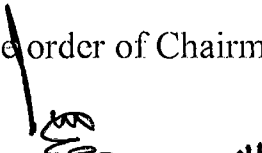


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1488/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/10/2022	<p>The appeal of Mr. Sardar Alam resubmitted today by Mr. Matiur Rehman Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on <u>17-10-22</u> Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

Respected Sir,

With regard to objection No. 5 it is humbly submitted that departmental appeal dated 22/04/2022, 20/07/2022 and 2/09/2022 respectively are attached with appeal for your kind consideration.

With regard to objection No. 6 the rejection letter issued from the office of respondent No 3 dated 22/08/2022 is attached for your kind perusal.

With regard to objection No. 7 the notification bearing no FD (PRC) 1-1/1985/ Govt of N.W.F.P. Finance Department dated 29/04/1985 is covering the said objections, and the rules governing the said subject will be presented at the time of argument

Advocate

Please put the appeal before the bench
Date: 13/08/2022
Advocate

Respected Sir,

It is submitted that the present appeal has been filed by the learned counsel for the appellant which was returned to him with office objection 1-9 (Flag-A). Today i.e on 07.10.2022 he re-filed the same without removing the objections no. 5, 6 & 7.


Now the appeal is submitted to your honour under rule-7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.


REGISTRAR

Worthy Chairman

2781/ST
10/10/2022

*Objection removed and
resubmitted.*



12/10/2022

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: _____

S#	CONTENTS	YES	NO
1	This Appeal has been presented by _____		
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?		
3	Whether appeal is within time?		
4	Whether the enactment under which the appeal is filed mentioned?		
5	Whether the enactment under which the appeal is filed is correct?		
6	Whether affidavit is appended?		
7	Whether affidavit is duly attested by competent oath commissioner?		
8	Whether Appeal / Annexures are properly paged?		
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?		
10	Whether annexures are legible?		
11	Whether annexures are attested?		
12	Whether copies of annexures are readable/ clear?		
13	Whether copy of appeal is delivered to AG/ DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?		
15	Whether number of referred cases given are correct?		
16	Whether appeal contains cutting / overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this Court?		
19	Whether requisite number of spare copies are attached?		
20	Whether complete spare copy is filed in separate file cover?		
21	Whether addresses of parties given are complete?		
22	Whether index filed?		
23	Whether index is correct?		
24	Whether security and process fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		
26	Whether copies of comments / reply / rejoinder submitted? On _____		
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name:- _____

Signature: - _____

Dated: - _____

The appeal of Mr. Sardar Alam SST GHSS shahgram District Chitral Upper received today i.e. on 21.09.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Annexures-A to E referred to in the memo of appeal are not attached with the appeal which may be placed on it.
- 5- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 6- Copy of rejection order of departmental appeal in respect of appellant mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 7- Copy of pay revision rules/policy mentioned in para-7 of the memo of appeal is not attached with the appeal which may be placed on it.
- 8- Chamber/Email address/contact number has not been mentioned on index/wakalat Nama.
- 9- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

Note:- The documents which will be placed on file should have been legible/visible.

No. 2667 /S.T,

Dt. 22/9 /2022


REGISTRAR
SERVICE TRIBUNAL-
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mati-ur-Rehman Adv.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1488 /2022


Sadar Alam **VERSUS** Govt. of KPK

INDEX

S.No	Descriptions of Documents	Annex	Page
1	Memo of Appeal with affidavit		1-5
2	Copy of pay slip	"A"	6
3	Copy of appointment order	"B"	7-8
4	Copy of the Finance Department's Notifications	"C"	9-10
5	Copy of pay slips of other employees	"D"	11
6	Copy of departmental representation	"E"	12
7	Wakalatnam		13


Appellant

Through


Mati Ur Rehman
Advocate High Court

0344-9704900

0300-9800804

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1488 /2022

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 1399

Dated 21-9-2022

Sadar Alam S/o Sher Alam, Senior Theology Teacher BPS-16, at
GHSS Shagram Tehsil Mastuj, District Chitral Upper.

..... **Appellant**

VERSUS

- 1) Government of Khyber Pakhtunkhwa, Through Chief Secretary, Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa, through Secretary Education, Civil Secretariat, Peshawar.
- 3) Government of Khyber Pakhtunkhwa, through Accountant General (AG) Peshawar.
- 4) District Education Officer (Male) District Chitral.
- 5) District Account officer (DAO), Chitral

..... **Respondents**

Filed-to-day
Registrar
21/9/2022

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORDER DATED
22.08.2022 WHEREBY; THE DEPARTMENTAL
APPEAL OF THE APPELLANT REGARDING THE
ANNUAL INCREMENT HAS BEEN REJECTED.**

Respectfully Sheweth: -

- 1) **That** the appellant belongs to a respectable family of District Chitral Upper and holds a Degrees / Sanads of Shahadat ul Alia Fil Uloom ul Islamia Wal Arabia (Bachelor

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of Arts) and also hold Shahadat ul Alamia Fil Uloom ul Islamia Wal Arabia from Wafaqul Madaras Arabia, Pakistan.

