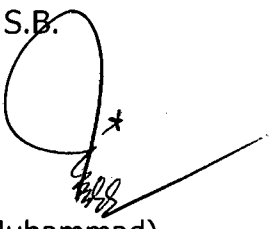


31.08.2022

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Sajid Khan, Section Officer for the respondents present.

Respondent department produced a covering page of the summary for Chief Minister to have been moved on 30.08.2022. Learned Additional Advocate General requested for adjournment on the ground that the case is under process and implementation report will be submitted on the next date. Adjourned. To come up for implementation report on 27.09.2022 before S.B.


(Mian Muhammad)
Member (E)

27.09.2022

Petitioner in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General alongwith Mukaram Khan, Section Officer for the respondents present.


The respondent department while shifting its responsibility to Secretary Finance, has sent letter bearing No. SO (B&A) 1-16/Sohrab Hayat CT dated 22.07.2022 to Finance Department. Representative of the Finance Department stated at the Bar that he has recently taken over the charge (21st September, 2022) and requested for adjournment so as to come up with implementation report on or before the next date. Request is allowed. To come up for implementation report on 25.10.2022 before S.B.


(Mian Muhammad)
Member (E)


01.07.2022

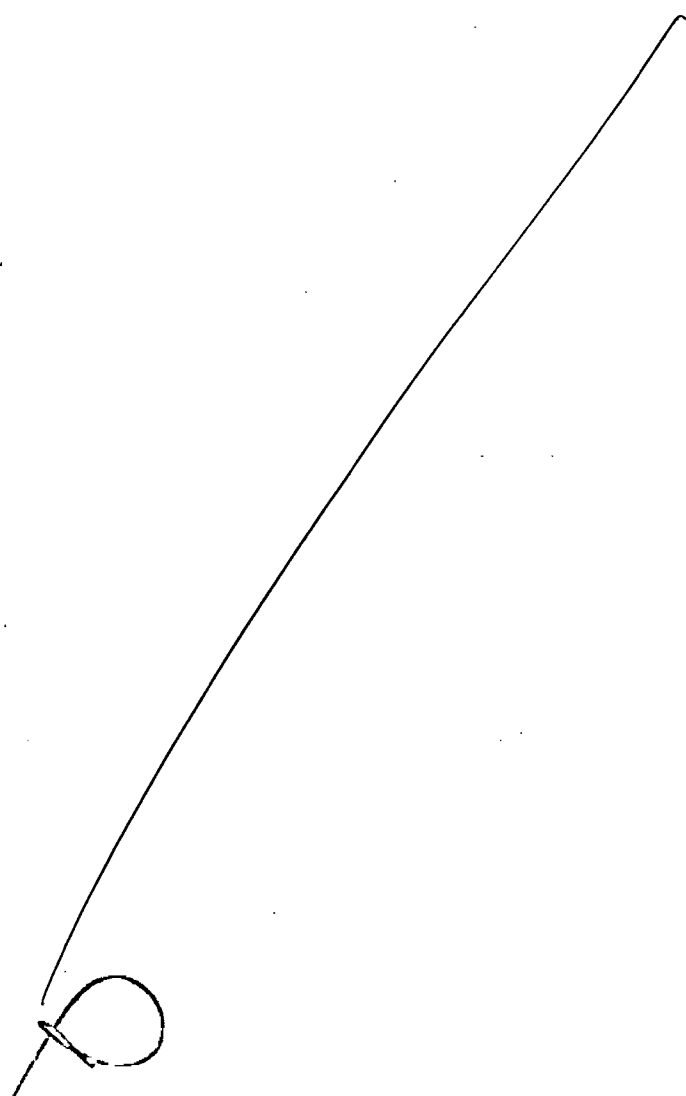
Petitioner alongwith counsel present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Mr. Naseeb Khan, S.O, Naseer Ullah, ADEO (Litigation) and Muhammad Tufail for respondents present.

Implementation report not submitted despite repeated directions. Learned Additional AG seeks time for submission of implementation report on the date fixed positively. Request accepted by way of last chance. To come up for implementation report on 09.08.2022 before S.B.


(Fareeha Paul)
Member (E)

9.8.2022 Due to The Public Holiday The
Case is Adjourned to 31-8/2022


Reader.



10.05.2022

Petitioner present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Arshad Ali ADEO for respondents present.

It was on 06.01.2022 when representative of respondent No.1 had produced minutes of meeting held on 28.12.2021 alongwith detail of arrears bill in respect of the present petitioner and had made a request for a short adjournment. Today, this Tribunal was apprised in respect of the case of the present petitioner that the matter is now pending with Finance Department as arrears bill had already been submitted by the parent Department to Finance Department. In this view of the matter, notice be issued to respondent No.2 (Secretary Finance) with direction to depute an officer not below Grade-17 alongwith record to apprise this Tribunal in respect of arrears bill of the petitioner. Notice be issued to all the respondents to submit proper implementation report on or before 27.05.2022 before S.B.

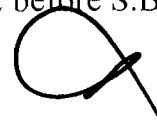


(Rozina Rehman)
Member (J)

27th May, 2022

Clerk of counsel for the appellant present. Mr. Kabir Ullah Khattak, AAG alongwith Sajid, Superintendent for respondents present.

Due to general strike of the bar. Case is adjourned. To come up for the same on 01.07.2022 before S.B.

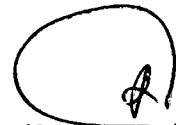


(Kalim Arshad Khan)
Chairman

06.01.2022

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG alongwith Faheemullah, S.O (Litigation) and Naseeb Khan, S.O for the respondents present.

Representative of respondent No. 1 has produced minutes of meeting held on 28.12.2021 alongwith detail of arrears bill in respect of the present petitioner and made a request for short adjournment. In the light of available record, the representative of respondent No. 1 is directed to make sure the submission of proper implementation report on the next date. Case is adjourned to 21.02.2022 before S.B.



(Rozina Rehman)
Member (J)

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to ~~15~~ 15.04.2022 for the same as before.



Reader.

25.04.2022

Nemo for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Previous date was changed on Reader note, therefore, notices be issued to the respondents for implementation report. To come up for implementation report on 10.05.2022 before S.B.

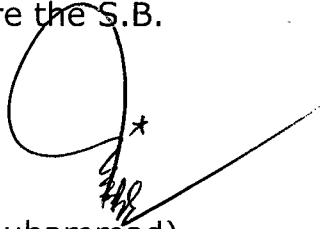


(MIAN MUHAMMAD)
MEMBER(E)

09.12.2021

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Hayat, Deputy Secretary on behalf of respondent No. 2 and Mr. Muhammad Arshed, ADO on behalf of respondent No. 4 present.

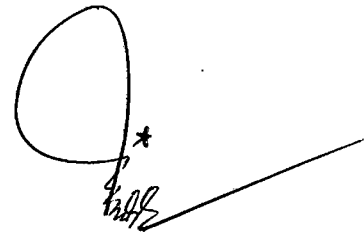
Execution petition has been filed in 2011 for implementation of the judgment dated 18.05.2009 delivered in Appeal No. 1542/2008 titled Sehrab Hayat S/O Umar Hayat Versus Government of Khyber Pakhtunkhwa. Apparently the matter regarding implementation is presently pending between respondents No. 2 and 3 and being treated as shuttle cock for long time. It is incumbent upon the parent department (Elementary & Secondary Education) to provide a self contained case to respondent No. 2. It has also come in the notice of this court that such self contained case, time and again, submitted to respondent No. 2 for implementation of the instant execution petition. Representative of respondent No. 4 handed over copy of the self contained correspondence (with detailed) to representative of respondent No. 2. In the meanwhile, learned Additional Advocate General requested for adjournment and stated that implementation report will be submitted on the next date. To come up for implementation report on 06.01.2022 before the S.B.


(Mian Muhammad)
Member (E)

24.11.2021 Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Naseeb Khan, SO, Mr. Arshad Ali, ADEO and Syed Naseer Ud Din, Assistant for respondents present.

Representative of respondent No.1 submitted a letter dated 16.11.2021 referring wherein to a meeting held in Law department on 22.09.2021 and found the case unfit for filing of CPLA in the august Supreme Court. Apparently the letter has been addressed to respondent No.3 who is to take up the case with the administrative department. On the other hand representative of respondent No.2 submitted correspondence dated 11.11.2021 which is also addressed to respondent No.1 urging the need to implement the judgement of Service Tribunal in letter and spirit.

Learned AAG requested for short adjournment on the ground that implementation of the judgement is under process between the respondent-departments. Request is allowed but as a last chance. To come up for further proceedings on 09.12.2021 before S.B.



(Mian Muhammad)
Member(E)

26.10.2021

Petitioner alongwith his counsel and Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Touseef Ur Rehman, ADEO for respondents present.

Learned AAG requested for a short adjournment on the ground that he will submit proper implementation report on the next date of hearing. Granted. To come up for further proceedings on 10.11.2021 before S.B.


Chairman

10.11.2021

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG alongwith Tauseefur Rehman, ADO and Muhammad Shafiq, Senior Clerk for the respondents present.

As requested by learned AAG on previous date, proper implementation report has not been submitted today. Another opportunity is granted to the respondents. In case of failure why show cause notice be not given for appropriate action within the meaning of Section 51 CPC. Case to come up on 24.11.2021 before the S.B.


Chairman

E.P. No. 22/11
Sohrab Hayat vs Govt

20.09.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Sajid Superintendent for the respondents present.

Letter dated 20.08.2021 as placed on file and referred in previous order dated 31.08.2021 has been perused. Accordingly, the Finance Department sought the scrutiny of the order dated 18.06.2021 passed in this Execution Petition, for its fitness to be challenged in CPLA. Intending no bar on rights of the respondents or the Finance Department to find the way for challenging order of this Tribunal before the Apex Court, it is observed that if the Law Department gives opinion as to fitness of the order to be challenged before the Apex Court, and a petition challenging the same is filed; the implementation of the order for execution of judgment, unless suspended, will require compliance. To come up for implementation report on 26.10.2021 before S.B.

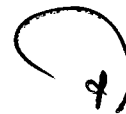

Chairman

26.07.2021

Petitioner in person present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Naseem Khan S.O and Toseef ur Rehman ADEO for respondents present.

A request was made on behalf of learned A.A.G for short adjournment in order to produce proper implementation/compliance report; granted. To come up for compliance report on 31.08.2021 before S.B.

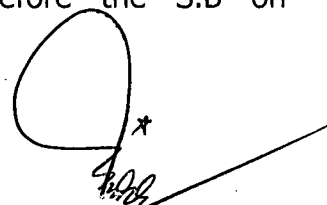


(Rozina Rehman)
Member (J)

31.08 .2021

Petitioner with counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Sajid, Supdt for respondents present.

Learned AAG produced a copy of Finance Department letter dated 20.08.2021, where-under the case has been referred to Law Department for opinion. The scrutiny committee in Law Department convenes meeting on weekly basis i.e Wednesday, he therefore, requested for short adjournment to bring before the court final implementation report on the next date. Adjourned. To come up for further proceedings before the S.B on 20.09.2021.



(MIAN MUHAMMAD)
MEMBER (E)

pending cases cannot be extended to the case of the petitioner having at his credit the judgment passed in 2009 while Act was passed in 2012 which by virtue of Section 2 only dealt with two eventualities; one relating to the decisions and judgments of the Courts and Tribunal having been passed before 2001 and with the pending cases at the time of promulgation of the Act. In the first eventuality, the judgment of the Court and Tribunal before 2001 were rendered as non-existent and of no legal effect; and in effect of the second eventuality, the proceedings pending in any court or Tribunal stood abated. The case of the petitioner does not fall in any of the aforementioned eventualities in light of Section 2 of the Act *ibid*.

The respondents are directed to implement the judgment of this Tribunal. To come up for compliance report on 26.07.2021 before S.B.


Chairman

EP 22/2011

18.06.2021

Petitioner with counsel and Muhammad Adeel Butt, Addl. AG alongwith Tauseefur Rehman, ADO (Litigation), Naseeb Khan, S.O and Hasan Shah, Assistant for the respondents present.

Learned AAG while contending to dislodge the claim of petitioner based on the judgment of this Tribunal passed in 2009, referred to Section 2 of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012. Accordingly, the decision, judgment and order of any Tribunal or Court including High Court or Supreme Court of Pakistan, for the purpose of any claim for payment of arrears on account of advance increments on higher educational qualification sanctioned in pursuance of any order, letter, office memoranda, notification, instructions and other instruments issued before 01.12.2001 were rendered to be non-existent, ceased or revoked and no further claim whatsoever, on the basis of these instruments shall be entertained and all cases in respect of such claims pending in any Court or Tribunal including High Court and Supreme Court of Pakistan shall stand abated.

As far as the case of petitioner is concerned, it stood concluded by judgment dated 26.05.2009 and was not pending for adjudication rather had already been adjudicated upon in favour of the petitioner before passing of the Act *ibid*. So mischief of latter part of Section 2 relating to abatement of

16.06.2021

P

Petitioner alongwith counsel and Mr. Muihammad Rasheed, DDA alongwith Tauseef ADO (Litigation) and Naseeb Khan, S.O (Litigation) for the respondents present.

The petitioner was required to submit reply to the application of respondents but learned counsel on his behalf states at the bar that arguments may be heard on application dispensing with the requirement of submission of reply by the petitioner. As the petitioner does not opt to submit the reply. Therefore, to come up for arguments on application today.

Arguments on application partly heard. Learned DDA sought time for further assistance. Adjourned to 18.06.2021 for further hearing on application.


Chairman

17.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 25.05.2021 before S.B.




Reader

25.05.2021

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Appellant requests for further time to submit reply to the application submitted by the respondents on 19.01.2021. To come up for reply and arguments on application 16.06.2021 before S.B.


Chairman

23.12.2020

Petitioner present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Khalid Superintendent, Arshid. Ali ADEO and Rehman Ullah Assistant for respondents present.

A letter dated 26.10.2020 was produced today with a request for adjournment as Investigation of Arrear Claim case was submitted for consideration to the quarter concerned. Last chance is given with strict direction for finalization of the matter, on 19.01.2021 before S.B.



(Rozina Rehman)
Member (J)

19.01.2021

Petitioner present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Abdul Wahid ADEO for respondents present.

At the very outset, representative of respondents submitted an application for sine die adjournment and stated that issue involved in the instant petition is pending before august Supreme Court of Pakistan and this Tribunal has also adjourned sine die similar nature petition i.e. Execution Petition No.141/2018 titled Qazi Masood ur Rehman Vs. Govt. of Khyber Pakhtunkhwa. Copy of the said application was also handed over to the learned counsel for petitioner. To come up for reply and arguments on 17.03.2021 before S.B.




(Rozina Rehman)
Member (J)

31.08.2020

Learned counsel for the petitioner present. Mr. Kabirullah Khattak Addl. AG alongwith Mr. Abdul Wahid Litigation Officer for the respondents present.

Learned AAG requested for adjournment to implement the judgment of this Tribunal. Request accepted but as a last chance. Adjourned. To come up for further proceedings on 21.09.2020 before S.B.


Member (E)


21.09.2020

Petitioner in person and Addl. AG alongwith Fazle Subhan, S.O and Sajid Superintendent for the respondents present.

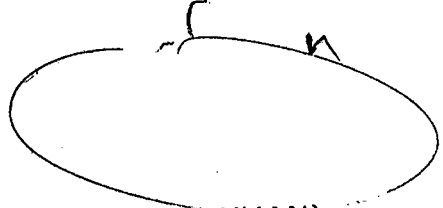
Representative of respondents No. 2 states that the matter of implementation is at present with his department and is likely to take some more time. A letter dated 07.09.2020 addressed to the relevant respondent has also been produced for placing on record.

In the circumstances, the proceedings are adjourned to 04.11.2020 for finalization of the matter.

04.11.2020

Chairman 
Junior counsel for petitioner is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Sajid, Superintendent, for the respondents are also present.

Implementation report not submitted. Representative of the department seeks further time. Adjourned to 23.12.2020 on which date to come up for implementation report before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

30.06.2020

Petitioner in person present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Khalid Assistant, Irfan Ullah Assistant and Irshad ADEO for the respondents present.

It was on 27.02.2020 when Secretary Education was directed by this Tribunal to depute a well conversant officer not below Grade-17 to assist the Tribunal and also to provide attested copy of the correspondence carried out in connection with the said execution but once again the officer is not before the court. Section Officer Budget be summoned to attend the court in person and to assist the court in the light of directions issued by this Tribunal vide order dated 27.02.2020. To come up for record and further proceedings on 29.07.2020 before S.B.


Member (J)

29.07.2020

Petitioner in person and Addl. AG alongwith Fazle Wahid, Litigation Officer for the respondents present.

On the last date of hearing it was ordered that Section Officer Budget E&SE Department Khyber Pakhtunkhwa Peshawar shall be summoned for personal appearance today. The record, on the other hand, is bereft of copy of any such notice/summon. The office is required to strictly comply with the order dated 30.06.2020 and promptly issue requisite notice.

Adjourned to 31.08.2020 before S.B.


Chairman

27.02.2020

Counsel for the petitioner present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Irfanullah Assistant for the respondents present:

Secretary Education i.e. respondent No.1 is directed to depute a well conversant officer not below BPS-17 to assist the Tribunal and also provide the attested copy of correspondence carried out in connection with the said execution. Adjourned. To come up for record and arguments on 07.04.2020 before S.B.



(Hussain Shah)
Member

07.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 30.06.2020 for the same. To come up for the same as before S.B.



Reader

EP 22/2011

07.01.2020

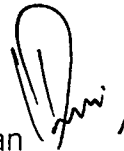
Petitioner in person and Addl. AG alongwith Irfanullah, Assistant and Muhammad Shafiq, Senior Clerk for the respondents present.

