Form- A

FORM OF ORDER SHEET

	Court o	of	
	Case	e No	
S.No.	Date of order proceedings	Order or other proceedings with signature of judge	
1	2	3	
1-	13/10/2022	The appeal of Mr. Muhammad Usman resubmitted today by Mr. Matiur Rehman Advocate. It is fixed for	
		preliminary hearing before touring Single Bench at Swat on 17-lo22 Notices be issued to appellant and his counsel for the date fixed. By the order of Chairman REGISTRAR	

Please per The cases Bezore The Bench.

Advocate

With regard to objection no: 7 the notification fourly bearing hos to CORC) 1-1/85/1 Goul of NWFP Covering the said objection and which has been attached. The said roles will be fresulted before my lord of the time of the lime of

with regard to objection noib. The rejection nois, the rejection nois dated from the office of respondent your kind perusal.

will regard to objection nois; it is hombly 22/04/2022, 20/07/2022 and 12/09/2022

Jespectively are detached you tind consideration.

Aespected Siv.



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.

REGISTRARULV

Worthy Chairman

2785/ST 10/10/2022 de solveroted

12/10/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1491 /2022

Muhammad Usman

VERSUS

Govt. of KPK

INDEX

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Appellant

Through (

Mati Ur Rehman Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1491 /2022

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

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 INCREMENT HAS ANNUAL 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



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")

- 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

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")

- **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")

- P) 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: -

4

- 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.



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.

Appellant

Through.

Advocate High Court

0344-9704900

0300-9800804

AFFIDAVIT

Muhanadusman Rehmat Nabi S/o Senior Theology

Teacher BPS-16, at GHS Reshun 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.



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



Personal Information of Mr MYHAMMAD USMAN d/w/s of REHMAT NABI

Personnel Number: 00358391

Date of Birth: 01.05.1974

Entry into Govt. Servicus 08.06,2007

80997883-DISTRICT GOVERNMENT KHYBE

Length of Service: 15 Years 02 Months 025 Day.

Employment Category: Active Temporary

Designation: SENIOR THEOLOGY TEACHER

DDO Code: CU6076-Head Master GHS Warijun

Payroll Section: 001

GPF Section: 001

Interest Applied: Yes

Cash Center: GPF Balance:

408,606.00

GPF A/C No: 358391

Pay Scale Type: Civil

BPS: 16

Pay Stage: 13

Vendor Number: -	Pay scale: BPS Role 2022	Pay Scale Type, City	The state of the s
Vengor igumos.	Pay scale: DED For 2022	23/200 44/20	Amount
Pay and Allowances:	4	Wage type	4,091.00
A.160	Amount	1001 House Rent Allowance 4	1,500.00
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1,884.00

Exempted: 0.22-

Recoverable:

MULKHOW CHITRAL. DRASUN, MULKHOW CHITR

75,487.00

MYHAMMAD USN

Bank Details: HABIB BANK LIMITED, 221009 DRASUN

CHITRAL

Leaves:

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address:

City: HEAD MASTER GHS RECH

Domicile: NW - Kliyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

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No. /DCO/E-5: As recommended by the Departmental Selection Committee in its meeting held on 4:6-2007, the following is hereby appointed as Theology Teacher (BPS-14) ((2505-275-14815) plus usual usual allowances as admissible under the rule with effect from their taking over charge, in the best interest of public service, subject to the terms and condition noted.

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	iz Trussain	Meliboobur	Zargarandeh	GMS Parsan	
2 100	individue	Rehman	Chitral		
12	aduddin	Chulam	Danin Chitral	GHS Susum	
3 M	hammad Wa	Muhyuddin			
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	hammad Ilyas	Ghulam Jillani		Madaklasht	
		<u> </u>	Broze Chitral	GIAS Arandu	
Sha Sha	msheruddin	Abdul Shaheed	Kushum	GMS Parwak	
6 6	A 1973		Mulkhow		
6 Chu	franullah	Hazrat Ali Shah	Warijun	GMS Saht	
7 1 Mulh	ammad		Mulkhow		
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HERMS AND CONDILIONS

Allieir service will be considered as regular but without pension or gratuity in the me of Section 19 of the NIMIFP CIVIL Servants (Act 1973 assumed by 1.7 king of the considered by 1.7 king of the constant of the constant

Anne

66B



They will contribute towards CP Funds at the rate of 10% of the minimum of pay and 10% contribution will be made by the government in lieu of pension/gratuity.

their service being purely temporary is liable to termination at any time.