(Copy of pay slip is attached herewith marked "A")

- 2) **That** on the same qualification mentioned hereinabove, the appellant has appointed as Arabic Teacher by the respondents.

(Copy of appointment order is attached herewith marked "B")

- 3) **That** on 1983 the than government has introduced a policy called "Pay Revision Year" under the scheme of ibid policy the employees who have been appointed between 2nd June up to 30th November and who were in receipt of pay in revised national pay scales would receive their first increment in Basic Pay Scale on 01-12-1983. But those employees who have been appointed between 1st July, 1983 and 30th November, 1983 and would not be entitled to receive their first increment in basic pay scale on 01-12-1983. In short, those employees who have completed their six months' tenure after the initial appointment are entitled for the said increment and rest of employees are not entitled.

- 4) **That** needless to mention here that those employees who have opted for re-fixation on their pay on or after 01-07-1983 in terms of Finance Department's notification bearing No FD (PRC) 1-1/85-IV dated 01-02-1985 are also not entitled to draw the said increment. And that all promoted Civil Servants who have not completed the mandatory period of six months of service are also not entitled to get the increment.

(Copy of the Finance Department's Notifications are attached herewith marked "C")

- 5) **That** the ibid policy has again introduced by the than government of 2007, with the above mentioned conditions, that those employees and promoted Civil Servants who have not completed their six months of service on initial

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appointment, and promoted Civil Servants after getting promotion have not completed six months of service are not entitled for the said benefits. Needless to mention here that some Civil Servants who were appointed initially and some of those got promotion, but not fulfilling the required conditions of six months of service also getting the said benefits.

(Copy of pay slips of other employees are attached herewith marked "D")

- 6) **That** admittedly the present appellant was appointed on 2007 and possessing less than six months of service when the said policy was announced by the respondents.
- 7) That some of co-appointee of the present appellant, despite their less than of six months of services are getting the said relief and the present appellant has been discriminated without cogent reasons.
- 8) **That** being aggrieved from the actions and inactions of the respondents the present appellant has preferred and appeal before the competent authority on 26-04.2022, which was referred to respondent No 3/ Accountant General office.

(Copy of departmental representation is attached herewith marked "E")

- 9) **That** the respondent no 5 after referring the said Notifications dismissed the plea of appellant on 22-08-2022, with the observation that the appellant has less than six months of service, therefore not entitled for the said increment.
- 10) **That** feeling aggrieved from actions and inactions of respondents, the appellant has no other remedy except to seeks indulgence of this Hon'ble Tribunal / Forum for redressal of his grievances, on the following amongst other grounds: -

GROUND

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- A. That** the impugned order dated 22.08.2022 is against the law, facts, rules, regulations and without lawful authority thus liable to be set aside.
- B. That** disentitling the present appellant from the annual increment on first appointment pay revision year to those who have less than six months' service is against the Article 4 and 25 of the Constitution of Pakistan, 1973. Hence liable to be set aside.
- C. That** it is also worth perusal and required consideration that the service record of other employees is also supporting the stance of appellant, hence the impugned order dated 22.08.2022 and disentitling the appellant from the annual increment which is sheer violation of fundamental right, rules and regulation protected under the law and procedure.
- D. That** the respondents are badly failed to follow the law, rules and regulations and astonishingly the pay and salary policy of the Education department, but the impugned order is also violation of laid down polices, hence invites consideration of this Hon'ble Tribunal.
- E. That** the present appeal is well within time and this Hon'ble Tribunal may entertain this appeal under the law.
- F. That** the impugned order of the respondents without adopting proper criteria and codal requirements by the respondents is against the worthy ruling of the Hon'ble Superior Courts of Pakistan and therefore, the same is illegal practice and such practice adversely affects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned order and differing the appellant from his promotion are liable to be un-held on this score also.
- G. That** any other ground which has not been specifically mentioned will be agitated at the time of arguments with kind permission of this Hon'ble Tribunal.


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It is therefore, humbly prayed that, on acceptance of the instant appeal the Hon'ble Tribunal may very graciously be declared the impugned order dated: 22.08.2022 and disentitling the appellant from annual increment on first appointment by the respondents as illegal, unlawful, without lawful authority and void ab-initio and to be set-aside.

Any other relief may also kindly be granted in the circumstances of the appellant's case.

