

05.08.2020

Mr. Noor Muhammad Khattak, Advocate for appellant is present.

The question for resolution put forth by the learned counsel representing appellant is that Special Allowance at the rate of 20% of the basic pay has already been allowed to all Secretariat Employees and by virtue of notification dated 27.04.2011 the special allowance has been increased from 20% to 30%, this special allowance at the rate of 20% being categorized as Judicial Allowance has been allowed to the staff of the sub-ordinate judiciary vide order dated 10.12.2012 this special judicial allowance is even admissible to the members and staff of Peshawar High Court and to this effect notifications dated 27.07.2010 and dated 06.03.2013 have been issued. Some of the employees of Federal Government assailed the inaction of the Federal Government in the Islamabad High Court by way of Writ Petition No. 1212 of 2013 and by virtue of judgment dated 28.06.2013 the august Islamabad High Court held that all the Federal Employees are allowed Special Allowance at the rate of 20% with effect from the date the employees are working in the Federal Ministry/Division. This very allowance has been allowed as a Health Professional Allowance to the Doctors of the Health Department vide notification dated 07.01.2016 and to the employees of Medical Teaching Institute vide notification dated 23.02.2017 and to other doctors whereas this very allowance has been denied to Senior Certified Teachers which is discriminatory.

The question, so agitated requires proper resolution in the light of law and rules, therefore, the appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments. File to come up for written reply/comments on 05.10.2020 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

05.10.2020

Counsel for the appellant present.

Submitted an application for permission to deposit security and process fee as required on 05.08.2020. Application placed on file.

Appellant is required to deposit Security and process fee within three working days from today. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 26.11.2020 before S.B.

Appellant Deposited
Security & Process Fee
08/10/20


Chairman

26.11.2020

Learned counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Saleem Sajid, Superintendent, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department seeks further time for submission of written reply/comments. Time given. File to come up for written reply/comments on 18.01.2021 before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

18.01.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General present. Zaki Ullah Senior Auditor representative of respondent No.5 present.

Written reply of respondent No.5 was submitted. Learned A.A.G made a request for time to furnish reply on behalf of respondents No.1 to 4 & 6; granted. To come up for written reply/comments on 11.03.2021 before S.B.

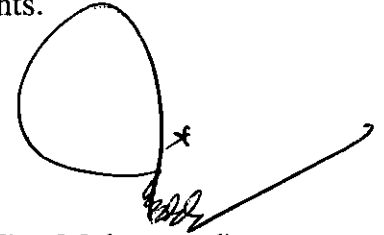

(Rozina Rehman)
Member (J)

11.03.2021

Junior to counsel for the appellant present. Addl: AG for respondent present.

Written reply on behalf of respondents No. 1 to 4 and 6 not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments.

Adjourned to 20.05.2021 before S.B.



(Mian Muhammad)
Member (E)

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.07.2021 for the same as before.



Reader

07.07.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the official respondents present. Written reply of respondent No. 5 has already been placed on file.

Learned AAG seeks further time to submit reply/comments. He is required to contact the respondents and submit reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 30.11.2021 before the D.B.

*Stipulated period has
passed.
Reply for will be
submitted.*



Chairman

P.S

28.07.2021 Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

30.11.2021 Clerk of learned for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Hashir, Senior Auditor for respondents present.

Written reply/comments on behalf of respondents No. 1 to 4 and 6 not submitted. Learned AAG seeks further time to contact the respondents for submission of written reply/comments. Request is acceded to but as a last chance. Adjourned. To come up for written reply/comments on 25.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

25.01.2022 Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

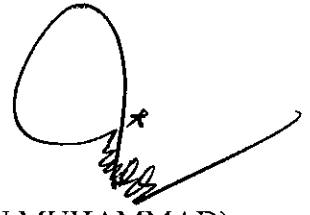
Learned Additional Advocate General seeks further time to contact the respondents for submission of reply/comments. Another last opportunity is granted. To come up for reply/comments before the S.B on 24.03.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)

24.03.2022

Counsel for the appellant present. Mr. Kabirullah Khattak,
Addl: AG for respondents present.

Learned AAG requested for adjournment on the ground that the Service Tribunal had been dysfunctional since 03.02.2022 and the respondents are not in knowledge that the Service Tribunal is functional again. The request is based on facts, is therefore, acceded to. Let last opportunity be afforded to the respondents to submit their parawise comments/reply. Adjourned. To come up for written reply/comments on 22.06.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

22nd June, 2022

Counsel for the appellant present and Mr. Naseerud Din Shah, Asstt. A.G for the respondents present.

Respondents have not submitted reply/comments despite last chance, therefore, their right to submit reply stands struck off. To come up for arguments on 08.09.2022 before the D.B.



(Kalim Arshad Khan)
Chairman

08.09.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 17.11.2022 before D.B.

(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member(J)


17.11.2022

Appellant present in person.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 11.01.2023 for arguments before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)