

16th June, 2022


Counsel for the appellant present.

Notice Issued
for 08/08/22

Let pre-admission notice be issued to the other side.
To come up for preliminary hearing on 08.08.2022 before
S.B.

(Kalim Arshad Khan)
Chairman

8.8.2022 Due to The Public Holiday The
Case is Adjourned to 1-9-2022


Reader.

01.09.2022

Learned counsel for the appellant present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Assistant Advocate General requested for time to submit reply/comments. Adjourned. To come up for reply/comments as well as preliminary hearing on ~~17~~ 17.10.2022 before S.B.


(Mian Muhammad)
Member (E)

17.10.2022

Appellant present in person. Muhammad Adcel Butt, Additional AG for respondents present.

Written reply is still awaited. Learned Additional AG seeks time for submission of written reply. Last chance is given. To come up for written reply/comments on 21.11.2022 for the same as before.






(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7879/2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/12/2021	<p>The appeal of Noorul Anbia presented today by Naila Jan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	10.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>10/02/22</u>.</p> <p> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 27.04.2022 for the same as before.</p> <p> Reader</p>
	27.04.2022	<p>Learned counsel for appellant present.</p> <p>She made a request for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 16.06.2022 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

The appeal of Mr. Noor-ul-Anbia SST GGHS Kukar Peshawar received today i.e. on 29.11.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not flagged/marked with annexures marks.
- 2- Annexures of the appeal may be attested.

No. 2350 /S.T,

Dt. 29/11/2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Naila Jan Adv. Peshawar.

*Renewed all the objections and
Resubmitted by Naila Jan
16/12/2021*

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A 7879 /2021

Noor-ul-Anbia

VERSUS

Chief Secretary Govt; of KPK & Others

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Dated : 26/11/2021

Appellant

Through



Naila Jan

Advocate, High Court,
Peshawar

D

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Noor-ul-Anbia, SST (BPS-17) GGHS Kukar, Peshawar.

-----(*Appellant*)

VERSUS

1. The Govt; of KPK through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. The Director of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
6. The District Education Officer, Female, Peshawar.

-----(*Respondents*)

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ACTION OF THE
RESPONDENTS BY ILLEGALLY & UNLAWFULLY
DEDUCTING THE CONVEYANCE ALLOWANCE FO
THE APPELLANT DURING WINTER & SUMMER
VACATIONS AND AGAINST NO ACTION TAKEN ON
THE DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN THE STATUTORY PERIOD
OF NINETY DAYS.**

PRAYERS:

**THAT ON ACCEPTANCE OF THIS APPEAL, THE
RESPONDENTS MAY KINDLY BE DIRECTED NOT
TO MAKE DEDUCTION OF CONVEYANCE
ALLOWANCE DURING VACATIONS PERIOD
(SUMMAR & WINTER VACATIONS) AND MAKE**

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THE PAYMENT OF ALL OUTSTANDING AMOUNT OF CONVEYANCE ALLOWANCE WHICH HAVE BEEN DEDUCTED PREVIOUSLY WITH ALL BACK BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT MAY ALSO BE AWARDED IN FAVOR OF THE APPELLANT.

Respectfully Sheweth,

1. That the appellant is working as a Secondary School Teacher (SST) since 2004 and currently performing his duties at GGHS Kukar, Peshawar.
2. That the Conveyance Allowance is admissible to all the Civil Servants and to this effect a Notification No. FD(PRC)1-1/2011 dated 14/07/2011 was issued. That later-on vide revised Notification dated 20.12.2021 whereby the conveyance allowance for employees working in BPS-1 to 15 were enhance / revised while employees from BPS-16 to 19 have been treated under the previous Notification by not enhancing their conveyance allowance. **(Copy of the Notification dated 20/12/2012 is annexure "A")**
3. That appellant was receiving the conveyance allowances as admissible under the law and rules but the respondents without any valid and justifiable reasons stopped/ deducted the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed for the leave period. **(Copies of Salary Slips of working/ serving month and vacations**

(deduction period) are attached as Annexure "B & C").