The representative of respondent No. 3 undertakes that the matter of implementation would hopefully reach conclusion by next date of hearing.

In view of the submission it would be appropriate to allow ~~ample~~ opportunity to respondents for doing the needful by next date. In case the matter is not disposed of till next date punitive action would be initiated against the defaulting official(s) in accordance with law.

Adjourned to 06.02.2020 before S.B.

Chairman



06.02.2020

Counsel for the petitioner present. Addl: AG alongwith Mr. Irfanullah, Assistant for respondents present. Representative of the respondents produced letter dated 06.02.2020 addressed to the Secretary to Government of Khyber Pakhtunkhwa, E&SE Department which is placed on file. A copy of the same was also handed over to the petitioner. To come up for further proceedings on 27 / 02 / 2020 before S.B.

Member



26.11.2019

Petitioner in person and Mr. Usman Ghani, District Attorney alongwith Mr. Arshad Ali, ADO and Mr. Muhammad Shafique, Senior Clerk for respondents present.

The representative of the respondents has produced copy of covering memo dated 15.11.2019, whereby the case of the petitioner has been sent to the Director E&SE alongwith relevant documents. He states that the matter will be routed through the office of Secretary E&SE for finalization by the Finance Department. To come up for further proceedings on 07.01.2020 before S.B. The respondents shall endeavour to complete the proceedings in favour of the petitioner positively on the next date.



Chairman

07.01.2020

Petitioner in person and Addl. AG alongwith Irfanullah, Assistant and Muhammad Shafiq, Senior Clerk for the respondents present.

The representative of respondent No. 3 undertakes that the matter of implementation would hopefully reach ~~at~~ conclusion by next date of hearing.

In view of ~~the~~ ^{the} submission it would be appropriate to ~~provide ample~~ ^{allow} opportunity to respondents for doing the needful by next date. In case the matter is not disposed of till next date punitive action would be initiated against the defaulting official(s) in accordance with law.

Adjourned to 06.02.2020 before S.B.

Chairman

Reported on backside of the connection.

24.10.2019

Petitioner with counsel present. Mr. Riaz Painkhakheil learned Asstt: AG alongwith Arshad ADEO for the respondents present.

Representative of respondents has produced copy of memo dated 16.10.2019 addressed to the Principal Government High School, Landi Arbab Peshawar wherein he has been required to ask the petitioner for submission of relevant documents for further proceedings towards execution of judgment. The petitioner, however, states that he has not been contacted by the concerned Principal till date and he would meet the Principal GHS Landi Arbab tomorrow positively in furtherance of implementation of judgment. The Principal is, in turn, expected to perform his part of obligation as soon as possible after receipt of documents. Instant matter pertains to the year 2011 and in case of further undesirable delay, punitive action would be initiated against the defaulting official(s).

Adjourned to 26.11.2019 before S.B


Chairman

EP 22/11

02.09.2019

Petitioner alongwith counsel and Mr. Usman Ghani District Attorney alongwith Sajid ADO for respondent No. 1 present.

The representative of respondent No. 1 states that the respondent/Finance Department Government of Khyber Pakhtunkhwa had moved the Apex Court against the judgment under implementation. He, however, is not conversant with the outcome of such litigation.

Respondent No. 2/Secretary Finance shall be put on notice for the next date to apprise the Tribunal regarding any development having taken place before the Apex Court. Else, to submit the implementation report. Adjourned to 30.09.2019 before S.B. On the next date the respondent No. 1 shall also come up with clear-cut stance in respect of implementation.

Chairman



30.09.2019

Petitioner in person and Addl. AG alongwith M/S Arshad Khan, AD, Shakeel Khan and Sajid Superintendents for the respondents present.

Representative of respondent No. 3 has produced copy of letter dated 24.09.2019 addressed to the Director, E&SE while petitioner requests for adjournment as his learned counsel is not available due to general strike of the bar.

Adjourned to 24.10.2019 for further proceedings before S.B.

Chairman



13.06.2019

Counsel for the appellant and Addl. AG alongwith Arshad Khan, ADO for the respondents present.

Learned counsel for the petitioner states that Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 is under challenge before Honourable Peshawar High Court and the matter is fixed for hearing on 22.06.2019. He, therefore, requests for adjournment in order to avail the outcome of proceedings before the Honourable High Court which may have serious bearing on the case in hand.

Adjourned to 11.07.2019 for further proceedings before S.B.



Chairman

11.07.2019

Petitioner in person and Addl. AG alongwith Irfanullah, Legal Assistant for the respondents present.

The petitioner has provided copy of judgment in Writ Petition No. 3081-P/2012 decided on 20.06.2019. The same is placed on record. Due to non-availability of learned counsel for the petitioner the matter is adjourned to 02.09.2019 for further proceedings before S.B.



Chairman

Sohrab Hayat

06.2.2019

Nemo for petitioner. Addl. AG for the respondents present. To come up for further proceedings on 19.03.2019 before S.B.



Chairman

19.03.2019

Learned counsel for the petitioner and Mr. Kabirullah Khattak leaned Addl; AG alongwith Mr. Arsha ADO for the respondents present. Learned counsel for the petitioner seeks adjournment. Adjourn. To come up for further proceedings on 23.04.2019 before S.B.



(Hussain Shah)
Member

23.04.2019

Petitioner in person present. Addl: AG alongwith Mr. Arshad Ali, ADO for respondents present. Due to general strike of the Bar the case is adjourned. Case to come up for further proceedings on 13.06.2019 before S.B.



(Ahmad Hassan)
Member

15.10.2018

Petitioner in person present. Mr. Arshad Ali, ADO (Lit) alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Petitioner seeks adjournment due to general strike of the Bar. Case to come up for further proceedings on 02.11.2018 before S.B.


(Ahmad Hassan)
Member

02.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 20.12.2018.


READER

20.12.2018

Petitioner absent. Mr. Arshid Ali AD representative of the respondents present. Adjourn. To come up for further proceedings/arguments on 06.02.2019 before S.B. Notice be issued to the petitioner for the date fixed.

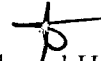

Member

26.04.2018 None present on behalf of petitioner. Learned Addl: AG for the respondents present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on *19.07.2018* before S.B.



Reader

19.07.2018 Clerk to counsel for the petitioner present. Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Clerk to counsel for the petitioner seeks adjournment. Adjourned. To come up for further proceedings on 03.09.2018 before S.B.



(Ahmad Hassan)
Member

03.09.2018 Petitioner in person and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Petitioner seeks adjournment as his counsel is not in attendance. Adjourned. To come up for further proceedings on 15.10.2018 before S.B.




Member

E.P No. 22/2011

27.10.2017

Petitioner in person present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Implementation report not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for implementation report/further proceedings on 22.12.2017 before S.B:


(Muhammad Amin Khan Kundi)
Member

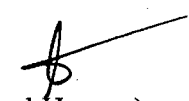
22.12.2017

Clerk of the counsel for petitioner present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Hameed-ur-Rehman, AD (litigation) and Mr. Arshed Ali, ADO for the respondents also present. Learned Deputy District Attorney requested for further adjournment. Adjourned. To come up for implementation report/further proceedings on 28.02.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member


28.02.2018

Petitioner in person and Addl: AG alongwith Mr Arshad Ali, ADO for respondents present. Petitioner seeks adjournment. Adjourned. To come up for further proceedings on 26.04.2018 before S.B.


(Ahmad Hassan)
Member (E)

05.05.2017

Counsel for the petitioner and Addl: AG for the respondents present. Notice be issued to the respondents. To come up for further proceedings on 14.07.2017 before S.B. further proceedings on 25.08.2017 before S.B.


(Ahmad Hassan)
Member

Chairman.

14.07.2017

Petitioner in person present. Mr. Hameed-ur-Rehman, AD (litigation) alongwith Mr. Usman Ghani, District Attorney for the respondents also present. Representative of the department submitted that the matter is still sub-judice before the august Supreme Court of Pakistan. Adjourned. To come up for further proceedings on 25.08.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

25.08.2017

Petitioner in person present. Mr. Hameed-ur-Rehman, AD (litigation) and Mr. Arshed Ali, ADO (litigation) alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Implementation report not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for implementation report/further proceedings on 27.10.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member



2.09.2016

Petitioner in person and Addl. AG for the respondents present. Informed the Tribunal that the matter is still subjudice before the august Supreme Court of Pakistan. Adjourned for further proceedings to 02.12.2016.


Chairman

02.12.2016

None present for the petitioner. Addl. AG alongwith Khursheed Khan, SO and Sajjad Ahmad, AD for the respondents present. Submitted that the matter is still subjudice before the august Supreme Court of Pakistan. To come up for further proceedings on 17.02.2017 before S.B:


Chairman

17.02.2017

Counsel for the petitioner and Mr. Hameed ur Rehman, AD (Litigation) alongwith Assistant AG for respondents present. Representative of the respondents requested for adjournment. Last opportunity granted. To come up for further proceedings on 05.05.2017 before S.B.


(AHMAD HASSAN)
MEMBER

15.4.2016

Petitioner in person and Addl. AG for the respondents present. Informed the Tribunal that the matter is still subjudice before the august Supreme Court of Pakistan. Adjourned for further proceedings on 29.07.2016.


Chairman

29.07.2016

Petitioner in person and Addl. AG for the respondents present. Informed the Tribunal that the matter is still subjudice before the august Supreme Court of Pakistan. Adjourned for further proceedings, to 02.09.2016. Notice of application be also filed by the respondents on the date fixed.


Chairman

24.04.2015

Clerk of counsel for the petitioner and Addl: A.G for respondents present. Requested for adjournment. To come up for further proceedings on 26.6.2015.


Member

26.06.2015

Petitioner in person and Addl: A.G for respondents present. Counsel for the petitioner is not in attendance due to strike of the Bar. To come up for further proceedings/arguments on 16.10.2015 before S.B.


Chairman

16.10.2015

Petitioner in person and Addl: A.G for respondents present. Perusal of record would suggest that issue involved in the case is Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012. Numerous other cases are pending before this Tribunal in which similar question is involved. Office is directed to trace out all such cases so as to hear the same on one and the same date. Adjourned for further proceedings to 29.1.2016 before S.B.


Chairman

29.1.2016

Petitioner with counsel and Addl: A.G for respondents present. Informed the Tribunal that the validity of the Act has been challenged before the august Supreme Court of Pakistan. Requested for adjournment. Adjourned for further proceeding to 15.4.2016 before S.B.


Chairman

29.09.2014

Counsel for the petitioner (Mr.Sajid Amin, Advocate), M/S Khurshid Khan, SO for respondent No. 1 and Khaista Rehman, Lega representative for respondent No. 4 with Mr. Muhammad Adeel Butt, AAG for the respondents present. Reply to application for rejection of petition has not been received on behalf of the petitioner, and learned counsel for the petitioner requested for further time. Reply to application for rejection of petition be filed, positively, on 24.12.2014.



Member

24.12.2014

No one is present on behalf of the petitioner. Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for further proceedings on 25.03.2015.



Reader.

25.03.2015

Agent of counsel for the petitioner and Addl: A.G for respondents present. Learned Addl: A.G informed the Tribunal that the instant petition has become infructuous in view of Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012. Agent of counsel for the petitioner requested for adjournment due to non-availability of petitioner and his counsel. Adjourned for further proceedings to 24.4.2015 before S.B.



Chairman

21.4.2014

Mr. Iftikhar Ali, Advocate, on behalf of counsel for the petitioner, M/S Khurshid Khan, S.O for respondent No.1, Irshad Muhammad, Supdt. for respondent No.2 and Sajjad Rashid, A.D for respondent No.3 with AAG for the respondents present. Reply to application has not been received, and request for further time made on behalf of the respondents. A last chance is given for reply to application and arguments thereon on 1.7.2014.


Chairman

01.7.2014

Counsel for the petitioner (Mr.Sajid Amin, Advocate), M/S Khurshid Khan, S.O for respondent No.1 and Irshad Muhammad, Supdt. for respondent No.2 with Mr. Usman Ghani, Sr. GP for the respondents present. Reply to application for restoration of the implementation/execution petition has not been received despite last chance given for the purpose on the previous date. Therefore, application for restoration of the implementation/execution petition is accepted ex-parte, and the implementation/execution petition is restored on the acceptance of application for restoration, which is even otherwise within time. To come up for reply to application for rejection of petition on behalf of the petitioner on 29.9.2014.


Chairman

29.12.2011

Petitioner with counsel, Mr. Irshad Muhammad SO with Mr. Tahir Iqbal AGP for respondent present. Comments on behalf of the petitioner received, copy whereof is handed over the learned AGP for arguments/consideration on 13.2.2012.



MEMBER


MEMBER

13.2.2012

Counsel for the petitioner, Tahir Iqbal AGP alongwith Khaista Rehman H.M. and Irshad S.O for the respondents present. The latter requested for adjournment. Case adjourned to 24.4.2012 for submission of I/R failing which the pay of Irshad S.O and Secretary Finance will be attached.

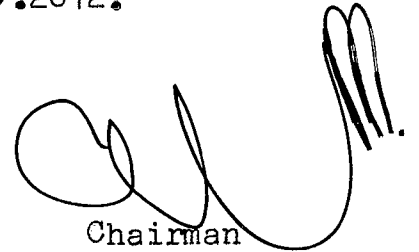

Member.


Member..

24.4.2012

Counsel for the petitioner and Mr. Nisar-Ahmad, A.D for respondents No.1,3 & 4 with AAG for the respondents present. Representative of respondent No.2 is not present. Respondent No.2 has already furnished para-wise comments wherein he has taken the same plea of non-applicability of Notification dated 11.8.1991 to the teaching cadre despite clear judgments of the Tribunal as well as august Supreme Court of Pakistan on the issue. In view of defiant attitude of the respondent, Secretary Finance be summoned in person alongwith explanation for same.

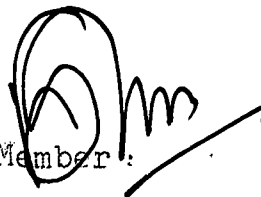
for not complying with the clear orders/directions of the Tribunal as well as august Supreme Court of Pakistan for further appropriate action on 12.7.2012.



Chairman

12.7.2012

Petitioner in person, M/S Mashal Khan, L.O for respondent No.1 and Irshad Muhammad, Supdt: for respondent No.2 with AAG for the respondents present. Respondent No.2 i.e. Secretary Finance is not present. However, the learned AAG moved an application for rejection of the petition on promulgation of the Act-IX of 2012, copy whereof is handed over to the petitioner for reply. To come up for reply and further proceedings/arguments on 11.10.2012.



Member



Member

IN THE NWFP SERVICE TRIBUNAL PESHAWAR

Execution Petition NO-22/11

In the matter of
Appeal No.1542/2008
Decided on 26.5.2009

N.W.F. SERVICE
TRIBUNAL
PESHAWAR
Case No. 142
15-02-11

Mr. Sehrab Hayat S/O Umar Hayat CT Govt Middle School
Peshawar Cantt.

(Applicant)

Versus

1. Govt of NWFP through Secretary School and literacy NWFP Peshawar.
2. Secretary Finance NWFP Peshawar.
3. Director Schools and literacy NWFP Peshawar.
4. Executive District Officer (School & Literacy) Peshawar.

(Respondents)

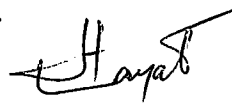
Application for the implementation of the judgment
And order dated 26.5.2009 of this Honourable Tribunal

Respectfully Submitted:

1. That the above noted service appeal was pending adjudication in this Honourable Tribunal and was decided vide judgment and order dated 26.5.2009. (Copy attached as Annexure A)
2. That after judgment and order of this Honourable Tribunal, the applicant continuously approached the respondents for the implementation of the judgment, however they are reluctant.
3. That the respondents instead of implementation have taken the plea that since the applicant has the qualification of M-Ed and not MA hence he is not entitled to the grant of advance increments as per the judgment of this Honourable Tribunal. (Copies attached)
4. That M-Ed is in fact higher qualification over and above the prescribed qualification and thus the respondents are bound to follow the law and implement the judgment which has illegally been refused, thus they are acting contumaciously and in disregard of law.

5. That the respondents are legally bound to implement the judgment of this Honourable Tribunal without any further delay.

It is therefore prayed that on acceptance of this application the judgment and order dated 26.05.2009 of this Honourable Tribunal be implemented in letter and spirit.



Applicant

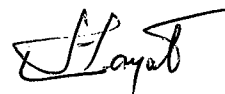
Through



IJAZ ANWAR
Advocate Peshawar

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.



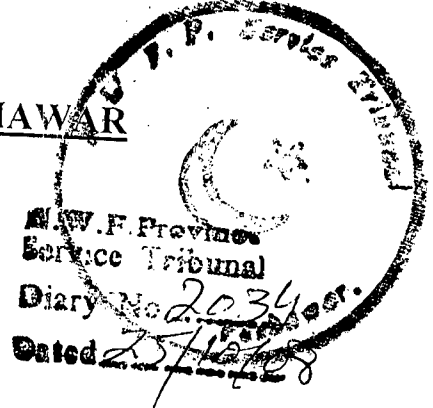
Deponent



Susmit
14-11-2008

Annex-A (3)

IN THE NWFP SERVICE TRIBUNAL PESHAWAR



Appeal No. 1542/2008

Mr. Sehrab Hayat S/O. Umar Hayat CT Govt Middle School Peshawar Cantt.

