judgments namely 2006 PLC (C.S.) 1124 and 1995 PLC (C.S.) 1026 that in appeals relating to pays and allowances an aggrieved civil servant has a continuing cause of action.
- viii. That, making the petitioner/appellant as OSD for such a long period of time is in violation of the judgement/order of the august Supreme Court of Pakistan in Constitutional Petition No. 23/2012, titled Anita Turab-v-Federation of Pakistan and reported as PLD 2013 SC 195. The concerned officers have committed a contempt of court and the petitioner/appellant is seriously considering filing a contempt of court case/petition against the violators in the august Supreme Court of Pakistan.
- ix. That, making the petitione/appellantr as OSD for such a long period of time is also in violation of the Provincial Government own instructions issued vide Establishment Department letter No. SOR.VI(E&AD)1-4/2005/Vol-II dated 27.02.2013 as a sequel to the above-judgement.
- x. That, junior officers are working against higher posts and some officers hold posts on additional charge but the petitioner/appellant is denied posting on a scheduled post. The petitioner/appellant, therefore, suffers a big financial loss without any rhyme or reason and without any trial.

PRAYER

Keeping in view the above-mentioned facts and law on the subject, it is, therefore, prayed that:-

- (i) The part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. "Executive Allowance will not be admissible to OSD posts", being ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973, therefore, illegal, void ab-initio, may be expunged from the notification.
- (ii) Similarly, any other law/rule/instructions/notification if any is also ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973, therefore, illegal and void ab-initio.
- (iii) The Establishment Department may be directed to make payment to the petitioner/appellant of un-paid Executive Allowance, telephone, newspaper bill and POL cost for the period from 10.07.2020 till the

20.

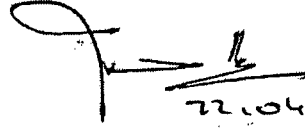
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date its denial/non-payment continues along with allotment of official vehicle.

- (iv) The petitioner/appellant also desires and prays to be given a chance of personal hearing in the case.

Dated 22.04.2021

Petitioner/Appellant



Mohammad Arshad, PCS(SG-BPS-20), OSD,
Estt. Deptt.

Mailing Address: House No. 11, Provincial
Civil Officers Colony, Dabgari Gardens (New),
Opposite Habib Medical Complex, Dabgari
Gardens, Peshawar Cantt.

CNIC No. 15402-9170027-1

Email Address: arshadedo@gmail.com

Mobile No. 0348-9745323

(44) ~~(K)~~

Annex-XIII
P. 44-51

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR.

Service Appeal No. 1132 of 2019

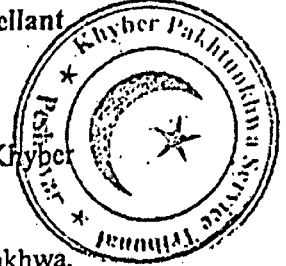
Diary No. 1236

Date 06/09/2019

Mohammad Arshad, Additional Secretary, Inter-Provincial Coordination
Department at Mian Rashid Hussain Shaheed Memorial Block, Civil Secretariat,
Peshawar Cantonment ----- Appellant

VERSUS

1. The Provincial Government through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
4. The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar ----- Respondents.



APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 (KHYBER PAKHTUNKHWA ACT NO. I OF 1974) AGAINST THE NON-PAYMENT/STOPPAGE OF EXECUTIVE ALLOWANCE FROM 19.11.2018 TO 19.03.2019, CONTAINED IN THE MONTHLY SALARY STATEMENTS FOR DECEMBER, 2018, JANUARY, FEBRUARY, APRIL, 2019 AND PAY PREPARED ON THE BASIS OF FINANCE DEPARTMENT NOTIFICATION DATED 02.02.2018.

Prayer: The part of the condition No. 5 of the Finance Department notification dated 02.02.2018 i.e. "Executive Allowance will not be admissible to OSD posts", being ultra-vires of second proviso to section 10 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), therefore, illegal, void ab-initio, may be expunged from the notification and the Respondents may be directed to make payment to the Appellant of un-paid Executive Allowance for the period from 19.11.2018 to 19.03.2019.