سردار عالم
Appellant

Through


Mati Ur Rehman
Advocate High Court

0344-9704900

0300-9800804

AFFIDAVIT

I, Sadar Alam S/o Sher Alam, Senior Theology Teacher BPS-16, at GHSS Shagram Tehsil Mastuj, District Chitral Upper (Appellant), do hereby affirm and declare on oath that the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

سردار عالم
Deponent


ATTESTED
HAKIM BANGASH
Oath Commissioner
Judicial Complex
Peshawar

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Dist. Govt. NWFP-Provincial
District Accounts Office Chitral Upper
Monthly Salary Statement (August-2022)

A

Annex A 25

Personal Information of Mr SARDAR ALAM d/w/s of SHER ALAM KHAN

Personnel Number: 00361012 CNIC: 1520258264981 NTN:
Date of Birth: 01.03.1978 Entry into Govt. Service: 07.06.2007 Length of Service: 15 Years 02 Months 026 Days

Employment Category: Active Temporary

Designation: SENIOR THEOLOGY TEACHER 80997896-DISTRICT GOVERNMENT KHYBE

DDO Code: CU6089-Principal GHSS Shagram

Payroll Section: 001

GPF Section: 001

Cash Center: 56

GPF A/C No:

Interest Applied: No

GPF Balance:

100,205.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 16

Pay Stage: 13

Wage type		Amount	Wage type		Amount
0001	Basic Pay	57,450.00	1001	House Rent Allowance 45%	4,091.00
1210	Convey Allowance 2005	5,000.00	1300	Medical Allowance	1,500.00
1918	UAA-CHITRAL 40%(16 G/NG)	3,000.00	2148	15% Adhoc Relief All-2013	740.00
2199	Adhoc Relief Allow @10%	504.00	2316	Teaching Allowance 2021	3,782.00
2341	Dispr. Red All 15% 2022KP	5,801.00	2347	Adhoc Rel AI 15% 22(PS17)	5,801.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-942.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	449,000.00	-22,500.00	246,500.00

Deductions - Income Tax

Payable: 11,300.68 Recovered till August-2022: 1,884.00 Exempted: 0.22 Recoverable: 9,416.90

Gross Pay (Rs.): 87,669.00 Deductions: (Rs.): -29,082.00 Net Pay: (Rs.): 58,587.00

Payee Name: SARDAR ALAM

Account Number: 5264-6

Bank Details: NATIONAL BANK OF PAKISTAN, 230321 CHITRAL BRANCH CHITRAL BRANCH,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: DO SCHOOL AND LITERACY Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City: Email:

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Annex D

Dist. Govt. NWFP-Provincial
District Accounts Office Chitral
Monthly Salary Statement (July-2022)



Personal Information of Mr RAHMANU ULLAH d/w/s of ABDULLAH

Personnel Number: 00358849

CNIC: 1520105535919

Date of Birth: 01.11.1973

Entry into Govt. Service: 07.06.2007

NTN:

Length of Service: 15 Years 01 Months 02 Days

Employment Category: Active Temporary

Designation: SENIOR THEOLOGY TEACHER

\$0001314-DISTRICT GOVERNMENT KHYBE

DDO, Code: CL6116-HM GHS KARI CHITRAL

Payroll Section: 001

GPF Section: 001

Cash Center: 54

GPF A/C No: 358849

Interest Applied: Yes

GPF Balance:

584,323.00

Vendor Number: 30221000 - RAHMANULLAH EDUCATION DEPARTMENT CHITRAL

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil DPS: 16

Pay Stage: 14

Wage type	Amount	Wage type	Amount
0001 Basic Pay	59,710.00	1001 House Rent Allowance 5%	4,091.00
1210 Convey Allowance 3005	5,000.00	1918 UAA-CHITRAL 40%(1/ G/NG)	3,000.00
1947 Medical Allow 15% (16-22)	1,500.00	2148 15% Adhoc Relief All-2/13	780.00
2199 Adhoc Relief Allow @ 1%	570.00	2316 Teaching Allowance 2021	3,782.00
2341 Dispr. Red All 15% 2021 P	6,000.00	2347 Adhoc Rel At 15% 22(P)	6,025.00

Deductions - General

Wage type	Amount	Wage type	Amount
3016 GPF Subscription	-3,340.00	3501 Benevolent Fund	-1,500.00
3609 Income Tax	-759.00	3990 Emp. Edu. Fund KPK	-151.00
4004 R. Benefits & Death Comp:	-650.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 12,135.28 Recovered till July-2022: 759.00 Exempted: 3033.33 Recoverable: 8,342.95

Gross Pay (Rs.): 90,451.00 Deductions: (Rs.): -6,399.00 Net Pay: (Rs.): 84,052.00

Payee Name: RAHMANU ULLAH

Account Number: 9877-0104224135

Bank Details: MEEZAN BANK LIMITED, 429877 ATALEEQ BAZZAR CHITRAL ATALEEQ BAZZAR CHITRAL, CHITRAL

Leaves:

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address:

City: HEAD MASTER GHS

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email:

Housing Status: No Official

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Annex E

Office of the
Accountant General

Department of Budget and Finance
Room 901, 12th Floor


Manila, Philippines

December 11, 2007

DISTRICT ACCOUNTS OFFICER,
CANTONMENT

Re: Appointment of [Name] on [Date] appointed [Date]
Revision year to their [Name] who have less than six (6) months service.

