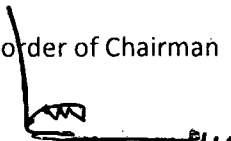


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1405/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/09/2022	<p>The appeal of Mr. Wajid-ur-Rehman presented today by Mr. Munfat Ali Yousafzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1405 /2022

WAJID UR REHMAN VS EDUCATION DEPTT:

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5	Letter dated 01.07.2016	C	8.
6	Notification dated 14.07.2016	D	9- 10.
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8	Departmental appeal	E	12.
9	Wakalat nama	13.

APPELLANT

THROUGH:

(M)

MUNFAT ALI
ADVOCATE

03449213367

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1405 /2022

Mr. Wajid Ur Rehman, SPET (BPS-16),
GHS Tari Banda, District Hangu.....APPELLANT

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer, District Hangu.
- 5- The District Account Officer, District Hangu.

.....RESPONDENTS

APPEAL UNDER SECTION OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED
06.11.2020 WHEREBY THE APPELLANT HAS BEEN GRANTED
M.PHIL ALLOWANCE WITH IMMEDIATE EFFECT RATHER
THAN RETROSPECTIVE EFFECT FROM THE DATE OF
FINANCE DEPARTMENT LETTER DATED 01.07.2016 AND
AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL
APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD
OF NINETY DAYS

PRAYER:

That on acceptance of this service appeal the impugned order dated 06.11.2020 may very kindly be rectified/modified and M.Phil allowance be granted to the appellant with effect from the date of Finance Department letter dated 01.07.2016 with all other consequential benefits. Any other relief which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That the appellant is serving in respondent department since 17.05.2006 as SPET (BPS-16) and presently serving at GHS Tari Banda, District Hangu quite efficiently and upto the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....A.

- 2- That during service the appellant acquired M.Phil degree from Peshawar University, Peshawar in the 2012. Copy of the degree is attached as annexure.....**B.**
- 3- That the Government of Pakistan, Finance Department Regulation (Wing) vide its letter office memorandum No. F.No-3(6)IMP/2016-336 dated 01.07.2016 allowed all employees who acquires/possesses M.Phil degree recognized by Higher Education Commission shall be allowed to draw M.Phil allowance i.e. Rs.2500/- per month w.e.f. 01.07.2016. Copy of the letter is attached as annexure.....**C.**
- 4- That Government of Khyber Pakhtunkhwa, Finance Department Regulation (Wing) vide its Notification No. FD-SO(SRII)8-14/2016 dated 14.07.2016 also allowed all those employees who acquires/possesses M.Phil degree recognized by Higher Education Commission to draw M.Phil allowance of Rs.2500/- per month from the date of 01.07.2016. Copy of the Notification is attached as annexure.....**D.**
- 5- That the appellant applied for the grant of M.Phil allowance on time but the respondent department delayed the grant of M.Phil allowance of Rs. 2500/- per month on one pretext or the other and allowed the grant of M.Phil allowance to the appellant vide order dated 06.11.2020 while the appellant is entitle for the same grant with effect from the date of Finance Department letter dated 01.07.2016. Copy of the sanction order dated 06.11.2020 is attached as annexure.....**E.**
- 6- That the appellant time and again requested the authority concerned for the grant of M.Phil allowance w.e. from 01.07.2016 but the respondent granted the same benefit with immediate effect i.e. w.e.f. 06.11.2020. That feeling aggrieved from the impugned sanction order dated 06.11.2020 the appellant preferred departmental appeal but no reply has been received so far. Copies of the sanction order dated 06.11.2020 and departmental appeal are attached as annexure.....**E & F.**
- 7- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned sanction order dated 06.11.2020 issued by the respondent department is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to rectified/modified to the extent that the same benefit extended to the appellant w.e.f. 01.07.2016.
- B- That the appellant has not treated by the respondent Department in accordance with law and rules on the subject noted above and as such the

respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

C- That the impugned order dated 06.11.2020 is discriminatory in nature, therefore, the same is liable to be rectified/modified.

D- That the appellant has the vested right of equal treatment and the act of the respondents to deprive the appellant from allocation of M.Phil allowance from 06.11.2020 and not from 01.07.2016 to the appellant is unconstitutional, unlawful and ineffective upon the rights of appellant.

E- That the impugned Notification dated 06.11.2020 is violative of Article-38(e) of the Constitution of Islamic Republic of Pakistan, 1973.

F- That as per law letter of the Finance Department the appellant is fully entitled for the grant of M.Phil allowance w.e.f. 01.07.2016.

It is, therefore, most humbly prayed that the appeal of the appellant may very kindly be accepted as prayed for.

Dated: 15.09.2022.

APPELLANT
Wajid
WAJID UR REHMAN
THROUGH: *(M)*
MUNFAT ALI
ADVOCATE

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.

(M)
DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

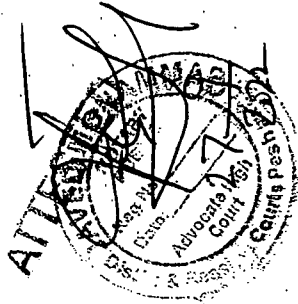
WAJID UR REHMAN

VS

• EDUCATION DEPTT:

AFFIDAVIT

I MUNFAT ALI, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



MUNFAT ALI,
Advocate
High Court, Peshawar

A-5

1

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (S&L) HANGU
APPOINTMENT/ADJUSTMENT

Consequent upon the selection & approval District recruitment Committee of Schools & Literacy Department of District Hangu, the following appointments are hereby ordered in (BPS-09) in the basic pay scale Rs(2770-165-7720) plus usual allowances as admissible under the rules against vacant PET Male posts in the schools noted against each with immediate effect on the terms and conditions given below.

S.No	Name of candidate with father name & full address	D/O Birth	Merit position	School where appointed/adjusted	Remarks
1	Wajid Rehman S/O Fazal Rehmand R/O Dallan(Hangu)	25/3/1982	61.16	GMS Chappri Naryab	A.V.P
2	Naseeb Khan S/O Abbas Khan Village Tootkas Thall(Hangu)	2/4/1974	52.89	GHS Karbogha	Vice Tariq Mohd PET Contract terminated
3	Mujahid Noor S/O Dalif Noor Village Darsamand(Hangu)	10/3/1977	50.31	GHS Shanwori Hangu	A.V.P
4	Noor Zaman S/O Izat Khan Village Adam Banda Dallan(Hangu)	1/4/1980	47.75	GMS Khazina Banda	A.V.P
5	Wazir Gul S/O Raza Gul Village Shahu Khel (Hangu)	22/2/1965	38.03	GHS Shahu Khel	A.V.P
6	Shah Alam Khan PET Under transfer to GHS Ibrahim Zai	—	Adjusted	GHS No.2 Hangu.	A.V.P

TERMS & CONDITIONS

1. They will be governed by such rules and regulation as prescribed by the Govt from time to time for the category of Govt servants to which they belong.
2. Their services will be liable to termination on one month prior notice from either side.
3. One month pay will be forfeited in favour of Govt if resigned without prior notice.
4. They should join the post within 15 days after the issuance of this notification.
5. Their inter seniority will be determined in accordance with the merit of district departmental selection committee.
6. Charge report should be submitted to all concerned.
7. They will produce Bank Receipt deposited for the purpose of verification of their certificates/diplomas/degree etc & before taking over the charge. The appointments of candidates will be cancelled if their testimonials are found spurious.
8. They will be on probation for a period of three years.
9. The DDOs will not draw their salaries unless their certificates/diplomas /Degrees etc are verified by concerned institutions /Boards etc.

(W)
ATTESTED

6

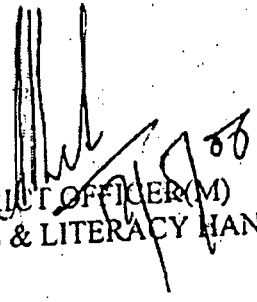
9. They are required to produce health and ² age certificates from medical superintendent concerned before taking over the charge.
10. The appointments of the candidates will be cancelled automatically, if he/she is found below age i.e 18 years or overage i.e 35 years.
11. The appointments is subject to the condition that they are permanently domiciled of District Hangu.
12. They shall, for all intents and purposes be Civil servants, except for the purpose of pension and gratuity. In lieu of the same, they shall be entitled to receive Contributory provident fund. For the said fund 10% contribution will be made by provincial Govt and 10% by Civil servants concerned in the prescribed manner. Provided further that, in the event of death of the civil servant, whether before or after retirement, his family shall be entitled to receive the said amount, if it has already not been received by concerned deceased civil servant.
13. They will have all rights /privileges contained in NWFP civil servants Act, 1973 with all amendments made therein including NWFP civil servants (Amendment) Act. 2005 and rules made thereunder.
14. In case of disciplinary matter, NWFP civil servants Act. 1973 and NWFP civil servants removal from service (special powers) Ordinance 2000 shall be applicable.
15. They will not claim their rights through appeals /petitions if they are terminated on the basis of any mistake /oversight committed and pointed out at later stages.

(ARMAN SHAH KHATTAK)
 EXECUTIVE DISTRICT OFFICER
 SCHOOLS & LITERACY HANGU

Endst No 6346-66 Dated 17-05/06

Copy of above is forwarded to the :-

1. District Coordination Officer Hangu.
2. District Nazim Hangu.
3. Director of Schools & Literacy NWFP Peshawar.
4. District Account Officer Hangu.
- 5-8. Principal /Head Master GHS No.2 Hangu, GHS Shahu Khel, GHS Shanawori Hangu & GHS Ibrahimzai
- 9-10. Head Master GMS Khazina Banda & GMS Chappri Naryab.
- 11-16. Officials concerned
17. Accountant local office
18. Dealing assistant.
19. Office copy for office record.

Executive 
 DISTRICT OFFICER (M)
 SCHOOLS & LITERACY HANGU


ATTESTED

University Of Peshawar

(Pakistan)



Session 2005-2006

WAJID-UR-REHMAN

Son Of

FAZAL-UR-REHMAN

having Completed the course of study approved by the University and passed the
prescribed examination has been admitted to the Degree of
Master of Philosophy

In the subject of Chemistry

The field of specialization being

Organic Chemistry

Registration No. 2000-K-54
Roll No. 2
C.A.T.C. No. 14101-0038770-7
Result Declared on June 21, 2012



038458

[Signature]
Registrar

[Signature]
Vice-Chancellor

ATTENTION
M

B-1-7



GOVERNMENT OF PAKISTAN
FINANCE DIVISION
(Regulations Wing)
FBC Building, Near State Bank of Pakistan

F.No.3(6)Imp/2016- 336

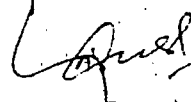
Islamabad, the 1st July, 2016

OFFICE MEMORANDUM

Subject:- GRANT OF M. PHIL ALLOWANCE @ Rs.2,500/- PER MONTH

The President has been pleased to decide that, all those who acquires/possesses the degree of M. Phil recognized by the H.E.C. shall be allowed M. Phil Allowance @ 25% of the existing amount of Ph.D Allowance (i.e. Rs.2,500/- per month) with effect from 1st July, 2016 subject to the following conditions:


- a) M. Phil Allowance will not be admissible to those who are getting Ph.D Allowance @ Rs.10,000/- per month.
- b) M. Phil Allowance will not be admissible to those who have already got the benefit of advance increments, possessing on/acquiring M. Phil degree prior to 01-12-2001 under Finance Division's O.M.No.F.1/1/Imp/83, dated 18-08-1983.


(Faizal Nadeem)
Accounts Officer (Imp)

ALL MINISTRIES/DIVISIONS/DEPARTMENTS

Web Administrator, Finance Division, Islamabad (for uploading at Finance Division's website i.e. www.finance.gov.pk)

(P.T.O)

 ED



D-91

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD/SO(SR-II)/8-14/2016
Dated Peshawar the: 14/07/2016

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Principal Secretary to Governor, Khyber Pakhtunkhwa
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All Commissioners in Khyber Pakhtunkhwa.
8. All Deputy Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Chairman, Provincial Ombudsman Secretariat, Khyber Pakhtunkhwa.

Subject: **GRANT OF M.PHIL ALLOWANCE @ RS.2,500/- PER MONTH**

Dear Sir,

The Competent Authority, is pleased to decide that, all those who acquires, possess or hold a degree of M.Phil recognized by the H.E.C. shall be allowed M.Phil allowance @ 25% of the existing amount of Ph.d Allowance (i.e. Rs.2,500 per month) with effect from 01/07/2016 subject to the following conditions:-

- a) M.Phil allowance will not be admissible to those who are getting Ph.D allowance of Rs.10,000/- per month.
- b) M.Phil allowance will not be admissible to those who have already got the benefit of advance increments possessing on / acquiring M.Phil degree prior to 01/12/2001 under Finance Department circular letter No.FD(SR-II)/1-57/82 dated 24/08/1983.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: FD (SOSR-II)/8-14/2016.

Dated Peshawar the 14th July, 2016

A Copy is forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Government of Punjab, Sindh and Balochistan, Finance Department.
3. All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.

(M)
ATTESTED

(RAZAULLAH)

Additional Secretary (Reg.)

(M)
ATTESTED

10

dst: No & Date even.

A copy for information is forwarded to:-

1. The Director General, Provincial Disaster Management Authority, Khyber Pakhtunkhwa.
2. The Director, Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The District Comptrollers of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
6. All the *District Agency* Accounts Officers in Khyber Pakhtunkhwa / FATA.
7. The Treasury Officer, Peshawar.
8. All the Section Officers/Budget Officers in Finance Department.
9. P.S to Minister for Finance Khyber Pakhtunkhwa.
10. P.S to Chief Secretary, Khyber Pakhtunkhwa.
11. P.S to Secretary Finance Khyber Pakhtunkhwa.
12. HR Finance Department (Assistant Director Web).
13. Section Officer (Reg.5) Govt. of Pakistan, Finance Division, (Regulation Wing) with reference to his O.M No.F.4(2)-Reg.5/2006 dated 01/07/2016 for information and record.

(MOAZZAM KHAN)
Section Officer / SR II

M
ATTESTED

M
ATTESTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No.SO&A)E&SED/1/2020/M.Phil.Allow:191
Dated 06.11.2020

SANCTION
No.SO (B&A) E&SED 1-16/2020/M.Phil. Allowance: - The Government of Khyber Pakhtunkhwa/ Competent Authority is pleased to accord sanction to the grant of M. Phil. Allowance @ Rs. 2,500/- (Rupees Two thousands, Five hundred only) PM with immediate effect in respect of the following staff of E&SE, subject to the observance of all codal formalities:-

S.#	Name/Designation with name of Institution
1	Mst: Sadia Rauf SST (B/C) GGCMHSS Canal Road Mardan.
2	Mst: Laila Naz SST (B/C) GGHSS Nowshera.
3	Mr. Raj Muhammad SS (U) Govt; Shaheed Azaan Turyalay Higher Secondary School Tehkal Bala Peshawar.
4	Mr. Azad Rehman HM (BS-17) GHS Ghurzal Payan Kohat.
5	Mr. Inam Ullah SST GHS Chinar Kot Dir Lower.
6	Muhammad Zubair Khan SS (Pak Study) GHSS Tappi Kanda Karak.
7	Mr. Wajid Ur Rehman SP&T GHS Tari Banda Hangu.

I am further directed and to state that the concerned District Account Offices may ensure that the above officers/officials have not been granted advance increments as well as they are not in receipt of Ph.D Allowance as per Finance Department letter No. FD/SO (SR.II) & 14/2016 dated 14.07.2016.

SECRETARY
E&SE DEPARTMENT

Copy of the above is forwarded to the Accountant General Khyber Pakhtunkhwa Peshawar & District Accounts Officers Mardan, Nowshera, Kohat, Dir Lower, Karak & Hangu.

(MUHAMMAD SALEEM)
SECTION OFFICER (BUDGET)

Endst. No. & Date even:-

Copy of the above is forwarded to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Finance Department with reference to his letter No. FD/SO (SR.II) & 14/2016 dated 14.07.2016.
2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Principal GGCMHSS Canal Road Mardan.
4. Principal GGHSS Nowshera.
5. Principal Govt; Shaheed Azaan Turyalay Higher Secondary School Tehkal Bala Peshawar.
6. Head Master GHS Ghurzal Payan Kohat.
7. Head Master GHS Chinar Kot Dir Lower.
8. Principal GHSS Tappi Kanda Karak.
9. Head Master GHS Tari Banda Hangu.
10. PS to Secretary E&SE Department.
11. Master File.

To,

The Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

P-12

Subject:

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 06.11.2020 WHEREBY THE APPLICANT HAS BEEN GRANTED M.PHIL ALLOWANCE BUT WITH IMMEDIATE EFFECT RATHER THAN FROM THE DATE OF ACQUIRING M.PHIL DEGREE I.E.2012.

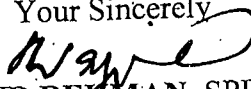
Respected Sir,

With due respect it is stated that the applicant is the employee of your good self department and is serving as SPET (BPS-16) at GHS Tari Banda, District Hangu quite efficiently and upto the entire satisfaction of his superiors. That during service the applicant acquired M.Phil degree from Peshawar University, Peshawar in the year 2012. That the Government of Pakistan, Finance Department Regulation (Wing) vide its letter office memorandum No. F.No-3(6)IMP/2016-336 dated 01.07.2016 allowed all employees who acquires/possesses M.Phil degree recognized by Higher Education Commission shall be allowed to draw M.Phil allowance i.e. Rs.2500/- per month w.e.f. 01.07.2016. That it is pertinent to mention here that the Government of Khyber Pakhtunkhwa, Finance Department Regulation (Wing) vide its Notification No. FD-SO(SRII)8-14/2016 dated 14.07.2016 also allowed all those employees who acquires/possesses M.Phil degree recognized by Higher Education Commission to draw M.Phil allowance of Rs.2500/- per month from the date of 01.07.2016. That the applicant applied for the grant of M.Phil allowance on time but the authority concerned delayed the grant of M.Phil allowance of Rs. 2500/- per month on one pretext or the other and allowed the grant of M.Phil allowance to the applicant vide order dated 06.11.2020 while the applicant is entitle for the same grant with effect from the date of acquiring of M.Phil degree i.e. 2012. That the applicant time and again requested the authority concerned for the grant of M.Phil allowance w.e. from the date of acquiring M.Phil degree i.e. 2012 but the authority concerned granted the same benefit with immediate effect i.e. w.e.f. 06.11.2020. That feeling aggrieved from the impugned sanction order dated 06.11.2020 the applicant preferred this departmental appeal before your good self for redressal of the grievances of applicant.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal the applicant may graciously be granted M.Phil allowance with effect from the date of acquiring M.Phil degree i.e. 2012 with all consequential benefits. Any other relief which your good self deems fit that may also be awarded in favor of the applicant.

Dated: 02.06.2022.

Your Sincerely



WAJID UR REHMAN, SPET (BPS-16),
GHS Tari Banda, District Hangu


ATTESTED