Respectfully sheweth that:-

Facts of the Case

1. The Government of Khyber Pakhtunkhwa, Establishment Department has ordered the posting/transfer of the appellant from Director (Admn. & Finance), Provincial Services Academy, Khyber Pakhtunkhwa to Establishment Department vide notification No. SO(E-I)/E&AD/1-1/2018 dated 13.11.2018 (Annex-I).
2. The appellant has relinquished the charge of the former post on 19.11.2018 (FN) and submitted arrival report on 19.11.2018 (FN) in the Establishment Department (Annex-II).
3. The appellant as per Last Pay Certificate (LPC) issued by the Provincial Services Academy was entitled to draw Executive Allowance at the rate of Rs. 88815/- per month (Annex-III).

Filed to-day
Registrar
6/9/19

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1132/2019

Date of Institution ... 06.09.2019
Date of Decision ... 09.06.2021



Mr. Muhammad Arshad Additional Secretary Inter-provincial Coordination
Department at Mian Rashid Hussain Shaheed Memorial Block Civil secretariat
Peshawar Cantonment. ... (Appellant)

VERSUS

The Provincial Government through Chief Secretary Education and three
others. ... (Respondents)

MUHAMMAD ARSHAD
Appellant

... In Person

MR. RIAZ AHMAD PAINDAKHEIL
Assistant Advocate General

... For Respondents


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

... MEMBER (J)
... MEMBER (E)

JUDGMENT: -

Mr. ATIQ UR REHMAN WAZIR: - Brief facts of the case are that the
appellant while posted as OSD in Establishment Department for almost five
months was kept deprived of the executive allowance in light of Finance
Department Notification dated 02-02-2018, which bars executive allowance to
OSD posts. The appellant challenged the said clause of the notification in a
departmental appeal dated 15-05-2019, which was processed and forwarded to
Finance Department for necessary action, but the appellant was not apprised of

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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any decision within the stipulated time period, hence the appellant filed the instant appeal with prayers that part of condition No. 5 of the Finance Department Notification dated 02-02-2018 i.e. "Executive allowance will not be admissible to OSD posts", being ultra-vires of second proviso to Section 10 of the Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No XVIII of 1973), therefore, illegal, void ab-initio, may be expunged from the notification and the respondents may be directed to make payment to the appellant of un-paid executive allowance for the period from 19-11-2018 to 19-03-2019.

02. Written reply/comments were submitted by respondents.

03. While challenging vires of Finance Department Notification dated 02-02-2018, the appellant Pro se argued the case and contended that this Tribunal has got jurisdiction to entertain the appeal of the appellant and referred to the judgment of Supreme Court of Pakistan reported in 1991 SCMR 1041, which allows a civil servant to file appeal before the Service Tribunal, if a statutory rule or a notification adversely affects the terms and conditions of a civil servant. The appellant contended that since part of condition No 5 of the said notification adversely affect pay/allowances of the appellant and the fact cannot be denied that pay/allowance does come under the definition of terms and conditions of service, therefore, this Tribunal has got jurisdiction to entertain the instant appeal. The appellant further added that such condition of the impugned notification is in total contravention to second proviso of Section 10 of the Civil Servant Act, 1973, which is ultra-vires of the basic law, illegal and void ab-initio. The appellant further argued that where an executive order/notification and clause of an Act are in contradiction to each other, provisions of the Act would prevail. The appellant contended that the OSD post (BPS-19), against which salary of the appellant has been drawn is not the

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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service/cadre post of the appellant, as nowhere OSD post is included in the category of posts mentioned in the Schedule of posts appended to the Khyber Pakhtunkhwa, Provincial Civil Service (Secretariat Group) Rules, 1997, hence he is entitled to receive the executive allowance in view of Section- 10 of the Act *ibid*. On the question of limitation, the appellant accentuated that his appeal is otherwise well in time but he also referred to judgments of Supreme Court of Pakistan in 2006 PLC (CS) 1124 and 1995 PLC (CS) 1026, wherein it has been held that pay and allowances being continuous cause of action are not hit by limitation. The appellant prayed that in view the mentioned facts, part of condition No. 5 of the Finance Department Notification dated 02-02-2018 i.e. *Executive allowance will not be admissible to OSD post, being ultra-vires of second proviso to Section 10 of the Civil Servant Act, 1973, therefore, illegal, void ab-initio, may be expunged from the notification and the respondents may be directed to make payment of un-paid executive allowance to the appellant for the period from 19-11-2018 to 19-03-2019.*

04. Learned Assistant Advocate General appeared on behalf of official respondents contended that the appellant has challenged vires of a notification issued on 02-02-2018, whereas he preferred departmental appeal on 05-09-2019, which is barred by time. That the officer was never posted outside the cadre post, rather posting of an officer as OSD is merely a temporary arrangement and second proviso to Section 10 of the Act is not applicable in his case. Learned Assistant Advocate General further added that the appellant did not perform any duty during the period and such allowance is only admissible to the officers, who are actually working against the post of Schedule-II of PMS Rules, 2007. Learned Assistant Advocate General added that policy making is the domain and discretion of the competent authority,

AGREED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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which cannot be challenged. Reliance was placed on CA No. 827/2020. Learned Assistant Advocate General prayed that the instant appeal being devoid of merit may be dismissed.