Versus (Appellant)

1. Govt of NWFP through Secretary School and literacy NWFP Peshawar.
 2. Secretary Finance NWFP Peshawar.
 3. Director Schools and literacy NWFP Peshawar.
 4. Executive District Officer (School & Literacy) Peshawar.
- (Respondents)

Appeal under Section 4 of the NWFP Service Tribunal Act, 1974 against the non-granting of 4 Advance increments on the basis of acquiring the higher qualification over and above the prescribed qualification in terms of the Notification No. FD(PRC) 1-1/89 dated 11.8.1991 and the Judgments of the August Supreme Court of Pakistan dated 19.7.2007/ 29.1.2008, against which the Departmental appeal dated 10.7.2008 has not been responded despite the lapse of 90 days.

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26.5.2009

Counsel for the appellant and A.G.P argued the case. Vide our detailed order of to-day in connected Service Appeal no. 1539 of 2008, titled "Maqсад Hayat Vs. Govt. of NWFP through Secretary Schools & Literacy NWFP Peshawar etc.", we ~~do~~ dispose of the present appeal also as per detailed order.

ANNOUNCED.
26.5.2009

[Handwritten signatures]
Chairman
Member

IN THE NWFP SERVICE TRIBUNAL PESHAWAR

4

Appeal No. 1539/2008

2022
22/10/08

Mr. Maqsa d Hayat S/O Umar Hayat CT Govt High School Masho
Gagar, Peshawar. (Appellant)

Versus

1. Govt of NWFP through Secretary School and literacy NWFP Peshawar.
 2. Secretary Finance NWFP Peshawar.
 3. Director Schools and literacy NWFP Peshawar.
 4. Executive District Officer (School & Literacy) Peshawar.
- (Respondents)

Appeal under Section 4 of the NWFP Service Tribunal Act, 1974 against the non-granting of 4 Advance increments on the basis of acquiring the higher qualification over and above the prescribed qualification in terms of the Notification No. FD(PRC) 1-1/89 dated 11.8.1991 and the Judgments of the August Supreme Court of Pakistan dated 19.7.2007/ 29.1.2008, against which the Departmental appeal dated 24.6.2008 has not been responded despite the lapse of 90 days.

26.5.2009

argued Counsel for the appellant and A.G.P /the cases. The broad facts and legal issues in Service Appeals No. 1539 of 2008 by Maqsa d Hayat, No. 1540 of 2008 by Mushtaq Ahmad, 1541 of 2008 by Amanullah, and 1542 of 2008 by Sehrab Hayat are the same with each others as well as with Service Appeal No. 1532 of 2008 by Mst. Aisha Bibi decided on 18.5.2009. All these Appeals were taken together for arguments and disposal, due to such common questions of facts and law. These Service Appeals are decided in the same terms and with the same directions as given in Service Appeal No. 1532 of 2008 decided on 18.5.2009.

ANNOUNCED.

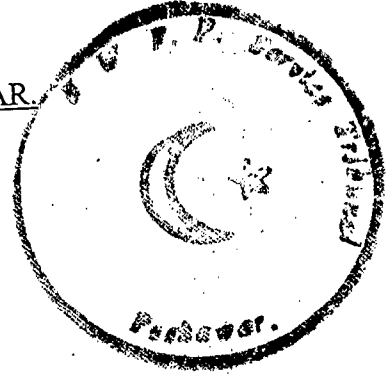
26.5.2009

Adl-
Member
Adl-
Chairman

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1

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR.



Appeal No. 1532/2008

Date of Institution. ... 04.11.2008
Date of Decision ... 18.05.2009

Mst. Aisha Bibi (Ex-C.T Teacher) Now SET Government Girls High School,
City Railway Station, Peshawar. ... (Appellant)

VERSUS

1. District Coordination Officer, District Peshawar.
2. Executive District Officer (S&L) Peshawar.
3. Director, Elementary & Secondary Education, NWFP Peshawar.
4. Secretary to Government of NWFP, Schools & Literacy Department, Peshawar.
5. Secretary to Govt. of NWFP Finance Department, Peshawar.
6. Accountant General NWFP Peshawar. ... (Respondents)

Appeal under Section 4 of the NWFP Service Tribunals Act, 1974, for award of four advance increments on the dictum laid down in the judgment dated 19.7.2007 of Hon'ble Supreme Court of Pakistan passed in C.P.L.A No. 525 and 526 of 2007 against the judgment of NWFP Service Tribunal, Peshawar dated 24.4.2007 passed in Service Appeals No. 498 and 499 of 2006, whereby the Supreme Court has decided a point of law relating to the terms of Finance Department Government of NWFP's circular letter No.FD(PRC)1-1/89 dated 11.8.1991 pertaining to para 5(1) clause (c) concerning grant of four advance increments on attaining M.A/M.Sc. Examination and in pursuance thereof, the departmental appeal/representation of appellant has not been disposed of within statutory period of ninety days.

MR. ABDUL HAMID,
Advocate. ...

For appellant.

MR. ZAHID KARIM,
Addl. Government Pleader, ...

For respondents.

MR. JUSTICE (R) SALIM KHAN,
SYED MANZoor ALI SHAH, ...

CHAIRMAN
MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.-

This judgment/order will dispose of this Service Appeal No. 1532 of 2008, by Mst. Aisha Bibi and the following Service Appeals. The reason is that the broad facts and the legal issues in all the above mentioned appeals are the same, and need consolidated judgment and joint disposal.

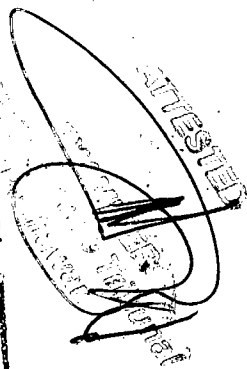
NWFP Service Tribunal
Peshawar
ATTESTED
EXAMINER

6

<u>Sr. No.</u>	<u>Appeal No.</u>	<u>Name of appellant.</u>
1.	1533/2008	Abdul Qadir
2.	1623/2008	Faridullah Shah,
3.	1624/2008	Khurshid Kamal,
4.	1625/2008	Fazal Diyan,
5.	1626/2008	Ibadullah,
6.	1627/2008	Rahman Gul,
7.	1628/2008	Qazi Jamil Ahmad,
8.	1629/2008	Muhammad Salim Khan,
9.	1630/2008	Muhammad Khan,
10.	1631/2008	Muhammad Saeed,
11.	1632/2008	Manzoor Elahi,
12.	1633/2008	Abdul Manan,
13.	1634/2008	Azizur Rahman,
14.	69/2009	Abdul Malik,
15.	87/2009	Nasir Mahmood,
16.	285/2009	Jehan Bahadur,
17.	286/2009	Jamalud Din,
18.	287/2009	Muhammad Saeed,
19.	288/2009	Riazul Haq,
20.	289/2009	Ghulam Bahadur Khan,
21.	290/2009,	Habibur Rahim,
22.	446/2009	Rahmanul Haq,
23.	447/2009	Ghufranullah,
24.	448/2009	Muhammad Islam,
25.	449/2009	Habibul Haq,
26.	465/2009	Jahanzeb,
27.	472/2009	Muhammad Iqbal,
28.	473/2009	Ismail Khan,
29.	474/2009	Muhammad Ikram,
30.	475/2009	Salahud Din,
31.	476/2009	Muhammad Haroon,
32.	477/2009	Hameedullah,
33.	478/2009	Anwarullah,
34.	479/2009	Karimullah,
35.	480/2009	Jehan Badshah,

ATTESTED
 EXAMINER
 BOARD OF SCIENCE & TECHNOLOGY
 PESHAWAR

36. 481/2009 Sanallah,
 37. 482/2009 Muhammad Alam,
 38. 483/2009 Bakht Zeb Khan,
 39. 484/2009 Malikur Rahman,
 40. 485/2009 Sirajul Islam,
 41. 486/2009 Muhammad Ilyas,
 42. 487/2009 Muhammad Zakirullah,
 43. 488/2009 Ghulam Farooq Khan,
 44. 489/2009 Muhammad Yar,
 45. 490/2009 Khan Badshah,
 46. 491/2009 Muhammad Shah Jehan,
 47. 492/2009 Ihsanullah,
 48. 493/2009 Baidar Khan,
 49. 494/2009 Yousaf Din,
 50. 495/2009 Mobarak Zeb,
 51. 507/2009 Muhammad Zeb,
 52. 512/2009 Muhammad Alam Khan,
 53. 513/2009 Zarawar Khan,
 54. 514/2009 Fazal Rahman,
 55. 515/2009 Muhammad Jauhar Iqbal,
 56. 519/2009 Mian Ziaur Rahman,
 57. 520/2009 Muhammad Anwar,
 58. 521/2009 Wakeel Zada,
 59. 529/2009 Sikandar Ali,
 60. 530/2009 Shah Bakht
 61. 531/2009 Gul Faraz Khan,
 62. 538/2009 Sher Zada,
 63. 539/2009 Muhammad Hussain,
 64. 540/2009 Muhammad Gul Bahadar,
 65. 603/2009 Muhammad Ibrahim,
 66. 613/2009 Nizakat Tabasum,
 67. 624/2009 Hidayatullah,
 68. 625/2009 Abdul Salam,
 69. 668/2009 Zahid Khan,
 70. 669/2009 Iftikhar Ali,
 71. 670/2009 Muhammad Shah,



72.	671/2009	Zainul Aq̄din,
73.	672/2009	Muhammad Saeed,
74.	673/2009	Fakhre Alam,
75.	674/2009	Aurangzeb Khan,
76.	675/2009	Masal Khan,
77.	676/2009	Taqdeerullah,
78.	677/2009	Ilham,
79.	678/2009	Umer Said,
80.	695/2009	Mian Muhammad Arif,
81.	702/2009	Muhammad Saeed,
82.	703/2009	Fida Muhammad,
83.	740/2009	Gulzar Ali, and
84.	741/2009	Noorul Islam.

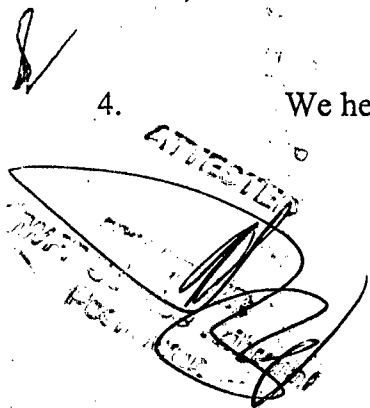
2. The appellant of Service Appeal No. 1532 of 2008 contended that she was appointed C.T Teacher (BPS-9) in the Education Department on 05.4.1999. Thereafter, she was placed in BPS-14 after passing B.A examination in second division by virtue of Government of NWFP Finance Department Notification dated 07.8.1991. She acquired higher qualification of M.A on 03.08.2000. The appellant was entitled to advance increments in the light of the Finance Department notification dated 11.8.1991. The same was not given to her. Some of the teachers came to this Tribunal whose Service Appeals were dismissed through Service Appeal No. 498 of 2006 decided on 24.4.2007. The August Supreme Court of Pakistan, while deciding C.P.L.A No. 525 of 2007 and CPLA No. 526 of 2007 decided that all the teachers were entitled to the advance increments like all other civil servants. On the request of the appellant, the same benefit was not given to him. Hence he filed the present Service Appeal. As already mentioned, the broad facts and the legal issues in all other appeals are almost on the same lines.

3. The respondents contested the appeal and contended that either the appellants had not submitted their applications or their applications were time-barred, and there was no judgment in favour of the appellants.

4. We heard the arguments and perused the record.

8

ATTESTED



5. The judgment in CPLA Nos. 525 of 2007 and 526 of 2007 is as under:-

"3. Learned Additional Advocate General attempted to argue that in view of the higher scale granted to Elementary School Teachers in pursuance of the circular letter dated 07.8.1991, which was personal to them, the petitioners would not be entitled to the incentive of advance increments contemplated by circular letter dated 11.8.1991 but he is unable to cite any principle of law or authority for placing this interpretation. We find that, while circular letter dated 7.8.1991 exclusively deals with the scales of pay of school teachers in different categories, circular letter dated 11.8.1991, provides for the revision of basic pay scales and grant of annual increments and advance increments for all Provincial civil servants in NWFP without any exception. Since the teachers or the employees in Education Department have never been expressly or impliedly excluded from the operation of the circular letter, view taken by the Tribunal being erroneous cannot be sustained at law. In fact, it suffers from clear misconception of law and misconstruction of the circular letter (supra)."

While disposing of the C.R.P No. 216 and 217 of 2007 in C.P Nos. 525 and 526 of 2007, the August Supreme Court of Pakistan held:-

"The learned Addl. Advocate General has contended that this Court while interpreting the circulars in question has taken a view contrary to the correct legal position, according to which private respondents were not entitled to the benefit of advance increments. We are afraid, the learned Addl. A.G instead of pointing out any mistake of law and fact in the judgment made an attempt to re-open the case on merits. The scope of review is very limited and the points already considered in the judgment under review cannot be allowed to be re-agitated in review jurisdiction. These review petitions being without any substance are accordingly dismissed."

6. While disposing of Crl. O.P. No. 66 & 67 of 2007, it was held by the August Supreme Court of Pakistan:-

10

"The learned Addl. A.G. has given an undertaking for implementation of the judgment of this Court within a period of two weeks and in view thereof, this criminal original is disposed of with the direction that the judgment should be implemented in letter and spirit within two weeks under intimation to the Registrar of this Court."

7. In the above circumstances, and in view of the judgment in rem by the August Supreme Court of Pakistan, and keeping in view the provisions of Article 189 of the Constitution of Islamic Republic of Pakistan, we have no other alternative but to declare that all the appellants, after ascertainment that they are the persons similarly placed with the appellants who had previously litigated and in whose favour the judgment mentioned above was given by the August Supreme Court of Pakistan, are entitled to the same benefits as have been given to the appellants of the judgments quoted above. The appeals of such similarly placed persons, after such ascertainment, stand accepted. The appellants are entitled to the increments for the relevant highest qualification only and not for qualifications for each of the different stages, by addition to each other. The appellants are also entitled to the costs of their litigation to be paid to them respectively by the official respondents, recoverable from the officers responsible for compelling the appellants for the present litigation.

8. The official respondents in the above mentioned appeals as well as in the cases of the other concerned officers/officials in the province are directed to follow the above quoted judgments in their true letter and spirit, and without compelling the respective right holders to enter into litigation with the respective official respondents, otherwise the costs of their litigation shall be recovered from the pay and pension as well as person and property of the defaulting concerned officer, though after fixation of responsibility on him as a result of proper enquiry.

ANNOUNCED
18.05.2009

Justice (R) Salim Akbar Khan
Chairman

Jud. Mansoor Ali Pk
Member

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Date of completion 20-6-09
Date of delivery of copy 20-6-09

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDU: PESHAWAR
OFFICE ORDER

110

In pursuance of the judgment of August of Supreme Court Of Pakistan- in CPLA No.525 & 526 of 2007 and implementation of the orders notified vide Govt. of NWFP Elementary & Secondary Education Department Notification No SO(PE)E&SED/ADV:Incr:/09 Dated 28/07/2009, sancation is hereby accorded benefit allowed by the Finance Department Notification vide circular letter No FD/PRC/1-1/89 Dated 07/08/1991 & Vide Circular letter No FD/PRC/1-1/89 Dated 11/08/1991 With effect from the date of issue or with effect from date of acquiring higher qualification , which ever is later in respect of the following teachers, their schools and date noted against each name.