They should produce health and age certificate from the MS DHQ Hospital Chitral

5. They should take over charge within 15 days, otherwise their appointment order will stand automatically cancelled.

Their original Degrees/Certificates will also be verified from the concerned University/Boards. Any dis-information detected later on will result their termination from service and criminal will also be registered against them.

7. They will be governed by such rules and regulations issued by the government from time to time.

8. Efforts for transfer before the completion of normal tenure will result to their disqualification for further service

Charge report should be submitted to all concerned

10. They should not be handed over charge if their age exceeds 33 years on 25-2-2007 (i.e. last date for submission of application), unless they produce age relaxation from the competent authority.

11. In case of any deficiency in posts being filled up the appointment of candidate with lesser

merit (in open merit) will stand automatically cancelled.

12. they will be on probation for a period of 2 years

(Kamran Rehman Khan) District Coordination Officer Chitral

No: 13/11-166. 1E-5.

Copy forwarded to the:-

- Director, S&L NWFP Peshawar 1.
- District Nazim Chitral 2.
- Executive District Officer, S&L Chitral 3.
- District Accounts Officer, Chitral 4.
- Principals/Head Masters concerned . 5.
- Inchage SET, Middle Schools concerned 6.
- Teacher concerned 7.

District Coordination Officer



GOVERNMENT OF KHYBER PAKHTUNKHWA

Anner C

FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar http://www.finance.gpgk letter NO. FD(PRC) 1-1/85-1 Government of NWFP FINANCE

DEPARTMENT DATED PESHAWAR, the April, 29,1985

letter NO. FD(PRC) 1-1/85-1 Government of NWFP

FINANCE DEPARTMENT

DATED PESHAWAR, the April, 29,1985

From

The secretary to Govt: of NWFP.
Finance Department, Peshawar

To:

- 1. All Administrative Secretaires to Govt of NWFP.
- 2. THE SENIOR MEMBER BOAD OF Revenue NWFP.
- 3. All Heads of Attached Departments OF NWFP.
- **4.** All Commissioners/ Deputy Commissioners/ Political agents/ District and session Judges in NWFP.
- 5. THE Registrar High Court Peshawar.
- 6. The Chairman Public Service Commission NWFP.
- 7. The Secretary to Government of NWFP.
- 8. THE Chairman, Services Tribunal NWFP.
- 9. The Secretary, Board of Revenue, NWFP.

SUBJECT: SCHEME OF BASIC PAY SCALES PRII/GE BENEFITS OF PROVINCIAL CIVIL

SERVANTS (1983) ADMISSIBILITY OF INCREMENT.

Sir,

I am directed to refer to paragraph 3(ii) of this Department's circular letter No.FD (SR-1)1-67/82 dates 24,08.1983 and to say that it has come to notice that there exists some confusion regarding the admissibility of annual increment to civil servants as a result of introduction of/basic pay scheme. The position is clarified as under:



- 1. Question whether employees who have been promoted to higher posts between 2nd June, and 30-6-1983 would be entitled to draw increment on 1-12-1983. Under Sub-para (ii) of para 3 of Finance Department's circular letter No.FD(SR-1) 1-67/82 dated 24.8.1983. The condition of six months' service prior to 1-12-1983 has already been relaxed for the grant of 1st increment in B.P.S on 1-12-1983. Therefore, all employees including those promoted to higher posts between 2-6-1983 to 30-6-1983 are entitled to received their first increment on 1-12-1983.
- 2. Question ii: Whether employees promoted to higher posts between 1-7-1983 to 30-11-1983 would be entitled to draw increment on 1-12-1983. These employees will not be entitled to receive increment in their basic pay scale on 1-12-1983 since they have not completed six months' services. In such a cases para 7 of NWFP Civil Services Pay Revision Rules, 1988 will apply.
- 3. Question whether employees who have been appointed between 2nd June and 30th November, 1983 and would not complete six months' services under the existing rules would be entitled to draw increment on 1-12-1983. Employees appointed up to 30-6-1983 and who were in receipt of pay in revised National Pay scales would receive their first increment in BPS on 1-12-1983. But those employees who have been appointed between 1st July, 1983 and 30th November, 1983 would not be entitled to receive their 1st increment in basic pay scale on 1-12-1983. In such cases they would draw their first increment in BPS on 1-12-1984.
- 4. Question whether employees who have opted for re-fixation of their pay on or after 1-7-1983 in terms of Finance Department Circular Letter No. FD(PRC) 1-1/85-IV dated 1-2-1985 would be entitled to draw increment in 1—12-1983. These employees will not be entitled to receive increment in their Basic Pay Scale on 1-12-1983. Their cases will be regulated under Rules 7 of NWFP Civil Services Pay Revision Rules, 1978 read with sub- Rule (3) of Rule 10 of above mentioned Rules.