4. That appellant feeling aggrieved from the action of the respondents regarding deduction of conveyance allowance in vacations period/ months filed Departmental Appeal but no reply has been received so far. **(Copy of the Departmental Appeal is attached as Annexure "D")**
5. That some of teachers of different pay scale approached to this August Tribunal in different service appeals which allowed by this august tribunal vide its judgment No. 1452/2019 titled Maqsad Hayat versus Education Department dated 11/11/2019. **(Copy of appeal dated 11/11/2019 is annexure "E")**
6. That the appellant also prayed to be treated through the principals of consistency for allowing such relief which was granted in Appeal No. 1452/2019 titled Maqsad Hayat versus Education Department in judgment dated 11/11/2019.
7. That where after the appellant waited for the statutory period of ninety days, but no reply has been received from the respondents. That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others:-

Grounds:-

- A. That the action and inaction of the respondents regarding deduction of conveyance allowance for vacations period/ months is illegal, against the law, facts, norms of natural justice.
- B. That the appellant have not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C. That the action of the respondents is without any legal authority, discriminatory and in clear violation of fundamental rights duly conferred by the Constitution and is liable to be declares as null and void.
- D. That there is a clear difference between leave and vacation as leave is applied by the Civil Servant in light of Government Servant. Revised Leaves Rules, 1981 while the vacations are always announced by the Government, therefore under the law and rules, the Appellant fully entitled for the grant of conveyance allowance during vacations period.
- E. That the Government Servants Revised Leave Rules 1981 clearly explain that the civil servants who avail the vacations are allowed only one leave in a month whereas, the other civil servants may avail 04 days leave in a calendar months and same are credited to his account and in this way he may avail 48 days earned

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leave with full pay, whereas the Government Servants to avail vacation such as appellant is allowed one day leave in a month and twelve (12) days in a year and earned leave for twelve days in a year are credited to his account and there is no question of deduction of conveyance allowance for vacation period, the respondents while making the deduction of conveyance allowance lost sight of this legal aspect and illegally and without any authority started the recovery and deduction of conveyance allowance from appellant.

F. That as the act of respondents is illegal, unconstitutional, without any legal authority and not only discriminatory but is also the result of malafide on the part of respondents. .

G. That appellant has the vested right of equal treatment before law and the act of the respondents to deprive the petitioner from the conveyance allowance is unconstitutional and clear violation of fundamental rights.

H. That according to Government Servants Revised Leave Rules, 1981 vacations are holidays and not leave of any kind, therefore, the deduction of conveyance allowance in vacations is against the law and rules.

I. That according to Article 38€ of the Constitution of Islamic Republic of Pakistan, 1973, the State is bound to reduce disparity in the income and earning of individuals including persons in

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the services of the federation, therefore in light of the said Article, the Appellant is fully entitled for the grant of conveyance allowance during vacations.

- J. That the petitioner seeks permission of this Hon'ble Tribunal to raise any other grounds available at the time of arguments.

It is, therefore, most humbly prayed that the appeal of the appellant, may be accepted as prayed for under the golden principals of consistency.

Dated : 26/11/2021

Appellant

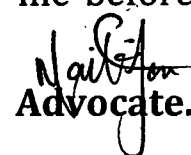
Through



Naila Jan
Advocate, High Court,
Peshawar

NOTE:-

No such like appeal for the same appellant upon the same subject matter has earlier been filed by me before this Hon'ble Tribunal.


Advocate.

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Noor-ul-Anbia

VERSUS

Chief Secretary Govt; of KPK & Others

AFFIDAVIT

I, Noor-ul-Anbia, SST (BPS-17) GGHS Kukar, Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied **appeal** is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

DEPONENT

Identified By:



Naila Jan
Advocate High Court
Peshawar.

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Noor-ul-Anbia

VERSUS

Chief Secretary Govt; of KPK & Others

ADDRESSES OF PARTIES

APPELLANT.

Noor-ul-Anbia, SST (BPS-17) GGHS Kukar, Peshawar.

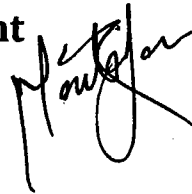
RESPONDENTS:

1. The Govt; of KPK through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. The Director of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
6. The District Education Officer, Female, Peshawar.

Dated : 26/11/2021

Appellant

Through



Naila Jan

Advocate, High Court,
Peshawar



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

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Amir A
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NO. FD/20/SR-11/8-32/2012
Dated Peshawar the 20-12-2012

From:

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

To:

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

Subject:

REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA PROVINCIAL GOVERNMENT BPS-1-19

Dear Sir,

The Government of Khyber Pakhtunkhwa has been pleased to enhance / revise the rate of Conveyance Allowance admissible to all the Provincial Civil Servants, Govt. of Khyber Pakhtunkhwa (working in BPS-1 to BPS-15) w.e.f from 1st September, 2012 at the following rates. However, the conveyance allowance for employees in BPS-16 to BPS-19 will remain unchanged.