S#	Name Of Teacher	Designation	Name Of School	Number Of Adv Increments Allowed	Increments Allowed W E F On Basis of Higher Qualification MA /M.Sc
1	Fazali Qadar EX CT	SET	GHS Jogiwara	4	14-10-1996
2	M. Muhammad Arif EX CT	SET	GHS Tarnab Farm	4	13-01-1998
3	Sahibzada Tariq Mehmood Ex CT	SET	GHS No 2 Gulbahar	4	11-08-1991
4	S. Matloob Shah	CT	GHS Pakha Ghulam	4	06-01-2000
5	M. Hamid Kamal	CT	GMS Gulbahar	4	04-10-1994
6	M. Tariq Khan EX CT	SET	GHSS No 1 Pesh Cantt	4	07-04-1999
7	Akram Khan	CT	GMS Sattar Shah Colony	4	24-01-1998
8	Nisar Khan	CT	GMS Satian	4	10-07-2000
9	Muhammad Irfan	CT	GMS Gunj Gate	4	10-12-1999
10	Qazi Jameel Ahmed	CT	GHSS Chamkani	4	20-10-1993
11	S Sakhwat Shah	PST	GPS Takia Saingan	6	09-10-1995
12	S. Sajid Ali Shah	CT	GHS No 2 Gul Bahar	4	16-10-1994
13	S. Sanauallah Shah	PST	GHS Chughal Pura	6	07-06-2001
14	Riaz Ullah	CT	GMS badizai	4	01-07-1997
15	Abdul Qadar Khan	CT	GHS Nanak Pura	4	04-11-1992
16	Imtiaz Khan	DM	GHSS Wazir Bagh	4	23-10-1993
17	Raz Khan	CT	GHS Telaband	4	03-10-1994
18	Ibni Amin	CT	GHS Nouthia Qadeem	4	03-10-1994
19	M. Shoaib Khan Ex PTC	CT	Achani Payan	6	11-08-1991
20	Islam Muhammad	DM	GMS Gunj Mandi	4	16-10-1998
21	Rehmat Gul	CT	GHS Mattani	4	19-08-1999
22	Luqman Shah	CT	GMS Nasapa	4	08-10-1991
23	Rehmat Ullah	CT	GMS No 1 Tehkal Payan	4	05-06-2000
24	Gul Farid Khan Ex CT	SET	GMS Bazid Khel	4	15-09-1997
25	Gul Nabi Ex PTC	CT	GHS H.M Noor Killi	6	21-12-2000
26	Jehangir Khan Ex PTC	CT	GMS Nasapa	6	13-09-1999
27	Jan Muhammad Ex PTC	CT	GHS H.M Noor Killi	4	13-09-1999
28	Ismail Khan	CT	GHS H.M Noor Killi	4	04-10-1994
29	Iqbal Hussain	CT	GHS Shaikh Muhammadi	4	17-09-1998
30	Noshad Khan	CT	GHS Shaikh Muhammadi	4	04-04-1996
31	Sardar Aman Ullah	CT	GHSS NO 2 Pesh Cantt	4	24-10-1991
32	Ihsan Shah	CT	GHSS Urmer Payan	4	20-08-1997
33	Gul Khan	CT	GHSS Urmer Payan	4	20-10-1993
34	Muhammad Iqbal EX PTC	CT	GHSS Urmer Payan	6	20-10-1993
35	Ahmed Raza	CT	GHSS Urmer Payan	4	26-10-1997
36	Shoukat Ali	DM	GHSS Urmer Payan	4	28-05-2001
37	Jehan Zeb EX CT	SET	GHSS No 1 Pesh City	4	22-10-1992
38	Sana Ullah Ex CT	SET	GHSS No 1 Pesh City	4	05-06-2000
39	Naiz Amin Ex PTC	SET	GHSS No 1 Pesh City	6	08-10-1997
40	Habib Ur Rehman Ex PTC	SET	GHSS No 1 Pesh City	6	26-08-1996
41	Sohrab Hayat	CT	GMS Pesh Cantt	4	05-07-2001
42	Akhter Ali	DM	GMS Mohala Hidayat Shsh	4	11-08-1991
43	Shujaat Ali	DM	GMS Takhat Abad	4	23-08-1998
44	Khalil Ur Rehman Ex PTC	CT	GMS Takhat Abad	6	23-09-1997
45	Noor Islam	CT	GHSS No 2 Pesh Cantt	4	20-10-1996
46	Babar Khan Ex PTC	CT	GHSS No 2 Pesh Cantt	6	04-11-1992
47	Nadeem Ahmed	DM	GHSS No 2 Pesh Cantt	4	20-06-2001

S//	Name Of Teacher	Designation	Name Of School	Number Of Adv Increments Allowed	Increments Allowed W E F On Basis of Higher Qualification MA /M.Sc
48	Maqsood Ahmed	CT	GHSS No 2 Pesh Cantt	4	11-08-1991
49	Habib Ullah Ex PTC	CT	GHSS No 2 Pesh Cantt	6	22-10-1992
50	Fayaz Muhammad	CT	GHSS No 2 Pesh Cantt	4	18-10-1997
51	Shabir Hussain	CT	GHSS No 2 Pesh Cantt	4	24-09-1998
52	Shakir Ullah Ex PTC	CT	GHSS No 2 Pesh Cantt	6	04-10-1994
53	Muhammad Sulaman Ex PTC	CT	GHS gulozai	6	10-10-1991
54	M.Zahid Shah	DM	GMS Toor Baba	4	11-8-1991
55	Muhammad Ishfaq Ex PTC	CT	GMS khazana Sugar Mills	6	04-10-1994
56	Muhammad Iqbal	DM	GMS khazana Sugar Mills	4	13-09-1999
57	Muhammad Tahir Ex PTC	CT	GMS Banamari	6	20-10-1993
58	S. Aabas Ali Shah	PST	GPS Chughal Pura	6	08-10-1997
59	Aabas Khan Ex PTC	CT	GHS Kagawala	6	11-08-1991
60	Muhammad Iqbal Ex PTC	CT	GHSS No 4 Kakshal	6	11-08-1991
61	Mushtaq Hussain Ex CT	SET	GMS Charkha Khel	4	11-08-1991
62	Gul Bahar	CT	GHSS No 4 Kakshal	4	16-01-1995
63	Abdul shakeel Ex PTC	CT	GHSS No 4 Kakshal	6	08-11-1993
64	Rashid Munir	CT	GHSS No 4 Kakshal	4	23-10-1996
65	Muhammad Naveed Ex PTC	CT	GHSS No 4 Kakshal	6	28-12-1999
66	Muhammad Irshad	CT	GHSS No 4 Kakshal	4	13-09-1999
67	Mustajab Khan Ex PTC	CT	GHSS No 4 Kakshal	6	15-09-1997
68	Khalid Riaz	CT	GCMHS Pesh City	4	20-10-1993
69	Hakeem Ullah Ex PTC	CT	GMS Hakeem Khan Killi	6	11-08-1991

Note -

- 1 Necessary entries to this effect should be made in their service book/office record.
- 2 Undertaking Should be taken in this regard that any overpayment made to them due to incorrect sanction/fixation to be recovered from their pay /pension or gratuity .

(SAID RAHMAN MOHMAND)
EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION PESHAWAR

Endst. No. 3421-36 Dated 5/8 /09.

Copy of the above is forwarded to the:-

- 1) Registrar Supreme Court of Pakistan Islamabad for information.
- 2) Advocate General NWFP Peshawar
- 3) Secretary Finance Deptt: Govt of NWFP Peshawar
- 4) Secretary (E & SE) Deptt: Govt of NWFP Peshawar with reference to his notification vide No SO(PE)E&SED/ADV:Incr:/09 Dated 28/07/209.
- 5) Director (E & SE) Deptt: NWFP Peshawar
- 6) District Coordination Officer City District Govt Peshawar
- 7) DAO Peshawar
- 8) Accountant General NWFP Peshawar
- 9) District Officer (Elementary & Secondary) Education Male & Female Peshawar with the instructions to implement the judgment after verification of documents being DDO of Middle Schools
- 10) Deputy District Officer Male & Female Peshawar with the instructions to implement the judgment after verification of documents being DDO of Primary Schools
- 11)
- 12) Principals/Head Master/Head Mistress concerned with the instructions to implement the judgment after verification of documents being DDO of High Schools
- 13) B & AO local Office
- 14) Teacher concerned
- 15) Office order file.
- 16) Cashier local office

EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION PESHAWAR



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

24
13

No. FD (SR-1) 2-123/2010
Dated Peshawar the: 15-12-2010

To

The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

Subject:

GRANT OF ADVANCE INCREMENTS ON THE BASIS OF ACQUIRING
HIGHER QUALIFICATION.

Dear Sir,

I am directed to refer to your letter No.H-24(74)/Peshawar/Vol-III/2009-10/68 dated 12/01/2010 on the subject noted above and to say that the matter has thoroughly been examined in consultation with concerned Departments during the meetings held on 10-08-2010, 14-10-2010, 18-10-2010, 15-11-2010, 29-11-2010 and 09-12-2010 towards the queries raised by your office, which are clarified as under:-

2. The Supreme Court of Pakistan in its Judgement dated 19-07-2007 vide para No.2 has observed in the following words:-

"It would be seen that the petitioners were placed in BPS-14 by reason of having acquired the qualification of BA / BSc, 2nd division which is the prescribed qualification for the post of Elementary School Teacher".

3. In light of the said observations of the honourable Apex Court, the record of the concerned teacher was gone through, which revealed that the said teacher had already availed the benefit of B-14 from B-9 which is the prescribed qualification for appointment as CT School Teacher. As such in the light of the Judgement of the Apex Court referred to above the said petitioner is entitled to get two increments on the basis of acquiring higher qualification of Master Degree.

- i) Those C.T teachers who are in BPS-9 and possessing higher qualification of MA/MSc but have not been placed in BPS-14, are entitled to 4 advance increments while those who have availed BPS-14 are entitled to 2 advance increments on MA/MSc.
- ii) Advance increments will be allowed from the date of obtaining higher qualification or from the date of appointment which ever is later in term of para 5(ii) of Pay Revision Rules 1991, issued vide Finance Department's letter No.FD(PRC)1-1/89, dated 11th August, 1991.
- iii) Those teachers who had secured their appointment or acquired higher qualification after 01-12-2001 are not entitled for the facility of the advance increments on higher qualification in view of the Pay Revision introduced vide Finance Department's letter No.FD(PRC)1-1/2001, dated October 27, 2001.
- iv) Recovery may be made from those teachers/employees who have availed more advance increments over and above their entitlement on academic qualifications as prescribed in para-5(a,b,c &d) of Revision of Basic Scale 1991.

Yours Faithfully,

(KHURSHID ALAM)
Section Officer (SR-I)

Sohrab Hayat

SUMMARY FOR CHIEF MINISTER, KP

Subject **EXECUTION PETITION NO. 22/2011 IN SERVICE APPEAL NO. 1542/2008**
TITLED MR. SOHRAB HAYAT CT GMS PESHAWAR CANT: VS GOVT
OF KHYBER PAKHTUNKHWA THROUGH SECRETARY E&SED AND
OTHERS.

Put up draft comments of Finance department within two days or early
duly vetted by concerned AFS / Deputy Secretary.

hw,
3rd/8
Pstc
Secretary Finance

~~Special Secretary (A&R)~~

hw,
3rd/8

AFS (R)
DS (R/I)

for comments/views at the earliest.

SO (SR-I)

3rd/8

11/2
Date 30-8-2022
Adtl. Secretary Finance (Reg.)

481
Date 30-8-2022



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar

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

[facebook.com/GoKPFD](https://www.facebook.com/GoKPFD)

twitter.com/GoKPFD

**NO. FD(SOSR-1)2-123/2022/Sohrab Hayat
Dated Peshawar the: 29-06-2022**

To

The Secretary to Govt: of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: - EXECUTION PETITION NO. 22/2011 IN SERVICE APPEAL NO. 1542/2008 TITLED MR. SEHRAB HAYAT CT GMS PESHAWAR CANTT VS GOVT: OF KHYBER PAKHTUNKHWA E&SE DEPARTMENT AND OTHERS

Dear Sir,

I am directed to refer to your Department's letter No. SO(B&A)1-16/Sohrab Hayat CT dated 31-05-2022 on the subject noted above and to state that Finance Department's earlier letter No.SO(Lit-II)FD/2-873/2008 dated 26.05.2022 (Copy enclosed) may be followed in letter & spirit to implement the Khyber Pakhtunkhwa Service Tribunal judgment without further delay/wastage of time.

2. Moreover, a proper reply of this Department's letter of even No. dated 25.04.2022 (Copy enclosed) may also be furnished to proceed further in the matter as the reply received is unsatisfactory and does not address the queries, please.

Your's faithfully,

SECTION OFFICER (SR-1)

Copy forwarded to:-

1. ✓ Section Officer (Lit-II), Finance Department, Govt of Khyber Pakhtunkhwa.
2. PA to Additional Secretary Regulation, Finance Department.
3. PA to Deputy Secretary (Reg-I), Finance Department.

11/2/22
29/06/22
SECTION OFFICER (SR-1)

11.10.2012

Petitioner with Mr.Sajid Amin, Advocate on behalf of counsel for the petitioner and M/S Abbas Ali^{SO} for respondent No.1, Mashal Khan, LO for respondents No.3 and 4, Irfanullah, Assistant for respondent No.2 with Mr.Arshad Alam, GP for respondents present. Reply on application has not been received. Counsel for the petitioner requested for adjournment. To come up for reply and further proceeding/argument on 21.01.2013.


MEMBER


MEMBER

21.1.2013.

No one is present on behalf of the petitioner. M/S Khurshid Khan, SO for respondent No. 1, Muhammad Aqeel, Assistant for respondent No. 2, Mosam Khan, AD for respondent No. 3 and Khaista Rehman for respondent No. 4 with Mr. Shakirullah, GP present. The execution petition is filed due to non prosecution.

ANNOUNCED
21.01.2013


MEMBER


MEMBER



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SO (B&A)1-16/Shorab Hayat CT
Dated Peshawar, the 22.07.2022

To

The Secretary to,
Government of Khyber Pakhtunkhwa,
Finance Department.

Subject: -

**EXECUTION PETITION NO. 22/2011 IN SERVICE APEAL NO. 1542/2008
TITLED MR. SOHRAB HAYAT CT GMS PESHAWAR CANTT VS GOVT:
OF KHYBER PAKHTUNKHWA E&SE DEPARTMENT AND OTHERS.**

R/Sir,

I am directed to refer to Finance Department letter No. FD(SOSR-I)2-123/2022/Sohrab Hayat dated 29.06.2022, on the subject cited above and to enclose herewith parawise reply to the questions raised in the meeting held on 28.04.2022 in the office of Additional Secretary (Regularition) Finance Department submitted by DEO(M) Peshawar letter No.841/ dated 17.05.2022 alongiwth its enclosures which is self-explanatory for further necessary action please.

Encl: As above.

Yours faithfully,

SECTION OFFICER (BUDGET)

Endst. Of even Number & Date.


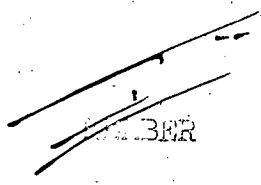

Copy of the above is forwarded to the: -



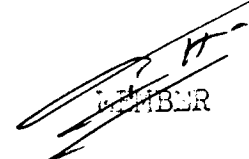
- 1) District Education Officer (M) Peshawar with reference to his letter cited above.
- 2) Section Officer (Lit-II) E&SE Department for information.
- 3) PS to Secretary E&SE Department Khyber Pakhtunkhwa.
- 2) Master File.

SECTION OFFICER (BUDGET)

1762
28/07/22
ADO (Litigation)
7/1
27/7/22

(Criminal) No. 210

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
6.	14.9.2011	<p>Petitioner in person, Abbas Ali, S.O(Lit.) for respondent No.1, Irshad-Muhammad, Supdt: for respondent No.2, Mashal Khan, L.O for respondent No.3 and Khaista Rehman, Asstt: for respondent No.4 with Mr.Tahir Iqbal, AGP present. Comments have not been filed, and petitioner requested for time. To come up for comments on the implementation report of respondent No.4/further proceedings on 14.11.2011.</p> <p style="text-align: right;"> Member</p>
7.	14.11.2011	<p>Petitioner in person, Mashal Khan, Litigation Officer for respondent No.1, Irshad Muhammad, S.O (Litigation) for respondent No.2, and Miss Nadia, A.S. for respondent No.3 with AAG for the respondents present. Comments have been received from the petitioner, and petitioner requested for further time. To come up for comments on implementation report of respondent No.4/further proceedings on 29.12.2011.</p> <p style="text-align: right;"> MEMBER  CHAIRMAN</p>

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
4.	26.5.2011	<p>Counsel for the petitioner, Miss-Nadia, A.D for respondents no.1 & 3, Irshad-Muhammad, Asstt: for respondent No.2 and Khaista Rehman, legal adviser for respondent No.4 present. Representative of respondent No.4 furnished implementation report. The petitioner may file comments in the meantime on the implementation report of respondent No.4, and petition to come up for further proceedings on 25.7.2011.</p> <p style="text-align: right;">  Member </p> <p style="text-align: right;">  Chairman </p>
5.	25.7.2011	<p>Counsel for the petitioner and Muhammad Zubair, AGP alongwith Miss-Nadia, A.D and Irshad Muhammad, Asstt. for respondents present. Counsel for the respondents needs time. To come up for filing comments on the implementation report of respondent No.4 and further proceedings.</p> <p style="text-align: right;">  MEMBER </p>

FORM "A"

FORM OF ORDER SHEET

Court of.....

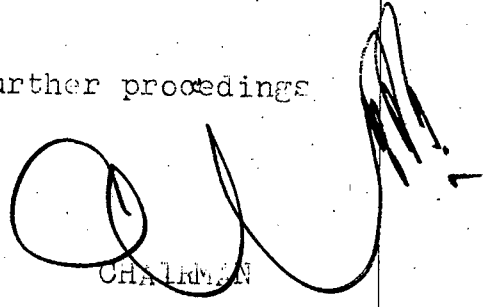
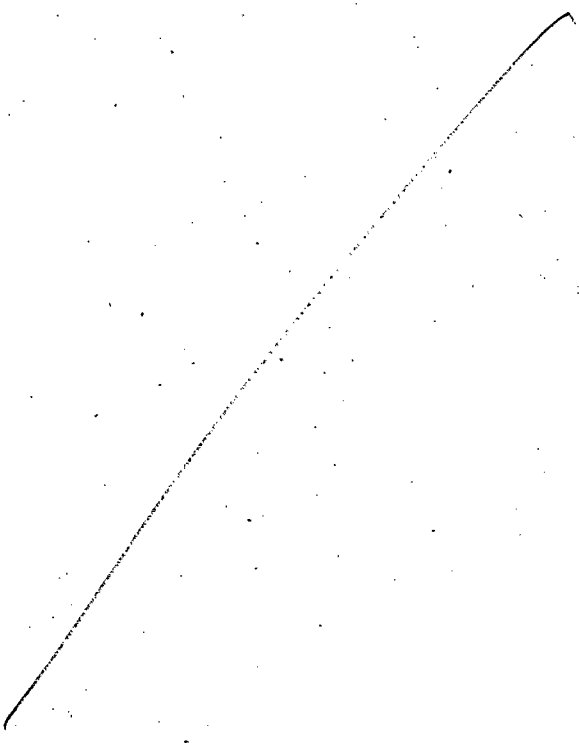
Case No. Execution Petition No. 22/2011 of.....