The undersigned is directed to refer to your office letter No. DAO/China
[Name] dated [Date] on the subject noted above and to say that [Name]
[Name] is eligible for promotion in [Name] as per [Name]
of Government servants. Hence the said [Name] and [Name]
[Date] 01/11/2007


ACCOUNTS OFFICER [Name]

(28) ~~...~~ ~~...~~
 (27) ~~...~~ ~~...~~
 (26) ~~...~~ ~~...~~
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(14)

The Deputy District Education Officer (DEO)
Hate Upper Chitral.

To

Subject: Application for Remission.

With due respects, it is kindly submitted
that the undersigned have reviewed and approved
Appeal on 22-04-2022 before your good
office but so far no order has been passed
against that Appeal.

Therefore it is requested that worthy
DEO (Hate) may kindly intimate us regarding
the decision on said Appeal.

Applicant:

- 11) Shamshur Raddin (SST)
- 12) Muhammad Usman (SST)
- 13) Sardar Alam (SST)
- 14) Sultan Hussain (SST)
- 15) Miraj Uddin (SST)
- 16) Saadiq ur Rehman (SST)
- 17) Asad ur Rehman (SST)
- 18) Muhammad Jaseel (SST)

Date: 20/5/22

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 THE HON'BLE DISTRICT JUDGE, CHITRAKOOT
 Subject: Application for concerning the (2020) application

It is respectfully requested that the undersigned have present all appeal before the (2020) made or appeal dated on dated (22/04/2022) forwarding to a number later (22/07/2022). The concern of the or EAO upper court has regard to the said appeal in your good office for your opinion.

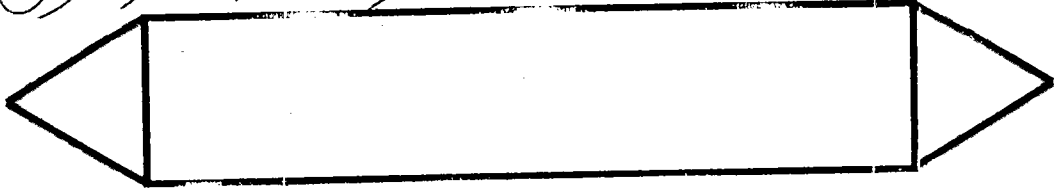
Therefore, it is requested that on acceptance of the said application please provide us decision / opinion on said appeal.

Applicants

- 1) Shoushuu Uddin (SST) *Shoushuu Uddin*
- 2) Muhammad Usman (SST) *Muhammad Usman*
- 3) Sarder Aram (SST) *Sarder Aram*
- 4) Sultan Hussain (SST) *Sultan Hussain*
- 5) Miraj Uddin (SST) *Miraj Uddin*
- 6) Sadiq ur Rehman (SST) *Sadiq ur Rehman*
- 7) Asad ur Rehman (SST) *Asad ur Rehman*
- 8) Muhammad Faisal (SST) *Muhammad Faisal*

SI 12/04/2022

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مورخہ
مقدمہ
دعویٰ
جرم

2020ء منجانب

سر دار السلام بنام حکومت

باعث تحریر آنکے

مقدمہ مندرجہ عمر ان بالا میں اپنی طرف سے واسطے جیڑی وجواب دہی رس کاروائی متعلقہ

آن مقام یشاور کیلئے منشی (نصف بنول) اور ڈیشنال انڈر سکرٹری

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز ویل صاحب کو راضی نہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بسورت ڈگری کر۔ نے اجراء اور وصول چیک و روپیہ اعتراف دعویٰ اور درخوا۔ ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بسورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مندمہ مذکور کے کل یا جزوی کاروائی 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 اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر چاہئے التوائے مقدمہ ہوں گے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا ذکالت نامہ لکھ دیا کہ بندر ہے۔

المرقوم چھ ماہ اکتوبر 2020ء

دعویٰ منشی (نصف بنول) مقدمہ بنول دست بنول
دعویٰ منشی (نصف بنول) مقدمہ بنول دست بنول
دعویٰ منشی (نصف بنول) مقدمہ بنول دست بنول