S.No	BPS	EXISTING RATE (PM)	REVISED RATE (PM)
1.	1-4	Rs.1,500/-	Rs.1,700/-
2.	5-10	Rs.1,500/-	Rs.1,840/-
3.	11-15	Rs.2,000/-	Rs.2,720/-
4.	16-19	Rs.5,000/-	Rs.5,000/-

2. Conveyance Allowance at the above rates per month shall be admissible to those BPS-17, 18 and 19 officers who have not been sanctioned official vehicles.

Yours Faithfully,

(Sahibzada Saad Ahmed)
Secretary Finance

Order: NO. FD/20/SR-11/8-32/2012

Dated Peshawar the 20th December, 2012

1. Copy is forwarded for information to the:-

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

(IMTIAZ AYUB)
Additional Secretary (Finance)

ATTES

deducted

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Dist. Govt. NWFP-Provincial
District Accounts Office Peshawar Dist.
Monthly Salary Statement (July-2019)

July 2019



Auto B

Personal Information of Mrs NOOR-UL ANBIA d/w/s of WALI MOHAMMAD

Personnel Number: 00200115 CNIC: 1710143755221 NTN: 42263492
Date of Birth: 07.06.1976 Entry into Govt. Service: 14.09.2004 Length of Service: 14 Years 10 Months 019 Days

Employment Category: Vocational Temporary

Designation: SECONDARY SCHOOL TEACHER 80004323-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6485-HEADMISTRESS G.G.H.S Kukar PESHAWAR

Payroll Section: 002 GPF Section: 001 Cash Center:

GPF A/C No: 200115 Interest Applied: Yes GPF Balance: 280,341.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 7

Wage type		Amount	Wage type		Amount
0001	Basic Pay	46,470.00	1000	House Rent Allowance	4,433.00
1947	Medical Allow 15% (16-22)	1,665.00	2148	15% Adhoc Relief All-2013	900.00
2199	Adhoc Relief Allow @10%	607.00	2211	Adhoc Relief All 2016 10%	3,509.00
2224	Adhoc Relief All 2017 10%	4,647.00	2247	Adhoc Relief All 2018 10%	4,647.00
2265	Adhoc Relief All 2019 05%	2,323.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3017	GPF Subscription - Rs4270	-4,270.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-577.00	3990	Emp. Edu. Fund KPK	-250.00
4004	R. Benefits & Death Comp:	-900.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 11,520.83 Recovered till JUL-2019: 577.00 Exempted: 4607.39 Recoverable: 6,336.44

Gross Pay (Rs.): 69,201.00 Deductions: (Rs.): -6,797.00 Net Pay: (Rs.): 62,404.00

Payee Name: NOOR-UL ANBIA

Account Number: 7523

Bank Details: MCB BANK LIMITED, 240281 SHABQADAR SHABQADAR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: CHARSADEA

Temp. Address:

City:


Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Email: nooryeducationist@gmail.com

Dist. Govt. NWFP-Provincial
District Accounts Office Peshawar Dist.
Monthly Salary Statement (August-2019)

Aug 2019



Personal Information of Mrs NOOR-UL ANBIA d/w/s of WALI MOHAMMAD

Personnel Number: 00200115 CNIC: 1710143755221 NTN: 42263492
Date of Birth: 07.06.1976 Entry into Govt. Service: 14.09.2004 Length of Service: 14 Years 11 Months 019 Days

Employment Category: Vocational Temporary

Designation: SECONDARY SCHOOL TEACHER 80004323-DISTRICT GOVERNMENT KHYBE ,
DDO Code: PW6485-HEADMISTRESS G.G.H.S Kukar PESHAWAR
Payroll Section: 002 GPF Section: 001 Cash Center:
GPF A/C No: 200115 Interest Applied: Yes **GPF Balance:** 320,857.00
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 7

Wage type		Amount	Wage type		Amount
0001	Basic Pay	46,470.00	1000	House Rent Allowance	4,433.00
1947	Medical Allow 15% (16-22)	1,665.00	2148	15% Adhoc Relief All-2013	900.00
2199	Adhoc Relief Allow @10%	607.00	2211	Adhoc Relief All 2016 10%	3,509.00
2224	Adhoc Relief All 2017 10%	4,647.00	2247	Adhoc Relief All 2018 10%	4,647.00
2265	Adhoc Relief All 2019 05%	2,323.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3017	GPF Subscription	-4,270.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-576.00	3990	Emp.Edu. Fund KPK	-250.00
4004	R. Benefits & Death Comp:	-900.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 11,520.80 Recovered till AUG-2019: 1,153.00 Exempted: 4608.30 Recoverable: 5,759.50