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
1-	15/02/2011	<p>The execution Petition submitted by Mr. Sehrab Hayat through Mr. Ijaz Anwar Advocate, may be entered in the concerned register and put up to the Worthy Chairman for further order please.</p> <p style="text-align: right;"><i>Le July</i> REGISTRAR</p>
2-	17-2-11	<p>This Petition be put up before Final Bench- <u>Ton 30-3-11</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
3.	30.3.2011	<p><i>Petitioners with counsel present. Notices be issued to the respondents for implementation report on 26.5.2011.</i></p> <p style="text-align: center;"><i>[Signature]</i> Member <i>[Signature]</i> Chairman</p>

Form- A
FORM OF ORDER SHEET

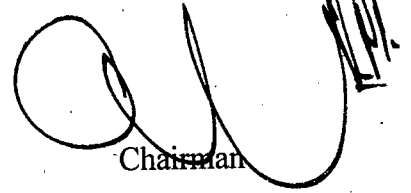
Court of _____

Case No. _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	8.2.13	To come up for further proceedings on 5-4-13  CHAIRMAN
2		

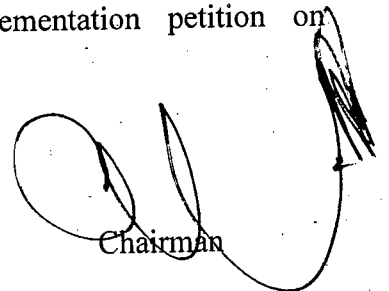
5.4.2013

No one is present on behalf of the petitioner. To come up for further proceedings on 28.6.2013.


Chairman

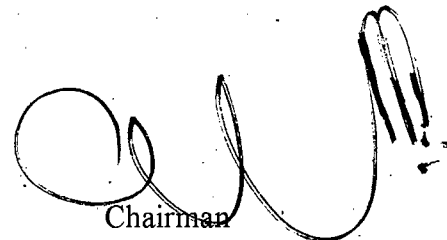
28.6.2013

Petitioner in person, M/S Khurshid Khan, SO for respondent No. 1 and Mashal Khan, LO for respondent No. 3 with Mr. Usman Ghani, Sr. GP for the respondents present. To come up for reply to application for restoration of the implementation petition on 2.10.2013.


Chairman

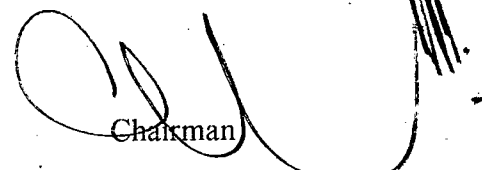
02.10.2013

Petitioner in person and Mr. Khurshid Khan, S.O for respondent No.1 with AAG for the respondents present. Reply to application has not been received, and request for further time made on behalf of the respondents. To come up for reply to application on 30.01.2014.


Chairman

30.01.2014

Mr. Sajid Amin, Advocate on behalf of counsel for the petitioner, M/S Khurshid Khan, S.O for respondent No.1, Irshad Muhammad, Supdt. for respondent No.2 and Mosam Khan, A.D for respondents No.3 & 4 with Mr. Usman Ghani, Sr. GP present. Reply to application has not been received, and request for further time made on behalf of the respondents. Another chance is given for reply to application, positively, on 21.4.2014.


Chairman

POWER OF ATTORNEY

In the Court of K.P.K Service Tribunal Peshawar

Ms Sehab Hayat

For:
Plaintiff
Appellant
Petitioner
Complainant

VERSUS

Govt of N.W.F.P and Others

Defendant
Respondent
Accused

Appeal/Revision/Sut/Application/Petition/Case No.....of.....

Fixed for.....

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, HIGH COURT, PESHAWAR.

..... my true and lawful attorney, for me in my name and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any appellate Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts; exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other execution, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so, any other lawyer may be appointment by my said counsel to conduct the case who shall have the same powers.

AND to do all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agrees to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the court/my authorised agent shall inform the Advocate and make him appear in court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS whereof I/We have hereto signed at Peshawar

the.....day to.....in the year.....

Executant/Executants.....

Accepted subject to the terms regarding fee.....

Ijaz
Anwar

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT

FR-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt.

Ph: 091-5272054 Mobile: 0333-9107225

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

BUNGALOW # 112, STREET # 12,
DEFENCE OFFICERS' COLONY,

PESHAWAR.

No. 1974/ST E.P. No. 22/2011 in

F.B.I

Appeal No. 1542 of 2008

M. Ghulam Hafeez Appellant/Petitioner -

Versus

Court of KPK, through Secretary (S&L) KPK, Peshawar Respondent

Respondent No. 1

Notice to:

Court of KPK, through Secretary School & Literacy KPK, Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26-5-2011 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of ^{EP} appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 1st

Day of April 2010.

For Implementation Report, 9-4-2011

Handwritten signature in Urdu

Registrar

Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

BUNGALOW # 112, STREET # 12,
DEFENCE OFFICERS' COLONY,
PESHAWAR

F.B.I

No. 1975/ST E.P NO. 22/2011 in

Appeal No. 1542 of 2008

1/4/11 Mr. Sahab Hayat Appellant/Petitioner

3/5/11 Genl. of K.P.S. through Secretary (G.O.) K.P.S. Peshawar
Versus Respondent

Respondent No. 2

Notice to: Secretary Finance, K.P.S., Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26.5.2011 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 15th April 2011.

Per Implementation report

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

BUNGALOW # 112, STREET # 12,
DEFENCE OFFICERS' COLONY,

PESHAWAR.

No. 1976/ST E.P. No. 22/2011 in

F.B.I

Appeal No. 1542 of 20108

Mr. Subhan Hayat Appellant/Petitioner

Versus

Govt of KP, through Secretary (GOL) KP, Peshawar Respondent

Respondent No. 3

Notice to: Director General Literacy, KP, Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26.5.2011 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of E.P.T appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

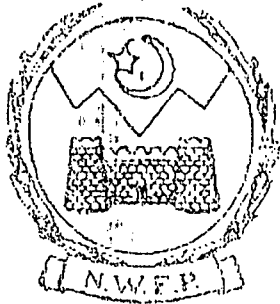
Given under my hand and the seal of this Court, at Peshawar this 1st Day of April 2010.

Last chance is given.

24/4/2011

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.



GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the 28-7-2009

NOTIFICATION

No.SO(PE)E&SED/Adv: Incr:19. Consequent upon the judgement of August Supreme Court of Pakistan in CPJ No. 525 of 2007 and CPLA No. 526 of 2007, the Competent Authority has been pleased to declare that all other similarly placed teachers with the original appellant in the above mentioned cases shall also be entitled to the benefits of the Finance Department Notification vide circular letter No. F.D/PRC/1-1/89, dated 07-08-1991 and vide circular letter No. FD/PRC/1-1/88, dated 1-08-1991 with effect from the date of issue or with effect from date of acquiring higher qualification, which ever is later.

Secretary to Govt. of NWFP
E&SE DEPARTMENT

Endst. Of even No. & d. No.

Copy is forwarded to:-

1. The Secretary to Government of NWFP, Finance Department Peshawar.
2. The Secretary to Government of NWFP, Establishment & Administration Department, Peshawar.
3. The Secretary to Government of NWFP, Law Department.
4. The Director Elementary & Secondary Education NWFP, Peshawar.
5. The Director Curriculum & Teacher Education NWFP, Abbotabad.
6. The Director FITE, NWFP, Peshawar.
7. The Director Education FATA, Peshawar.
8. The Accountant General NWFP Peshawar.
9. All District Accounts Officers in NWFP.
10. All Executive District Officers (ERSE) in NWFP.
11. All District Coordination Officers in NWFP.
12. Registrar Supreme Court of Pakistan, Islamabad.
13. Registrar Peshawar High Court, Peshawar.
14. Registrar NWFP Service Tribunal Peshawar.
15. P.S.O to Chief Minister NWFP.
16. P.S to Chief Secretary NWFP.
17. P.S to Additional Chief Secretary (FATA) Civil Secretariat FATA, Peshawar.
18. P.S to Minister for Education NWFP.
19. P.S to Secretary Elementary & Secondary Education Department.
20. Section Officer (Education) E&SE Department.


SECRETARY

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDU: PESHAWAR

11/22

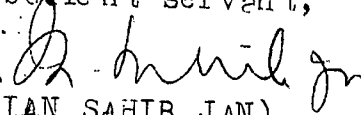
In pursuance of the judgment of August of Supreme Court Of Pakistan- in CPLA 525 & 526 of 2007 and implementation of the orders notified vide Govt. of NWFP Elementary & Secondary Education Department Notification No SO(PE)/E&S/ED/ADV/Incr/09 Dated 28/07/2009, sanctionation hereby accorded benefit allowed by the Finance Department Notification vide circular letter No FD/PRC/1-1779 Dated 07/08/1991 & Vide Circular letter No FD/PRC/1-1789 Dated 11/08/1991 With effect from the date of issue or with effect from date of acquiring higher qualification, which ever is later in respect of the following teachers, their schools and date noted against each name

Sr	Name Of Teacher	Designation	Name Of School	Number Of Increments Allowed	Increments Allowed W.E.F On Basis of Higher Qualification MA/Al.Sc
1	Fazali Qadar EX CT	SET	GHS Jogiwara.	4	14-10-1996
2	M.Muhammad Arif EX CT	SET	GHS Tarnab Farm	4	13-01-1998
3	Sahibzada Tariq Mehmood Ex CT	SET	GHS No 2 Gulbahar	4	11-08-1991
4	S.Mattoob Shah	CT	GHS Pakha Ghulam	4	06-01-2000
5	M.Hamid Kamal	CT	GMS Gulbahar	4	04-10-1994
6	M. Tariq Khan EX CT	SET	GHSS No 1 Pesh Cantt	4	07-04-1999
7	Akram Khan	CT	GMS Sattar Shah Colony	4	24-01-1998
8	Nisar Khan	CT	GMS Sattar	4	10-07-2000
9	Muhammad Irfan	CT	GMS Gunj Gate	4	10-12-1999
10	Qazi Jameel Ahmed	CT	GHSS Chamkani	4	20-10-1993
11	S Sakhwat Shah	PST	GPS Taka Saingan	6	09-10-1995
12	S.Sajid Ali Shah	CT	GHS No 2 Gul Bahar	4	16-10-1994
13	S Sanaullah Shah	PST	GHS Chughal Pura	6	07-06-2001
14	Riaz Ullah	CT	GMS badizai	4	01-07-1997
15	Abdul Qadar Khan	CT	GHS Nanak Pura	4	04-11-1992
16	Imtiaz Khan	DM	GHSS Wazir Bagh	4	23-10-1993
17	Raz Khan	CT	GHS Telaband	4	03-10-1994
18	Ibni Amin	CT	GHS Nouthia Qadeem	4	03-10-1994
19	M. Shoab Khan Ex PTC	CT	Achani Payan	6	11-08-1991
20	Islam Muhammad	DM	GMS Gunj Mandi	4	16-10-1998
21	Rehmat Gul	CT	GHS Mattani	4	19-08-1999
22	Luqman Shah	CT	GMS Nasapa	4	08-10-1991
23	Rehmat Ullah	CT	GMS No 1 Telkal Payan	4	05-06-2000
24	Gul Farid Khan Ex CT	SET	GMS Bazid Khel	4	15-09-1997
25	Gul Nabi Ex PTC	CT	GHS H.M Noor Killi	6	21-12-2000
26	Jehangir Khan Ex PTC	CT	GMS Nasapa	6	13-09-1999
27	Jan Muhammad Ex PTC	CT	GHS H.M Noor Killi	4	13-09-1999
28	Ismail Khan	CT	GHS H.M Noor Killi	4	04-10-1994
29	Iqbal Hussain	CT	GHS Shaikh Muhammadi	4	17-09-1998
30	Noshad Khan	CT	GHS Shaikh Muhammadi	4	04-04-1996
31	Sardar Aman Ullah	CT	GHSS NO 2 Pesh Cantt	4	24-10-1991
32	Ihsan Shah	CT	GHSS Urmer Payan	4	20-08-1997
33	Gul Khan	CT	GHSS Urmer Payan	4	20-10-1993
34	Muhammad Iqbal EX PTC	CT	GHSS Urmer Payan	6	20-10-1993
35	Ahmed Raza	CT	GHSS Urmer Payan	4	26-10-1997
36	Shoukat Ali	DM	GHSS Urmer Payan	4	28-05-2001
37	Jehan Zeb EX CT	SET	GHSS No 1 Pesh City	4	22-10-1992
38	Sana Ullah Ex CT	SET	GHSS No 1 Pesh City	4	05-06-2000
39	Naiz Amin Ex PTC	SET	GHSS No 1 Pesh City	6	08-10-1995
40	Habib Ur Rehman Ex PTC	SET	GHSS No 1 Pesh City	6	26-08-1996
41	Sohrab Hayat	CT	GMS Pesh Cantt	4	05-07-2001
42	Akhter Ali	DM	GMS Mohala Hidayat Shsh	4	11-08-1991
43	Shujaat Ali	DM	GMS Takhat Abad	4	23-08-1998
44	Khalil Ur Rehman Ex PTC	CT	GMS Takhat Abad	6	23-09-1997
45	Noor Islam	CT	GHSS No 2 Pesh Cantt	4	20-10-1996
46	Babar Khan Ex PTC	CT	GHSS No 2 Pesh Cantt	6	04-11-1998

schemes of Basic Pay Scale and Fring Benefits of Civil Servants, 1933.

As regards question (b) above it is clarified that the officials who have already drawn advance increments for higher qualifications before 1.7.1937, shall be allowed increments equal to short fall between the increments already drawn by them and the increments which have been sanctioned now.

Your obedient servant,

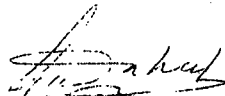


(MIAN SAHIB JAN)
DEPUTY SECRETARY (REG.)

Endst: No. FD(SR-II)2-123/33 dated 2/2/1938.

Copy forwarded for information to:-

1. All Heads of Autonomous and Semi Autonomous Bodies in N.W.F.P.
2. The Secretary Finance Department, Government of Punjab, Sind & Beluchistan.

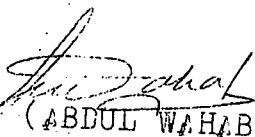


(ABDUL WAHAB)
SECTION OFFICER(SR-II).

Endst: No. FD(SR-II)2-123/33 dated 2/2/1938.

Copy forwarded to:-

1. Accountant General, NWFP, Peshawar.
2. All District/Agency Accounts Officers in N.W.F.P.
3. The Treasury Officer, Peshawar.
4. P.S. to the Finance Minister, NWFP.
5. P.S. to Secretary Finance, NWFP.
6. P.As to AFS.I, II & III/Dy: Secretaries Finance Department, NWFP.
7. All Section Officers/Budget Officers in Finance Department, NWFP.
8. The Director Local Fund Audit, NWFP, Peshawar.



(ABDUL WAHAB)
SECTION OFFICER(SR-II).

SHAHI

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

No. FD(SR-II)2-123/83

Dated Pesh: the 31.1.1988.

To

1. All Administrative Secretaries to Government of NWFP.
2. The Senior Member Board of Revenue, N.W.F.P., Peshawar.
3. The Secretary to Governor, NWFP, Peshawar.
4. The Secretary, Provincial Assembly, NWFP.
5. All Commissioners/Deputy Commissioners/Political Agents/District & Session Judges in N.W.F.P.
6. All Heads of the Attached Department in N.W.F.P.
7. The Registrar, Peshawar High Court, Peshawar.
8. The Secretary, Public Service Commission, N.W.F.P. Peshawar.
9. The Registrar Services Tribunal, NWFP.
10. The Secretary, Board of Revenue, NWFP.

Subject:- GRANT OF ADVANCE INCREMENTS TO OFFICIALS FOR POSSESSING/ACQUIRING HIGHER QUALIFICATIONS.

Sir,

I am directed to refer to the subject noted above and to state that in Para-6(a) of this Department letter No. FD(PRC)1-1/37-VIII dated 23rd July, 1987, advance increments have been allowed to the officials in BPS-1-15 for possessing or acquiring higher qualification over and above the qualification prescribed in the relevant recruitment rules. A question has been raised as to whether:-

- a) this order is also applicable to the teaching staff; and
- b) an official who has drawn advance increment before 1.7.1987 for possessing higher qualification under the existing rules is entitled to fresh increment sanctioned now.

In respect of question (a) it is clarified that the order is not applicable to the teachers. The teachers are still to be governed by rules of the

Contd...P...2...

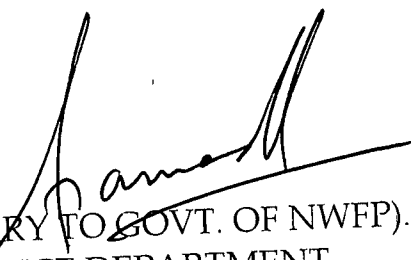
to the teaching cadre was subsequently clarified vide Government of NWFP Finance Department Notification No.FD/SR-II/2-123/83 dated 31.01.1988 (Annex-A) that the cases of advance increments of teachers will be governed by Pay Revision Rules 1983. Since the appellant belongs to teaching cadre, therefore he cannot claim the benefit of advance increments in light of Pay Revision Rules 1991, promulgated for Ministerial/ Clerical cadre and Finance Department Notification No. FD/SR-II/2-123/83 dated 31.01.1988(Annex-A). Whereas under the Pay Revision Rules 1983 (Promulgated for teaching cadre), there is no provision of Advance increments on attaining higher qualification of MA/MSC to the CT/PTC teachers.


6. Relates to the record of Administrative Department.
7. Relates to the record of Administrative Department.

GROUND:

- 7(a). Incorrect. As stated in para 5 of the Facts.
- 7(b). Incorrect. Each and every case has its own nature.
- 7(c). Incorrect. As stated in para 5 of the Facts.
- 7(d). Incorrect. As stated in para 5 of the Facts.
- 7(e). Relates to the record of Administrative Department.
- 7(f). Incorrect. Each and every case has its own nature.
- 7(g). Incorrect. As stated in para 5 of the Facts.

It is therefore prayed that appeal of the appellant may be dismissed.


(SECRETARY TO GOVT. OF NWFP).
FINANCE DEPARTMENT.
(RESPONDENT NO.2).