Your obedient servant
(IFTIKHAR AHMAD)
Deputy Secretary Regulation

Tele: 73726

(PRC) 1-1/85-iv.

Dated Peshawar, the April, 29.1985.

Copy forwarded for information to:

- 1. All autonomous and semi-autonomous bodies of NWFP.
- 2. THE SECRETARY Finance department, govt of Punjab, Sindh and Baluchistan.

(obticer on Special duty)



Dist. Govt. NWFP-Provincial District Accounts Office Charact Monthly Salvey Statement (July 2022)

Personal Information of Mr RAHMANU ULLAH days of APDULLAH

Personnel Number: 00358549

CNIC 1520105535919

Date of Birth: 01.11.1973

Entry into Clove Service: 07 (0.2007)

NTN:

SAGGENTA-DISTRICT GOVERNMENT KHYBE

Length of Service: 15 Year, 01 Months 625 Day;

Employment Category: Active Cemporary

Designation: SENIOR THEOLOGY TRACHER

DDO Code: CL6116-HM CH3 ". ARI CHITRAL

Payrolt Section: COL

GPF Section: 001

Cash Center: 54

COPF A/C No. 358849

Interest Applied Yes

GPF Balances

384,323 m

Vindor Number 30221000 - RAHNIANGULL AH BOUCATION OFPARTMENT CHITRAL Pay and Allowancest

Payacale: BPS For - 2022

Pay Scale Type: Civil BPS: 16

Pay State: 14

Wage Ope	Amount	Wuge type	Amount
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1210 Convey Allowance 2005	5,000.00	1915 UAA-CHITRAL 40%(16 G/NO)	3,000,00
1947 Atedic d Allow 1533 (16-22) 2199 Adhoe Relief Allow (2)1038	1,563.00	2148 15% Adhoc Relief All-2013	71.9.00
341 Dispr. Red All 15% 2022KP	1	2316 Teaching Allowance 3021	3,753,00
= 13 1 = 1895 KGG AH 1378 3027KP	6,0.79.00	2347 Adhoc Rel Al 1555 22(PS17)	6.029.00

Deductions - General

Wage type	Amount		Wage type	Amount
3016 GPF Subscription	-3,310,00	1025	Benevolent Fund	-1_500)_00
3609 Income Tax			Emp.Edu. Fund KPK	00.021-
4004 R Benefits & Death Co. 19	-650.00			0.00

Deductions - Loans and Advances

l.onn [Description	Princ	lpul amount	Dedag	tion	Balance	
Deductions Payable:	- Income Tax 12,135,28	Recovered till July-2022:	759.00	Exempted: 1	3033.33	Recoverable:	6,342. 95	

Payee Name: RAHMANU ULLAH

-6.399.00

Account Number: 9877-0104224135

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

Leavest

Opening Balance:

90,451.00

Availed:

Deductions: (Rs.):

Earned:

Balance:

Net Pay: (Rs.):

Permanent Address:

Gross Pay (Rs.);

THE HEAD MASTER OHS

Domicile: NW - Kly ber Pakhtunkhwa

Housing Status: No Official

84,052.00

Tory. Address:

Email:

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Annex GE >>

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Marie Barrer

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THE DISTRICT ACCOUNTS OFFICER.

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ACCOUNTS OFFICER (HAD)

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H ME

Application for Reminder. عمفاددت.

Male exper chimol.

with due respect, It is houredy submitted

That the condessigned have preferred on chiperfound Appeal on 22-04-2022 before your good of applies but so fire posed of appeal.

Therefore It is requested that worthy

נטפעונץ טינויינו בפוטנסוימי סופינפי (בטט

Applicant ". The decision on sout Appeal. DEO CHOLO may kindly himale us manding

in (172), Lostof Dammand (87) (TES) nowwher The boss (F) 1 m CUS) Honoyou an bipos (9) (TIS) (5) Minaj valdin CIES) Moissoff Mollus (M) My17 (112) C3) Sardar Alam 420 (TT2) ADISOU DEMINISTRA 41 ·病院 (155) nibbox well emply (1)

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