Gross Pay (Rs.): 69,201.00 Deductions: (Rs.): -6,796.00 Net Pay: (Rs.): 62,405.00

Payee Name: NOOR-UL ANBIA
Account Number: 7523
Bank Details: MCB BANK LIMITED, 240281 SHABQADAR SHABQADAR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:
City: CHARSADDA Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address:
City: Email: nooryeducationist@gmail.com

Dist. Govt. KP-Provincial
District Accounts Office Peshawar Dist.
Monthly Salary Statement (July-2020)

July 2020
Amir

Personal Information of Mrs NOOR-UL ANBIA d/w/s of WALI MOHAMMAD

Personnel Number: 00200115 CNIC: 1710143755221 NTN: 42263492
Date of Birth: 07.06.1976 Entry into Govt. Service: 14.09.2004 Length of Service: 15 Years 10 Months 019 Days

Employment Category: Vocational Temporary

Designation: SECONDARY SCHOOL TEACHER 80004323-DISTRICT GOVERNMENT KHYBE
DDO Code: PW6485-HEADMISTRESS G.G.H.S Kukar PESHAWAR
Payroll Section: 002 GPF Section: 001 Cash Center:
GPF A/C No: 200115 Interest Applied: Yes **GPF Balance:** 367,827.00
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	48,770.00	1000	House Rent Allowance	4,433.00
1210	Convey Allowance 2005 ✓	5,000.00	1947	Medical Allow 15% (16-22)	1,665.00
2148	15% Adhoc Relief All-2013	900.00	2199	Adhoc Relief Allow @10%	607.00
2211	Adhoc Relief All 2016 10%	3,509.00	2224	Adhoc Relief All 2017 10%	4,877.00
2247	Adhoc Relief All 2018 10%	4,877.00	2265	Adhoc Relief All 2019 05%	2,438.00

Deductions - General

Wage type		Amount	Wage type		Amount
3017	GPF Subscription	-4,270.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-1,016.00	3990	Emp.Edu. Fund KPK	-250.00
4004	R. Benefits & Death Comp:	-900.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 16,245.83 Recovered till JUL-2020: 1,016.00 Exempted: 4060.76 Recoverable: 11,169.07

Gross Pay (Rs.): 77,076.00 Deductions: (Rs.): -7,236.00 Net Pay: (Rs.): 69,840.00

Payee Name: NOOR-UL ANBIA
Account Number: 7523
Bank Details: MCB BANK LIMITED, 240281 SHABQADAR SHABQADAR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: CHARSADDA Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email: nooryeducationist@gmail.com

Dist. Govt. KP-Provincial
District Accounts Office Peshawar Dist.
Monthly Salary Statement (August-2020)

Aug 2020



Personal Information of Mrs NOOR-UL ANBIA d/w/s of WALI MOHAMMAD

Personnel Number: 00200115 CNIC: 1710143755221 NTN: 42263492
Date of Birth: 07.06.1976 Entry into Govt. Service: 14.09.2004 Length of Service: 15 Years 11 Months 019 Days

Employment Category: Vocational Temporary

Designation: SECONDARY SCHOOL TEACHER 80004323-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6485-HEADMISTRESS G.G.H.S Kukar PESHAWAR

Payroll Section: 002 GPF Section: 001 Cash Center:

GPF A/C No: 200115 Interest Applied: Yes **GPF Balance:** 372,097.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	48,770.00	1000	House Rent Allowance	4,433.00
1210	Convey Allowance 2005 ✓	5,000.00	1947	Medical Allow 15% (16-22)	1,665.00
2148	15% Adhoc Relief All-2013	900.00	2199	Adhoc Relief Allow @10%	607.00
2211	Adhoc Relief All 2016 10%	3,509.00	2224	Adhoc Relief All 2017 10%	4,877.00
2247	Adhoc Relief All 2018 10%	4,877.00	2265	Adhoc Relief All 2019 05%	2,438.00

Deductions - General

Wage type		Amount	Wage type		Amount
3017	GPF Subscription	-4,270.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-1,016.00	3990	Emp.Edu. Fund KPK	-250.00
4004	R. Benefits & Death Comp:	-900.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 16,245.80 Recovered till AUG-2020: 2,032.00 Exempted: 4060.70 Recoverable: 10,153.10

Gross Pay (Rs.): 77,076.00 Deductions: (Rs.): -7,236.00 Net Pay: (Rs.): 69,840.00

Payee Name: NOOR-UL ANBIA

Account Number: 7523

Bank Details: MCB BANK LIMITED, 240281 SHABQADAR SHABQADAR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: CHARSADEA

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Email: nooryeducationist@gmail.com

(29)

Anwar D

Dated: 27/07/2021

To

The Secretary Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar

Through Proper Channel

Subject: Reimbursement of conveyance allowance according to the judgments/orders of Khyber Pakhtunkhwa Service Tribunal as well as Federal Service Tribunal which is illegally deducted during the Summer Vacations in the months of June, July & August from 2011 to 2019

With reference to the above cited subject, It is respectfully submitted that:

- 1- I am working as a Secondary School Teacher (SST) since 2004 and currently performing my duties at Government Girls High School Kukar, Peshawar.
- 2- I am receiving conveyance allowance since 2009 but the same was deducted/stopped during summer vacation which was declared as illegal and unlawful by Federal Service Tribunal through its judgment in Appeal No. 1888(R)CS/2016 dated 03.12.2018 and Khyber Pakhtunkhwa Service Tribunal Peshawar through its judgment in appeal No.1452/2019 dated 11.11.2019.
- 3- The similar deducted conveyance allowance was reimbursed to hundreds of teachers on the basis of the above cited court judgments/orders.
- 4- According to the judgment of Khyber Pakhtunkhwa Service Tribunal and Federal Service Tribunal, it has been clearly said that *"This judgment is considered in rem and not in personam and thus the respondents should pay the said allowance to all similarly placed employees of the educational institutions to avoid discrimination under article 4 & 25 of the constitution as well as un-necessary litigation"*.

Therefore, keeping in view the above cited court judgments/orders, it is humbly prayed/requested that the orders for the reimbursement of the illegal/unlawful deductions may be issued accordingly and if not then the reimbursement amount being claimed by the undersigned will be wasted in un-necessary litigation and my this application will lose its due importance of financial benefits. I will remain thankful

Note: The following documents are annexed here for easy reference.

- 1- Decision of Federal Service Tribunal
- 2- Decision of Khyber Pakhtunkhwa Service Tribunal
- 3- Pay slips of the applicant showing deduction of Conveyance allowance till 2019
- 4- The daily News cutting

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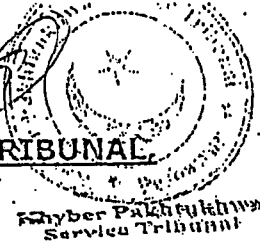
372
28/7/21

Noor-Ul-Anbia
SST BPS-17
GGHS Kukar Peshawar

25
Aisha
E
6-16/19

(616)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



APPEAL NO. 1452 /2019

Duty No. 1500

Mr. Maqсад Hayat, SCT (BPS-16),
GHS Masho Gagar, Peshawar.....

Dated 24/10/2019

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar..
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE OF THE APPELLANT DURING WINTER & SUMMER VACATIONS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

EX-PROVIDER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed not to make deduction of conveyance allowance during vacations period (Summer & Winter Vacations) and make the payment of all outstanding amount of Conveyance allowance which have been deducted previously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day
Registrar
24/10/19

R/SHEWETH:
ON FACTS:

- 1- That the appellant is serving in the elementary and secondary education department as Certified Teacher (BPS-15) quite efficiency and up to the entire satisfaction of the superiors.
- 2- That the Conveyance Allowance is admissible to all the civil servants and to this effect a Notification No. FD (PRC) 1-1/2011 dated 14.07.2011 was issued. That later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees

Registrar
11/1/19

Resubmitted to-day
and filed.

4/10/19
ADMINISTRATIVE
OFFICE
PESHAWAR

ATTESTED

Appeal No. 1452/2019
Marbad Hayat vs Govt

16
10
G-16
2
G-17

11.11.2019

Counsel for the appellant present.

Learned counsel referred to the judgment passed by learned Federal Service Tribunal in Appeal No. 1888(R)CS/2016 which was handed down on 03.12.2018. Through the said judgment the issue of payment of Conveyance Allowance to a civil servant during summer and winter vacations was held to be within his entitlement and the deduction already made from him was to be reimbursed. Similar reference was made to the judgment by Honourable Peshawar High Court passed on 01.10.2019 in the case of appellant.

Learned counsel, when confronted with the proposition that the issue, in essence, was dilated upon by the Federal Service Tribunal and, more particularly, by the Honourable Peshawar High Court in the case of appellant, stated that in case the respondents are required to execute the judgment of Peshawar High Court, the appellant will have no cavil about disposal of instant appeal.

The record suggests that while handing down judgment in the Writ Petition preferred by the appellant, the Honourable High Court not only expounded the definition of "Pay" as well as "Salary" but also entitlement of a civil servant for the Conveyance Allowance during the period of vacations. It is important to note that the respondents were represented before the High Court during the proceedings.

In view of the above noted facts and circumstances and in order to protect the appellant from a fresh round of litigation which may protract over a formidable period, the appeal in hand is disposed of with observation that the judgment of Honourable Peshawar High Court passed in Writ Petitions including W.P No. 3162-P/2019 shall be honoured and implemented by the respondents within shortest possible time. The appellant shall, however, be at liberty to seek remedy in accordance with law in case his grievance is not redressed by the respondents within a reasonable time.

File be consigned to the record.


Chairman

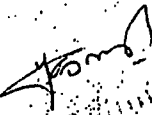

ANNOUNCED

11.11.2019

Certified to be
true copy of
original
11.11.2019

ATTESTED

SECRETARY
Federal Service Tribunal
Peshawar


SECRETARY
F.S.T. KAN
ATTESTED


17

قیمت 50 روپے	107276			
ایڈویکٹ: <u>Naila Jan</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: <u>BC-13-4122</u>				
راہبہ نمبر: <u>83127215471</u>				

بعدالت جناب: AP Service Tribunal

منجانب: <u>اپیل</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام شاہد کیلئے نائل جان ہم کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 26/11/2024

الع بد شاہد الع بد

مقام شاہد کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی نوٹو کاپی ناقابل قبول ہوگی۔

محمد
شاہد
شاہد
شاہد

خواہشیدہ (اپیل)

"A"

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

No.

APPEAL No..... 7879 & 7880 of 20 21

Noor-ul-Anbia & (1) others

Appellant/Petitioner

Versus

The Govt. of KPK through chief Secy.

RESPONDENT(S)

Respondent No. 1

Notice to Appellant/Petitioner

The Govt. of KPK through
chief Secretary Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 8/8/22 at 9:00

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Plc. Admission
Notice

[Signature]
27-7-22

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. 7879 & 7880 of 20 21

Noor-ul-Anbia & 0 others

Appellant/Petitioner

Versus

The Govt. of KPK through chief Secy.

RESPONDENT(S)

Respondent No. 2

The Secretary (ERSE)

Notice to Appellant/Petitioner

Deptt. KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 8/8/12 at

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pre-Admission
Notice

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]
SECRETARY DIARY
NO. _____

"A"

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

No.

APPEAL No. 7879 & 7880 of 2021.

Noor-ul-Anbia & Others

Appellant/Petitioner

Versus

The Govt. of KPK through Chief Secy.

RESPONDENT(S)

Respondent No. 3

The Secretary Finance
Deptt. Govt. of KPK
Peshawar.

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication/ affidavit/counter affidavit/record/arguments/order before this Tribunal on 8/8/22 at 9 am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pre-Admission
Notice

[Signature]

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]
27-7

"A"

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

No.

APPEAL No.....7879 & 7880..... of 20 21

Noor ul Anbia & others

Appellant/Petitioner

Versus

The Govt. of KP through Chief Secy

RESPONDENT(S)

Respondent No. 4
Notice to Appellant/Petitioner

The Accountant General
KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 8/8/22 at 9:00.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pre-Admission
Notice

[Signature]
Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. 7879 & 7880 of 20 21

Noor-ul-Ambia & 10 others

Appellant/Petitioner

Versus

the Govt. of KP through Chief Secy.

RESPONDENT(S)

Respondant No. 5

the Director of (ERSE)

KPK Peshawar

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 8/8/22 at 9:00

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pro Admission
Notice

[Signature]
2817

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. 7879 & 7880 of 20 21

Noor-ul-Anbia & (1) others

Appellant/Petitioner

Versus

The Govt. of KP through Chief Secy.

RESPONDENT(S)

Respondent no 6

Notice to Appellant/Petitioner

The Distt. Education Officer (Female) Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 8/8/22 at 9:am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pre-Admission
Notice

[Signature]
28/7

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