2/3
S.C. (W.D.)

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1542/2008.

Sohrab Hayat.

CT.

.....Appellant.

VERSUS

1. Secretary to Government of NWFP, (E & S E) Department, Peshawar.
2. Secretary to Government of NWFP, Finance Department, Peshawar.
3. Director, E & S Education, NWFP. Peshawar.
4. Executive District Officer (E & S E), Peshawar.

.....Respondents.

Preliminary Objections:

- A. The appellant has no cause of action.
- B. The appeal is time barred.
- C. The appeal is bad for mis-joinder and non-joinder of necessary parties.
- D. The appeal is not maintainable in its present form.
- E. The appellant has not come to the court with clean hands.

**PARAWISE COMMENTS ON BEHALF OF SECRETARY TO GOVT.
OF NWFP FINANCE DEPARTMENT (RESPONDENT NO.2).**

Facts:

1. Relates to the record of Administrative Department.
2. Relates to the record of Administrative Department.
3. Relates to the record of Administrative Department.
4. Correct. However notification dated 11.08.1991 was applicable to the Ministerial staff of the Provincial Government and not to the teaching cadre.
5. Incorrect. Since the appellant was allowed/granted higher scale i.e. BPS-14 on the strength of acquiring higher qualification of BA/BSc, therefore he is not entitled for four advance increments on acquiring BA/BSc & MA/MSc degree in light of Finance Department notification dated 11-8-1991 as the said notification is not applicable to the categories of teachers. This notification was promulgated in respect of Ministerial/ clerical staff in the pay revision rules 1987 for the first time, which was subsequently revised in 1991. It is also clarified that separate package regarding grant of advance increments to various categories of teachers has been notified /governed through pay revision rules, 1983. The issue of granting advance increments

Sl	Name Of Teacher	Designation	Name Of School	Number Of Adv Increments Allowed	Increments Allowed W.F.F On Basis of Higher Qualification MA /M.Sc
48	Magsood Ahmed	CT	GHSS No 2 Pesh Cantt	4	11-08-1991
49	Habib Ullah Ex PTC	CT	GHSS No 2 Pesh Cantt	6	22-10-1992
50	Fayaz Muhammad	CT	GHSS No 2 Pesh Cantt	4	18-10-1997
51	Shabir Hussain	CT	GHSS No 2 Pesh Cantt	4	24-09-1998
52	Shakir Ullah Ex PTC	CT	GHSS No 2 Pesh Cantt	6	04-10-1994
53	Muhammad Sulaman Ex PTC	CT	GHS gulozai	6	10-10-1991
54	M. Zahid Shah	DM	GMS Toor Baba	4	11-8-1991
55	Muhammad Ishfaq Ex PTC	CT	GMS khazana Sugar Mills	6	04-10-1994
56	Muhammad Iqbal	DM	GMS khazana Sugar Mills	4	13-09-1999
57	Muhammad Tahir Ex PTC	CT	GMS Banamari	6	20-10-1993
58	S. Aabas Ali Shah	PST	GPS Chughal Pura	6	08-10-1997
59	Aabas Khan Ex PTC	CT	GHS Kagawafa	6	11-08-1991
60	Muhammad Iqbal Ex PTC	CT	GHSS No 4 Kakshal	6	11-08-1991
61	Mushtaq Hussain Ex CT	SET	GMS Charkha Khel	4	11-08-1991
62	Gul Bahar	CT	GHSS No 4 Kakshal	4	16-01-1995
63	Abdul shakeel Ex PTC	CT	GHSS No 4 Kakshal	6	08-11-1993
64	Rashid Munir	CT	GHSS No 4 Kakshal	4	23-10-1996
65	Muhammad Naveed Ex PTC	CT	GHSS No 4 Kakshal	6	28-12-1999
66	Muhammad Irshad	CT	GHSS No 4 Kakshal	4	13-09-1999
67	Mustajab Khan Ex PTC	CT	GHSS No 4 Kakshal	6	15-09-1997
68	Khalid Riaz	CT	GCMS Pesh City	4	20-10-1993
69	Hakeem Ullah Ex PTC	CT	GMS Hakeem Khan Killi	6	11-08-1991

Note:-


- 1) Necessary entries to this effect should be made in their service book/office record.
- 2) Undertaking should be taken in this regard that any overpayment made to them due to incorrect sanction/fixation to be recovered from their pay/pension or gratuity.

(SAID RAHMAN MOHMAND)
EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION PESHAWAR

Endst. No. 3421-36 Dated 5/8/09

Copy of the above is forwarded to the:-

- 1) Registrar Supreme Court of Pakistan Islamabad for information.
- 2) Advocate General NWFP Peshawar
- 3) Secretary Finance Deptt: Govt of NWFP Peshawar
- 4) Secretary (E & SE) Deptt: Govt of NWFP Peshawar with reference to his notification vide No SO(PE)E&SED/ADV:Incr/09 Dated 23/07/2009.
- 5) Director (E & SE) Deptt: NWFP Peshawar
- 6) District Coordination Officer City District Govt Peshawar
- 7) DAO Peshawar
- 8) Accountant General NWFP Peshawar
- 9) District Officer (Elementary & Secondary) Education Male & Female Peshawar with the instructions to implement the judgment after verification of documents being DDO of Middle Schools
- 10) Deputy District Officer Male & Female Peshawar with the instructions to implement the judgment after verification of documents being DDO of Primary Schools
- 11)
- 12) Principals/Head Master/Head Mistress concerned with the instructions to implement the judgment after verification of documents being DDO of High Schools
- 13) B & AO local Office
- 14) Teacher concerned
- 15) Office order file.
- 16) Cashier local office


EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION PESHAWAR

BEFORE THE KHYBER PAKHTUNKWA SERVICE
TRIBUNAL PESHAWAR

In the matter
Appeal No. 1542 / 2008
Decided on 26-05-2009

Mr. Sohrab Hayat S/O Umar Hayat CT Govt Middle
School Peshawar Cantt.

(Applicant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
School and Literacy Khyber Pakhtunkhwa, Peshawar and
others.

(Respondents)

CLARIFICATION ON BEHALF OF APPLICANT

Respectfully Submitted:

The objections taken in respect of the implementation of the above noted Judgment and Order are misleading and incorrect.

1. That the appellant has claimed four advance increments on the basis of having Higher Qualification of Master of Education in the above noted appeal which was decided vide Judgment and Order dated 26-05-2009, in respect of which the present execution petition is pending for its implementation.
2. That the respondents have not filed any appeal against the said judgment and thus it has attained finality. Now the respondents cannot be allowed to allege that the petitioner is not entitled to the grant of advance increment for having the qualification of M. Ed., even in a latest judgment the Honourable Supreme Court allowed similar relief, the case is reported in 2011 SCMR Page No. 1613, the M.Ed is higher qualification over and above B.A / B.Ed hence entitling the applicant to the grant of advance increments.
3. That the Judgment and Order of the Learned Tribunal was based on the decided case of the Supreme Court titled the Rashid Iqbal Khan Versus DCO decided on 19-07-2007

wherein all these questions were settled therefore the respondent cannot be allowed to make out a separate case at the time of execution.

4. That the respondents are legally bound to implement the judgment of this Honourable Tribunal without any further delay.

It is therefore prayed that on acceptance of this application the Judgment and Order dated 26-05-2009 of this Honourable Tribunal be implemented in letter and spirit.

Applicant

Through

A handwritten signature in black ink, appearing to be 'IJAZ ANWAR', written inside a simple, hand-drawn outline of a signature box. Below the signature, there is a small horizontal line.

IJAZ ANWAR
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKWA SERVICE
TRIBUNAL PESHAWAR**

In the matter
Appeal No. 1542 / 2008
Decided on 26-05-2009

Mr. Sohrab Hayat S/O Umar Hayat CT Govt Middle
School Peshawar Cantt.

(Applicant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
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Applicant

Through



IJAZ ANWAR
Advocate, Peshawar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 473 /ST

Dated 26/04 /2012

To,

The Secretary,
Finance Govt. of Khyber Pakhtunkhwa,
Peshawar.

Subject:- EXECUTION PETITION NO. 22/2011 MR. SEHRAB HAYAT VS SECRETARY EDUCATION AND OTHERS.

I am directed to send herewith the following order dated 24.4.2012 passed by this Tribunal on the above cited Execution Petition for strict compliance.

“Counsel for the petitioner and Mr. Nisar Ahmad, A.D for respondents No. 1, 3 & 4 with AAG for the respondents present. Representative of respondent No. 2 is not present. Respondent No. 2 has already furnished para-wise comments wherein he has taken the same plea of non-applicability of Notification dated 11.8.1991 to the teaching cadre despite clear judgments of the Tribunal as well as august Supreme Court of Pakistan on the issue. In view of defying attitude of the respondent, Secretary Finance be summoned in person alongwith explanation for not complying with the clear orders/directions of the Tribunal as well as august Supreme Court of Pakistan for further appropriate action on 12.7.2012.

Sd/---xxx
CHAIRMAN

o/c Lawson
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Implementation Application in Service Appeal No.1542/2008

Sohrab Hayat

...Appellant

VERSUS

Secretary E & S Education, Government of Khyber Pakhtunkhwa.

**APPLICATION FOR THE REJECTION OF PETITION ON
PROMULGATION OF THE ACT IX OF 2012.**

Respectfully Sheweth!

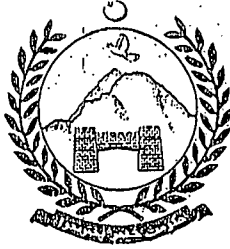
1. That the subject appeal is fixed for hearing on 12.7.2012.
2. That the Provincial Government on 15-5-2012 has pleased to promulgate an Act through Provincial Assembly in the name of "The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on higher educational qualification Act 2012", whereby payments of arrears on advance increments on higher educational qualification have been ceased (copy enclosed).
3. In the light of law *ibid*, the petition has become infructuous and is liable to be dismissed.
4. It is therefore prayed that on acceptance of this application, petition may please be rejected.
5. Moreover, it is further prayed that the order whereby Secretary Finance was personally ~~been~~ summoned in this case, may kindly be withdrawn.

Yours sincerely



(SHER AFGHAN KHATTAK)
Addl: Advocate General,
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII

G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 15TH MAY, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 15th May, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/20711.—The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 8th May, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 11th May, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA CESSATION OF PAYMENT OF ARREARS ON ADVANCE INCREMENTS ON HIGHER EDUCATIONAL QUALIFICATION ACT, 2012.

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)

(first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 15th May, 2012).

AN
ACT

to cease the payment of arrears accrued on account of advance increments on higher educational qualification.

WHEREAS advance increments have been granted to certain Provincial Government employees on the basis of acquiring or possessing higher educational qualification over and above the prescribe educational qualification from time to time;

AND WHEREAS the Provincial Government vide Notification No. (PRC)1-1/2001, dated 27.10.2001, had already discontinued the scheme of advance increments on higher educational qualification;

AND WHEREAS due to financial constraints, it is not possible for Provincial Government to pay the claimed and unclaimed arrears accrued from the said increments;

It is hereby enacted as follows:-

1. **Short title, application and commencement.**— (1) This Act may be called the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012.

(2) It shall apply to all the employees of the Provincial Government, who were entitled to received advance increments on higher educational qualification.

(3) It shall come into force at once and shall be deemed to have taken effect on and from 1st day of December, 2001.

2. **Cessation of payment of arrears on advance increments on higher educational qualification.**—(1) Notwithstanding anything contained in any decision, judgment and order of any Tribunal or Court including High Court or Supreme Court of Pakistan, for the purpose of any claim for payment of arrears on account of advance increments on higher educational qualification sanctioned in pursuance of any order, letter, office memoranda, notification, instructions and other instruments issued before 1.12.2001, such orders, letters, office memoranda, notifications, instructions and other instruments shall be deemed to be non-existent, ceased or revoked and no further claim whatsoever on the basis of these instruments shall be entertained and all cases in respect of such claims pending in any Court or Tribunal including High Court and Supreme Court of Pakistan shall stand abated.

(2) Any order made, instruction issued, decision, judgment or order of any Court or Tribunal including a High Court or the Supreme Court, implemented immediately before the commencement of this Act, shall be deemed to have been validly made, issued and implemented by the date of commencement of this Act, and any amount already paid there-under on account of advance increments or arrears thereof shall be deemed to have been validly paid and shall not be recoverable from the recipient Government employees.

3. **Removal of difficulties.**— If any difficulty arises, in giving effect to the provisions of this Act, the Provincial Government may make such orders as it may deem just and equitable.

4. **Repeal.**— The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Ordinance, 2012 (Khyber Pakhtunkhwa Ordinance NO. I of 2012), is hereby repealed.

BY ORDER OF MR. SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Implementation Application in Service Appeal No.1542/2008

Sohrab Hayat

...Appellant

VERSUS

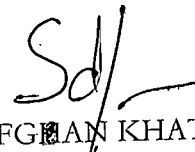
Secretary E & S Education, Government of Khyber Pakhtunkhwa.

**APPLICATION FOR THE REJECTION OF PETITION ON
PROMULGATION OF THE ACT IX OF 2012.**

Respectfully Sheweth!

1. That the subject appeal is fixed for hearing on 12.7.2012.
2. That the Provincial Government on 15-5-2012 has pleased to promulgate an Act through Provincial Assembly in the name of "The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on higher educational qualification Act 2012", whereby payment of arrears on advance increments on higher educational qualification have been ceased (copy enclosed).
3. In the light of law ibidi, the petition has become infructuous and is liable to be dismissed.
4. It is therefore prayed that on acceptance of this application, petition may please be rejected.
5. Moreover, it is further prayed that the order whereby Secretary Finance was personally ~~been~~ summoned in this case, may kindly be withdrawn.

Yours sincerely



(SHER AFGHAN KHATTAK)
Addl: Advocate General,
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 15TH MAY, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 15th May, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/20711.—The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 8th May, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 11th May, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA CESSATION OF PAYMENT OF ARREARS ON
ADVANCE INCREMENTS ON HIGHER EDUCATIONAL QUALIFICATION
ACT, 2012.**

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)

(first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 15th May, 2012).

**AN
ACT**

to cease the payment of arrears accrued on account of advance increments on higher educational qualification.

WHEREAS advance increments have been granted to certain Provincial Government employees on the basis of acquiring or possessing higher educational qualification over and above the prescribe educational qualification from time to time;

AND WHEREAS the Provincial Government vide Notification No. (PRC)1-1/2001, dated 27.10.2001, had already discontinued the scheme of advance increments on higher educational qualification;

AND WHEREAS due to financial constraints, it is not possible for Provincial Government to pay the claimed and unclaimed arrears accrued from the said increments;

It is hereby enacted as follows:-

1. **Short title, application and commencement.**— (1) This Act may be called the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012.

(2) It shall apply to all the employees of the Provincial Government, who were entitled to received advance increments on higher educational qualification.

(3) It shall come into force at once and shall be deemed to have taken effect on and from 1st day of December, 2001.

2. **Cessation of payment of arrears on advance increments on higher educational qualification.**—(1) Notwithstanding anything contained in any decision, judgment and order of any Tribunal or Court including High Court or Supreme Court of Pakistan, for the purpose of any claim for payment of arrears on account of advance increments on higher educational qualification sanctioned in pursuance of any order, letter, office memoranda, notification, instructions and other instruments issued before 1.12.2001, such orders, letters, office memoranda, notifications, instructions and other instruments shall be deemed to be non-existent, ceased or revoked and no further claim whatsoever on the basis of these instruments shall be entertained and all cases in respect of such claims pending in any Court or Tribunal including High Court and Supreme Court of Pakistan shall stand abated.

(2) Any order made, instruction issued, decision, judgment or order of any Court or Tribunal including a High Court or the Supreme Court, implemented immediately before the commencement of this Act, shall be deemed to have been validly made, issued and implemented by the date of commencement of this Act, and any amount already paid there-under on account of advance increments or arrears thereof shall be deemed to have been validly paid and shall not be recoverable from the recipient Government employees.

3. **Removal of difficulties.**— If any difficulty arises, in giving effect to the provisions of this Act, the Provincial Government may make such orders as it may deem just and equitable.

4. **Repeal.**— The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Ordinance, 2012 (Khyber Pakhtunkhwa Ordinance NO. I of 2012), is hereby repealed.

BY ORDER OF MR. SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

1
1/14
04-02-13

Implementation petition No.22/2011.
Dismissed in default on 21.01.2013

Sehrab Hayat.....(Applicant)

Versus

Govt of Khyber Pakhtunkhwa and others...(Respondents)

**Application for setting aside the order dated
21.01.2013 whereby the appeal of the applicant
Has been dismissed for non-prosecution.**

Respectfully Submitted:

1. That the above noted appeal was pending in this Honorable Court and fixed on 21.01.2013, however it was dismissed for non-prosecution on the said date.
2. That on 21.01.2013, i.e the date fixed for hearing, the District Bar Association announced Lawyers Strike / Boycott from all Courts, notices of the said strike were served upon all courts including this Honorable Tribunal, therefore the counsel for the applicant did not appear before this Honorable Tribunal, later when the clerk of the counsel inquired about the case it transpired that the petition has been dismissed for non-prosecution.
3. That the absence of the counsel on the said date was not willful but was due to the reason stated above.
4. That the applicant also belong to a remote area, therefore he became late while reaching this Honorable Tribunal on the said day.
5. That the Applicant or his counsel never absented them selves willfully but it was due to the above reason, the case in hand was throughout pursued diligently and vigilantly, moreover the applicant has valuable rights involved in the instant suit, hence the case deserves to be decided on merits.

6. That the superior courts have always favoured adjudication of disputes on merits hence the applicant may please be allowed to contest the appeal on merit.

