

27.4.2016

None present for the appellant. Security and process fee not deposited despite repeated opportunities. The appellant is not in attendance. The court time is over. Dismissed for want of prosecution. File be consigned to the record room.


Chairman

ANNOUNCED

27.4.2016

27.04.16.

29.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that identical service appeal No. 554/2013 of Muhammad Zeb etc have already been admitted to regular hearing.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.10.2015 before S.B.


Chairman

15.10.2015

Since 15.10.2015 has been declared as public holiday on account of 1st Muharram-ul-Haram, therefore, case is adjourned to

11-2-15 for the same.


Reader

11.02.2016

Counsel for the appellant present. Security and process fee have not been deposited. Directed to deposit the same within 10 days, where-after notices be issued to the respondents for written reply/comments for 27.4.2016 before S.B.


Chairman

13.

24.02.2015

Counsel for the appellant present and stated that similar nature of appeals titled Shah Zeb and Ikarm ullah have already admitted and pending for regular hearing before the learned Bench-II. He requested that the same may also be admitted and clubbed with the said appeal. The above mention service appeal may be requisitioned. To come up for preliminary hearing on 23.04.2015.

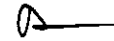


Member

14.

23.04.2015

Counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourned for preliminary hearing to 09.06.2015 before S.B.



Member

15

09.06.2015

Counsel for the appellant present. Learned counsel for the appellant requested for adjournment. Adjourned for preliminary hearing to 24.6.2015 before S.B.


Chairman

16


24.06.2015

Agent of counsel for the appellant present. Counsel for the appellant is stated busy before Darul Qaza. Adjourned to 29.7.2015 for preliminary hearing before S.B.


Chairman

10
03.07.2014

Clerk of counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 23.09.2014.


Member

1φ,
23.09.2014

No one is present on behalf of the appellant. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 08.12.2014.


Member

1g
Reader Note:

08.12.2014

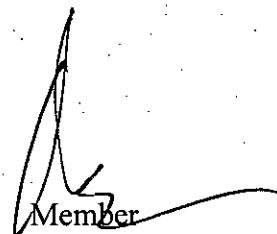
Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 24.02.2015 for the same.


Reader

7.

26.02.2014

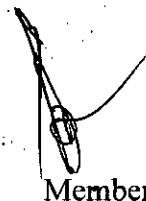
Clerk to counsel for the appellant present and requested for adjournment as his counsel was busy in the Peshawar High Court, Peshawar. Request accepted. To come up for preliminary hearing on 08.04.2014.


Member

8.

18.04.2014

Clerk to counsel for the appellant present and requested for adjournment as the learned counsel for the appellant was busy in Daar-Ul-Qaza, Swat. Request accepted. To come up for preliminary hearing on 10.06.2014.


Member

9.

10.06.2014

Counsel for the appellant present and stated that similar nature of appeal of Mr. Shahzeb has already been admitted and pending before the learned Bench-I. The said appeal may be requisition. To come up for further preliminary hearing on 03.07.2014.


Member

3
6.6.2013

None for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 30.7.2013.


Reader

4
30.07.2013

Counsel for the appellant present and requested for adjournment. Case is adjourned. To come up for preliminary hearing on 24/10/2013.

~~24/10/2013~~

~~Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 31.12.2013.~~


Member

5
24.10.2013

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 31.12.2013.


Member

6
31.12.2013


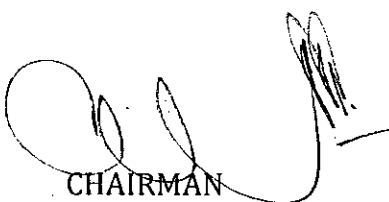
Counsel for the appellant present and requested for adjournment. To come up for ^{Preliminary} ~~preliminary~~ hearing application on 26.02.2014.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 656/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/04/2013	<p style="text-align: center;">The appeal of Mr. Muhammad Riaz resubmitted today by Mr. L. Nawab Ali Noor Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	23-4-2013	<p style="text-align: center;">This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>6-6-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Riaz son of Muhammad Rafiq received today i.e. on 03/04/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① In the memo of appeal many places have been left blank which may be filled in.
- ② Departmental appeal having no date be dated.
- ③ Affidavit may be got attested by the Oath Commissioner.
- ④ Copy of Impugned Seniority list is not attached with the appeal which may be placed on it.
- ⑤ File cover for Member's copy may also be submitted with the appeal.