05. Arguments heard and record perused.

06. The question of jurisdiction is taken up first for consideration. The appellant is seeking entitlement to the executive allowance and it is well settled that allowance of any type is covered by the term pay, which come under terms and condition of service of a civil servant, regarding which, the Judgment of worthy Supreme Court of Pakistan reported as 1991 SCMR 1041 is very clear. The relevant portion of the same is reproduced as under:

"From the above-cited cases, it is evident that it has been consistently held inter alia by this court that a civil servant if is aggrieved by a final order, whether original or appellate, passed by a departmental authority in respect of his terms and conditions, his remedy, if any, is by way of an appeal before the Service Tribunal even where the case involves vires of a particular Service Rule or a Notification or the question, whether an accused civil servant can claim the right to be represented by a counsel before the inquiry officer. We are inclined to hold that if a statutory rule or notification adversely affects the terms and conditions of a civil servant, the same can be treated as an order in terms of sub-section (1) of Section 4 of the Act in order to file an appeal before Service Tribunal".

07. Furthermore, this Tribunal has already entertained and decided a Service Appeal No. 868/2019 announced by a larger bench of this Tribunal on 14-01-2021, where the appellant had challenged vires of Service Rules, adversely affecting terms and conditions of his service and which was supported by judgments of Supreme Court of Pakistan in 1991 SCMR 1041, PLD 2004 SC 317, 2002 PLC (CS) 94, 2012 PLC (CS) 1211, 2018 PLC (CS) 40,

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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2019 PLC (CS)995 and PLD 1980 SC 153. We are thus sure that this Tribunal is vested with the jurisdiction to entertain the instant appeal.


08. Now the question of limitation is taken up for discussion. The contention of the learned assistant advocate general that departmental appeal of the appellant is barred by time, does not hold any force, as the notification in question was general in nature and not specific for the appellant. When part of condition No. 5 of the said notification started adversely affecting pay/allowances of the appellant, he preferred departmental appeal, which was well within time. Moreover, the question relating to pay and allowances being recurring cause of action, therefore, fresh cause of action accrues to a civil servant on receipt of salary of each month. It is thus held that the departmental appeal as well as the instant service appeal of the appellant are within time.

09. Now the moot question as to whether the appellant is entitled to receive executive allowance, while serving against OSD post, is taken up for discussion. In order to appreciate the controversy properly, it would be advantageous to reproduce the second proviso of Section 10 of Civil Servant Act, 1973, which is as under:

"Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been so required to serve".

10. Placed on record is a notification dated 26-06-1997 showing eleven categories of posts in BPS-19 pertaining to the service/cadre of the appellant, but the post of OSD is nowhere mentioned in the schedule of posts. Schedule-II of PMS Rules, 2007, as mentioned by respondents in their comments was

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

also checked, which contains 13 categories of posts in BPS-19, but no mention of the post of OSD. It is thus clear that upon the order of the competent authority, the appellant was required to serve on a post outside his service or cadre, therefore in light of second proviso of the Act *ibid*, the appellant is well within his right to claim the payment of executive allowance, as he would have been entitled to payment of the same, had he been posted on a post within his service or cadre. Contention of the learned Assistant Advocate General to the effect that OSD is a temporary arrangement and the officer did not actually perform any duty, therefore, he is not entitled to executive allowance, is misconceived for the reason that had such contention being true, then the appellant would not have been found entitled to other allowances already included in his pay. Since it was not the choice and willingness of the appellant to be posted as OSD, therefore, he cannot be legally deprived of the payment of executive allowance. In these circumstances, the impugned part of condition No 5 to the effect that executive allowance will not be admissible to OSD posts being in derogation of second proviso to Section 10 of the Civil Servant Act, 1973 is liable to be struck down, particularly for the reason that the Act is having overriding effect on any executive order/notification. It is further clarified that salary of the appellant contains basic pay, qualification pay and almost ten allowances including the executive allowance and depriving a civil servant from such allowance(s) on his posting as OSD is highly discriminatory on the one hand and part of the condition No 5 of the notification i.e. "Executive allowance will not be admissible to OSD posts" is in total violation of the second proviso of Section 10 of the Act *ibid*.

11. In view of the foregoing discussion, the instant appeal is allowed and the portion of the impugned notification to the effect that executive allowance

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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will not be admissible to OSD posts is declared as null and void. The appellant is held entitled to payment of the executive allowance for the period from 19-11-2018 to 19-03-2019 with all consequential benefits if any. No orders as to costs. File be consigned to record room.

ANNOUNCED
09.06.2021

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 09-06-2021
Number of Words 3200
Copying Fee 34.00
Urgent _____
Total 34.00
Name of Copyist _____
Date of Completion of Copy 21-06-2021
Date of Delivery of Copy 21-06-2021

52

Annex-XIV
P. 52

To,

The Secretary, Establishment Department,
Government of Khyber Pakhtunkhwa, Civil Secretariat,
Peshawar.

Subject:

REPRESENTATION UNDER SECTION 22(2) OF THE KHYBER
PAKHTUNKHWA PROVINCE CIVIL SERVANTS ACT, 1973
(Khyber Pakhtunkhwa Act No. XVIII of 1973) AGAINST THE NON-
PAYMENT/STOPPAGE OF EXECUTIVE ALLOWANCE,
TELEPHONE, NEWSPAPER AND POL BILL AND NON-
ALLOTMENT OF OFFICIAL VEHICLE FROM 10.07.2020 TILL
ITS DENIAL/NON-PAYMENT CONTINUES.

I am to refer to my Departmental Representation dated 22.04.2021, received by the department through Diary No. 2983 dated 23.04.2021, on the subject noted above and to enclose herewith a copy of honourable Khyber Pakhtunkhwa Services Tribunal, Peshawar judgement/order dated 09.06.2021, passed in Service Appeal No. 1132/2019, titled Mohammad Arshad-versus-The Government of Khyber Pakhtunkhwa through Chief Secretary & others for compliance/implementation.

2. The honourable Khyber Pakhtunkhwa Services Tribunal has declared the undersigned as entitled to the payment of Executive Allowance for a period from 19.11.2018 to 19.03.2019, the period during which the undersigned remained as OSD (BPS-19), Establishment Department.

3. The legal principle enunciated by the august Supreme Court of Pakistan in Para. 16 (citation C) of its judgement reported as 1996 SCMR 1185, titled, Hameed Akhtar Niazi-versus-The Secretary Establishment Division, Government of Pakistan & others (copy enclosed for ready reference), is reproduced ad verbatim as follows: "We may observe that if the Tribunal or this Court decides a point of law relating to a terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings; in such a case the dictates of justice and rule of good governance demand that the benefit of the above judgement may be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forum."

4. The period of 90 days prescribed for decision on the departmental representation/appeal is due to expire during the last ten days of the current month but yet no decision has been made on my representation cited in the subject. In light of the august Supreme Court of Pakistan judgement reported as 1996 SCMR 1185 mentioned above, the undersigned is entitled to get the Executive Allowance and other allied service benefits asked for in the representation referred to above.

Keeping in view the above mentioned facts and law on the subject, it is, therefore, requested to implement the judgement/order dated 09.06.2021 of the Service Tribunal and also move a case for the competent authority to grant me the allowances asked for in the instant representation cited at subject. To compel the undersigned to approach again the honourable Khyber Pakhtunkhwa Services Tribunal, Peshawar will be in violation of the above-cited judgement of the august Supreme Court of Pakistan.

Encl. As Above.

Dated 15.07.2021

Petitioner/Appellant

Mohammad Arshad, PCS(SG-BPS-20), OSD, Estt. Deptt.

Mailing Address: House No. 11, Provincial Civil Officers
Colony, Dabgari Gardens (New), Opposite Habib Medical
Complex, Dabgari Gardens, Peshawar Cantt.

CNIC No. 15402-9170027-1

Email Address: arshadedo@gmail.com

Mobile No. 0348-9745323



(S3) Annex XV
GOVERNMENT OF P-53
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar, July 19, 2021

NOTIFICATION

NO. SO(E-I)/E&AD/5-168/2021. The Competent Authority is pleased to post Mr. Muhammad Arshad (PCS SG BS-20), awaiting posting in Establishment Department as Member-I, Board of Revenue, Khyber Pakhtunkhwa, against the vacant post, in the best public interest, with immediate effect.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa
3. Principal Secretary to Governor, Khyber Pakhtunkhwa
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Divisional Commissioners in Khyber Pakhtunkhwa.
6. Accountant General, Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. Director General, Information & P.Rs Khyber Pakhtunkhwa.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary (Estt)/Special Secretary (Estt)/ Special Secretary (R)/PA to AS(Estt)/AS (HRD)/ SO(Secret)/ SO(HRD-I) & SO(E-II) Establishment Department.
11. PS to Secretary (Admn)/AS(Admn)/D.S.(Admn)/SO(Transport)/Estate Officer/DD(IT) and ACSO Cypher Administration Department.
12. Officer concerned.
13. Manager, Govt. Printing Press Peshawar.

(ZIA-UL-HAQ) 19/7/2021
SECTION OFFICER (ESTT. I)
PH: # 091-9210529

IMDAD KHAN

(54)

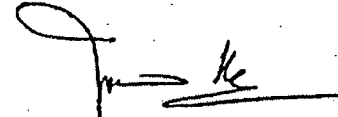
Annex-XVI
PP. 54-55

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar July 19, 2021

CHARGE RELINQUISHMENT REPORT.

In compliance with the Government of Khyber Pakhtunkhwa, Establishment Department Notification bearing No.SO(E-I)E&AD/5-168/2021, dated 19.07.2021, I, Mohammad Arshad (PCS SG BS-20) hereby relinquish the charge of the post of Officer on Special Duty (OSD BPS-20), Government of Khyber Pakhtunkhwa, Establishment Department today on 19th July, 2021 (F.N).

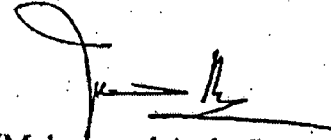


(Mohammad Arshad)
(OSD-BPS-20)
Establishment Department

Dated Peshawar July, 19, 2021

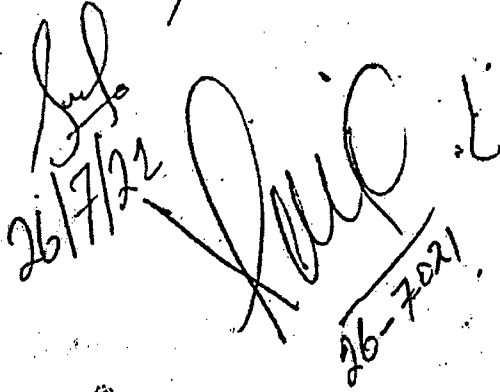
Copy forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa.
2. Section Officer (E-I), Establishment Department, Khyber Pakhtunkhwa.
3. Bill Assistant Board of Revenue, Khyber Pakhtunkhwa.



(Mohammad Arshad)
(OSD-BPS-20)
Establishment Department

26/7/22



26-7-2021

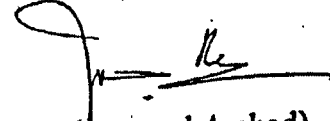


55

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE AND ESTATE DEPARTMENT.

CHARGE ASSUMPTION REPORT.

In compliance with the Government of Khyber Pakhtunkhwa Establishment Department Notification bearing No.SO(E-I)E&AD/5-168/2021, dated 19.07.2021, I, Mohammad Arshad (PCS SG BS-20) hereby assume the charge of the post of Member-I Board of Revenue Khyber Pakhtunkhwa today on 19th July, 2021 (F.N).

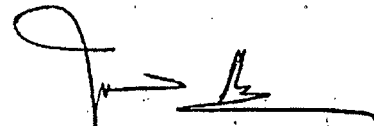

(Mohammad Arshad)
Member-I
Board of Revenue

No. 18163-68/Reader/MBR-I.

Dated 26 07.2021

Copy forwarded to the: -

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. Secretary-I, Board of Revenue, Khyber Pakhtunkhwa.
4. Section Officer (E-I), Establishment Department, Khyber Pakhtunkhwa.
5. Assistant Secretary (Admn), Board of Revenue, Khyber Pakhtunkhwa.
6. Bill Assistant Board of Revenue, Khyber Pakhtunkhwa.


(Mohammad Arshad)
Member-I
Board of Revenue