It is, therefore, prayed that on acceptance of this application the order dated 21.01.2013 may please be set-aside and the noted Petition may please be restored and be decided on merit.

U Hayat
Applicant

Through

Ijaz Anwar

IJAZ ANWAR
Advocate Peshawar

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal



U Hayat
Deponent

17

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

COC No. 261-P/2016 in WP No. 1428/2009.

JUDGMENT.

Date of hearing: 25.2.2017.

Petitioner: (Nihaj Khan and another) by Mr. Mehar Gul, Advocate.

Respondent: By Mr. Rab Nawaz Khan AHC.

WAQAR AHMAD SETH, J:- Through the instant

petition, the petitioners seek implementation of judgment/order dated 17.6.2009 passed by this Court in Writ Petition No. 1428/2009.

2. Brief facts of the case are that the petitioners had filed a Writ Petition before this Court with a prayer to grant them four advance increments for acquiring higher education, which was allowed vide judgment/order dated 17.9.2009 with direction to the respondents to decide their cases in the light of judgment cited above, if found similarly placed and positioned. After passing the above said judgment/order, the petitioners approached the respondents for its implementation

but they have not implemented the same; hence, the instant contempt petition.

3. Respondent No.1 has filed reply to the show cause and stated that Section 2 of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Ordinance, 2012, clarified the position of instant case, which reads as under:-

"Cessation of payment of arrears on advance increments on higher educational qualification. - (1) Notwithstanding anything contained in any decision, judgment and order of any Tribunal or Court including High Court or Supreme Court of Pakistan, for the purpose of any claim for payment of arrears on account of advance increments on higher educational qualification sanctioned in pursuance of any order, letter, office memoranda, notification, instructions and other instruments issued before 1.12.2001, such orders, letters, office memoranda, notifications, instructions and other instruments shall be deemed to be non-existent, ceased or revoked and no further claim whatsoever on the basis of these instruments shall be entertained and all cases in respect of such claims pending in any Court or Tribunal including High Court and Supreme Court of Pakistan shall stand abated.

(2) Any order made, instruction issued, decision, judgment or order of any Court or Tribunal including a High Court or the Supreme Court implemented immediately before the commencement of this

Ordinance, shall be deemed to have been validly made, issued and implemented by the date on commencement of this Ordinance, and any amount already paid there-under on account of advance increments or arrears shall be deemed to have been validly paid and shall not be recoverable from the recipient Government employees.

(3) Removal of difficulties.- If any difficulty arises, in giving effect to the provisions of this Ordinance, the Provincial Government may make such orders as it may deem just and equitable".

4. Arguments heard and record perused.

5. Indeed, by promulgation of Khyber Pakhtunkhwa Ordinance No.1 of 2012, this COC has become in fructuous but the unfortunate thing in the giving circumstance is the conduct of the respondents in the sense that the judgment was delivered on 17.6.2009 and the respondents kept the same pending under malafide intention for a period of about three years. Had the respondents implemented the judgment in time the petitioner would have earned their due right of increments which were applicable at that time. The act of the respondents since the date of judgment i.e 17.6.2009 seems to be malafide, illegal and unlawful as they have flouted the judgment for a period three years with no obvious reasons, therefore, during

4
that time all the government servants are liable for damages.

however, as far as this Contempt of Court proceedings is

concerned by virtue of above said Ordinance the same shall

become infructuous.

ANNOUNCED.
Dated: 25.2.2017


JUDGE


JUDGE

Nawab Shah

=====

Judgment.
BEFORE PESHAWAR HIGH COURT,
PESHAWAR.

Judicial Department.

Writ Petition 3081-P of 2012.

Inayatullah Khan & others.....Petitioners.

Vs

Govt. of Khyber Pakhtunkhwa through Chief Secretary &
 others.....Respondents

Date of hearing.....20th June, 2019.....

Petitioner(s) by *m/s Ghulam Nabi & Co. Barrister Niaz Tajmud Shah*

Respondent(s) by *Syed Qasim Ali Shah D.D.*

WAQAR AHMAD SETH, CJ: - Through this single

judgment / order this Court intend to decide the instant as well
 as connected writ petition bearing No.1182-P of 2018, being
 identical in nature.

2. In essence the case of petitioners is that, they being

the employees of respondents-department were in receipt of

advance increment on account of Higher Education, in light of

judgments of this Court / apex Court, however, on

promulgation of Khyber Pakhtunkhwa Act No. IX of 2012, i.e.

Khyber Pakhtunkhwa Cessation of Payment of Arrears on

Advance Increments on Higher Education Qualification Act,

2012, the said benefit was curtailed, hence the instant writ petition.

3. We have heard learned counsel for the parties and available record gone through.

4. At the very outset, learned counsel representing the petitioners while producing judgment dated 8th June, 2017, reported as 2018 PLC (C.S) 174, rendered in writ petition bearing No. 913-P of 2014, states that this Court in the said petition has thoroughly dealt the matter and declared the Act No. IX of 2012, null and void to the extent of section-2 its retrospectivity and struck down the same from the Act, requested for disposal of the writ petition in view of said judgment. Learned AAG present in Court alongwith departmental representative on notice though controverted the stance, but could make reasonable grounds in dissent.

5. Before going to the merits of the case, it is worth mentioning to go through the comments, so filed by the respondents. In para-7 of the comments (on facts) they contended that Government has already discontinued the said scheme since 2001 as mentioned in the said Act No. IX of 2012, and that the law helps the diligent and not indolent. If a person has been negligent in prosecuting his remedy / rights

Judgment.
BEFORE PESHAWAR HIGH COURT,
PESHAWAR.

Judicial Department.

Writ Petition 3081-P of 2012.

Inayatullah Khan & others.....Petitioners.

Vs

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 others.....Respondents

Date of hearing.....20th June, 2019.....

Petitioner(s) by *M/S Ghulam Nabi & Co. Barrister Mian Tajmool Shah*

Respondent(s) by *Syed Qasim Ali Shah QM.*

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before the proper forum well in time, he is not entitled to indulgence of Court. The petitioners kept mum till decades on payment of claimed increments. In para-9, they further stated that Government had already discontinued the scheme of the advance increments on acquiring higher qualification since 27.10.2001 and the present petitioners did not objected / challenged the same before any proper legal forum, since the promulgation of Ordinance on 27.3.2012, enacted by the Provincial Government on 15.5.2012. The stance so taken by the respondents-departments in their comments on the face of record suggests they intentionally avoid to give benefits to petitioners on same footings, as given to others, which is in contravention with the plethora of judgments of apex Court whereby it was repeated held that *Once a judicial determination, be it of a point of fact or of a point of law, has been made and if such a determination covers not only the ones litigating before the courts but some others also, then the dictates of justice would command that the benefits accruing from such a determination should not be restricted only to the litigating parties but should be extended even to those who had not indulged in litigation unless there were some extraordinary un-exceptionable reasons to the contrary and that all powers, including the powers inherent in the courts be invoked for the purpose—Such would*

not only ensure justice for all but would also have the effect of eliminating un-necessary litigation.

6. On merits, perusal of available record would depict that on the same cause of action / grounds other employees of respondents-department had filed several petitions wherein this court through consolidated judgment dated 8.6.2017, rendered in writ petition No. 913-P of 2014, has dealt the matter elaborately by discussing each and every aspect of the case in reference to the earlier judgments, apex Court on account of cause accrued to the petitioners-employees due to Notification No. FD (PRC) 1-1/89 dated 11.8.1991. This Court through above judgments had declared the notification dated 3.1.2009, discriminatory and violative of law, whereby those who were entitled but have not availed the facilities of advance increments; were refused, followed by Act No. IX of 2012, to the extent of section-2, therefore, the present petitioners of the instant writ petition as well as connected writ petitions being at par with that of earlier petitioners of writ petitioners need alike treatment.

7. For the reasons recorded hereinabove, this and the connected writ petitions are allowed in terms of identical writ petition quoted above, reported as 2018 PLC (C.S) 174 by

directing the respondents to provide the petitioners the benefits
of two advance increments according to the notification dated
11.8.1991, in accordance with law, then in field.

Announced.
20.06.2019



Chief Justice



Judge

DB Mr. Justice Waqar Ahmad Seth, Chief Justice & Mr. Justice Abdul Shakoor, HJ.
Tariq Jan, PS.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *E/petition No. 1542*
Appeal No. *1542* of *2008*
Mr. M. A. Khan Appellant/Petitioner
vs
Government of Khyber Pakhtunkhwa Respondent
Respondent No. *2*

Notice to: *Mr. M. A. Khan*
per Mr. Khan

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *30-9-2019* at **8.00 A.M.** If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *17/9*.....
Day of.....*17*.....*20*.....
per Mr. Khan

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

Judgment.

BEFORE PESHAWAR HIGH COURT,
PESHAWAR.

Judicial Department.

Writ Petition 3081-P of 2012.

Inayatullah Khan & others.....Petitioners.

Vs

Govt. of Khyber Pakhtunkhwa through Chief Secretary &
others.....RespondentsDate of hearing.....20th June, 2019.....Petitioner(s) by *M/S Ghulam Nabi & Co. Barrister Niaz Tajmud Shah*Respondent(s) by *Syed Qasim Ali Shah O.D.***WAQAR AHMAD SETH, CJ: -** Through this single

judgment / order this Court intend to decide the instant as well as connected writ petition bearing No.1182-P of 2018, being identical in nature.

2. In essence the case of petitioners is that, they being the employees of respondents-department were in receipt of advance increment on account of Higher Education, in light of judgments of this Court / apex Court, however, on promulgation of Khyber Pakhtunkhwa Act No. IX of 2012, i.e. Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Education Qualification Act,

2012, the said benefit was curtailed, hence the instant writ petition.

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directing the respondents to provide the petitioners the benefits
of two advance increments according to the notification dated
11.8.1991, in accordance with law, then in field.

Announced.
20.06.2019


Chief Justice


Judge

DB Mr. Justice Waqar Ahmad Seth, Chief Justice & Mr. Justice Abdul Shakoor, HI.
Tariq Jan, PS.

OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) PESHAWAR

No. 9045 Litigation Branch.

Dated 24/9 /2019

To

The Director
Elementary & Secondary
Education, KPK

SUBJECT: Implementation of Judgement; Dated 26/05/2009 in-service appeal No.1542/2008 titled Sohrab Hayat by the direction of Hon'ble Service Tribunal in execution petition No.22/011 Dated 02/09/2019.

Memo,

I am to refer to the subject cited above and to state that Mr. Sohrab Hayat CT, the Appellant Filed E.P No.22/91. The date was fixed 02-09-2019. The Service Tribunal issued direction to send the case to Finance Department.

Moreover, the Finance Department has already filed CPLA against the judgement regarding advance increments on High Qualification in the apex court.


So, it is requested to send the case to Finance Department to provide the updated information in proceedings before the apex court up to the next date fixed 30-09-2019.

DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

Endst No 9046-49 Litigation Branch Dated Peshawar the, 24/9 /2019

Copy For Information to: -

1. Registrar Service Tribunal KPK Peshawar.
2. Section Officer Litigation II E & SE Department Secretariat.
3. Section Officer Litigation Finance Department.
4. P.S to Secretary Finance KPK Peshawar.



DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

al C

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR
emispeshawar@gmail.com/091-9225458

No 7971 (B&A.O) Dated 15/11/2019

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Subject: **INVESTIGATION OF ARREAR CLAIM**
Memo:

I am directed to refer to subject cited above and to enclose herewith a court order in favor of Mr. Sohrab Hayat SST GHS Landi arbab Peshawar. He filed an appeal No.1543/2008 in the Honorable Service Tribunal Peshawar regarding Provision of Higher Qualification increment on 15/11/2008. The case decided on 26-5-2009 with the direction "in connected service appeal No.1539, 2008 titled **Maqsd Hayat v/s Government of NWFP through Secretary Schools and Literacy NWFP Peshawar etc., we disposed off the present appeal also as per detailed order**" Later on the government of Khyber Pakhtunkhwa ceased the said increments on 15th May 2012.

Now the court issued order for implementation of the judgement dated 26-5-2009. In this regard investigation of arrear claim case is submitted for onward submission to quarter concerned for necessary action please.

Encls (Judgements along with Finance Department Notifications and Act)

SD
DY: DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

Enclst NO. 7972-74

Copy forwarded for information to

- 1 Registrar Honorable Service Tribunal Khyber Pakhtunkhwa
- 2 Principal GHS Landi arbab Peshwar
- 3 Appellant Mr. Sohrab Hayat SST GHS Landi arbab Peshawar.

DY: DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

Directorate of Elementary & Secondary: Education
Khyber Pakhtunkhwa, Peshawar.

No. 7702/F.No. 115 /SST (M)/ General Cases.

Dated Peshawar the 06-11-2019

To

The Secretary to Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: - INVESTIGATION OF ARREARS CLAIM IN R/O SOHRAB HAYAT

Dear Sir,

I am directed to the subject cited above and to enclose herewith a copy of the letter bearing No.7071 dated 15-11-2019 along with other relevant documents for your kind perusal and further necessary actions as per rules/policy.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. _____

Copy of the above is to:-

1. PA to Director Local Directorate.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

District Education Officer

(Male) Peshawar

No 1889 /

Dated 16/10/2019

To,

The Principal,
Govt: High School,
Landi Arbab Peshawar.

Subject:- **IMPLEMENTATION OF JUDGMENT, DATED 26-05-2009 IN SERVICE APPEAL NO.1542/2008 TITLED SOHRAB HAYAT BY THE DIRECTION OF HON'BLE SERVICE TRIBUNAL IN EXECUTION PETITION NO.22/2011 DATED 02-09-2019.**

Memo:

I am to refer to the subject cited above and to state that Mr. Sohrab Hayat (C.T) now SET, the appellant filed Execution Petition No.22/04 the date was fixed 02-09-2019. The Hon'ble Service Tribunal issued direction to implement the judgment dated 26-05-2009.

Please issue direction to the said teacher to submit all the relevant documents (Court Judgment) and send the case to the quarter concerned for further necessary action accordingly.

sel

District Education Officer
(Male) Peshawar

Endst: No. 1890⁹³ / Dated 16/10/2019

Copy forwarded to the:-

1. Registrar Service Tribunal KPK Peshawar.
2. Section Officer (Litigation-II) E & SE Department, Khyber Pakhtunkhwa, Peshawar.
3. PS to Director (E & SE) KPK.
4. Office file.

[Signature]

District Education Officer
(Male) Peshawar

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 553 /ST

Dated 12 / 03 / 2020


To

The Secretary E&SE Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ORDER IN EXECUTION PETITION NO. 22/2011, MR. SEHRAB HAYAT.

I am directed to forward herewith a certified copy of order dated 27.02.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 553 /ST

Dated 12 / 03 / 2020


To

The Secretary E&SE Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ORDER IN EXECUTION PETITION NO. 22/2011, MR. SEHRAB HAYAT.

I am directed to forward herewith a certified copy of order dated 27.02.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

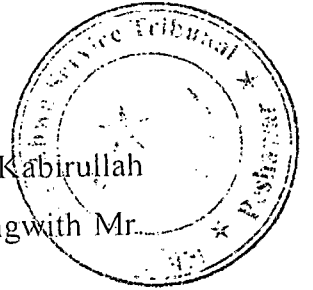
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عبدالحمید
نائب قاضی
18/03/20


27.02.2020

Counsel for the petitioner present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Irfanullah Assistant for the respondents present.

Secretary Education i.e. respondent No.1 is directed to depute a well conversant officer not below BPS-17 to assist the Tribunal and also provide the attested copy of correspondence carried out in connection with the said execution. Adjourned. To come up for record and arguments on 07.04.2020 before S.B.




(Hussain Shah)
Member

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

IN THE NWFP SERVICE TRIBUNAL PESHAWAR

Execution Petition No 22/11



*Recd. No. 142
15-02-11*

In the matter of
Appeal No.1542/2008
Decided on 26.5.2009

Mr. Sehrab Hayat S/O Umar Hayat CT Govt Middle School
Peshawar Cantt.

(Applicant)

Versus

1. Govt of NWFP through Secretary School and literacy NWFP Peshawar.
2. Secretary Finance NWFP Peshawar.
3. Director Schools and literacy NWFP Peshawar.
4. Executive District Officer (School & Literacy) Peshawar.

(Respondents)

Application for the implementation of the judgment
And order dated 26.5.2009 of this Honourable Tribunal

Respectfully Submitted:

1. That the above noted service appeal was pending adjudication in this Honourable Tribunal and was decided vide judgment and order dated 26.5.2009. (Copy attached as Annexure A)
2. That after judgment and order of this Honourable Tribunal, the applicant continuously approached the respondents for the implementation of the judgment, however they are reluctant.
3. That the respondents instead of implementation have taken the plea that since the applicant has the qualification of M-Ed and not MA hence he is not entitled to the grant of advance increments as per the judgment of this Honourable Tribunal. (Copies attached)
4. That M-Ed is in fact higher qualification over and above the prescribed qualification and thus the respondents are bound to follow the law and implement the judgment which has illegally been refused, thus they are acting contumaciously and in disregard of law.

Certified to be a true copy

K. Sehrab Hayat
S/O Umar Hayat
Peshawar

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2523 /ST

Dated 18 / 08 / 2020

To

The Secretary E&SE Department ,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - ORDER IN E.P NO. 22/2011 MR. SEHRAB HAYAT.

I am directed to forward herewith a certified copy of order dated 29.07.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above



REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

File: Recovery of 22-ardu: increment of M. B. E. L.:

1. No. 527/2016 Petitioner Abdul Majid vs: AG & others,
2. No. 428/2015 Petitioner M. B. Shafiq, CT, E. S. E. Abbotsabad
vs: AG
3. No. 1305/2014 Petitioner Waheed Ali Shah, CT, (E. S. E.)