No. 532 /S.T,

Dt. 03/4 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR.L.NWAB ALI NOOR KHAN ADV. PESH.

*Respectfully Submitted,
Needfull done kindly put before the Court.*

*Objection no. 1,445
not removed*

NO

BEFORE THE SERVICE TRIBUNAL K.P.K. PESHAWAR,

S. Appeal NO. *607* of 2013.

1. Muhamad Riaz S/O Muhammad Rafiq C.T GHS NO.1 Tana Malaknd Lower Der.

..... (Appellant)

VERSUS

1. Secretary to Govt of K.P.K (E & SE) Peshawar & Others.

..... (Respondents)

Index

S.NO	Description of documents	Annexure	Pages
1.	Service appeal		1-3
2.	Affidavit		4
3.	Copy of the notification dated 30.3.2009	A	5
4.	Copy of the notification dated 30.10.2009	B	6
5	Copy of the notification 11.5.2009	C	7
6	Copy of departmental appeal	D, E	8-10
8	Waklat Nama		19

M. Riaz
Appellant

Through

L. Nawab Ali Noor
Advocate High Court
Peshawar.

2

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

Service appeal NO. 65 2013.

Muhammad Riaz S/O Muhammad Rafiq C.T GHS NO.1 Tana Malakand.

VERSUS

(Appellant)

1. Secretary to Govt of K.P.K Elementary & Secondary Education Peshawar.

2. Director Elementary & Secondary Education, Peshawar.

3. E.D.O Elementary & secondary Education Distt Malaknd.

4. Secretary Finance Department Government of K.P.K Peshawar.

(Respondents)

Appeal u/s 4 of the service tribunal Act 1974 for the grant / allow untrained service period seniority to appellant on the basis of his first charge report.

Prayer :

On acceptance of this appeal the respondents may please be directed to grant / allow untrained service period seniority to appellant on the basis of his 1ST charge report.

Respectfully sheweth:

1. That the appellant was appointed untrained teacher on due to the non availability of the of teachers.

2. That later on the appellant completed his course and result was declare & pay of appellant was fixed.

3. That a departmental letter NO. FD(PRC) was issued on 5.2.2002 dated 30.10.09 i by the finance department (regulation wing) for annual increments & running pay to the untrained teachers.

As-submitted to
and filed.

Registrar
07/4/13

4. That on one side the appellant & their other colleagues are awarded increments for the untrained period of service on the other side it is very strange to see by this honorable tribunal that untrained period seniority has not been granted to the appellant for the untrained period of service.
5. That the appellant is legally & lawfully entitled for seniority the untrained period of service reason for that the said period increments has already been given to appellant and not awarding the seniority will be unjust treatment with appellant .
6. That consequent upon the judgment of the supreme court of Pakistan , recognized services of the appellant , allowed benefit of annual increments and running pay from the date of regular appointment i.e 1st appointment as untrained teachers vide Government of K.P.K (E & SE) NO.SO(B&A)/1-18/07/UPG:of various post as well as the finance department regulation wing notification NO. FD (PRC)5-2/2002 dated 30.3.2009; as clarified in notification NO. FD(PRC)5-2/2002 dated 30.10.2009. ^{11.5.09} (copies are annexure *A, B, C respectively*).
7. That the appellant then filled the departmental appeal before the respondent authority but no heed whatsoever paid to the said appeal. (copy of the departmental appeal ^{copy} ~~is~~ annexure *DAE*)
8. That the appellant now approaches this honorable tribunal on the following grounds amongst the others.

GROUND:

- a). That not awarding / granting seniority of untrained period of service to appellant is an act illegal , unlawful without authority/ jurisdiction and being based on the malafied intention of the respondent department.
- b). That the act of the respondent thereby depriving the appellant from his legal and lawful right not to award seniority of the untrained period of service is an act illegal and unjust and against the basic principles of the services laws.
- c). That the appellant has been waiting since so many years for his right

(awarding the seniority of the untrained period of service) but up till now non of the respondents department think or consider this genuine matter of the appellant and intentionally appellant has been deprived from his legal and lawful right and snatched his basic constitutional and service right .

- d). That it was /is the primary duty of the respondents department to act upon by self in such like matter and to save the civil servants as well as Govt from unnecessary litigations and save the precious time and money of the civil servants.
- e). That it is now the proper time that the appellant should be awarded his right of seniority of untrained period of service without further delay for spending more time on litigations.
- f). That the act of the respondents department is sheer violation of all the rules and prevailing regulations regarding the above said matter, and no pulsible reasons whatsoever has not been mentioned by the respondents department for the above mentioned illegal and unlawful Act.
- g). That this honorable court has the jurisdiction and power too award the said relief to appellant.

It is therefore humbly prayed that on acceptance of this appeal the respondents may please be directed to grant/ allow the seniority of untrained period of service to appellant from to and any other relief / remedy which has not been prayed from this honorable tribunal specifically be also awarded to appellant.

Through

M. Riaz
Appellant

L. Nawab Ali Noor
Advocate High Court
Peshawar.

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

Service appeal NO. 2013.

Muhammad Riaz S/O Muhammad Rafiq C.T GHS NO.1 Tana Malakand.

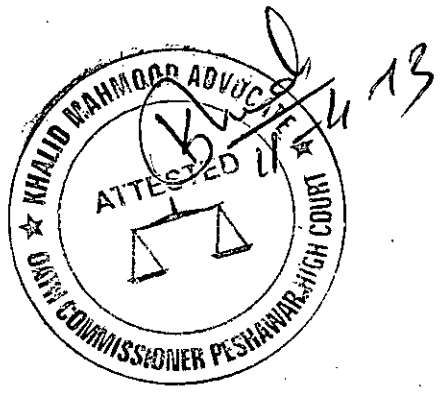
(Appellant)

VERSUS

1. Secretary to Govt of K.P.K Elementary & Secondary Education & others.
(Respondents).

AFFIDAVIT .

I, Muhammad Riaz S/O Muhammad Rafiq C.T GHS NO.1 Tana Malakand, do hereby solemnly affirm and declare on oath that the contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been canceled from this honorable tribunal.



M. Riaz
Deponent.

Ann. A-5

GOVERNMENT OF NWFP
FINANCE DEPARTMENT
(REGULATION WING)
No-FD (PRC)-5-2/2002
Dated Peshawar the 30/3/2009

To

The Secretary to Government of NWFP
Elementary & Secondary Education Department

Subject:-

GRANT OF ANNUAL INCREMENT/RUNNING PAY
TO UNTRAINED TEACHERS IN THE LIGHT OF SUPREME COURT
JUDEMENT

Dear Sir,

I am directed to refer to your letter No SO (B&A)1-16/08/Advance increment dated February 27.2009 on the subject cited above and to state that the provisional Government is Please to allow the benefit of Annual increments to the untrained teachers from the date of their regular appointment.
No arrears shall however, be admissible/payable prior to the date of issuance of this circular.

Sd/XXX
(ABDUL JABBAR)
SECTION OFFICER-I

Endst of even Number & Dated

Copy for information & necessary action to the:-

- 1 Accountant General NWFP.
- 2 All District Coordination Officers.
- 3 All District /Agency Accounts Officers NWFP/Fata

Sd/XXX
SECTION OFFICER (sr-1)

Endst of even Number & dated

Copy of the above is forwarded to:-

- 1 The Director (E&S) Education NWFP Peshawar.
- 2 The Director (PITE) Peshawar.
- 3 The Director Curriculum & teachers Education Abbottabad.
- 4 All the Executive District Officers (E&SE). In NWFP.
- 5 The P.S to secretary (E&SE) Education Department,

GOVERNMENT OF NWFP
(ELEMENTARY & SECY; EDU; DEPT)
NO SO (B&A) 1-16/Budget/09 dated
Peshawar the 6-4-09

Sd/XXX
(ABDUL HAMID MARWAT)
SECTION OFFICER (B&A)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) MALAKAND AT BATKHELIA

Endst: No 5252-54 Dated 17-4-2009

Copy of the above is forwarded to:-

- 1 The Dy; District Officer (Male & Female) Swat Ranizai Malakand at Batkhela
- 2 The Dy; District Officer (Male & Female) Sama Raniza Malakand at Dargai
- 3 The Superintendent (Pry: & Secondary) Malakand District

Executive District Officer (E&SE)
Malakand at Batkhela

Sardar Mohammad

Abdullah

SECTION OFFICER (B&A)



Art. B-6

NO. FD (PRC) 5-2/2002
C. G. S. R. O.
D. U. S. R. O.

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT
(REGULATION WING)

2346-9306.779
3

NO. FD (PRC) 5-2/2002
Dated Peshawar the: 30-10-2009

To:

The Secretary to Govt. of NWFP,
Elementary & Secondary Education Department,
Peshawar.

Subject:

GRANT OF ANNUAL INCREMENT / RUNNING PAY TO
UNTRAINED TEACHERS IN THE LIGHT OF SUPREME
COURT JUDGMENT.

Dear Sir,

I am directed to refer to this Department letter No. FD (PRC) 5-2/2002, dated 30-05-2009 on the subject noted above and to say that certain quarters have raised some queries about the subject matter which are clarified as under:-

- i. All those untrained teachers who were appointed on fix pay and were subsequently regularized against their posts, on acquiring / completing requisite training successfully, would be entitled for such benefits of annual increments from the date of their first appointments as such, but without arrears.
- ii. The above benefit would also be admissible to all those retired teachers who fulfil the above conditions
- iii. The above benefit would not be admissible to those who themselves resigned, or were removed / terminated from service

2. This Department letter of even number dated 30-05-2009 shall be deemed to have been modified to the above extent.

Yours Faithfully,

(SHAUKAT ULLAH)
SECTION OFFICER (SR-1)

Encls: of even No. & date.

Copy for information and necessary action:-

1. Accountant General, NWFP.
2. All District Coordination Officers, NWFP.
3. All District / Agency Accounts Officers, NWFP / FATA

SECTION OFFICER (SR-1)

Handwritten signature

2



Office of the
Accountant General

NWFP Peshawar
Phone: 091 9211250-54

No.H.24(74)Peshawar/Vol-II/01

Dated:-11-05-2009

To,

The Secretary
Govt of N.W.F.P
Finance department.
Peshawar.

Attention: Section officer (SR-I)

Subject: GRANT OF ANNUL INCREMENT /RAINING PAY TO UNTRAINED TEACHER IN THE LIGHT OF SUPREME COURT JUDGMENT.

Memo:

Please refer to your office memo.No:ED:(PRC)/5-2/2009/
Dated 30-03-2009 on the above Subject.

Following points required clarification to proceed further in
Matter.

- Regular appointment means appointed of incumbent on his 1st appointment as fixed pay or otherwise.
- Various Allowances i.e Special allowances Special relief allowance Adhoc relief Dearness allowance would also be increased up to freezing level
- Whether they are entitled for advance increment on higher qualification or not
- Whether this benefit also admissible to retired PTC teacher or otherwise.

ACCOUNTS OFFICER (HAD)
NWFP PESHAWAR

~~Accounts Officer~~

[Handwritten signature]

[Handwritten signature]

Most Urgent Appeal

TO

The Director, Elementary and Secondary Education
Khyber Pukhtunkhwa Province, Peshawar.

Subject: Guidance for the preparation of seniority lists/Promotion/Up gradation of various cadres of teaching staff.

Sir,

Respectfully we the low paid government servants submit our Appeal for the reconsideration of the guidance, conveyed to the Executive Distt: Officer (E&S Edu:) Peshawar . Distt: & copies to others vide your office letter No. 2296/A-88/KC/SET (M&F)SL/Inform: Dated 31/8/2012.

We Submit our appeal with the request for reconsideration on the following grounds.

Grounds of Appeal

1. That the untrained teachers have been appointed by the competent authority, keeping in view the most urgent and pressing demand for teaching to the youth in the government Schools of N.W.F.P .
2. We have been appointed against the sanctioned posts , lying vacant since long due to the non availability of teachers .
3. Accepting the appointment order, we have complied the order and have arisen to the occasion by shouldering all the duties and responsibilities attached to the posts to the entire satisfaction of our superiors.
4. But sorry to say we have been paid fixed pay for our duties against all canons of justice.
5. After exhausting all the departmental remedies for allowing and granting us regular running pay and increments ,we have been compelled to file appeal in the court of law, including the supreme court of Pakistan.
6. Consequent upon the judgment of the supreme court of Pakistan, recognizing our services and duties and accepting our appeals, we have been allowed the benefit of the annual increments and running pay from the dated of our regular appointment i.e. first appointment as untrained teacher vide government of N.W.F.P . Elementary and Secondary Education Department No.SO (B&A)/1-18/07/ Upg: of Various posts. Dated Peshawar, the 12-10-2009 and Finance Department (Regulation wing) Notification No FD (PRC)5-2/2002 dated 30/3/2009,as clarified in notification No. FD (PRC) 5-2/2002 dated 30/10/2009. (Copies attached)

Attested
[Signature]

Ann. D-9

p-2

7. In the circumstances dated above deserved and quite entitled for seniority w.e.f the date of our first appointment as untrained teachers from which we have been allowed running pay and regular annual increments as per the judgment of the supreme court, Elementary and Secondary Education Department and Finance Department Notifications dated above.

As such the decision that our seniority count be considered from the date of our first appointment as untrained teacher is unjust, against the judgment of the supreme court, Elementary and Secondary Education Department and Finance Department order, cited above and also against all canons of justice.

It is therefore, requested that the guidance for seniority etc. issued from your office dated 31/8/2012 may very kindly be reconsidered for the issue of revised guidance for considering our seniority from the date of our first appointment as untrained teachers and obliged .

Thanking you in anticipation.

Dated: 2.1.13

Your obediently ,

Muhammad Riaz S/o Muhammad Rafiq C.T GHS NO.1 Thana Mkd.

M. Riaz

Copies forwarded to:

1. The Chief Minister Khyber Pukhtunkhwa Province Peshawar.
2. The Provincial Minister of (E & S Edu:) Khyber Pukhtunkhwa Province Peshawar.
3. The Secretary to Govt; Finance Deptt: (Regulation Wing) Khyber Pukhtunkhwa Province Peshawar.
4. The Secretary to Govt; Elementary & Secondary Education Khyber Pukhtunkhwa Province Peshawar.
5. The D.C.O. District Malakand.
6. The E.D.O (Elementary & Secondary Edu:) District Malakand.

Attended
4

بعدالت

Before The Service Tribunal U.P.K
Peshawar

۲۰ مئی ۱۹۷۲ء

Muhammad Riaz

versus

Secretary to Govt of U.P.K
(F.S.S.E) Peshawar & others.

موردہ

مقدمہ

دعویٰ

جرم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
 آن مقام سینیار سروس ٹریبونل کیلئے اپیل۔ نوڈب علی ٹورنر ایگزیکٹو مینیجر مالی کورٹ سینیار
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوفہ کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے اور جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور دیگر امور ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا دیگر امور کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقررہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکورہ کریں۔ لہذا کالٹ نامہ لکھ دیا کہ سندر ہے۔

20
 مئی ۱۹۷۲ء

المرقوم

کے لئے منظور ہے۔

بمقام سینیار سروس ٹریبونل