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmad
Mr. Justice Manzoor Haque

S.P.No. 1305-1330 of 2017

(Against the judgment dated 19.3.2017, passed by the Sindh Provincial
Service Tribunal, Camp Court, Abbottabad in Appeal No. 225 of 2010)

Abdul Majid,

Muhammad Bashir,

Waheed Ali Shah,

(In C.P.No. 5128)

(In C.P.No. 5129)

(In C.P.No. 5130)

...Petitioner (s)

Versus

Accountant General KP Peshawar & others. (in all cases)

...Respondent(s)

For the Petitioner (s)
(In all cases)

: Sadar Muhammad Ghani, ASG

For the Respondent(s)

: Mr. Muhammad Adif, Addl. A.O. KP
Dhahid Permais Bhatti, District
Controller of Accounts, Abbottabad
Javed Khan, Addl. Secretary,
Finance, KP

Date of Hearing

: 28.11.2019

ORDER

Gulzar Ahmed, J.: The grievance of the petitioners is that on attaining the Master's Degree, the petitioners were granted four increments and subsequently, the respondents have tried to reduce the four increments to two increments. The Tribunal in the impugned judgment has allowed the petitioners four increments, which judgment of the Tribunal has not been challenged by the respondents before this Court and thus, has attained finality, to the extent of the respondents. The very grievance of the petitioners having been redressed by the Tribunal and there being no further

APPROVED

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GR No: 124247/19
 Criminal
 Date of Presentation: 28/11/19
 No of Words: 600
 No of Folios: 6
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 Date of delivery of Copy: 3/12/19
 Compared by/Prepared by: [Signature]
 Received by: [Signature]

Senior Court Associate
 Supreme Court of Pakistan
 Islamabad



Certified to be true copy

claim by the petitioners, thus, full and are

dismissed.

SA/-J
 SA/-J



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SO (B&A)1-16/Advance increment
Dated Peshawar, the 07.09.2020

To

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

Subject: - EXECUTION PETITION NO. 22/2011 IN SERVICE APEAL NO. 1542/2008
TITLED MR. SEHRAB HAYAT CT GMS PESHAWAR CANTT VS GOVT:
OF KHYBER PAKHTUNKHWA E&SE DEPARTMENT AND OTHERS.

R/Sir,

I am directed to enclose herewith letter No. SO(Lit-II) E&SED/1-3/SA#1542/08/EP#22/2011/Sehrab Hayat dated 03.09.2020 on the subject cited above along with its enclosures which is self-explanatory for further necessary action please.

Encl: As above.

Yours faithfully

(AMIR SYED HUSSAIN SHAH)
SECTION OFFICER (BUDGET)

Endst. Of even Number & Date.

Copy of the above is forwarded to the:-

- 1) Section Officer Lit-II E&SED.
- 2) PS to Secretary E&SE Department Khyber Pakhtunkhwa.
- 3) PS to Special Secretary E&SE Department Khyber Pakhtunkhwa.
- 3) Master File.


SECTION OFFICER (BUDGET)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

No. 13690 AE-III

Dated Peshawar the 26/10/2020

To

The Director
Elementary and Secondary Education Department
Khyber Pakhtunkhwa Peshawar.

SUBJECT: INVESTIGATION OF ARREAR CLAIM.

Memo,

I am directed to refer your letter No.SO (Lit-II) E&SED/1-3/SAH1542/08/EPH22/11/Sohrab Hayat CT dated 30/9/2020 on the subject cited above and to enclose herewith a court order in r/o Sohrab Hayat as CT GMS Peshawar Cantt now working as SST GHS Landi Arbab Peshawar. The brief history is that Miss Asia Bibi filed the service appeal No.1532 in the Honorable service tribunal K.P.K Peshawar regarding the high qualification advance accrument the court decided the appeal on 18/5/2009 in provision of the applicant. Letter on in same Nature appeals filed by Maqsd Hayat, Mushtaq Ahmad, Ament Ullah and Sohrab Hayat. Appeals 1539/2008 1540/2008, 1541/2008, 1542/2008 etc. The tribunal decided the above the appeal in the light of Asia Bibi case. After perusal of the record at the time. The applicant qualification was M.ed not MA so the applicant was not eligible for the said increment. Furthermore the applicant filed EP- No 22/2011. Letter on he got the requisite Qualification but in 2012 the K.P.K Government sized the said increment by an ACT. Now the court issued order to implement the court judgment. it is pertinent to mentioned her that the under signed has already send all the relevant record to the quarter concerned. He filed an appeal No.1543/2008 in the Honorable Service Tribunal Peshawar regarding provision of the Higher Qualification increment on M.Ed. The case decided on 26/5/2009 with direction "In connected service appeal No.1539, 2008 tiled Maqsd Hayat v/s Government of NWFP through Secretary Schools and Literacy NWFP Peshawar ect. we disposed of the present appeal also as per detailed order "later on the government of Khyber Pakhtunkhwa ceased the said increment on 15th May 2012.

Now the court issued order for implementation of the judgment dated 26/5/2009. in this regard investigation of arrear claim case is submitted for onward submission to quarter concerned for necessary action please.


DY: DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

Endst. No. 13691-93 /dated 26/10/2020

Copy forwarded to the:

1. Registrar Honorable Service Tribunal Khyber Pakhtun Khwa Peshawar
2. Section Officer Budget & Account E&SED Peshawar.
3. Section officer Litigation-II E&SED Peshawar
4. Principal GHS Landi Arbab Peshawar.
5. Appellant Mr. Soharab Hayat SST GHS Landi Arbab Peshawar.


DY: DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

Before the honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.

Execution Petition No. 22/11, in Service Appeal 1542/2008 in case titled Mr. Sahroob Hayat Versus Government of Khyber Pakhtunkhwa.

Subject Application for sine die adjourns the upper said title case till the final disposal of the CPLA.

Respected Sir/Sheweth,

1. That the above titled is fixed today for proceeding before the honorable Services Tribunal Khyber Pakhtunkhwa Peshawar.
2. That the same nature cases fixed before august Supreme Court of Pakistan. Which has yet to be decided while the Stay Order has been granted on dated 18/12/2019?
3. That on Execution Petition No. 141/2008 Qazi Masood- Ur-Rehman Versus Government of Khyber Pakhtunkhwa and adjourn the same till the final decision of the Supreme Court of Pakistan is at liberty to seek its will restore after the decision the August Supreme Court Pakistan. The court order dated 11/10/2020 is enclosed for the kind perusal of worthy Services Tribunal Khyber Pakhtunkhwa.


It is therefore requested on the basis of abovementioned facts please adjourn the present Execution Petition till the final decision of Supreme Court of Pakistan and obliged.

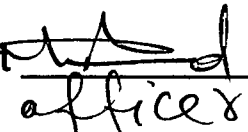
The Secretary Finance Government of Khyber Pakhtunkhwa.
Representative Respondent No. 02

Director Elementary and Secondary Education
Through its representative.

Affidavit.

It is solemnly affirm on oath that the contents of the application is correct to the best of knowledge and noting has been concealed from this hon,ble Courts.


Muhammad Salim Sajid -
Superintendent Finance Department
Respondent No. - 2

Abdul Wahid Khan
Deponent 
officer Litigation
Res No 3

40

(27)

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE MUNIB AKHTAR

Civil Petition Nos. 397-P of 2017, 409-P/2017, 420-P/2017, 732-P/19, 733-P/2019.

(On appeal from the judgment/order dated 08.06.2017, 20.6.2019 of the Peshawar High Court, Peshawar passed in W.P. No. 2053/14, 913-P/14, 1418/14, 3081-P/12, 1182-P/18.

Government of K.P through Secretary Establishment Department,
Peshawar and others

Petitioner(s)

VERSUS

Saeedullah and others (in C.P. 397-P/2017)
Muhammad Iqbal and others (in C.P. 409-P/2017)
Molvi Muhammad and others (in C.P. 420-P/2017)
Anyat Ullah Khan and others (in C.P. 732-P/2019)
Muhammad Rehman and others (in C.P. 733-P/2019)

Respondent(s)

For the petitioner(s) Barrister Qasim Wadood, Addl. AG
(In all cases)

For the respondent(s) N.R.

Date of Hearing 18.12.2019

ORDER

UMAR ATA BANDIAL, J.— Learned Additional Advocate General submits that the entitlement to additional increments on account of higher qualifications were granted to employees of the Provincial Government vide Notification dated 11.08.1991. That entitlement was revoked by a Notification dated 27.10.2001. This withdrawal of entitlement

TESTED
Associate

was reiterated in a Notification dated 03.01.2009. Thereafter, in 2012 the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 ("Act") was promulgated which was made retrospective from 2001. In the present cases, the impugned judgment by the learned High Court has ignored firstly, the fact that the petitions for the claimed increments were filed two years after the afore-noted law was promulgated. Secondly, it has ignored the Notification dated 27.10.2001 whereby the basis of the claim stood erased and, accordingly, the Act was effective in its retrospective application.

2. The points raised have some weight, therefore, leave is granted, *inter alia*, to consider the same. In the meantime, the impugned judgment shall remain suspended.

Sd/-J

Sd/-J

Sd/-J

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad
18.12.2019

Naseer

M m

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Execution Petition No: 141 of 2018

Khyber
Servic

Diary N

Dated

Qazi Masood-ur-Rehman S/O Qazi Ghulam Jilani, (Ex PTC teacher
teacher, Government High School Pind Gugran, Haripur. R/O: Villa
Post Office Khoi Nara, Tehsil & District, Haripur.

Appe

Versus

- 1 District Education Officer (Elementary & Secondary Education
Department), Haripur.
- 2 District Accounts Officer, Haripur.
- 3 Director of (Elementary & Secondary Education Department) I
Pakhtunkhwa Peshawar.
- 4 Secretary to Govt of Khyber Pakhtunkhwa (Elementary & Sec
Education Department) Peshawar.
- 5 Secretary to Govt of Khyber Pakhtunkhwa, Finance Dep.
Peshawar.

Resp

EXECUTION PETITION FOR IMPLEMENTATION O
JUDGMENT DATED 12/05/2009 PASSED BY KHYBE
PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR (CAM
COURT ABBOTTABAD).

PRAYER

Filed to-day

Registrar

IT IS RESPECTFULLY PRAYED THAT RESPONDENTS MA
PLEASE BE DIRECTED TO IMPLEMENT THE JUDGMENT
DATED 12/05/2009 AND GRANT OF 04 FOUR ADVANCE
INCREMENTS OF B.A INSTEAD OF 03 (ALREADY GIVEN
WITH EFFECT FROM 31/03/1997 (DATE OF PASSING B
EXAMINATION) AND 06 SIX ADVANCE INCREMENTS (O
M.A, WITH EFFECT FROM 26/06/2000 (DATE OF PASSING
M.A EXAMINATION) AGAINST P.T.C POST, WITH A
BACK BENEFITS.

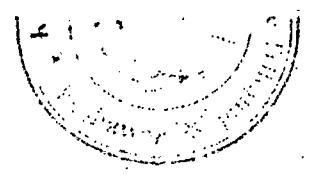
Respectfully Sheweth,

1.10.2020

Petitioner in person present.

Usman Ghani learned District Attorney alongwith Sohail Ahmad Zeb Litigation Assistant for respondents present.

From the record, it is evident that the present petitioner and others filed service appeals U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for grant of advance increments with all back benefits on the basis of Para-05(i) (c) of the Notification No. FD (PRC) 1-1 /89 dated 11.08.1991 issued by Finance Department and in pursuance of judgment passed by the August Supreme Court of Pakistan and vide judgment dated 12.05.2009 in appeal No.1276/2007; all the appeals were accepted. In the meanwhile, Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Qualification Bill 2012 having been passed by the Provincial Assembly Khyber Pakhtunkhwa on 8th May, 2012 and assented to by the Governor Khyber Pakhtunkhwa on 11th May, 2012 was published as an Act of the Provincial Legislature of Khyber Pakhtunkhwa. This Act was challenged before the Service Tribunal as well as in the August High Court. Appeals pending in the Service Tribunal were withdrawn by the appellants vide order dated 21.03.2018 of this Tribunal. Writ Petitions were allowed vide order dated 08.06.2017 and the official respondents were directed to provide the benefits of advance increments according to the notification dated 11.08.1991 on attaining higher qualification during service. The respondent departments challenged the said order in the August Supreme Court of Pakistan and vide order dated 18.12.2019 of the August Supreme Court of Pakistan, leave was granted and the impugned judgment passed by the Hon'ble Peshawar High Court was suspended.



Handwritten signature and date: 21/10/20

ATTENDED

Handwritten signature and text: Khyber Pakhtunkhwa Service Tribunal.

In view of the above discussion, the instant execution proceedings are adjourned sine die till the decision by the August Supreme Court of Pakistan. Petitioner is at liberty to seek its restoration after the decision by the August Supreme Court of Pakistan. File be consigned to the record room.

Certified to be true copy
[Signature]
Secretary
Sindh High Court
Karachi

[Signature]
(Rozina Rehman)
Member (J)
Camp Court, A/Abad

29/10/2020

14/- 1200

14/-

19/11/2020

19/11/2020

Most Immediate
Court Matter

(Registered)

DIRECTORATE ELEMENTARY & SECONDARY EDUCATION

Khyber Pakhtunkhwa, Peshawar.



No 74 /AD (Lit: II)

Dated Peshawar the 06/01/2021

To

The Section Officer (Lit-II),
Elementary & Secondary Education
Department Khyber Pakhtunkhwa Peshawar.

Subject: - **INVESTIGATION OF CLAIM OF ARREARS**

Memo:

I am directed & to refer to the letter No.13690/AE-111 dated 26-10-2020 of the District Education Officer (M) Peshawar, received to the under signed on 23-12-2020 in Service appeals No.1539 & 1542/2008 case titled Maqsd Hayat etc District Peshawar Vs Govt; of KPK & others decided vide Judgment dated 26-05-2009 on the analogy of Judgment dated 18-05-2009 Aisha Bibi Vs Govt; rendered in Service appeal No.1532-2008, whereby, the appellants have been made entitled for the grant of advance increments of higher qualification on the basis of Judgment in rem. dated 19-07-2007 in C.P No.525-526/2007 of the august Supreme Court of Pakistan, hence, the instant case along with Annexures.

Therefore, it is requested that the case may be forwarded to the quarters concerned for the investigation claim of arrears to the tune of Rs.661072/- in respect of the above said teachers so that implementation report could be submitted before the Tribunal on the date fixed please.

[Signature]
5/1/21
Asstt: Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

Endst: No: _____/

Copy forwarded for information to the:-

1. AAG Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. District Education Officer (M) Peshawar.
3. Assistant Director (Establishment-I) local Directorate.
4. PA to Director, local Directorate.

[Signature]
Asstt: Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar.

131

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR
No. 13690 AE-III
Dated Peshawar the 26/10/2020

To

The Director
Elementary and Secondary Education Department
Khyber Pakhtunkhwa Peshawar.

DDC(M)-5
28-10-2020

SUBJECT: INVESTIGATION OF ARREAR CLAIM.
Memo,

I am directed to refer your letter No. SO (Lit-II) E&SED/1-3/SA#1542/08/EP#22/11/Sohrab Hayat CT dated 30/9/2020 on the subject cited above and to enclose herewith a court order in r/o Sohrab Hayat as CT GMS Peshawar Cantt now working as SST GHS Landi Arbab Peshawar. The brief history is that Miss Asia Bibi filed the service appeal No.1532 in the Honorable service tribunal K.P.K Peshawar regarding the high qualification advance accrument the court decided the appeal on 18/5/2009 in provision of the applicant. Letter on in same Nature appeals filed by Maqsd Hayat, Mushtaq Ahmad, Ament Ullah and Sohrab Hayat. Appeals 1539/2008 1540/2008, 1541/2008, 1542/2008 etc. The tribunal decided the above the appeal in the light of Asia Bibi case. After perusal of the record at the time. The applicant qualification was M.ed not MA so the applicant was not eligible for the said increment. Furthermore the applicant filed EP- No 22/2011. Letter on he got the requisite Qualification but in 2012 the K.P.K Government sized the said increment by an ACT. Now the court issued order to implement the court judgment. it is pertinent to mentioned her that the under signed has already send all the relevant record to the quarter concerned. He filed an appeal No. 1543/2008 in the Honorable Service Tribunal Peshawar regarding provision of the Higher Qualification increment on M.Ed. The case decided on 26/5/2009 with direction "in connected service Appeal No.1539, 2008 tiled Maqsd Hayat v/s Government of NWFP through Secretary School and Literacy NWFP Peshawar ect. we disposed of the present appeal also as per detailed order "later on the government of Khyber Pakhtunkhwa ceased the said increment on 15th May 2012.

⇒ Now the court issued order for implementation of the judgment dated 26/5/2009. in this regard investigation of arrear claim case is submitted for onward submission to quarter concerned for necessary action please.

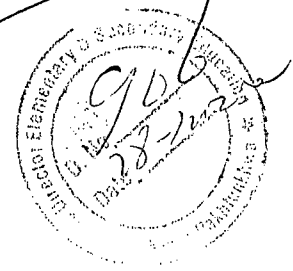
ADD/ELM
28/10/20

DY: DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR

Endst. No. _____ /dated _____ /2020

Copy forwarded to the:

1. Registrar Honorable Service Tribunal Khyber Pakhtun Khwa Peshawar
2. Section Officer Budget & Account E&SED Peshawar.
3. Section officer Litigation-II E&SED Peshawar
4. Principal GHS Landi Arbab Peshawar.
5. Appellant Mr. Sohrab Hayat SST GHS Landi Arbab Peshawar.



2/13/1
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4023
28-10-2020

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DY: DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR