


10th Nov, 2022

Due to public holiday on account of Allama Iqbal Day, the case is adjourned to 10.11.2022 for the same as before.


Reader

10.11.2022

Appellant in person present and requested for adjournment on the ground that his counsel is out of station today. Last opportunity given. To come up for preliminary hearing on 05.12.2022 before the S.B at Camp Court Swat.



(Salah-Ud-Din)
Member (J)
Camp Court Swat

05.10.2022

Petitioner present in person.

Riaz Khan Paindakhel, learned Assistant Advocate General for respondents present.

Arguments heard. Record perused.

Application in hand was submitted seeking restoration of main service appeal which was dismissed in default vide order dated 23.08.2021.

Record shows that the case was dismissed for non-prosecution on 04.11.2021 and the application seeking restoration of appeal was filed on 11.04.2022. Law favors adjudication on merits and procedural technicalities should not be allowed to stand in the way of administration of justice. As such, application is accepted and the main service appeal stands restored on payment of cost of Rs.500/- to be paid on behalf of petitioner. It be registered. This petition be consigned while main appeal be fixed for arguments on 09.11.2022 before S.B at Camp Court, Swat.

**SCANNED
KPST
Peshawar**


(Rozina Rehman)
Member (J)
Camp Court, Swat

04.07.2022

None for petitioner present. Deputy District Attorney present.

Notices be issued to petitioner/counsel as well as to respondents for submission of implementation report. To come up for Implementation report on 03.08.2022 before S.B at camp court, Swat.

(Fareeha Paul)
Member (E)

Camp Court, Swat

3-8-22

Due to Samonas vacation the case is adjourned to 7-9-22 for the same



07.09.2022

Nemo for the petitioner. Mr. Muhammad Riaz Khan Pindakhel, Assistant Advocate General for the respondents present.


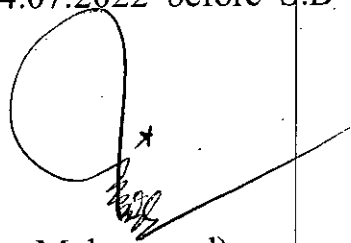
Previous date was changed on the strength of Reader's Note, therefore, notice be issued to petitioner and his counsel to attend the Tribunal on the next date. Adjourned. To come up for arguments on restoration application before the S.B on 05.10.2022 at Camp Court, Swat.

(Mian Muhammad)
Member (E)
Camp Court Swat

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 194/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.04.2022	<p>The application for restoration of appeal No. 1318/2018 submitted today by Mr. Iqbal Jehan may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	12.05.2022	<p>This restoration application is entrusted to touring Single Bench at Swat to be put up there on <u>12.5.22</u>. Original file be requisitioned. Notices to the appellant be also issued for the date fixed.</p> <p style="text-align: right;">CHAIRMAN</p> <p>Counsel for the petitioner present. (The Chairman, Swat) Chairman, Swat</p> <p>Notices be issued to the respondents for submission of reply on restoration application on 04.07.2022 before S.B. at camp court Swat.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E) Camp Court Swat</p>

BEFORE THE COURT OF SERVICE TRIBUNAL PESHAWAR

Appeal No1318/2018

Restoration Application no. 194/2022

Iqbal Jehan S/o Talimand R/o Mingora Swat.

Khyber Pakhtunkhwa
Service Tribunal

Vs

Diary No. 440

**SCANNED
KPST
Peshawar**

Govt. Secretary Finance & others

Dated 11-4-2022

APPLICATION FOR RESTORATION OF INSTANT APPEAL.

Respectfully Sheweth:

1. That the above title case was pending adjudication before this Honorable Court dated: **23-08-2021** which is dismissed due to non-prosecution.
2. That the reason of non-prosecution is due to sickness advocate i.e Throat Infection.
3. That the record of the instant case is also available before this Honorable for furtherance any proceedings in the case.
4. That any other ground any be raised at the time of arguments prior permission of this Honorable Court.

It is, therefore, requested that on acceptance of this miscellaneous application, the above titled case may kindly be restore.

Dated 11-04-2022

Appellant.


Iqbal Jehan
10/4/2022

*Q/o Iqbal Market Airport
Road Mingora Swat
No. No 03469487315*

Affidavit:-

I, the appellant, do hereby solemnly affirm and declare on oath that the contents of this petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.





DEPONENT

04.03.2021

Nemo for appellant.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 3/5 /2021 for preliminary hearing, before S.B at Camp Court, Swat.


(Rozina Rehman)
Member (J)
Camp Court, Swat

26.07.2021

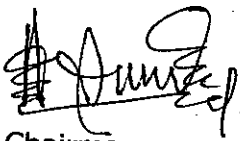
To come up for preliminary hearing on 23.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel on the date fixed.


Chairman

23.08.2021

Nemo for the appellant. Called several times till last hours of the court, but no one appeared on behalf of the appellant, despite notice.

In view of the above, the appeal is dismissed for non-prosecution. File be consigned to the record.


Chairman

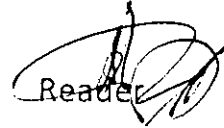
ANNOUNCED

23.08.2021

S-B.2020

Due to COVID19, the case is adjourned to


9/9/2020 for the same as before.


Reader

09.09.2020

Nemo for appellant.


Due to Reader's note, process could not be issued, therefore, appellant and his counsel be put to notice for 05.11.2020 for preliminary hearing, before S.B at Camp Court, Swat.


Member (J)
Camp Court, Swat

05.11.2020

Appellant in person present.

Lawyers are on general strike, therefore, case is adjourned to 07.01.2021 for preliminary hearing, before S.B at Camp Court, Swat.


(Rozina Rehman)
Member (J)
Camp Court, Swat

7.1.2021

Due to COVID 19, the case is adjourned to 4-3-2021 for the same.


Reader


05.03.2020

Appellant absent. Learned counsel for the appellant absent. Adjourned for 09.04.2020 before S.B at Camp Court, Swat.




Member
Camp Court, Swat.

*Due to corona virus
tour to camp court swat
has been cancelled. To come
up for the same on 04-06-20*


Reader


04.06.2020

Due to COVID-19, the case is adjourned. To come up for the same on 05.08.2020, at camp court Swat.


Reader

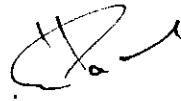
05.11.2019

Appellant in person present and submitted application for adjournment on the ground that his counsel has gone to Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Application is placed on record. Adjourned to 05.12.2019 for preliminary arguments before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

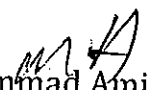
04.12.2019

Appellant appeared and upon his request, case file was requisitioned. Appellant submitted that the date in his service appeal is fixed as 05.12.2019 however due to genuine reasons, he and his counsel would not be available on 05.12.2019, therefore the case may be adjourned to some other date. In the interest of justice the present service appeal is adjourned to 09.01.2020 for preliminary hearing. Last opportunity is granted.


Member
Camp Court, Swat

09.01.2020

Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 05.03.2020 for preliminary hearing before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

02.07.2019

Clerk to counsel for the appellant present. Lawyer community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjournment requested. Adjourn. To come up for preliminary hearing on 04.09.2019 before S.B at Camp Court, Swat.



Member

04.09.2019

Appellant in person present and seeks adjournment as his counsel is not available. Adjourn. To come up for preliminary hearing on 08.10.2019 before S.B at Camp Court, Swat.

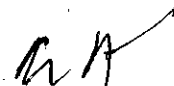


Member

Camp Court, Swat.

08.10.2019

Appellant alongwith his counsel present and seeks adjournment. Adjourned to 05.11.2019 for preliminary hearing before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)

Member

Camp Court Swat.

08.02.2019

Appellant in person present and seeks adjournment as his counsel is not in attendance. Adjourn. To come up for preliminary hearing on 01.04.2019 before S.B at Camp Court Swat.

S.B

Member

Camp Court, Swat

01.04.2019

Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on 07.05.2019 before S.B at Camp Court Swat.

Member

Camp Court, Swat.

07.05.2019

Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 02.07.2019 before S.B at Camp Court, Swat.

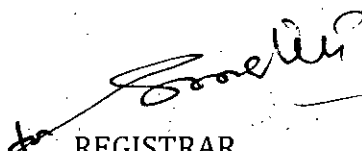
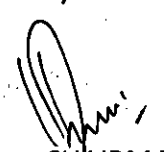

Member

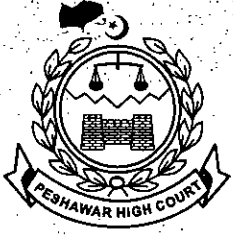
Camp Court, Swat.

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 1318/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/10/2018	<p>The present appellants initially went in Writ Petition before the Hon'ble Peshawar High Court Swat Bench and the Hon'ble High Court vide its order dated 09.10.2018 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	17-11-2018	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on 7-12-2018</p> <p style="text-align: right;"> CHAIRMAN</p>
	07.12.2018	<p>Appellant absent. Learned counsel for the appellant absent. Notice of appearance be issued to the appellant for 08.02.2019. Adjourn. To come up for personal attendance of appellant and preliminary hearing on the date fixed before S.B at camp court Swat.</p> <p style="text-align: right;"> Member Camp Court Swat.</p>



The
PESHAWAR HIGH COURT
Mingora Bench/Dar-ul-Qaza
Swat

All communications should be
addressed to the Additional Registrar
of this Bench.

Office: 0946-885005
Fax: 0946-885004
E-Mail: darulqazaswat2011@gmail.com

No. 4051 / Writ Petition Branch;

Dated: 13/10/18

To,

The Chairman Service Tribunal,
Khyber Pakhtunkhwa, Peshawar.

Registry No. 2026

Dated 17-10-18

Subject: W.P NO. 661-M OF 2010

Iqbal Jehan

...Petitioner(s)

VERSUS

Secretary Finance KPK & others

...Respondent(s)

Dear Sir,

Enclosed, find herewith a certified copy of Judgment/order dated 09.10.2018 passed by the Hon'ble Division Bench of this Court in the above titled case along with original file for compliance of direction contained therein please.

"Kindly acknowledge the receipt of this letter along with its enclosure please"

For

Additional Registrar

Encl:

- Judgment/order dated: 09.10.2018
- One Original File Containing (140) Pages.

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

W.P. No. 661-P/2010

JUDGMENT

Date of hearing: 09.10.2018

Petitioner:- (Iqbal Jehan) by Mr. L. Nawab Ali Noor, Advocate.

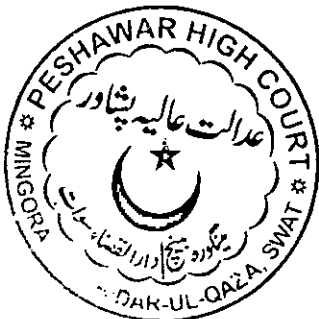
Respondents: - (Government of KPK & others) by Mr. Rahim Shah, Aast: Advocate General.

SYED ARSHAD ALI, J.- Through this amended writ petition, the petitioner seeks constitutional jurisdiction of this Court with the following prayers:-

1. *The respondents to allow two increments as personal pay and one increment as annual since the year 2000.*
2. *Declaring the policy of excluding the teaching staff from the concession allowed to the administrative be declared ultra vires to constitution, violative of natural justice, illegal, void and ineffective upon the rights of petitioner.*
3. *Any other order this Hon'ble Court may deem just and proper.*

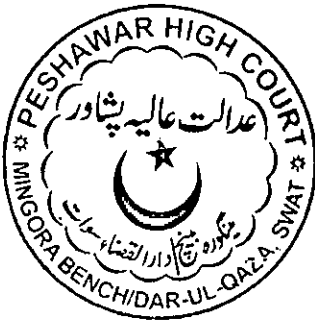
2. At the very outset, when learned counsel for the petitioner was confronted with the jurisdictional contour of this Court in view of bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 to entertain any petition relating to the

Nawab (D.B.) Hon'ble Mr. Justice Muhammad Ghazanfar Khan
Hon'ble Mr. Justice Syed Arshad Ali



terms and conditions of services of any civil servant, learned counsel for the petitioner has requested that this petition may be sent to the Khyber Pakhtunkhwa Service Tribunal for redressal of the grievances of the petitioner.

3. In this view of the above and while relying on the law laid down in Muhammad Akram's case V/S DCO Rahim Yar Khan and others reported as 2017 SCMR 56, this petition is transmitted to Khyber Pakhtunkhwa Service Tribunal for adjudication. Office is directed to send original file to the Khyber Pakhtunkhwa Service Tribunal and shall retain photocopy of the same for office record.



Office
11/10/18

ANNOUNCED
Di: 09.10.2018

JUDGE
JUDGE

Certified to be True Copy

EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
Authorized Under Article 07 of Qanoon-e-Shahadat Order 1984

APPLICATION FOR ADJOURNMENT

1.	Case No.	WP-661/10
2.	Title	Iqbal Jehan vs Govt of KP
3.	Case fixed for	05-11-15
4.	Application by	L. Nawab Ali Noor Ali
5.	Reason(s)	Busy in proceedings before the Peshawar High Court, Principle Bench.
6.	Whether stay granted	—
7.	Stay when granted	—
8.	Stay granted to	—
9.	Previous Application	02
10.	Case Status	old case.

Dated:

Submitted for orders, please.

[Signature]
H.C.

Superintendent:

Additional Registrar:

Shall remain on cause list.

Adjourned/ Allowed

[Signature]
4/11/15
Pmr AR, Govt

Hon'ble Judge

BEFOR THE PESHAWAR HIGH COURT DARUL QAZA
MINGORA BENCH.

W.P # 66/10

1. IqbqI Jehan

.....(Petitioner)

VERSUS

1. Govt of K.P.K through Secretary (E & SE) Peshawar & others.

..... (Defendant)

Application with humble request for adjournment in above Titled
W.P # 66/2010 fixed before your honour for 5.11.2015.

Respectfully Submitted:

1. That the above mentioned titled W.P is fixed before this Honorable court for 5.11.2015.
2. That on above cited date(5.11.2015) another W.P NO 1634/P/2014 Titled Mumtaz & others also fixed before Peshawar High Court Principle Bench.
3. That for the reason mentioned above it will be very difficult for the counsel of petitioner to attend this Honorable court on above cited date.

It is there for most humbly Prayed kindly adjourn the above mentioned W.P # 66/2010 for any other date which is convent to this Honorable court.

Date. 3.11.2015.

Through

Petitioners

L. Nawab Ali Noor Advocate
High Court Peshawar.

Bacha Khan Markaz Khwaja Town C-1 03469076945

APPLICATION FOR ADJOURNMENT

1.	Case No.	Wp 661/2010
2.	Title	Jabal Jehan — Vs — Govt. etc.
3.	Case fixed for	14-05-15
4.	Application by	Petitioner Jabal Jehan.
5.	Reason(s)	Counsel for Petitioner is busy in the Principal seat of this Bench in some cases.
6.	Whether stay granted	—
7.	Stay when granted	—
8.	Stay granted to	—
9.	Previous Application	01
10.	Case Status	old case.

2
4
old

Dated: _____

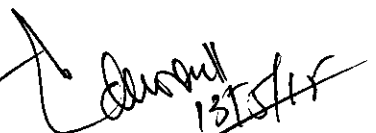
Submitted for orders, please.


HVC

Superintendent:

Additional Registrar: Shall remain on cause list.

Adjourned/ Allowed


13/5/15
Pr. A. Swat

Hon'ble Judge

BEFORE THE PESHAWAR HIGH COURT / Bench MINGORA
/ DARUL QAZA AT SWAT

Writ petition No.661 of 2010

Writ petition No 406 of 2013

~~Inayat Ullah VS Director Education FATA~~
Iqbal Jahan VS Government through Secretary Education.

APPLICATION FOR ADJOURNMENT

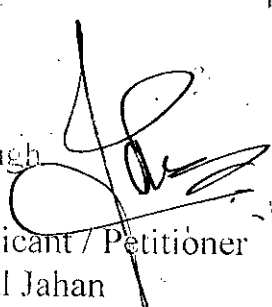
Respectfully Sheweth:

1. That the mentioned cases are pending adjudication before this Honourable Court and are fixed for hearing on 14/05/2015.
2. That counsel of the petitioner is busy in the principal Seat of Peshawar High Court in some other cases and it would not be possible to the counsel to come and argue the mentioned cases.

It is, therefore, respectfully prayed that the case may kindly be adjourned to any other convenient date.

Counsel

through


Applicant / Petitioner
Iqbal Jahan

Dated 12/05/2015

APPLICATION FOR ADJOURNMENT

6

1.	Case No.	WP 66/2010
2.	Title	Jybal Jehan - Vs - Govt et
3.	Case fixed for	18-02-15.
4.	Application by	L. Nawab Ali Noor Advocate Counsel for Petitioner
5.	Reason (s)	Due to Kidney Surgery, Counsel will be unable to attend this Hon'ble Court.
6.	Whether stay granted	-
7.	Stay when granted	-
8.	Stay granted to	-
9.	Previous Application	-
10.	Case Status	Old case of 2010. (Date By Court)

Dated:

Submitted for orders, please.

[Signature]
HCC

Superintendent:

Additional Registrar:

Shall remain on cause list.

Adjourned/ Allowed

Handwritten notes:
AR
18/2/15

Hon'ble Judge

BEFOR THE PESHAWAR HIGH COURT DARUL QAZA
MINGORA BENCH.

W.P NO. 661/10.

1. Iqbal Jehan

.....(Petitioner).

VERSUS

1. Govt of K.P.K through Secretary (E & SE) Peshawar & others.

.....(Respondents)

Application with humble request for adjournment in the above titled W.P fixed for 19.2.2015.

Respectfully submitted:

1. That the above titled appeal is fixed before this Honorable court for 19/2/2015.
2. That counsel for the petitioner is serious ill and operated his kidney operation on Monday on 16.02.2015.
3. That for the reason mentioned above it will be very difficult for counsel of petitioner to attend this honorable court on above cited date.

It is therefore humbly prayed that on acceptance of this application the above titled C.R may kindly be adjourn for any other date which is convent to this Honorable court.

Dated: 17.2.2014

Counsel for Petitioner

L. Nawab Ali Noor Advocate
High Court Peshawar.
03469076-945

بعدالت

کورٹ فیس

Before the Peshawar High Court

قیمت ایک روپیہ

Darul Uloom, Muzaffargarh

۲۰ منجانب

Yybal Jehans نام

مورخہ

مقدمہ

Secretary Finance Department K.P.K Peshawar

دعویٰ

جرم

باعث خرید آنکے

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

محلہ آن مقام سٹیٹ بینک ڈپارٹمنٹ ڈائریکٹوریٹ اسلام آباد کے ایل نواب علی نور احمد ریسرچ ڈیپارٹمنٹ کے

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی نکل کاروائی کا کامل

اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقریر نامہ و فیصلہ پر حلف دینے جواب

دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق ذراں پر دستخط کر کے اختیار ہوگا نیز بصورت

عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈرائنگ نے اپیل نگرانی و

نظر ثانی و پیروی کرنے کا اختیار ہوگا بصورت ضرورت مذکور کے نسل یا جزوی

کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔

اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ

برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے

سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے

وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پٹی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل

صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا گیا ہے

۲۰

ماہ

المقام سٹیٹ بینک ڈپارٹمنٹ ڈائریکٹوریٹ اسلام آباد

کے لئے منظور ہے

BEFORE PESHAWAR HIGH COURT MINGORA
BENCH DARUL QAZA

Service Tribunal Appeal no. 1318/18

Amended W.P No _____ Of 2012

Iqbal Jahan **VERSUS** Secretary of K.P.K

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Petitioner

Through:

Amir Gulab Khan
Advocate

Dated: / /2012

Office:

Continental Plaza 3rd Floor D20,21
Makan Bagh Mingora Swat
Cell no 03469514460

S No 413/
FILED TODAY

@

Additional Registrar

2012

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Amended Writ Petition

IN

Writ Petition No. 661 of 2010
Service Appeal No. 1318/2018

Iqbal Jehan S/o Talimand R/o Shahdara Mingora SwatPetitioner

VERSUS

1. Secretary N.W.F.P Finance Peshawar
2. Accountant General N.W.F.P Peshawar
3. District Accounts Officer SwatRespondents

**Amended Writ Petition Under Article 199 Of The Constitution
Of Islamic Republic Of Pakistan 1973.**

Respectfully Submitted:

1. That the Petitioner was appointed as certified teacher (CT) in the year 1982 in Education Department.
2. That the Petitioner was then promoted as Senior English Teacher (SET) in 1987.
3. That the Petitioner has obtained higher qualification by passing the M.Ed examination on 25/01/2000 and the Director Secondary Education N.W.F.P Peshawar has given the sanction of three advance increments under Endst. No.1846-48 dated 11/07/2000 from the date of passing M.Ed exam as per prevailing Rules (Copy of the sanction attached as Annexure A in the Writ Petition)

26 MAR 2012

- (2)
4. That the D.E.O Swat has issued to the Petitioner the pay slip in which the Petitioner was awarded three advance increments, By gaining one increment the pay of Petitioner reached the maximum of the pay scale (Rs.5490) the remaining two increments were awarded as a personal pay. (Copy attached as Annexure B in the Writ Petition)
 5. That the Petitioner has not got the annual increments of 2000-01 on the basis of reaching the maximum/ ceiling of the pay scale BPS-16.
 6. That the basic stages of BPS-16 were 15 but in revised pay scale 2001 these stages were increased to 30. The Petitioner requested to the DEO Swat for fixing his pay in the revised pay scale and the two increments which were awarded as P.P and the annual increments of 2000 may be adjusted in the revised pay scale 2001. But verbally the Petitioner was informed that these increments will be fixed in the pay after allowing moreover from BPS-16 to BPS-17. (Copy attached as Annexure 'C' respectively in the Writ Petition)
 7. That the DEO Swat has drawn back the advance increments as awarded as P.P in 2003 without showing any reason and the Petitioner requested the DEO Swat for the said increments. Again the Petitioner was informed verbally that the same increments are to be awarded after getting the move over.
 8. That the Petitioner was allowed move over from BPS-16 to BPS-17 by the Director of School & Literacy N.W.F.P Peshawar under Endst.No 865-71 dated 08/07/2004 to the Petitioner a new pay slip in which the pay of the Petitioner was fixed without the said advance increments then the Petitioner applied to the DEO Swat for the said increments but the DEO Swat remained silent.
 9. That the Petitioner applied to DEO Swat for the said increment at 11/04/2009 the DEO Swat replied under Endst.No.DEO-Swat/PF/PR-1/1/1230 dated 12/11/2009 that the said increments are not allowed to the teaching cadre under the letter of A.G N.W.F.P Peshawar No.H-24/Swat-TANK/Vol:I/135 dated 24/07/2001 and finance Department letter No.FD(SR-1)2-123/2002 dated 08/02/2003. (Copy attached as Annexure D,E in the Writ Petition)
 10. That in their comments the Respondents supported their action on the ground that advance increment beyond the maximum of pay scale was allowed only to the employees in administrative cadre and not teaching staff. The letters of Respondents are available in the Writ Petition as Annexure D to E.
- (3)

11. That the policy adopted by the Respondents No to exclude the teaching staff from the concession otherwise allowed to Administrative staff as professed by Respondents is violative of natural Justice unreasonable and beyond sound rational besides being ultra vires to fundamental rights guaranteed by constitution.

12. That the teaching staff to which the Petitioner belongs deserves preferential treatment as against the Administrative staff keeping the nature and importance of the services deliver by teaching staff.

13. That other grounds shall be advanced at the time of arguments.

RELIEF:

In the Background of above factual and legal grounds It is humbly background of the above stated factual and legal grounds, a proper Writ may graciously be issued directing

- I. The Respondents to allow two increments as personal pay and one increment as annual since year 2000.
- II. Declaring the policy of excluding the teaching staff from the concession allowed to the administrative staff to be discriminative, ultra vires to constitution, violative of natural justice, illegal, void and ineffective upon the rights of Petitioner.
- III. Any other order this Honorable Court may deem just and proper.

Petitioner

Dated. .03.2012

through

Amir Gulab Khan
Advocate

Or

4

3

BEFORE PESHAWAR HIGH COURT /MINGORA BENCH
DARUL QAZA SWAT

Amended Writ Petition

IN

Writ Petition No. _____ of 2010

Iqbal Jehan S/o Talimand R/o Shahdara Mingora SwatPetitioner

VERSUS

- 1. Secretary Finance K.P.K Peshawar
- 2. Accountant General K.P.K. Peshawar
- 3. District Accounts Officer SwatRespondents

AFFIDAVIT

I Amir Gulab Khan Advocate do hereby affirm and declare on oath that the contents of the amended Writ Petition are true to the best of my knowledge and belief as instructed by the petitioner.

548
 S.No. _____
 Certified that the above was verified on _____ day
 affirmation before me on this _____ day
 of _____ 2010 at _____
 S/o _____
 was identified by _____

[Signature]
 Addl. Registrar
 Peshawar High Court
 Mingora Bench/Darul-Qaza, Swat.

Petitioner
 Through: *[Signature]*
 Amir Gulab Khan
 Advocate

FILED TODAY

[Signature]
 Additional Registrar

5

14

بعدالت

عالمیہ رائی کورٹ سٹیج منگورا / دارالافتاء

28 مارچ 2012ء بمقام

سیکرٹری جنرل ایف ڈی اے
KPK
دعویٰ

امیر گلاب خان

W.P

مورثہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام منگورا سٹیج کیلئے امیر گلاب خان ایڈووکیٹ
 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 ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

امیر گلاب خان

[Signature]

Nic 15602 - 2469895-9
Mob. 03469487315

28 مارچ 2012ء

المرقوم

Accepted

AMIR GOLAB KHAN
Advocate
Peshawar High Court

بمقام منگورا سٹیج دارالافتاء کے لئے منظور ہے۔

28/03/2012

Registration
OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS SWAT.

No. DAO/Swat/PR-I/ 266

Dated: 24/12/2011

To

The Additional Registrar,
Peshawar High Court,
Mingora Bench/Dar-ul-Qaza,
Swat.

Subject: WRIT PETITION NO. 661/2011

Memo

Kindly refer to your letter No. 294/Jud 1: dated 08/12/2011 on the above noted subject.

Joint parawise reply along with relevant documents of respondent's No. 2, 3 in the subject case is submitted herewith as desired please.

*Plan on relevant
file for perusal
of the Hon'ble
Court.*

*AD, Swat
03/1/2012*

24/12
~~_____~~
District Comptroller of Accounts
Swat

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Iqbal Jehan.....

Petitioner.

Writ Petition No. 661/2010

Versus

Secretary to Govt of NWFP, Finance Department.

Parawise reply respondent No.2

Preliminary objections.

1. That the petitioner has got no locus standi.
2. That the petitioner has got no cause of action.
3. That the petition is bad for non-joinder and miss-joinder, of necessary parties.
4. The^t with due respects this Honorable court lacks the jurisdiction to entertain the subject matter of the instant petition.

FACTS:-


1. No comments.
2. He was appointed as SET on 24/04/1987 copy of promotion SET attached Annexure A.
3. Incorrect/he obtained high qualification i.e. M.Ed examination certificate from Karachi University in 1999 result declared 22/02/2000(Copy attached) Annexure B.
4. Correct/ But after the receipt of Finance Department letter No. FD (SR-I) 2-123/2002 dated 08/02/2003 stating in the reply of this office letter No. H-24/SWA-TANK/VOL:I/35 dated 24/07/2001, Para 3 that the teaching staff are not allowed the advance increment, beyond maximum of Pay Scale, hence, the two advance increments allowed by this office, as Personal Pay (P³P) were retrenched from the pay of the officer concerned.
5. Correct.
6. No comments.
7. As stated in P-4.
- 8,9. Correct.
10. Incorrect.


GROUNDS:-

- A. Incorrect.
- B. Stated above at S. No 4.

- C. Not entitled to the remaining advance increments.
- D. Stated above at S.No 4.
- E. No comments.
- F. No comments.

The instant case is time barred; hence the case in question should be dismissed and cast to be borne to the petitioner.



 ACCOUNTANT GENERAL
 K.P.K PESHAWAR


 ACCOUNTANT GENERAL
 K.P.K PESHAWAR

DISTRICT OFFICE
 SWAT

CERTIFICATE

Certified that the contents of the written reply are correct to the best of my knowledge and record and nothing has been concealed from the honorable court.


 ACCOUNTANT GENERAL
 K.P.K PESHAWAR

*Letted as the
 ICI officer Mr. Saeed
 Khan states that the
 Deptt. has nothing more
 to offer.*

Wheed

27/5/2010

Annexure (A)

OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR.

NO.H-24/SWA-TANK/VOL.I/135

Dated 24/7/2001.

To

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

Subject:- ADVANCE INCREMENTS TO SCHOOL TEACHERS ON
ATTAINING HIGHER QUALIFICATION AS PERSONAL PAY.

Memo:

Kindly refer to your office Memo: No.FD(SR-V)2-123/2001 dated 23/5/2001 and No.FD(SR.1)15-2/98 dated 30/5/2001, on the subject noted above.

2. It is correct that the letter of Finance Department No.FD(PRC)1-1/89 dated 7/8/91 is very much clear on the subject. But the Government of NWFP, Finance Department has allowed advance increments to teaching staff of Education Department on acquiring/Possessing higher qualification over and above the prescribed qualification vide letter No.FD.SG(SR-V)2-123/91 dated 24/9/95 and No.FD(SR-V)2-123/98 dated 22/3/99.

3. A question has been raised by various DAOs/AOs regarding admissibility of advance increments in shape of personal pay beyond the maximum of their pay scale. A large number of teachers in different categories were drawing pay at the maximum of their pay scales. Such teachers would be deprived of the benefit of advance increments even if they possess higher qualification for which advance increments have been allowed and could not get full benefit of advance increment due to drawing salary/pay at the maximum of their respective pay scales.

4. This office is of the view that advance increments are admissible in shape of personal pay over and above the maximum of the scale, is a general principle to be followed in case of Basic Pay Scale Rule, 1983 also.

5. The presumption of this office, if correct may please be confirmed or correct course be intimated for future guidance.

- SA -
DEPUTY ACCOUNTANT GENERAL (HEAD)
NWFP, PESHAWAR.

GOVERNMENT OF NWFP.
FINANCE DEPARTMENT.
Dated: Pesh: the Oct: 23, 2001.

NO (SR.V)2-123)2001.

To,

The Accountant General,
NWFP, Peshawar.

Sub: ADVANCE INCREMENTS TO SCHOOL TEACHERS ON ATTAINING HIGHER QUALIFICATION AS PERSONAL PAY.

Sir,

I am directed to refer to your letter No.H-24(SWA-TANK/
Vol:I/135 dated 24.7.2001 on the subject noted above and to state that
facility/concession of advance increments as personal pay sanctioned
in respect of Government officials vide para 5(ii) of circular letter
No.FD(PWC)1-1/89 dated August, 11, 1991 is exclusively meant for the
afore-mentioned cadres and the said benefit is not admissible as a
general principle in case of basic pay scale rules, 1983. Finance Deptt:
regrets its inability to accede to the view-point of Accountant General
office.

Yours Obediently,

st/-

(ABDUL LATIF)
SECTION OFFICER(SR-I).

OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR.
NO.NO.H-24(SWA)/Tank/vol:I/135 dt:-

Copy of the above is forwarded to:-

1. All DAOs/AOs in NWFP.
2. All Pay Roll Section in Main Office.

ACCOUNTS OFFICER(HAD)
NWFP, PESHAWAR.

cc-11-2001

1983
Teacher's

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

NO. FD(SR.1)2-123/2002

Dated Peshawar the, Feb. 08, 2003.

39
20

To

The Executive District Officer,
Finance & Planning,
Malakand at, Batakela.

SUBJECT: PROTECTION/ALLOWING OF PERSONAL PAY TO TEACHERS STAFF.

I am directed to refer to your letter No. DO(Fin)MKD/
2-9/02/28 dated 10-1-2003 on the subject noted above and to say that
teaching staff are not allowed the advance increments beyond the
maximum of Pay Scale.

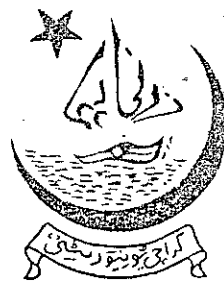
(SYED RAQAT SHAH)
SECTION OFFICER (SR.1)

NO. FD(SR.1)2-9/2002-03/250-51 dated Batakela the 19/2/2003.

- Copy for reference to
1. The District Administration Officer, Malakand at Batakela.
 2. The District Education Officer, Malakand at Batakela, with reference to his letter No. 1755 dated 20/12/2002.
 3. The District Accounts Officer, Malakand at Batakela, for information and necessary action.

[Signature]
Executive District Officer,
Finance and Planning Deptt,
Malakand at Batakela.

87	Mohammad Tayyab	2-4-87	ADO Pry ESE Circle Batta Gram
88	Dilawar Khan	8-4-87	GHS Gazi Baba Bajour Agency
89	Sher Afzal	9-4-87	GMS Soor Kamar CHD 38
90	Faizur Rehman	13-4-87	GHS Shabqadar Fort CHD 90
91	Shamsul Wadood	SL 15.4.87	GMS Tehkal Payan Peshawar
92	Mohammad Rafiq	16-4-87	ADO(M) ES Swabi
93	Mohammad Ismail	16-4-87	GMS Ghari Durani PSR
94	Gul Mohammad Khan	19-4-87	GHS Sawal Dher Mardan
95	Fazli Ghani	20-4-87	GMS No.1 Sawabi
96	Muhajirullah	21-4-87	GMS Mach Kandai Puran Shangla
97	Iqbal Jehan	21-4-87	ADO ES Swat ✓
98	Amir Nawaz Khan	27-4-87	GMS Andari Tank
99	Ziaul Haq	27-4-87	GHSS Kabal Swat ✓
100	Hazrat Usman	17-5-87	GMS Naseer Kalli MRD
101	Abdul Jalil	18-5-87	GCMHS Lakki
102	Mohammad Sher Khan	19-5-87	GMS Wali Noor FR Bannu
103	Mohammad Shoukat	19-5-87	GHS No.4 ATD
104	Haq Nawaz	19-5-87	AAEO ESE SWA
105	Mushtaq	19-5-87	GHS attar Shishia Mansehra
106	Mohammad Yasin Khan	19-5-87	AEO SWA Tank
107	Allah Nawaz Khan	19-5-87	GHS Azeem Kalay FR Bannu
108	Munawar Khan	19-5-87	GHS SAR Garah FR Lakki
109	Amir Mohammad	19-5-87	GEC Habibullah FR Bannu
110	Bismillah Khan	19-5-87	GHS Bakkakhel Bannu
111	Mir Saddiq	26-5-87	GHS Kotka Muhammad Khan Banuu
112	Sher Malik	1-6-87	GHS Durush Khela Swat ✓
113	Mohamntail Ibrahim	1-6-87	GHS Bandai Swat ✓
114	Lal Badshah	4-6-87	GHS Muhabat Abad MDN
115	Nasib ul Mohyuddin	9-6-87	GMS Bilyamina Hangu
116	Saifoer Khan	9-6-87	GMS Kot Hakeem Tank
117	Feroz Khan	13-6-87	GMS Dipa FR Bannu
118	Mohammad Pervaiz	20-5-87	GHS Rich Bhan ATD
119	Munsif	21-5-87	GHS No.2 Havelian ATD



کراچی یونیورسٹی

University of Karachi

FACULTY OF EDUCATION
Master of Education

کلیۃ تعلیم
ایم۔ ایڈ

Whereas IQBAL JAHAN S/O
TALIBAH

ہر گاہ
ایمان
دل
طالبہ

has pursued a course of study prescribed by this University for the Degree of Master of Education in the Faculty of Education and has passed the requisite examination held in 1999, having been placed in B GRADE class.

نے کلیۃ تعلیم کے تحت ایم۔ ایڈ کی سند کے لیے اس
امعہ کے منظورہ نصاب کی تکمیل کر لی ہے اور مطلوبہ
تجارت منعقدہ ۱۹۹۹ میں کامیاب ہو کر "بی" درجہ
اصل کر لیا ہے،

It is hereby certified that he/she has been duly admitted to the degree of Master of Education in this University.

لہذا تصدیق کی جاتی ہے کہ انھیں اس جامعہ
ایم۔ ایڈ کے درجہ پر فائز کیا گیا۔

Registrar

Vice-Chancellor

گورنر
شیخ الجامعہ

منیجر

Dated Karachi, the 22ND FEBRUARY 2000

۱۹۲۰۰۰
کراچی، بتاریخ ۲۲ فروری

Note :- Detailed transcripts of examination results have been issued separately.

امتحان کے مضامین اور حاصل کردہ نشانات کی تفصیلات علیحدہ جاری کی گئی ہیں۔

Attested

Z. Muhammad

Zahoor Muhammad
B.A. M.ED. S.E.T. (Gazetted)
G B S. Pura Dist: Shangla.

Date: 14 7 2000

BETTER COPY

OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR.

No.H-24/SWA-TANK/VOL:1/135

Dated 24/07/2001

To

The Secretary to Government of NWFP,
Finance Department.
Peshawar.

Subject:

**ADVANCE INCREMENTS TO SCHOOL TEACHERS ON
ATTAINING HIGHER QUALIFICATION AS PERSONAL PAY.**

Memo:

Kindly refer to your office Memo: No.FD(SR-V)2-123 2001 dated 23.05.2001 and No.FD(SR.1)15-2/98 dated 30.05.2001 on the subject noted above.

2. It is correct that the letter of Finance Department No.FD(PRC)1-1/89 dated 07.08.1991 is very much clear on the subject. But the Government of NWFP, Finance Department has allowed advance increments to teaching staff of Education Department on acquiring / possessing higher qualification over and above the prescribed qualification vide letter No.FD.SG(SR-V)2-123/91 dated 24.09.1995 and No.FD(SR-V)2-123/98 dated 22.03.1999.

3. A question has been raised by various DAOs/AAOs regarding admissibility of advance increments in shape of personal pay beyond the maximum of their pay scale. A large number of teacher in different categories were drawing pay at the maximum of their pay scale. Such teachers would be deprived of the benefit of advance increments even if they possess higher qualification for which advance increments have been allowed and could not get full benefit of advance increment due to drawing salary / pay at the maximum of their respective pay scales.

4. This office is of the view that advance increments are admissible in shape of personal pay over and above the maximum of the scale, is a general principle to be followed in case of Basic Pay Scale Rule, 1983 also.

5. The presumption of this office, if correct may please be confirmed or correct course be intimated for future guidance.

DEPUTY ACCOUNTANT GENERAL (HAD)
NWFP, PESHAWAR.

BETTER COPY

35

(24)

Government Of NWFP
Finance Department
Date: Pesh: the oct: 23,2001

No.FD(SR.V)2-123)2001.
To,

The Accountant General,
NWFP Peshawar

Sub: ADVANCE INCREMENT TO SCHOOL TEACHERS ON ATTAINING
HIGHER QUALIFICATION AS PERDONAL PAY

Sir,

I am directed to refer to your letter No.H-24(SWA-TANK/vl: I/135 dated 24.7.2001 on the subject noted above and to state that facility/consion of advance increments as personal pay sanctioned in respect of gov official vide para 5(II) of circular letter No. FD(PRC) 1-1/89 dated august , 11 1991 is exclusively meant for the afore-mentioned cadres, and the said benefit is not admissible as a general principal in case of basic pay scale rules 1983, Finance Department regrets its inability to exceed to the view point of accountant general office.

Yours Obediently
Sir/-
(Abdul Latif)
Section Officer(SR-I)

OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR

No.No.H-24(SWA)/TANK/Vol:1/259 Dated

Copy of the above is forwarded to:-

1. All DAOs/AAOs in NWFP.
2. All pay roll section in main office.

Accounts Officer(HAD)

BETTER COPY

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

No.FD(SR.I)2-123/2002

Dated Peshawar the, Feb. 08, 2003.

To

The Executive District Officer,
Finance & Planning.
Malakand at Batkhela.

Subject: PROTECTION / ALLOWING OF PERSONAL PAY TO TEACHERS STAFF.

I am directed to refer to your letter No. DO(Fin)MKD/2-9/02/28 dated 10.01.2003 on the subject noted above and to say that teaching staff are not allowed the advance increments beyond the maximum of Pay Scale.

(SYED BAQAR SHAH)
SECTION OFFICER (SR.I)

BETTER COPY

OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR.

No.H-24/SWA-TANK/VOL:1/135

Dated 24/07/2001

To

The Secretary to Government of NWFP,
Finance Department,
Peshawar.

Subject:

**ADVANCE INCREMENTS TO SCHOOL TEACHERS ON
ATTAINING HIGHER QUALIFICATION AS PERSONAL PAY.**

Memo:

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4. This office is of the view that advance increments are admissible in shape of personal pay over and above the maximum of the scale, is a general principle to be followed in case of Basic Pay Scale Rule, 1983 also.

5. The presumption of this office, if correct may please be confirmed or correct course be intimated for future guidance.

DEPUTY ACCOUNTANT GENERAL (HAD)
NWFP, PESHAWAR.

BETTER COPY

32
22

No.FD(SR.V)2-123)2001.
To,

Government Of NWFP
Finance Department
Date: Pesh: the oct: 23,2001

The Accountant General,
NWFP Peshawar

Sub: ADVANCE INCREMENT TO SCHOOL TEACHERS ON ATTAINING
HIGHER QUALIFICATION AS PERDONAL PAY

Sir,

I am directed to refer to your letter No.H-24(SWA-TANK/vl: 1/135 dated 24.7.2001 on the subject noted above and to state that facility/consion of advance increments as personal pay sanctioned in respect of gov official vide para 5(II) of circular letter No. FD(PRC) 1-1/89 dated august , 11 1991 is exclusively meant for the afore-mentioned cadres, and the said benefit is not admissible as a general principal in case of basic pay scale rules 1983, Finance Department regrets its inability to exceed to the view point of accountant general office.

Yours Obediently
Sir/-
(Abdul Latif)
Section Officer(SR-I)

OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR

No.No.H-24(SWA)/TANK/Vol:1/259 Dated

Copy of the above is forwarded to:-

1. All DAOs/AAOs in NWFP.
2. All pay roll section in main office.

Accounts Officer(HAD)

BETTER COPY

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

No.FD(SR.I)2-123/2002
Dated Peshawar the, Feb. 08, 2003.

To

The Executive District Officer,
Finance & Planning,
Malakand at Batkhela.

Subject: PROTECTION / ALLOWING OF PERSONAL PAY TO TEACHERS STAFF.

I am directed to refer to your letter No. DO(Fin)MKD/2-9/02/28 dated 10.01.2003 on the subject noted above and to say that teaching staff are not allowed the advance increments beyond the maximum of Pay Scale.

(SYED BAQAR SHAH)
SECTION OFFICER (SR.I)

THE
PESHAWAR HIGH COURT

MINGORA BENCH/ DAR-UL-QAZA, SWAT.

No. 294 /Judl:

Dated 8/12/2011

From

Additional Registrar,
Peshawar High Court,
Mingora Bench/ Dar-ul-Qaza, Swat.

To

District Account Officer,
District Swat.

Subject

Writ Petition No. 661/2011.

Iqbal Jehan D/o Talimand

-----Petitioner

Versus

Secretary KPK, Finance & others

-----Respondents

I am directed to forward herewith copy of order of Division Bench of this court dated: 30/11/2011 for compliance. Your good-office Para-wise comments must reached to this court within a fortnight, i-e. 14/12/2011.

F. Seel
Additional Registrar

Copy for Information:

Additional Advocate General for further necessary action.

Enclosed:

Copy of Order &
Grounds of Petition.

ORDER:

W.P. 661/10 with C.M. 39/2011 transferred from Principal Seat vide letter

No. _____ dated _____ Entered in relevant register and fixed before D.B on 5/10/2011 in motion/notice/PAN. Notices be issued to all concerned for the date so fixed.

30

[Signature]

Additional Registrar,
PHC, Mingora Bench/
Dar-ul-Qaza, Swat

order

12/19/2011

W.P. 661/2010 fixed in notice before D.B on 1/11/2011. Issue notices to all concerned.

order

W.P. 661/2010 fixed in notice before D.B on 30-11-11. Issue notices to all concerned.

Order: Comments recieved. WP 661/2010 fixed before D.B. on 15-2-12. Inform all concerned.

order : - WP 661/2010 fixed in notice before HDB on 21-6-12. Inform all concerned.

order : - WP 661/10 fixed in notice before AR, Swat. on 21-11-12. Inform all concerned.

09/2/13: WP 661/10 (N) adjourned from 21-11-12 & fixed before HDB on 15-3-13. Inform all concerned.

[Signature]
Supdt

8.3.2011

entire in
(2) months

15/12/11

app 661/10 case CM 39/2011 is fixed before

H.D.B on 28/4/11. Issue Notices

inform all concerned.

Ramji
Dy. Registrar

21/5/2011

Service Matter

15/12/11

app 661/10 case CM 39/2011 adjourned

due to rush of work from 28.4.2011

is fixed before H.D.B on 3/11/2011
Issue Notices inform all

concerned.

Ramji
Dy. Registrar

IN THE PESHAWAR HIGH COURT PESHAWAR

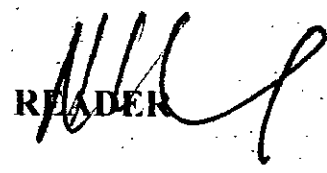
e. MISCELLANEOUS APPLICATION NO..... 39..... 2011
in WP 661/2010

32

This petition had been presented by M. Ashad
Yousafzai, Advocate
on behalf of the petitioner.

This petition is in proper form, and is accompanied by copies of all necessary documents.

Petition be entered in the relevant Register and placed before Hon'able Court's S.B./D.B. for further order put up again for facts & law in main case.
Inform petitioner and his counsel.

READER 

Dated... 13/1/2011

Dated... 13/1/2011

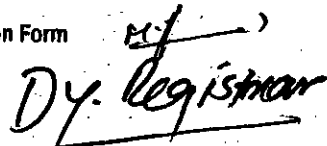
COUNTERSIGNED

Put up for facts & law
have Amle
14/1/11


DEPUTY REGISTRAR

18/1/2011
Main case fixed for 3-3-2011 (M)

CM 39/2011 in WP 661/2010 is fixed before H.D.B on 03/3/2011. Inform Petitioner & his Counsel


Dy. Registrar

IN THE PESHAWAR HIGH COURT, PESHAWAR

OBJECTION SLIP

Opal Tehaw

VERSUS

Secretary K.P.K

33

1. This petition has been presented by M. Aashad Yusuf Zai Advocate
2. Signature of council/petition wanted on
3. Enactment under which the petition wanted is not mentioned correct.
4. Approved file cover is not used.
5. Affidavit is not duly attested/appended.
6. Petition/annexure are not properly paged according to indero.
7. Certified copies of annexure are _____ filed.
8. Certificate be furnished whether any petition on the subject matter has earlier been filed in this court.
9. Copies of annexure 3-5-6 are not legible/attested. *as well as in spare copies*
10. There should be separate application for each prayer/case.
11. Copy of application is not delivered to A.G.
12. The appeal, revision, application is time barred.
13. Value of the purpose of court fee and jurisdiction has not been mentioned in the relevant column of the opening sheet.
14. The P/A of the council engaged is not attested/signed by all petitioners/appellants.
15. Memo of parties name not filed.
16. No. of referred cases is not given/correct.
17. Petition received by post is not entertainable except through Jail.
18. Petition containing overwriting is not entertained. Fair petition be filed.
19. Appeal/Revision ~~is not~~ competent.
20. List of books have not been mentioned at the end of the petition.
21. Case does not relate to
22. Petition should be drafted by a person competent to do so.
23. _____ spare copies be filed.
24. In what jail the petitioner is confined.
25. Revision/Appeal may be filed on the prescribed form.
26. Copies of annexure _____ are not translated.
27. Court fee stamps are not been affixed.
28. Power of Attorney is not attested by the jail authority.
29. Certified copies of impugned orders/decree sheets/pleadings/evidence/grounds of revision/appeal before District Judge have not been filed.
30. District Judge or any other Judicial Officer cannot be made as respondent on top of the petition.
31. Index has not been filed.

[Signature]
READER
8/1/2011

Returned with objections at Sr. Nos. 9. 31 for removal to be re-submitted on or before _____

[Signature]
Additional Register
Peshawar High Court, Peshawar

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

30

CM 39/11

W.P. No.661/2010


Iqbal Jehan. Petitioner

Versus

Secretary K.P.K., & others. Respondents

I N D E X

S.No.	Description of Documents	Pages
1.	Application	1
2.	Affidavit	2
3.	Additional Documents	3-16

Through Petitioner

Muhammad Arshad Yousafzai
Advocate, Peshawar

892
REFILED TODAY
M.Y.
Deputy Registrar
13 JAN 2011

①

35

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

CM 39/2011

W.P.No.661/2010

Iqbal Jehan..... Versus Secretary KPK & others

**APPLICATION FOR FILING THE ADDITIONAL
DOCUMENTS**

Respectfully Sheweth:

1. That the above mentioned case is pending before this Honourable Court.
2. That as per direction of this Honourable Court vide order dated 22.12.2010, the following documents are being filed.
 - i. Application for advance increments dt: 11.14.2009.
 - ii. Reply of the respondents of the above advanced increments dated 12.11.2009.
 - iii. Letter No.FD(SR-I)1-67/83 dated 24.08.1983.
 - iv. Letter No.F,1/7/IMP.11/87 dated 01.07.1987.
 - v. Letter No.FD(PRC)I-I/89 dated 11.08.1991.
 - vi. Letter No.FD.SO(SR.V)2-123/91 dated 24.09.1995.
 - vii. Letter No.FD(PRC)I_I/2005 dated 09.07.2005.
 - viii. Letter No.F.I.(1)IMP/08 dated 30.06.2008.
3. That the said documents are important for just and disposal of the Writ Petition and would be in the interest of natural justice.

It is, therefore, prayed that application be accepted and the above said documents may be allowed to be filed in the Writ Petition as directed by the Honourable Court vide order dated 22.12.2010.

Petitioner

Through

M. Arshad Yousafzai
Muhammad Arshad Yousafzai
Advocate, Peshawar

Copy Received for
A.G. Officer

Dt: 7/1/2011

477
FILED TODAY

Deputy Registrar

08 JAN 2011

FILED TODAY

Deputy Registrar

13 JAN 2011

2

36

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

CM 39/2011

W.P.No.661/2010

Iqbal Jehan..... Versus Secretary KPK & others

AFFIDAVIT

I, Muhammad Arshad Yousafzai Advocate, Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

M. Arshad

DEPONENT

No: 6881-.....

Certified that the above was verified on solemnly affirmation before me in office, this..... 8/1/11.....

day of..... Jan..... 2001 by..... M. Arshad Yousafzai.....

s/o..... J. Jehan..... r/o..... J. Jehan.....

who was identified by..... *[Signature]*.....

Who is personally known to me:

[Signature] 8/1/11

Oath Commissioner
Peshawar High Court, Peshawar

FILED TODAY
[Signature]
Deputy Registrar
08 JAN 2011


To DAO
Sialkot

Sub: Advanced Increments

P/Sir

I have the honor to submit that I have in M. of the Examinations in ~~1999~~ 5/1/2000 and the Verdict of S&L gave me the sanction of three advance increments. The DAO just my pay with the remarks that on one increment my pay reached the ceiling of Rs 5490/- and two advance increments were given to me as PP (B392) after revising the pay scale in 2001. These increments were drawn from my pay.

It is therefore requested that if you kindly grant me these two increments, and obliged

Yours sincerely

IQBAL JAHAN
SPT. GHS Okara
date 11/11/09

Better Copy

(3)

(28)

To

The District Account Officer,
Swat

Subject:- Advance Increments.

R/Sir,

I have the honour to submit that I have the M.Ed the Examination in 05.01.2000 and the Director of S&L give me the sanction of three advance increments the DAO fixed my pay with the remarks that on one increment my pay reached the adding of Rs. 5490/- and two advance increments (sic) given to sue as PP (Rs. 392/- After revising the pay scale in 2001 these increments were drawn from my pay.

It is, therefore, requested that if you kindly grant me these two increments and obliged.

Yours Sincerely,
Sd/-
Iqbal Janan
SET GHS (sic)
Dated 11.04.2009

*Alhamdulillah
to confirm my pay*

No: DAO Swat/PF/PR-1/1230 dt. 12/11/09

Mr. Iqbal Jahan SPT

(4)

(39)

Subject: H.S. Oligreen
Advances increments

Re: your application
dt. 21/4/2009 on the subject noted above

Enclosed please find herewith
with A.G. No. P.P. Production No H-24/
Swat-PF/PR-1/1230 dt. 24/7/2001 and
Revenue Dept. letter No F.D(SR-1)
2-123/2001 dt. 28/7/2001 and
No F.D(SR-1) 2-123/2002 dt. 8-2-2003
which are quite clear in the
matter

In the light of above letter, you are not
entitled to the remaining increments as P.P.

Encl. (3)

Dist. Officer
12-11-09

Dated, Peshawar, the 24th August, 1983.

From

The Secretary to Government of NWFP.,
Finance Department.

To

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

SUBJECT:- SCHEME OF BASIC PAY SCALES AND FRINGE BENEFITS OF PROVINCIAL CIVIL SERVANTS(1983).

Sir,

In pursuance to the decision of the President of Pakistan, the Governor, N.W.F.P has been pleased to sanction, with effect from 1st July, 1983, a Scheme as detailed below, of the Basic Pay Scales, Allowances and other Fringe Benefits, 1983 for Provincial Civil Servants:-

PART - BASIC SCALES AND ALLIED MATTERS.

2. Basic Scales of Pay:- The Basic Scales of Pay, 1983, as shown in Annexure-I to this circular letter shall replace the existing revised National Pay Scales of Pay (RNPS). The Basic Scales shall not be regarded as "grades" and shall not be referred to as grades in official communications. Officials shall henceforth be appointed/promoted to posts and not in grades.
3. Initial Fixation of Pay:- (i) The initial pay of an existing employee, i.e. an employee, who has been in Government Service since before the 1st of July, 1983, shall be fixed at the stage in the relevant Basic Pay Scales which is as many stages above the minimum as the stage occupied by him above the minimum of the existing revised National Pay Scales, provided that where the pay so determined does not give the employee concerned a minimum advantage of 10% of his existing Basic Pay plus Dearness Allowance over and above the present emoluments drawn by him, his pay shall be fixed at the lowest stage in the Basic Scale that gives him that advantage; provided further that the maximum of the relevant Basic Scale shall not be exceeded in any case. In this fixation formula, "emoluments" would mean the sum of pay, Dearness Allowance and Local Compensatory Allowance, if any.

Beta Copy (S)

NO.FD(SR-I)1-67/82
GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

Dated, Peshawar, the 24th August, 1983

(W)

From

The Secretary to Government of NWFP,
Finance Department.

To,

1. All Administrative Secretaries to Govt: of NWFP.
2. The Senior Member, Board of Revenue NWFP.
3. All Heads of Attached Departments in NWFP.
4. All Commissioners/Deputy Commissioners/Political Agents/District and session Judges in NWFP.
5. THE Registrar, High Court, Peshawar.
6. The Secretary to Governor, N.W.F.P.
7. The Chairman, Public Service Commission N.W.F.P.
8. The Chairman, Services Tribunal N.W.F.P.
9. The Secretary, Board of Revenue N.W.F.P.

SUBJECT:-

SCHEME OF BASIC PAY SCALES AND FRINGE BENEFITS OF PROVINCIAL CIVIL SERVANTS (1983).

Sir,

In pursuance to the decision of the President of Pakistan, the Governor, N.W.F.P has been pleased to sanction, with effect from 1st July, 1983, a Scheme as detailed below, of the Basic Pay Scales, Allowances and other Fringe Benefits, 1983 for _____ Civil Servants:-

Part-i-Basic Scales and allied Matters.

2. **Basic Scales of Pay:-** The Basic Scales of pay, 1983 as shown in Annexure-I to this circular letter shall replace the existing revised National Pay Scales of pay (RNPS). The Basic Scales shall not be regarded as "grades" and shall not be referred to as grades in official communication. Officials shall henceforth be appointed/promoted to posts and not in grades.

3. **Initial Fixation of Pay:-** (i) The initial pay of an existing employee, i.e. an employee who has been in Government Service since before the 1st of July, 1983, Shall be fixed at the stage in the relevant Basic pay Scales which is as many stages above the minimum as the stage occupied by him above the minimum of the existing revised National Pay Scales, provided that where the pay so determined does not give the employee concerned a minimum advantage of 10% of his existing Basic Pay plus Dearness Allowance over and above the present emoluments drawn by him, his pay shall be fixed at the lowest stage in the Basic Scale that gives him that advantage, provided further that ~~the maximum of the relevant Basic Scales shall not be exceeded~~ in any case. In this fixation formula, "emoluments" would _____ of pay, Dearness Allowance and Local Compensatory Allowance, if any.

A

*Abdur Rahman
Secretary*

hereafter their pays in the higher Basic Scales shall be fixed at the next higher stage.

8. Special Pays:- (a) The existing special pays admissible to officials of various categories working as Private Secretaries and Personal Assistants shall be revised as under:-

<u>Name of Post.</u>	<u>Existing Rs.</u>	<u>Revised Rs.</u>
P.S to Ministers/ Chief Secretary.	150/220	200
P.S to Addl:Chief Secretary.	150/220	150
P.S to Secretaries.	100	150
P.A to Minister.	60	100
P.A to Chief Secretary/ Additional Chief Secretary/ Secretary.	50	75

(b) The existing Private Secretaries who are in receipt of special pay exceeding Rs.150/- p.m shall continue to draw it at the existing rates as personal to them for so long as they hold these posts.

9. Advance increments to School Teachers on attaining higher qualifications.

Primary, Middle and High School teachers who possess or acquire while in service higher qualifications shall be allowed advance increments as under:-

I. Primary School.

- (i) A teacher who possesses or acquires F.A/F.Sc shall be allowed two advance increments.
- (ii) A teacher who (in addition to FA/F.Sc) also acquire C.T shall be allowed one additional advance increment.
- (iii) A teacher who acquires a Degree of B.A/B.Sc shall be allowed three additional advance increments.

II. Middle School.

A teacher who possesses or acquires a Degree of B.A/B.Sc shall be allowed three advance increments.

III. High School.

A teacher who possesses or acquires Master's Degree shall be allowed three advance increments. In case of a teacher who possesses or acquires Master's Degree in Education (M.Ed.) and also a Master's Degree in any academic subject shall be allowed six advance increments.

Provided that a teacher who has already drawn increments for possessing higher educational qualification under the existing scales shall be allowed increments equal to the number of increments, if any, between the increments obtained by him and the increments which have been prescribed.

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W

Thereafter their pays in the higher basic scales shall be fixed at the next higher stage.

8. Special Pays: (a) The existing special pays admissible to officials of various categories working as Private Secretaries and Personal Assistants shall be revised as under:

Name of Post	Existing Rs.	Revised Rs.
P.S. to Ministers/Chief Secretary	150/220	200
P.S. to Addl: Chief Secretary	150/220	150
P.S. to Secretaries	100	150
P.A. to Minister	60	100
P.A. to Chief Secretary/Add: Chief Secretary/Secretary	50	75

b. The existing Private Secretaries who are in receipt of special pay exceeding Rs. 150/- p.m. shall continue to draw it at the existing rates as personal to them for so long as they hold these posts.

9. Advance increments to School Teachers on attaining higher qualifications

Primary, Middle and High School teachers who possess or acquire while in service higher qualifications shall be allowed advance increments as under:

I. Primary School.

- (i) A teacher who possesses or acquires F.A./F.Sc shall be allowed two advance increments.
- (ii) A teacher who (in addition to FA/F.Sc) also acquire C.T. shall be allowed one additional advance increment.
- (iii) A teacher who acquires a Degree of B.A./B.Sc shall be allowed three additional advance increments.

II. Middle School.

A teacher who possesses or acquires a Degree of B.A./B.Sc shall be allowed three advance increments.

II. High School.

A teacher who possesses or acquires Master's Degree shall be allowed three advance increments. In case of a teacher who possesses or acquires Master's Degree in Education (M.Ed and also a Master's Degree in any academic subject shall be allowed six advance increments.

Provided that a teacher who has already drawn increments for possessing higher educational qualification under the existing scales shall be allowed increments equal to (sic) in the number of increments, if any, between the increments obtained by him and the increments which (sic) now been (sic)

Handwritten signature/initials

(7)

(M)

- 1 -

NO.FD(SR-I)1-67/82. Dated, Peshawar, the 24th August, 1983.

Copy forwarded for information to:-

1. All Autonomous and Semi-Autonomous Bodies in N.W.F.P.
2. The Secretary, Finance Department, Government of the Punjab, Sind and Baluchistan.

Mohammad Siddique Khattak
 (Mohammad Siddique Khattak)
 Deputy Secretary (Regulations),
 Government of N.W.F.P.
 Finance Department.

No.FD(SR-I)1-67/82. Dated, Peshawar, the 24th August, 1983.

Copy forwarded for information to:-

1. The Accountant General, N.W.F.P. Peshawar.
2. All District/Agency Accounts Officers in N.W.F.P.
3. The Treasury Officer, Peshawar.
4. The Private Secretary to Finance Minister, N.W.F.P.
5. P.S to Secretary, P.As to Additional Secretaries/ Deputy Secretaries in Finance Department.
6. All Section Officers/Budget Officers in Finance Department.
7. The Director, Local Fund Audit, N.W.F.P.

Iftikhar Hussain
 (Iftikhar-Hussain)
 Section Officer (SR-I),
 Government of N.W.F.P.
 Finance Department.

'S.All'

8

45

Government of Pakistan
Finance Division
(Regulation Wing)

Islamabad, the 1st July, 1987

F 17/IMP. II/87

OFFICE MEMORANDUM

Sub.:- REVISION OF BASIC PAY SCALES OF CIVIL EMPLOYEES OF THE FEDERAL GOVERNMENT.

The President has been pleased to sanction the revision of Basic Pay Scales for the civil employees of the Federal Government, paid directly from the Civil Estimates or from the Defence Estimates as detailed in the following paragraphs.

2. Basic Pay Scales :- The new scales, as shown in the Annexure to this O. M. shall replace the Basic Pay Scales, 1983 and shall be effective from the First of July, 1987.

3. Initial Fixation of Pay :-

- (i) The initial pay of an existing employee who has been in Government service since before the 1st of July, 1987 shall be fixed on "Point to Point Basis" i. e. at the stage in the relevant Basic Pay Scale which is as many stages above the minimum as the stage occupied by him above the minimum of existing Basic Pay Scale.
- (ii) The annual increment shall continue to be admissible subject to the existing conditions on the First of December each year. However, the first annual increment of the existing employees in the Basic Pay Scales shall accrue on the 1st December, 1987.
- (iii) The existing Indexed Pay sanctioned vide Finance Division's O. M. No. 1 (9) Imp. II/86, dated 1-7-1986 shall cease to be admissible with effect from First of July, 1987.
- (iv) The interim relief of Rs. 20/- p.m. sanctioned vide this Division's Circular O. M. No. F. 7 (I) R. 5/87, dated the 24th March, 1987 to the low paid employees, shall cease to be admissible with effect from the 1st July, 1987.
- (v) In cases of promotions from a lower to a higher post/scale before the introduction of these scales, the pay of the senior employee in the same scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if his promotion to the higher post/scale had taken place after the introduction of these scales.

4. Grant of Selection Grade to Clerical Posts w. e. f. 1-7-1987 :-

- (i) 33% posts of L. D. Cs. (BPS-5) shall be placed in Selection Grade in BPS-7.
- (ii) The Senior Clerks (B-6) of the Provincial Government shall be allowed BPS-7 and 33% posts be placed in Selection Grade BPS-9.
- (iii) 33% posts of U. L. Cs. (BPS-7) shall be placed in Selection Grade BPS-9.

5. Grant of Selection Grade to Assistants in Federal Secretariat:—

33% posts of Assistants in Federal Secretariat shall be placed in BPS-15 in place of existing 25% posts in BPS-14.

6. Grant of Advance Increments to officials for possessing/attaining higher educational qualifications:—

(a) Advance increments shall be allowed to the officials in BPS-1 to 15 for possessing or acquiring higher educational qualifications over and above the prescribed qualification in relevant Recruitment Rules to the extent given below:—

	No. of advance increments for obtaining:—			
	Matric at least 2nd Div:	F. A./F. Sc at least 2nd Div:	B. A./B. Sc. at least 2nd Div:	M. A./M. Sc. at least 2nd Div:
(i) Where the prescribed qualification is non-Matric.	1	2	3	4
(ii) Where the prescribed qualification is Matric.	Nil	1	2	3
(iii) Where the prescribed qualification is F. A / F. Sc.	Nil	Nil	1	2
(iv) Where the prescribed qualification is B. A./ B. Sc.	Nil	Nil	Nil	1

(b) Engineers and Doctors shall also be allowed four advance increments in case they possess or acquire a Post Graduate Degree in their relevant field for which they have not been allowed any qualification pay.

✓ The advance increment/increments shall be allowed at the time of recruitment or acquiring higher qualification during service. In cases where the employee is already at the maximum of his pay scale, he would be allowed the requisite number of increments as personal pay to be absorbed on moving over/promotion to higher pay scale.

7. House Rent Allowance:—All employees not provided with Government accommodation and posted at the stations specified in para 1(a) of Finance Division's O. M. No. F. 7 (9)-R. 5/81, dated 27-6-1981 shall continue to be entitled to house rent allowance at 45% of the minimum of the relevant Basic Pay Scales without indexation sanctioned vide Finance Division's O. M. No. F. 1 (13)-Imp. 11/86, dated 1-7-1986. At all other places this allowance will be allowed at 30% of the minimum of relevant Basic Pay Scales without indexation as against the existing rate of 20% of the minimum of the relevant Basic Pay Scales.

8. Conveyance Allowance:—The Conveyance Allowance shall continue to be admissible at the stations specified in para 8 of Finance Division's

O. M. No. F. 7 (9)-R. 5/81, dated 27-6-1981 shall continue to be entitled to house rent allowance at 45% of the minimum of the relevant Basic Pay Scales without indexation sanctioned vide Finance Division's O. M. No. F. 1 (13)-Imp. 11/86, dated 1-7-1986. At all other places this allowance will be allowed at 30% of the minimum of relevant Basic Pay Scales without indexation as against the existing rate of 20% of the minimum of the relevant Basic Pay Scales.

9. Index existing index O. M. No. F. 1985-87 shall

(a) Govt. Rs.

(b) Govt. Rs.

The other Allowance shall

10. Mat. allowed to the cost of a facility of in

11. Res. Allowances as p. m. to the Research Or such research he been at

12. Se. to allow 50% of pay 3/83, dated ary and deal/Prime ever, in the already dra cial allowan personal to ted in the S

13. A. not's (Reg the issue o

GOVERNMENT OF NWFP,
FINANCE DEPARTMENT.

(PAY REVISION CELL).

NO.FD(PRC)1-1/89

Dated Peshawar, the 11th August 1991.

From:

The Secretary to Government of NWFP,
Finance Department, Peshawar.

To:

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

Subject:-

REVISION OF BASIC PAY SCALES AND PRINGE BENEFITS
OF CIVIL EMPLOYEES (BPS-1 - 15) OF THE PROVINCIAL
GOVERNMENT (1991).

Sir,

I am directed to refer to the subject noted above and to say that the Governor, N.W.F.P., has been pleased to sanction Revision of the Basic Pay Scales for the Provincial Civil Servants (BPS-1 - 15) as detailed in the following paragraphs :-

2.

BASIC PAY SCALES :-

The existing, modified and revised pay scales are detailed in the annexure to this letter. The revised pay scales shall replace the Basic Pay Scales, 1987 and shall be effective from the 1st of June, 1991.

10

GRANT OF ADVANCE INCREMENTS TO OFFICIALS FOR POSSESSING/ ATTAINING HIGHER EDUCATIONAL QUALIFICATION.

i) From 1-6-1991 onwards advance increments shall be allowed without the condition of the second Division to the officials in BPS 1-15 for possessing or acquiring higher educational qualifications over and above prescribed qualifications in the relevant Recruitment Rules to the extent given below :-

	No. of Advance increments for obtaining			
	<u>Matric</u>	<u>F.A./F.Sc</u>	<u>B.S./B.Sc</u>	<u>M.A./M.Sc</u>
a) Where the prescribed qualification in Non-Matric.	2	4	6	8
b) Where the prescribed qualification is Matric	Nil	2	4	6
c) Where the prescribed qualification is F.A/ F.Sc.	Nil	Nil	2	4
d) Where the prescribed qualification is B.A/ B.Sc	Nil	Nil	Nil	2

The advance increment already allowed in terms of para-6(a) of Finance Department's letter No.FD(PRC)1-1/87-Vol-VIII, dated 22-7-1987 would be doubled from 1.6.1991.

The advance increments shall be allowed at the time of recruitment or acquisition of higher qualification whichever is later. In cases where the employee is already at the maximum of the scale, he may be allowed the number of advance increments beyond the maximum of the scale as personal pay to be absorbed at the time of his move-over/promotion. Those employees who had acquired higher qualification in 3rd Division prior to 1-6-1991 and were not granted advance increments earlier would henceforth be allowed advance increments with effect from 1-6-1991.

6.

MOVE-OVER

The concession of Move-over shall be available from 1-6-1991 onwards to those who are enjoying selection grade.

(11)

Dated the 11-8-1991

(18)

NO. FD (PRC) 1-1/89

Copy forwarded for information to :-

1. The Accountant General, NWFP, Peshawar.
2. All District/Agency Accounts Officers in NWFP.
3. The Treasury Officer, Peshawar.
4. The Private Secretary to Finance Minister, NWFP.
5. The PS to Secretary, PAs to Additional Secretaries/ Deputy Secretaries in Finance Department.
6. All Section/Budget Officers in Finance Department, NWFP.
7. The Director, Local Fund Audit, NWFP, Peshawar.

Abdul Rashid
 (ABDUL RASHID)
 SECTION OFFICER (PRC) 11/8
 FINANCE DEPARTMENT 91

To

The Secretary to Govt: of NWFP
Education Department, Peshawar.

12

Wt

Subject:- ADVANCE INCREMENTS TO HIGH SCHOOL TEACHERS.

Sir,

I am directed to refer to this Department's Notification No. FD(PRC) 1-1/89 dated 7.8.1991 and to say that the question whether the advance increments in terms of paragraph 9 (III) of the Finance Department's letter No. FD(BR.I) 1-67/83 dated 24.8.1983 cease to be admissible to the SETs as a result of issuance of the aforesaid notification dated 7.8.1991 or otherwise has been examined.

2. The correct position is that upgradation of the post of SETs under notification dated 7.8.1991 is on the basis of existing prescribed qualifications for the SETs post without imposing any condition of higher educational qualifications. The SETs would therefore remain entitled to advance increments for possessing/ acquiring higher educational qualifications than the prescribed qualification of the post even after the upgradation of the post to BPS-16.

Your obedient servant,

Sd/-
(SARDAR MUHAMMAD ABBAS)
DEPUTY SECRETARY-V

Endst: No. 2 date even.

Copy forwarded to the Accountant General, NWFP, Peshawar with reference to his letter No. H-24(106)/N/343 dated 2.5.1995 for information & necessary action.

Sd/-
SECTION OFFICER (SR.V)
FINANCE DEPARTMENT.

Endst: No/ SO(S) 7-5/91 (S. Zaib) Dated Pesh: the 11.10.1995.
Copy forwarded for information & n/action to the:-

1-4. All concerned.

Sd/-
(MUHAMMAD ILYAS)
SECTION OFFICER (SCHOOLS).

OFFICE OF THE DIRECTOR SECONDARY EDUCATION NWFP PESHAWAR.

Endst: No. 3883-3930 /2.A.T.A/G.B Dated Pesh: the 17.10. /1995.

Copy forwarded for information & n/action to the:-

1. Addl. Director (M&F) Secondary NWFP I/D.
2. All the Divl. Directors of Edu: (S) in NWFP.
3. All the District Edu: Officers (M&F) Secy: in NWFP.
4. Section Officer (Schools) Govt: of NWFP, Edu: Deptt: w/r to his No. cited above.
5. P.A to DSE, NWFP, Peshawar.

Deputy Director (Secondary)
For Director Secy: Edu: NWFP, Peshawar.

Nisar Ahmad

13

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

-NO.ED(PRC)1-1/2005

Dated Peshawar the, July 09, 2005.

From :- Secretary to Govt. of NWFP,
Finance Department.

To

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

**SUBJECT: REVISION OF BASIC PAY SCALES, ALLOWANCES
AND PENSION OF CIVIL EMPLOYEES (BPS. 1-22) OF
THE NWFP GOVERNMENT (2005).**

Dear Sir,

I am directed to state that the Governor NWFP has been pleased to sanction the revision of Basic Pay Scales, Allowances and Pension w.e.f 1st July 2005, for the civil employees of the Provincial Government as detailed in the following paragraphs :-

PART-I (BASIC PAY SCALES)

2. REVISED BASIC PAY SCALES

The revised Basic Pay Scales, 2005 shall replace the existing Basic Pay Scales, 2001 as shown in Annexure to this letter.

3. FIXATION OF PAY OF THE EXISTING EMPLOYEES:

(i) The basic pay of an employee in service on 30-6-2005 shall be fixed in the Revised Basic Pay Scale on point to point basis i.e at the stage corresponding to that occupied by him above the minimum of 2001 Basic Pay Scales.

(ii) The corresponding stage for fixation of basic pay in the aforesaid manner in respect of an employee whose pay was fixed beyond the maximum of the relevant scale as a result of discontinuation of move over policy under the 2001 Basic Pay Scales Scheme shall be determined on notional extension basis i.e by treating the amount of personal pay drawn by him on 30th June 2005, as part of his basic pay

scale and the amount beyond the maximum of the prescribed stage in the revised Basic Pay Scales shall be allowed as personal pay.

4. ANNUAL INCREMENT:

Annual increment shall continue to be admissible subject to the existing conditions, on 1st of December each year.

PART-II (ALLOWANCES)

5. SPECIAL ADDITIONAL ALLOWANCE: Special Additional Allowance shall continue to be admissible at frozen level on existing conditions.

6. SPECIAL RELIEF ALLOWANCE AND ADHOC RELIEF:

Special Relief Allowance and Adhoc Relief sanctioned w.e.f 1.7.2003 and 1.7.2004 respectively shall stand frozen at the level of their admissibility as on 30-6-2005 and the amount shall continue to be admissible to the entitled recipients until further orders but it will cease to be admissible to new entrants joining Government service on or after 1.7.2005 as well as to those employees to whom it was ceased to be admissible under the existing conditions.

7. HOUSE RENT ALLOWANCE:

House Rent Allowance shall be admissible with reference to the Revised Basic Pay Scales, 2005 subject to the existing conditions.

8. MEDICAL ALLOWANCE:

Medical Allowance shall be admissible @ Rs. 425/- p.m subject to the existing conditions.

9. CONVEYANCE ALLOWANCE:

(a) Conveyance Allowance shall be admissible on revised rates as follows :

BPS	RATES (RS. PM)
BPS-1-4	340
BPS 5-10	460
BPS 11-15	680
BPS 16-20	1240


(b) Conveyance Allowance @ Rs. 1240/- per month shall also be admissible to those BPS-21 & 22 officers who are not sanctioned official vehicle.

14

ENDS. NO & DATE

A copy is forwarded for information to :-

1. The Accountant General, NWFP.
2. All District & Agency Accounts Officers in NWFP.
3. The District Accounts Officer (Treasury Wing) Peshawar.
4. The Private Secretary to Minister Finance, NWFP.
5. The Private Secretary to Secretary P.As to Addl. Secretaries/
Deputy Secretaries in Finance Department.
6. The Director, Local Fund Audit, Peshawar.
7. The Director, EDPC, Finance Department.
3. All Section/Budget Officers in Finance Department.


(Aurangzeb Jadoon)
Section Officer (SR.I)

CS

134

24



GOVERNMENT OF PAKISTAN
FINANCE DIVISION
(REGULATIONS WING)

No.F.1(1)Imp/2008

Islamabad, the 30th June, 2008.

OFFICE MEMORANDUM

Subject: INCREASE IN BASIC PAY AND ALLOWANCES OF CIVIL EMPLOYEES OF FEDERAL GOVERNMENT.

The President has been pleased to sanction 20% increase in pay w.e.f. 1st July, 2008 for the civil employees of the Federal Government, paid from the Civil Estimates and from the Defence Estimates. The existing Pay Scales have accordingly been adjusted as detailed in the following paragraphs:

PART I - PAY SCALES

2. Adjusted Basic Pay Scales.

The Adjusted Basic Pay Scales, 2008 shall replace the existing Basic Pay Scales, 2007, as shown in the Annex to this O.M.

3. Fixation of Pay of the Existing Employees:

(i) The basic pay of an employee in service on 30.6.2008 shall be fixed in the Adjusted Basic Pay Scale on point to point basis i.e. at the stage corresponding to that occupied by him above the minimum of 2007 Basic Pay Scales.

(ii) In case of Personal Pay being drawn by an employee as part of his basic pay beyond the maximum of his scale on 30.6.2008, he will continue to draw such pay in the Adjusted Basic Pay Scales, 2008 at the revised rates.

4. Annual Increment:

Annual increment shall continue to be admissible subject to the existing conditions, on 1st of December each year.

Contd.....P/2

7800000
1451000

9251000

16

135

59

PART II - ALLOWANCES

5. Special Additional Allowance, Special Relief Allowance, Adhoc Relief and Dearness Allowance:

Special Additional Allowance, Special Relief Allowance, Adhoc Relief and Dearness Allowance shall continue to be admissible at frozen level on existing conditions.

6. Medical Allowance:

Medical Allowance shall be admissible @ Rs.500/- per month to employees in BPS.1 to 15 subject to the existing conditions.

7. Conveyance Allowance:

(a) Conveyance Allowance shall be admissible on revised rates as follows:

BPS	EXISTING (RS. P.M.)	REVISED (RS. P.M.)
BPS 1-4	340	680
BPS 5-10	460	920
BPS 11-15	680	1360
BPS 16-19	1240	2480

(b) Conveyance Allowance @ Rs.2480/- per month shall also be admissible to those BPS-20, 21 & 22 officers who are not sanctioned official vehicle.

All existing rules/orders on the subject shall be deemed to have been modified to the extent indicated above. All existing rules/orders not so modified shall continue to be in force under this scheme.

Maher Sher Muhammad
(Maher Sher Muhammad)
Joint Secretary Regs)
Ph: 9262525

All Ministries/Divisions/Departments.

5688026
9208276
9212886
9225396

Contd.....P/3

14/9/2010

(54)

CEP 66/2010

adjourned by the court from 7-9-2010 and fixed before Hon'ble Court D.B on 14/10/2010. Inform all

concerned:- Petitioner & his Counsel

M.A.
Deputy Registrar

22/11/2010

Due to non compliance of the court order dt 14-10-2010

Therefore this CEP 66/2010 is fixed for order before

H.D.B on 22/12/2010 Inform Petitioner & his

Counsel

M.A.
Dy. Registrar

54/11



Retained
Filed on 20/12/10

25/11/2011

Due to non compliance of the court order dt 22-12-2010, therefore this CEP 66/10 is fixed for order before H.D.B on 03/03/2011. Inform Petitioner & his counsel

M.A.
Dy. Registrar

Issued

8/1

29/5/2010 /

Due to non-compliance of the Court order dated

11/5/10 this WP 661/2010

is fixed for order before Hon'ble Court D.B on 29/6/2010.

Inform petitioner and his counsel.

gpc/9/15

(S)

[Signature]
Deputy Registrar

1/7/2010 /

*WP 661/2010 Adjournd by the
Court from 29.6.2010 to trial
before H.D.B on 07/9/2010
Inform Petitioner & his counsel*

[Signature]
Dep. Registrar

IN THE PESHAWAR HIGH COURT, PESHAWAR

OBJECTION SLIP

Iqbal Jahan VERSUS Serry NWFP

1. This petition has been presented by Add. Dist. Account Officer
2. Signature of council/petition wanted on
3. Enactment under which the petition wanted is not mentioned correct.
4. Approved file cover is not used.
5. Affidavit is not duly attested/appended.
6. Petition/annexure are not properly paged according to indero.
7. Certified copies of annexure are _____ filed.
8. Certificate be furnished whether any petition on the subject matter has earlier been filed in this court.
9. Copies of annexure page 6 are not legible/attested.
10. There should be separate application for each prayer/case.
11. Copy of application is not delivered to A.G.
12. The appeal, revision, application is time barred.
13. Value of the purpose of court fee and jurisdiction has not been mentioned in the relevant column of the opening sheet.
14. The P/A of the council engaged is not attested/signed by all petitioners/appellants.
15. Memo of parties name not filed.
16. No. of referred cases is not given/correct.
17. Petition received by post is not entertainable except through Jail.
18. Petition containing overwriting is not entertained. Fair petition be filed.
19. Appeal/Revision is not competent.
20. List of books have not been mentioned at the end of the petition.
21. Case does not relate to
22. Petition should be drafted by a person competent to do so.
23. _____ spare copies be filed.
24. In what jail the petitioner is confined.
25. Revision/Appeal may be filed on the prescribed form.
26. Copies of annexure _____ are not translated.
27. Court fee stamps are not been affixed.
28. Power of Attorney is not attested by the jail authority.
29. Certified copies of impugned orders/decree sheets/pleadings/evidence/grounds of revision/appeal before District Judge have not been filed.
30. District Judge or any other Judicial Officer cannot be made as respondent on top of the petition.
31. Index has not been filed.

SAA
READER 13/4/10

Returned with objections at Sr. Nos. 9 for removal to be re-submitted on or before 22/4/10

Re submitted after correction
AS
24/5/2010

DY
Additional Registrar
Peshawar High Court, Peshawar

13/4/10

9

Due to non-compliance of the Court order dated

24/3/10 this HP 661/2010

Recd
14/4

is fixed for order before Hon'ble Court D.B on 11/5/10

Inform petitioner and his counsel.

M. J. >
Deputy Registrar

**THE
PESHAWAR HIGH COURT
PESHAWAR**

No 2558-6/Judl:

Dated Peshawar the 27/3/2010

(50)

From

The Additional Registrar (J),
Peshawar High Court,
Peshawar.

To

1. The Secretary,
NWFP Finance Peshawar.
2. The Accountant General,
NWFP, Peshawar.
3. The District Account Officer,
Swat.

Subject

Writ Petition No. 661/2010

Iqbal Jehan s/o Talimand
Versus

-----Petitioner

Secretary NWFP & others

-----Respondents

Memo:

I am directed to forward herewith the following order dated 24-03-2010 passed by a Division Bench of this Court in the titled case for compliance. You should submit your parawise comments to this Court within stipulated time.

"Comments be called for from respondents so as to reach this Court within a fortnight. The Advocate General office shall also pursue the filing of the comments.

sd/ Abdul Aziz Khundi-J
sd/ Sardar Shaukat Hayat-J"

ADDITIONAL REGISTRAR (J)

Endst: No. & date even

o/c
25/3

26/3

Copy forwarded for information & necessary action to:

The Advocate General, NWFP, Peshawar.

ADDITIONAL REGISTRAR (J)

Encl:

o/c
25/3

26/3

Copy of Writ Petition.

26612

IN THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION NO.....661.....²⁰¹⁰~~200~~

(10)

This petition had been presented by *M. Arshad Yousof*.....

Admate

On behalf of the petitioner/petitioners.

This petition is in proper form copies of all the relevant documents have been attached.

Three..... spare copies of Writ Petition have also been attached.

Petition entered in the relevant Register and placed before Hon'able Court S.B./D.B. for further order on.....*24/3/2010*.....

READ
READER

Dated. *15/2/2010*.....

Dated. *15/2/2010*.....
17/2/10

COUNTERSIGNED

Arif Khan
DEPUTY REGISTRAR

IN THE PESHAWAR HIGH COURT, PESHAWAR

OBJECTION SLIP

Abul Jaleel

VERSUS Secretary NWA

(6)

1. This petition has been presented by M. Ashraf Nous Jai Adveet
2. Signature of council/petition wanted on
3. Enactment under which the petition wanted is not mentioned correct.
4. Approved file cover is not used.
5. Affidavit is not duly attested/appended.
6. Petition/annexure are not properly paged according to index
7. Certified copies of annexure are _____ filed.
8. Certificate be furnished whether any petition on the subject matter has earlier been filed in this court.
9. Copies of annexure _____ are not legible/attested. as well as in spare copies.
10. There should be separate application for each prayer/case.
11. Copy of application is not delivered to A.G.
12. The appeal, revision, application is time barred.
13. Value of the purpose of court fee and jurisdiction has not been mentioned in the relevant column of the opening sheet.
14. The P/A of the council engaged is not attested/signed by all petitioners/appellants.
15. Memo of parties name not filed.
16. No. of referred cases is not given/correct.
17. Petition received by post is not entertainable except through Jail.
18. Petition containing overwriting is not entertained. Fair petition be filed.
19. Appeal/Revision is not competent.
20. List of books have not been mentioned at the end of the petition.
21. Case does not relate to
22. Petition should be drafted by a person competent to do so.
23. Three legible complete spare copies be filed.
24. In what jail the petitioner is confined.
25. Revision/Appeal may be filed on the prescribed form.
26. Copies of annexure _____ are not translated.
27. Court fee stamps are not been affixed.
28. Power of Attorney is not attested by the jail authority.
29. Certified copies of impugned orders/decree sheets/pleadings/evidence/grounds of revision/appeal before District Judge have not been filed.
30. District Judge or any other Judicial Officer cannot be made as respondent on top of the petition.
31. Index has not been filed.

SENDER
READER
4/2/2010

Returned with objections at Sr. Nos. 6, 9, 11, 23 for removal to be re-submitted on or before 24/2/2010

hussain
By Additional Register
Peshawar High Court, Peshawar

13/2/10

Sir, Re-submitted after completion.

M. Davis
Advocate

13/2/2010

Re-submitted but objection
No. 11 has not been removed.

13/2/2010

To be returned to the H/C
for completion and re-submission
or before 5/3/2010.

Copy received
N.A.S. Office
15/2/10

^{Sanjiv Kumar}
Deputy Registrar

15/2/10

Sir, Re-submitted after completion.

M. Davis
Advocate

**IN THE PESHAWAR HIGH COURT,, PESHAWAR
CHEK LIST**

1.	Case Title	<i>Jabal Taha vs Secretary NWFP. etc.</i>	
2.	Case is Duly Signed	<input checked="" type="checkbox"/> Yes	No
3.	The Law under which the case is preferred has been mentioned	Yes	No
4.	Approved file cover is used.	<input checked="" type="checkbox"/> Yes	No
5.	Affidavit is duly attested and appended.	<input checked="" type="checkbox"/> Yes	No
6.	Case and annexure are properly paged and numbered according to index	Yes	No
7.	Copy of annexure is legible and attested. If not, then better copies duly attested have been annexed.	<input checked="" type="checkbox"/> Yes	No
8.	Certified copies of all the requisite documents have been filed.	Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	Yes	No
10.	Case with in time.	Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No
12.	Court fee in shape of stamp paper is affixed. (For writ Rs.100, For other as required).	<input checked="" type="checkbox"/> Yes	No
13.	Power of attorney is in proper form.	<input checked="" type="checkbox"/> Yes	No
14.	Memo of addressed filed.	<input checked="" type="checkbox"/> Yes	No
15.	List of books mentioned in the petition.	Yes	No
16.	The requisite number of spare copies attached.(Writ Petition-3 Nos, Civil Appeal (SB-1 , DB-2) Civil Revision (SB-1 , DB-2).	<input checked="" type="checkbox"/> Yes	No
17.	Case (Revision /Appeal / Petition etc) is filed on the prescribed form.	Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoners only).	Yes	No

It is certified that formalities / documentation as required in column 2 to 18 above have been full filed.

Name : *Mohammed Asghar Yusufzai*

Signature: *M. Asghar*

Date: _____

FOR OFFICES US ONLY

Case No: _____

Case Received: _____

Completed in all respect: Yes / No (If No. the grounds) _____

Date in Court _____

Signature: _____
Reader

Date: _____

Countersigned: _____
(Deputy Registrar)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Appeal No. 1318/2018

W.P.No. 661 --/2010

SCANNED

Iqbal JehanPetitioner

Versus

The Secretary, N.W.F.P, Finance Peshawar & Others.

..... Respondents

ENTERED

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INDEX

S.No	Description of Documents	Annexure	Pages
1	Writ Petition with Affidavit		1-5
2	Address of the Parties		6
3	Copy of sanction with Better Copy	`` A ``	7
4	Copy of Revised pay fixation Statement. 1/06/1994	`` B ``	8
5	Copy of Revised pay fixation Statement. 01/12/2001	`` C ``	9
6	Copies of letter Dated: 23-01-2001& 08-02-2003	`` D&E ``	10-11
7	Copies of notification dated:12-12-2009 , 08-07-2004 & Pay Bills.		12-15
8	Court Fees		16
9.	Wakalat nama.		17

Petitioner

3606

Through

RE-FILED TODAY

hmm hm

Deputy Registrar

13 FEB 2010

Q

3696

M. Arshad
Muhammad Arshad Yousafzai

Advocate, Peshawar.

RE-FILED TODAY

hmm hm

Deputy Registrar

15 FEB 2010

Q

0300-9051061

نہی دیا گیا ہے کہ کسی بھی قسم کی دستاویز یا نوٹس کو عدالت میں پیش کیا جائے۔

4. That the D.A.O Swat has issued to the petitioner the pay slip in which, the petitioner has awarded three advance increments. By gaining one increment the petitioner pay has reached the maximum of the pay scale (Rs.5490/-) the remaining two increments were awarded as a personal pay. (Copy attached as annexure "B").
5. That the petitioner has not got the annual increments of 2000-01, on the basis of reaching the maximum/ ceiling of the pay scale BPS-16.
6. That the basic stages of BPS-16 were 15, but in revised pay scale 2001, these stages were increased to 30. The petitioner requested to the DAO Swat for fixing his pay in the revised pay scale and the two increments which were awarded as P.P and the annual increments of 2000 may be adjusted in the revised pay scale 2001. But verbally the petitioner was informed that these increments will be fixed in the pay after allowing, moreover, from BPS-16 to BPS-17. (Copy attached as annexure "C" respectively).
7. That the DAO Swat has drawn back the advance increments as awarded as P.P in 2003, without showing any reason and the petitioner requested the DAO Swat for the said increments. Again the petitioner was informed verbally that the same increments are be awarded after getting the move over.

RECEIVED
04 FEB 2003

- (60)
8. That the petitioner was allowed move over from BPS-16 to BPS-17 by the Director of School & Literacy N.W.F.P, Peshawar under Endst.No.865-71 dated 08.07.2004 to the petitioner a new pay slip in which the pay of the petitioner was fixed without the said advance increments, then the petitioner applied to the DAO Swat for the said increments; but the DAO Swat remain silent.
9. That the petitioner applied to DAO Swat for the said increment at 11.04.2009 the DAO Swat replied under Endst.No.DAO-Swat/PF/PR-1/1230 dated 12.11.2009 that the said increments are not allowed to the teaching cadre under the letter of A.G N.W.F.P, Peshawar No.H-24/Swat-TANK/Vol:I/135 dated 24.07.2001 and Finance Department letter No.FD(SR-V)2-123/2001 dated 23.10.2001 and letter No.FD(SR-I)2-123/2002 dated 08.02.2003. (Copy attached as annexure "B")
10. That the petitioner is entitled for the advance increments stated above, under the following grounds;

GROUND S:

- A. That the reply of respondent No.3 dated 12.11.2009 is wrong, against the law, rules and justice.
- B. That when once any benefits are given then the respondents have no power to withdraw those benefits from the petitioner.

FILED TODAY
 Deputy Director
 04 FEB 2010

- C. That the petitioner have the rights to receive the above advance increments, in view of the higher education and experience.
- D. That the petitioner have the rights to fix the salary in the increased stages.
- E. That there is no discrimination should be made and the administrative cadre and the teaching cadre.
- F. That the other grounds should be taken during hearing.

It is, therefore, requested that the above two increments as P.P and also one increment as annual from 2000 till the decision of this Writ Petition and onward according law and rules.

Through Petitioner

M. Arshad Yousafzai
Muhammad Arshad Yousafzai
 Advocate, Peshawar

Dated: 03.02.2010

CERTIFICATE:

Certified that no such like Writ Petition has earlier been filed by the petitioner before this Honourable Court as per instructions of my client.

M. Arshad Yousafzai
 Advocate

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan 1973.
2. Services Laws N.W.F.P.
3. Case Law according to need.

M. Arshad Yousafzai
 Advocate

FILED TODAY
 03.02.2010
 PESHAWAR
 04.02.2010

68

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 661 /2010

Iqbal Jehan. Petitioner

Versus

Secretary N.W.F.P, Finance Peshawar etc. Respondents

AFFIDAVIT

I, Iqbal Jehan S/O Talimand R/O Shahdara, Mingora Swat, do hereby solemnly affirm and declare on oath that contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Identified By:

M. Arshad

Muhammad Arshad Yousafzai
Advocate, Peshawar

i/qbal/21
DEPONENT
CNIC #:15602-0469895-9

15228
I have verified that the above was verified on solemnly affirmation before me on this 3rd day of Feb 2010 by Iqbal Jehan s/o Talimand Swat who was identified by Mohd. Arshad Yousafzai Adv. Who is personally known to me:
M
Oath Commissioner
Peshawar High Court, Peshawar.

FILED TODAY
Amir Huss
Deputy Registrar
04 FEB 2010

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

(ba)

Writ Petition No. 661/2010

Iqbal Jehan. Petitioner

Versus

Secretary N.W.F.P, Finance Peshawar etc. Respondents

ADDRESSES OF THE PARTIES**PETITIONER:**Iqbal Jehan S/O Talimand
R/O Shahdara, Mingora Swat.**RESPONDENTS:**

1. Secretary N.W.F.P, Finance Peshawar.
2. Accountant General, N.W.F.P, Peshawar.
3. District Accounts Officer, Swat.

Through Petitioner,

Muhammad Arshad Yousafzai
 Advocate, Peshawar

Dated: 03.02.2010

FILED IN
 04 FEB 2010

BETTER COPY

Annexure "A"



20

OFFICE OF THE DIRECTOR OF SECONDARY EDUCATION N.W.F.P. PESHAWAR

NOTIFICATION.

Sanction is hereby accorded to the grant of three/six Advance Increments on passing M.A/M.Sc/M.Ed Examination in respect of Mr. _____


from the date of passing M.A/M.Sc/M.Ed Examination Or from the date of their taking over charge against SET post as a result of appointment by the Departmental Selection Committee/ Public Service Commission N.W.F.P, Peshawar, which over is later subject to the condition that a proper entry has been made in his S/Book by the Principal/D.S.O (M/S) Concerned (in case of Middle School/Headmaster of GHS/GHSS) under their proper signature and office seal.

(SYED ABU SAEED BAGON)
DIRECTOR OF SECONDARY EDUCATION
N.W.F.P, PESHAWAR

Endst:No.1846-48/___587/Adv:/Incre:F- Dated 11/07/2000

Copy of the above is forwarded to the:-

- 01: Accountant General N.W.F.P, Peshawar.
- 02: District Edu: Officer (M/S) _____
- 03: District Accounts Officer concerned.
- 04: Principal/ Headmaster concerned.
- 05: Teacher concerned.
- 06: Supdt. _____ II Local Directorate.

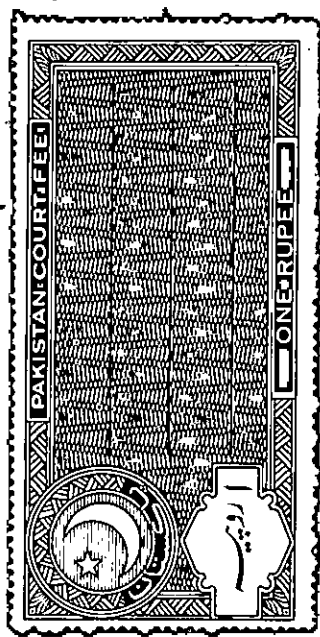

Deputy Director Secondary
Education N.W.F.P, Peshawar


Advocate Peshawar

Pay Fixation on 01-06-1994 in Revised Basic Pay Scale Vide Finance Division.

BPS	Min-Incr-Max		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	920-26-1310	E	920	946	972	998	1024	1050	1076	1102	1128	1154	1180	1206	1232	1258	1284	1310
	1245-35-1770	R	1245	1280	1315	1350	1385	1420	1455	1490	1525	1560	1595	1630	1665	1700	1735	1770
2	945-32-1425	E	945	977	1009	1041	1073	1105	1137	1169	1201	1233	1265	1297	1329	1361	1393	1425
	1275-44-1935	R	1275	1319	1363	1407	1451	1495	1539	1583	1627	1671	1715	1759	1803	1847	1891	1935
3	975-37-1530	E	975	1012	1049	1086	1123	1160	1197	1234	1271	1308	1345	1382	1419	1456	1493	1530
	1320-50-2070	R	1320	1370	1420	1470	1520	1570	1620	1670	1720	1770	1820	1870	1920	1970	2020	2070
4	1005-43-1650	E	1005	1048	1091	1134	1177	1220	1263	1306	1349	1392	1435	1478	1521	1564	1607	1650
	1360-58-2230	R	1360	1416	1476	1534	1592	1650	1708	1766	1824	1882	1940	1998	2055	2114	2172	2230
5	1035-49-1770	E	1035	1084	1133	1182	1231	1280	1329	1378	1427	1476	1525	1574	1623	1672	1721	1770
	1400-66-2390	R	1400	1466	1532	1598	1664	1730	1796	1862	1928	1994	2060	2126	2192	2258	2324	2390
6	1065-54-1875	E	1065	1119	1173	1227	1281	1335	1389	1443	1497	1551	1605	1659	1713	1767	1821	1875
	1440-73-2535	R	1440	1513	1586	1659	1732	1805	1878	1951	2024	2097	2170	2243	2316	2389	2462	2535
7	1095-60-1995	E	1095	1155	1215	1275	1335	1395	1455	1515	1575	1635	1695	1755	1815	1875	1935	1995
	1480-81-2695	R	1480	1561	1642	1723	1804	1885	1966	2047	2128	2209	2290	2371	2452	2533	2614	2695
8	1140-65-2115	E	1140	1205	1270	1335	1400	1465	1530	1595	1660	1725	1790	1855	1920	1985	2050	2115
	1540-88-2860	R	1540	1628	1716	1804	1892	1980	2068	2156	2244	2332	2420	2508	2596	2684	2772	2860
9	1185-72-2255	E	1185	1257	1329	1401	1473	1545	1617	1689	1761	1833	1905	1977	2049	2121	2193	2265
	1605-97-3060	R	1605	1702	1799	1896	1993	2090	2187	2284	2381	2478	2575	2672	2769	2866	2963	3060
10	1230-79-2415	E	1230	1309	1388	1467	1546	1625	1704	1783	1862	1941	2020	2099	2178	2257	2336	2415
	1660-107-3265	R	1660	1767	1874	1981	2088	2195	2302	2409	2516	2623	2730	2837	2944	3051	3158	3265
11	1275-86-2565	E	1275	1361	1447	1533	1619	1705	1791	1877	1963	2049	2135	2221	2307	2393	2479	2565
	1725-116-3465	R	1725	1841	1957	2073	2189	2305	2421	2537	2653	2769	2885	3001	3117	3233	3349	3465
12	1355-96-2795	E	1355	1451	1547	1643	1739	1835	1931	2027	2123	2219	2315	2411	2507	2603	2699	2795
	1830-130-3780	R	1830	1950	2090	2220	2350	2480	2610	2740	2870	3000	3130	3260	3390	3520	3650	3780
13	1440-107-3045	E	1440	1547	1654	1761	1868	1975	2082	2189	2296	2403	2510	2617	2724	2831	2938	3045
	1950-144-4110	R	1950	2094	2238	2382	2526	2670	2814	2958	3102	3246	3390	3534	3678	3822	3966	4110
14	1530-119-3315	E	1530	1649	1768	1887	2006	2125	2244	2363	2482	2601	2720	2839	2958	3077	3196	3315
	2065-161-4480	R	2065	2226	2387	2548	2709	2870	3031	3192	3353	3514	3675	3836	3997	4158	4319	4480
15	1620-131-3585	E	1620	1751	1882	2013	2144	2275	2406	2537	2668	2799	2930	3061	3192	3323	3454	3585
	2190-177-4845	R	2190	2367	2544	2721	2898	3075	3252	3429	3606	3783	3960	4137	4314	4491	4668	4845
16	1875-146-4065	E	1875	2021	2167	2313	2459	2605	2751	2897	3043	3189	3335	3481	3627	3773	3919	4065
	2535-197-5490	R	2535	2732	2929	3126	3323	3520	3717	3914	4111	4308	4505	4702	4899	5095	5293	5490
17	2870-215-5450	E	2870	3036	3200	3365	3530	3695	4160	4375	4550	4805	5020	5235	5450			
	3880-290-7360	R	3880	4170	4460	4750	5040	5330	5620	5910	6200	6490	6780	7070	7360			
18	3765-271-8745	E	3765	4027	4307	4578	4849	5120	5391	5662	5933	6204	6475					
	5085-366-8745	R	5085	5451	5817	6183	6549	6915	7281	7647	8013	8379	8745					
19	5740-285-8590	E	5740	6025	6310	6595	6880	7165	7450	7735	8020	8305	8590					
	7750-385-11600	R	7750	8135	8520	8905	9290	9675	10060	10445	10830	11215	11600					
20	6810-325-10060	E	6810	7135	7460	7785	8110	8435	8760	9085	9410	9735	10060					
	9195-440-13595	R	9195	9635	10075	10515	10955	11395	11835	12275	12715	13155	13595					
21	7535-405-11535	E	7535	7940	8345	8750	9155	9560	9965	10370	10775	11180	11585					
	10190-545-15640	R	10190	10735	11280	11825	12370	12915	13460	14005	14550	15095	15640					
22	8875-450-12575	E	8875	9325	9775	10225	10675	11125	11575	12025	12475	12925	13375					
	10900-610-17000	R	10900	11510	12120	12730	13340	13950	14560	15170	15780	16390	17000					

ANNEXURE



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REVISED PAY SCALES (2001) W.E.F = 01-12-2001

SCALE	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
BPS-1 (1245-35-1770)	1245	1280	1315	1350	1385	1420	1455	1490	1525	1560	1595	1630	1665	1700	1735	1770	1805	1840	1875	1910	1945	1980	2015	2050	2085	2120	2155	2190	2225	2260	2295	
(1870-55-3520)	1870	1925	1980	2035	2090	2145	2200	2255	2310	2365	2420	2475	2530	2585	2640	2695	2750	2805	2860	2915	2970	3025	3080	3135	3190	3245	3300	3355	3410	3465	3520	
BPS-2 (1275-44-1935)	1275	1319	1363	1407	1451	1495	1539	1583	1627	1671	1715	1759	1803	1847	1891	1935	1979	2023	2067	2111	2155	2199	2243	2287	2331	2375	2419	2463	2507	2551	2595	
(1915-65-3865)	1915	1980	2045	2110	2175	2240	2305	2370	2435	2500	2565	2630	2695	2760	2825	2890	2955	3020	3085	3150	3215	3280	3345	3410	3475	3540	3605	3670	3735	3800	3865	
BPS-3 (1320-50-2070)	1320	1370	1420	1470	1520	1570	1620	1670	1720	1770	1820	1870	1920	1970	2020	2070	2120	2170	2220	2270	2320	2370	2420	2470	2520	2570	2620	2670	2720	2770	2820	
(1960-75-4230)	1960	2055	2150	2205	2280	2355	2430	2505	2580	2655	2730	2805	2880	2955	3030	3105	3180	3255	3330	3405	3480	3555	3630	3705	3780	3855	3930	4005	4080	4155	4230	
BPS-4 (1360-58-2230)	1360	1418	1476	1534	1592	1650	1708	1766	1824	1882	1940	1998	2056	2114	2172	2230	2288	2346	2404	2462	2520	2578	2636	2694	2752	2810	2868	2926	2984	3042	3100	
(2040-85-4590)	2040	2125	2210	2295	2380	2465	2550	2635	2720	2805	2890	2975	3060	3145	3230	3315	3400	3485	3570	3655	3740	3825	3910	3995	4080	4165	4250	4335	4420	4505	4590	
BPS-5 (1400-66-2390)	1400	1466	1532	1598	1664	1730	1796	1862	1928	1994	2060	2126	2192	2258	2324	2390	2456	2522	2588	2654	2720	2786	2852	2918	2984	3050	3116	3182	3248	3314	3380	
(2100-100-5100)	2100	2200	2300	2400	2500	2600	2700	2800	2900	3000	3100	3200	3300	3400	3500	3600	3700	3800	3900	4000	4100	4200	4300	4400	4500	4600	4700	4800	4900	5000	5100	
BPS-6 (1440-73-2535)	1440	1513	1586	1659	1732	1805	1878	1951	2024	2097	2170	2243	2316	2389	2462	2535	2608	2681	2754	2827	2900	2973	3046	3119	3192	3265	3338	3411	3484	3557	3630	
(2160-110-5460)	2160	2270	2380	2490	2600	2710	2820	2930	3040	3150	3260	3370	3480	3590	3700	3810	3920	4030	4140	4250	4360	4470	4580	4690	4800	4910	5020	5130	5240	5350	5460	
BPS-7 (1480-81-2695)	1480	1561	1642	1723	1804	1885	1966	2047	2128	2209	2290	2371	2452	2533	2614	2695	2776	2857	2938	3019	3100	3181	3262	3343	3424	3505	3586	3667	3748	3829	3910	
(2220-120-5820)	2220	2340	2460	2580	2700	2820	2940	3060	3180	3300	3420	3540	3660	3780	3900	4020	4140	4260	4380	4500	4620	4740	4860	4980	5100	5220	5340	5460	5580	5700	5820	
BPS-8 (1540-88-2860)	1540	1628	1716	1804	1892	1980	2068	2156	2244	2332	2420	2508	2596	2684	2772	2860	2948	3036	3124	3212	3300	3388	3476	3564	3652	3740	3828	3916	4004	4092	4180	
(2310-130-6210)	2310	2440	2570	2700	2830	2960	3090	3220	3350	3480	3610	3740	3870	4000	4130	4260	4390	4520	4650	4780	4910	5040	5170	5300	5430	5560	5690	5820	5950	6080	6210	
BPS-9 (1605-97-3060)	1605	1702	1799	1896	1993	2090	2187	2284	2381	2478	2575	2672	2769	2866	2963	3060	3157	3254	3351	3448	3545	3642	3739	3836	3933	4030	4127	4224	4321	4418	4515	
(2410-145-6760)	2410	2555	2700	2845	2990	3135	3280	3425	3570	3715	3860	4005	4150	4295	4440	4585	4730	4875	5020	5165	5310	5455	5600	5745	5890	6035	6180	6325	6470	6615	6760	
BPS-10 (1630-107-3260)	1630	1757	1874	1991	2108	2225	2342	2459	2576	2693	2810	2927	3044	3161	3278	3395	3512	3629	3746	3863	3980	4097	4214	4331	4448	4565	4682	4799	4916	5033	5150	5267
(2490-150-7290)	2490	2650	2810	2970	3130	3290	3450	3610	3770	3930	4090	4250	4410	4570	4730	4890	5050	5210	5370	5530	5690	5850	6010	6170	6330	6490	6650	6810	6970	7130	7290	
BPS-11 (1715-116-3460)	1715	1841	1967	2093	2219	2345	2471	2597	2723	2849	2975	3101	3227	3353	3479	3605	3731	3857	3983	4109	4235	4361	4487	4613	4739	4865	4991	5117	5243	5369	5495	
(2590-175-7840)	2590	2765	2940	3115	3290	3465	3640	3815	3990	4165	4340	4515	4690	4865	5040	5215	5390	5565	5740	5915	6090	6265	6440	6615	6790	6965	7140	7315	7490	7665	7840	
BPS-12 (1810-130-3760)	1810	1950	2090	2230	2370	2510	2650	2790	2930	3070	3210	3350	3490	3630	3770	3910	4050	4190	4330	4470	4610	4750	4890	5030	5170	5310	5450	5590	5730	5870	6010	
(1715-195-8590)	2715	2940	3165	3390	3615	3840	4065	4290	4515	4740	4965	5190	5415	5640	5865	6090	6315	6540	6765	6990	7215	7440	7665	7890	8115	8340	8565	8790	9015	9240	9465	
BPS-13 (1915-215-9315)	1915	2094	2273	2452	2631	2810	2989	3168	3347	3526	3705	3884	4063	4242	4421	4600	4779	4958	5137	5316	5495	5674	5853	6032	6211	6390	6569	6748	6927	7106	7285	
(2065-245-10100)	2065	2226	2387	2548	2709	2870	3031	3192	3353	3514	3675	3836	3997	4158	4319	4480	4641	4802	4963	5124	5285	5446	5607	5768	5929	6090	6251	6412	6573	6734	6895	
BPS-14 (1910-174-4140)	1910	2067	2224	2381	2538	2695	2852	3009	3166	3323	3480	3637	3794	3951	4108	4265	4422	4579	4736	4893	5050	5207	5364	5521	5678	5835	5992	6149	6306	6463	6620	
(2215-255-11235)	2215	2350	2485	2620	2755	2890	3025	3160	3295	3430	3565	3700	3835	3970	4105	4240	4375	4510	4645	4780	4915	5050	5185	5320	5455	5590	5725	5860	6000	6140	6280	
BPS-15 (1915-197-5190)	1915	2072	2229	2386	2543	2700	2857	3014	3171	3328	3485	3642	3799	3956	4113	4270	4427	4584	4741	4898	5055	5212	5369	5526	5683	5840	5997	6154	6311	6468	6625	
(2065-235-12555)	2065	2226	2387	2548	2709	2870	3031	3192	3353	3514	3675	3836	3997	4158	4319	4480	4641	4802	4963	5124	5285	5446	5607	5768	5929	6090	6251	6412	6573	6734	6895	
BPS-16 (1910-230-7160)	1910	2077	2244	2411	2578	2745	2912	3079	3246	3413	3580	3747	3914	4081	4248	4415	4582	4749	4916	5083	5250	5417	5584	5751	5918	6085	6252	6419	6586	6753	6920	
(2210-485-15110)	2210	2377	2544	2711	2878	3045	3212	3379	3546	3713	3880	4047	4214	4381	4548	4715	4882	5049	5216	5383	5550	5717	5884	6051	6218	6385	6552	6719	6886	7053	7220	
BPS-17 (1915-316-8745)	1915	2094	2273	2452	2631	2810	2989	3168	3347	3526	3705	3884	4063	4242	4421	4600	4779	4958	5137	5316	5495	5674	5853	6032	6211	6390	6569	6748	6927	7106		
(2115-355-19435)	2115	2276	2437	2598	2759	2920	3081	3242	3403	3564	3725	3886	4047	4208	4369	4530	4691	4852	5013	5174	5335	5496	5657	5818	5979	6140	6301	6462	6623	6784	6945	
BPS-18 (1710-335-1600)	1710	1855	2000	2145	2290	2435	2580	2725	2870	3015	3160	3305	3450	3595	3740	3885	4030	4175	4320	4465	4610	4755	4900	5045	5190	5335	5480	5625	5770	5915	6060	
(2400-515-24700)	2400	2565	2730	2895	3060	3225	3390	3555	3720	3885	4050	4215	4380	4545	4710	4875	5040															

ANNEXURE "D"

GOVERNMENT OF NWFP.
FINANCE DEPARTMENT.
Dated: Pesh: the Oct: 23, 2001.

NO. FD(SR.V)2-123)2001.

To,
The Accountant General,
NWFP, Peshawar.

10

24

Sub: ADVANCE INCREMENTS TO SCHOOL TEACHERS ON ATTAINING HIGHER QUALIFICATION AS PERSONAL PAY.

Sir,

I am directed to refer to your letter No. H-24(SWA-TANK/ Vol: I/135 dated 24.7.2001 on the subject noted above and to state that facility/concession of advance increments as personal pay sanctioned in respect of Government officials vide para 5(ii) of circular letter No. FD(PPC)1-1/89 dated August, 11, 1991 is exclusively meant for the afore-mentioned cadres and the said benefit is not admissible as a general principle in case of basic pay scale rules, 1983. Finance Deptt: regrets its inability to accede to the view-point of Accountant General office.

Yours Obeliently,
Sd/-

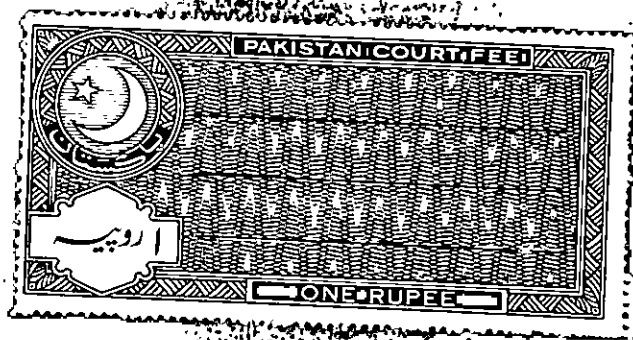
(ABDUL LATIF)
SECTION OFFICER(SR-I).

OFFICE OF THE ACCOUNTANT GENERAL NWFP. PESHAWAR.
NO. NO. H-24(SWA)/Tank/vol: I/259 dt:-

Copy of the above is forwarded to:-

1. All DAOs/AOs in NWFP.
2. All Pay Roll Section, in Main Office.

ACCOUNTS OFFICER (HAD)
NWFP. PESHAWAR.
02-11-2001



[Handwritten signature]

Better Copy

Aux: E

Government of NWFP,
Finance Department

(12)

(25)

No.FD(SR-I)2-123/2002

Dated Peshawar the, February.08,2003

To,

The Executive District Officer,
Finance & Planning
Malakand at Batkhela.

Subject: PROTECTION/ ALLOWING OF PERSONAL PAY TO
TEACHERS STAFF.

I am directed to refer to your letter No.DO(Fin)MKD/2-9/02/28 dated 10.01.2003 on the subject noted above and to say that teaching staff are not allowed the advance increments beyond, the maximum of pay scale.

(Syed Baqar Shah)
Section Officer (SR.I)

File No./2-9/2002-03/250-51/ dated Batkhela the
19/02/2003

Copy forwarded to

1. The Director Coordination Officer, Malakand at Batkhela.
2. The Education Malakand at Batkhela, with reference to his letter No.1752 dated 30.12.2002.
3. The agency accounts Officer, Batkhela

For information and necessary action please.

Executive District Officer,
Finance and Planning Department.
Malakand at Batkhela.

*Attestation of the
Exec. Mag. M. J. Khan*

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

NO. FD(SR.I)2-123/2002

Dated Peshawar the, Feb. 08, 2003.

To

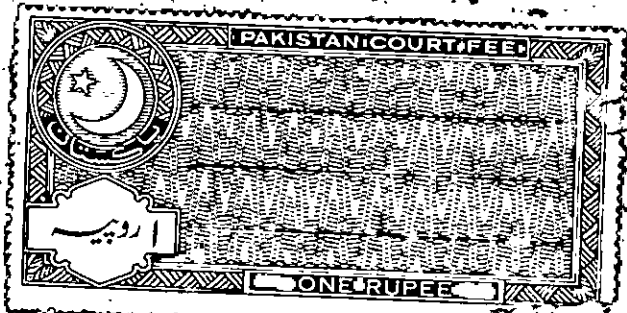
The Executive District Officer,
Finance & Planning
Malakand at Baskhela.

ANNEXURE

SUBJECT: PROTECTION/ALLOWING OF PERSONAL PAY TO TEACHERS STAFF.

I am directed to refer to your letter No. EO(Fin)NKD/
2-9/02/28 dated 10-1-2003 on the subject noted above and to say that
teaching staff are not allowed the advance increments beyond the
maximum of Pay Scale.

(SYED BAQAR SHAH)
SECTION OFFICER (SR. I)



Attested
M. J. P. S.
To be True copy
Advocate Peshawar

- 1-9/2002-03/25-51 dated Baskhela the 19/4/2003.
1. The District Coordination Officer, Malakand at Baskhela.
 2. The District Education Officer, Malakand at Baskhela, with reference to his letter No. 1722 dated 30.12.2002.
 3. The Agency Accounts Officer, Peshawar.
- for information and necessary action.

M. J. P. S.
Executive District Officer,
Finance and Planning Dept.
Malakand at Baskhela.

Office of the executive district Officer
Elementary and Secondary
Education Swat.

1/2

2

NOTIFICATION

In compliance with the judgment of August of Supreme Court Pakistan in CPLA No.525 and 526 of 2000 and implementation of the orders/ notification vide Government of NWFP, Elementary and Secondary Education Department No.SO(PE) F and SED/ADV Incr:09 dated 28.07.2009, sanction is hereby accorded to the benefits allowed by the Finance Department Notification circular letter No.FD/PRC/1-1/89 dated 07.08.1991 and circular letter No.FD/PRC/1-1/89 dated 11.08.1991 and No.KC/FD/SR-122-123/2009 dated 03.12.2009 with effect from the date of entitlement or with effect from the date of acquiring higher qualification which ever is later in respect of all deserving official according to the terms and conditions issued by the Finance Department in circular letter referred above.

NOTE:

1. All the principals, Headmasters, Headmistresses of High School should make necessary fixation in the service book of the deserving official of their respective school.
2. An undertaking should be taken from the official concerned to the officer that if any overpayment is made on account of incorrect fixation should be recovered fro his pay/ pension or gratuity and stick it in his service.
3. Necessary entry to this effect should be made in the service book official concerned.

Abdulullah Shah
Executive District Officer
Elementary and Secondary
Education Swat.

Endst No.10927-30/F.No320/ Higher Pay Scale dated 12.12.2009

Copy to

1. The District Coordination Officer Swat at Gul Kada for necessary action please.
2. The District Accounts Officer Swat.
3. The Budget and Accounts Officer Local Office.
4. The Principal/ Headmaster/Headmistress of Higher/ High School in District Swat.

Executive District Officer
Elementary and Secondary
Education Swat.

*M. D. Shah
Attch to the
from copies*

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
ELEMENTARY AND SECONDARY
EDUCATION SWAT

NOTIFICATION

In compliance with the Judgment of August of Supreme Court Pakistan in CPLA No. 525 and 526 of 2000 and implementation of the orders/ Notification vide Government of NWFP, Elementary and Secondary Education Department No. [50] [1] [1] F and SED/ADV: Incr./09 dated 28.07.2009, sanction is hereby accorded to the benefits allowed by the Finance Department Notification circular letter No. FD/PRC/1-1/89 dated 07.08.1991 and circular letter No. FD/PRC/1-1/89 dated 11.08.1991 and No.KC/FD[SR-1] 2-123/2009 dated 03.12.2009 with effect from the date of entitlement or with effect from the date of acquiring higher qualification which ever is later in respect of all deserving official according to the terms and conditions issued by the Finance Department in circular letter referred above.

NOTE:

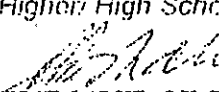
1. All the Principals, Headmasters, Headmistresses of Higher, High school should make necessary fixation in the service book of the deserving official of their respective school.
2. An undertaking should be taken from the official concerned to the effect "That if any overpayment is made on account of incorrect fixation should be recovered from his pay/ pension or gratuity" and stick it in his service book.
3. Necessary entry to this effect should be made in the service book of the official concerned.

[ABDULLAH SHAH]
EXECUTIVE DISTRICT OFFICER
ELEMENTARY AND SECONDARY
EDUCATION SWAT

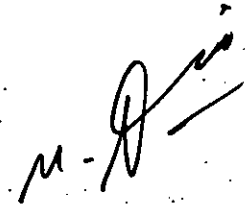
Endst No 10927-30 /F. No. 320/Higher Pay Scale dated 12/12/2009

Copy to:

1. The District Coordination Officer Swat at Gul Kada for necessary approval please.
2. The District Accounts officer Swat
3. The Budget and Accounts Officer local office
4. The Principal/ Headmaster/ Headmistress of Higher/ High School in District Swat.


EXECUTIVE DISTRICT OFFICER
ELEMENTARY AND SECONDARY
EDUCATION SWAT

h.r.khan



13

29

DIRECTORATE OF SCHOOLS & LITERACY NWFP PESHAWAR
NOTIFICATION

Consequent upon the approval by the Departmental Promotion Committee (DPC) in its meeting held on 8-12-2003 at S.No.55 the Director Schools & Literacy NWFP Peshawar is pleased to allow Move Over from BPS-16 to BPS-No.17 in respect of the following SET/ADOs of the Schools administration branch (Men Section) with effect from the dates as noted against each:

S.No.	Name & Designation	Station	w.e.f.
1.	Mr. Iqbal Jehan SET	GHS No.4. Mingora Swat	1-12-2001

**DIRECTOR OF SCHOOLS & LITERACY
NWFP PESHAWAR.**

Endst: No. 865-71

F.No.144/Vol:XIII/ADO/SET. DS&L/Move-Over

Date Peshawar the 8/17 /2004

Copy forwarded to the:-

1. Executive District Officer (Schools & Literacy) concerned.
2. District Accounts officers concerned.
3. Principal/Headmasters concerned.
4. Section Officer. (PE) S&L Deptt: Govt: of NWFP with reference to his letter No.SO(S)S&L/M.Over 16-17/Vol:II dated 26-2-2004.
5. Officers concerned.
6. PA to Director, Schools & Literacy NWFP Peshawar.
7. M/File.

[Signature]
Addl. Director (Estab-1) 7/1
Directorate of Schools & Literacy
NWFP Peshawar

[Signature]

*Copy forwarded to
DPC Govt*

[Signature]

SET-1
P-211

A.T.M. 9
(Sec Para, 59, Audit Manual)

(19)

PAY SLIP

OFFICE OF THE
No. D.No/S.No/PR.1/13 the 22/07/2004 19

TO: Mr. Javed Jehan SFT

C/S No. 47 Mangera Swat

he is entitled to draw pay and allowance at the monthly rates shown below from the dates specified less already drawn :- *Consistent upon your instructions from 01-10-16*
17 May 1-12-2001 Detail of calculation

	From 1-12-01	From 1-12-02	From 1-1-03	From 1-12-03
Substantive pay <i>Pay</i>	8525	8820	8820	9115
Officiating pay <i>HAH</i>	502	562	562	562
Overseas pay <i>UAH</i>	125	125	125	125
Special pay <i>SDA</i>	776	776	776	776
Indexed pay <i>STH</i>	200	200	200	200
			1328	1367

10188 / 10483 / 11806 / 12145

- ① Less pay & allowances already drawn
- ② deduction of previous rates
- ③ Amount will be restricted to availability of funds

Swat
2/17

Attested
To be true copy
Advocate Peshawar

115

81

A.T.M. 9
(See Para, 59, Audit Manual)

PAY SLIP

OFFICE OF THE
No. D.A.O. Smt. / S.A. 1129
Jyoti Lal Sharma, Sr.
G.H.S. Narva Kalan

() he is entitled to draw pay and allowance at the monthly rates shown below from the dates specified less already drawn :-

Detail of calculation

	From	To	From	From
Substantive pay	5490			
Officialting pay	8P 394			
Overseas pay	PA 562			
Special pay	CA 125			
Indexed pay	384-34			
	71 400			
	200			
	634			
Total	8189-48			

i) All deductions at the prescribed rate
ii) Arrears if any are subject to availability

duplicate in
15/11/2015
Smt. J. J. J.
Smt. J. J. J.

Headmaster
Govt. H.S. School
Narva Kalan

M. J.

Handwritten notes at bottom left corner.

IN THE PESHAWAR HIGH COURT, PESHAWAR

OBJECTION SLIP

97601 Jehan VERSUS Govt.

1. This petition has been presented by Advocate General
2. Signature of council/petition wanted on
3. Enactment under which the petition wanted is not mentioned correct.
4. Approved file cover is not used.
5. Affidavit is not duly attested/appended.
6. Petition/annexure are not properly paged according to indero.
7. Certified copies of annexure are _____ filed.
8. Certificate be furnished whether any petition on the subject matter has earlier been filed in this court.
9. Copies of annexure _____ are not legible/attested.
10. There should be separate application for each prayer/case.
11. Copy of application is not delivered to A.G.
12. The appeal, revision, application is time barred.
13. Value of the purpose of court fee and jurisdiction has not been mentioned in the relevant column of the opening sheet.
14. The P/A of the council engaged is not attested/signed by all petitioners/appellants.
15. Memo of parties name not filed.
16. No. of referred cases is not given/correct.
17. Petition received by post is not entertainable except through Jail.
18. Petition containing overwriting is not entertained. Fair petition be filed.
19. Appeal/Revision is not competent.
20. List of books have not been mentioned at the end of the petition.
21. Case does not relate to
22. Petition should be drafted by a person competent to do so.
23. _____ spare copies be filed.
24. In what jail the petitioner is confined.
25. Revision/Appeal may be filed on the prescribed form.
26. Copies of annexure _____ are not translated.
27. Court fee stamps are not been affixed.
28. Power of Attorney is not attested by the jail authority.
29. Certified copies of impugned orders/decrees sheets/pleadings/evidence/grounds of revision/appeal before District Judge have not been filed.
30. District Judge or any other Judicial Officer cannot be made as respondent on top of the petition.
31. Index has not been filed.

Rec submitted after doing needfull done please
S. J. Khan
ASSH: Asst. Officer
High Court Peshawar
Peshawar

READER
2/8/2010

Returned with objections at Sr. Nos. 31 for removal to be re-submitted on or before _____

Additional Register
Peshawar High Court, Peshawar

BEFORE THE PESHAWR HIGH COURT PESHAWAR

W.P. No. 661 /2010.

Iqbal Jahan ----- Petitioner.

Versus

Government of Khyber Pakhtunkhwa and others

Para wise reply on behalf of respondent No.2 Accountant General Khyber Pakhtunkhwa.

I N D E X

S.No	Description Of Documents	Annexure	Page
1.	Para wise reply		1
2.	Affidavit		2
3.	24-4-1987	Annexure-A	3
4.	22-2-2000	Annexure-B	4
5.	8-2-2003		5
	24-7-2001		6
6.	23-10-2001		7

Accountant General
Khyber Pakhtunkhwa
Res. No. 661 /2010

155282
15455
RECEIVED TODAY
17 JUN 2010
2

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Iqbal Jehan.....

Petitioner.

Writ Petition No. 661/2010

Versus

Secretary to Govt of K.P.K, Finance Department.

Parawise reply of respondent No.2

Preliminary objections.

1. That the petitioner has got no locus standi.
2. That the petitioner has got no cause of action.
3. That the petition is bad for non-joinder and miss-joinder, of necessary parties.
4. That with due respects this Honorable court lacks the jurisdiction to entertain the subject matter of the instant petition.

FACTS:-

1. No comments.
2. He was appointed as SET on 24/04/1987 copy of promotion SET attached Annexure A.
3. Incorrect/he obtained high qualification i.e M.Ed examination certificate from Karachi University in 1999 result declared 22/02/2000(Copy attached) Annexure B.
4. Correct/ But after the receipt of Finance Department letter No. FD (SR-I) 2-123/2002 dated 08/02/2003 stating in the reply of this office letter No. H-24/SWA-TANK/VOL:1/35 dated 24/07/2001, Para 3 that the teaching staff are not allowed the advance increment, beyond maximum of Pay Scale, hence, the two advance increments allowed by this office, as Personal Pay (PP) were retrenched from the pay of the officer concerned.
5. Correct.
6. No comments.
7. As stated in P-4.
- 8,9. Correct.
10. Incorrect.

FILED TODAY

Deputy Registrar

02 JUN 2010

GROUND:-

- A. Incorrect.
- B. Stated above at S. No 4.

- C. Not entitled to the remaining advance increments.
- D. Stated above at S.No 4.
- E. No comments.
- F. No comments.


SS

The instant case is time barred; hence the case in question should be dismissed and cast to be borne to the petitioner.


ACCOUNTANT GENERAL
K.P.K PESHAWAR

CERTIFICATE

Certified that the contents of the written reply are correct to the best of my knowledge and record and nothing has been concealed from the honorable court.


ACCOUNTANT GENERAL
K.P.K PESHAWAR

WEDNESDAY
14/5
By Registrar
02 JUN 2010

14027

2

[Signature]

Before the Peshawar High Court Peshawar / ~~Benches~~

Write Petition No 661/2010

Iqbal Jehan Petitioner

Versus

Khyber Pakhtun Khaw
Govt of ~~WFP~~ and other

Respondent No.2

AFFIDAVIT



Yasir Iqbal Asstt: A/Cs Officer Accountant General

NWFP Peshawar Do hereby solemnly affirm & declare, that the contents of the Para wise reply submitted by respondent No2 arc true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

[Signature]
Deponent

[Signature]
Identify by
ADVOCATE GENERAL
NWFP PESHAWAR

17301-1305293-7

200903

Certified that the above was verified on solemn affirmation before me in office, this 2nd day of June 2010 by Yasir Iqbal s/o Mohd. Iqbal r/o Peshawar who was identified by Asstt. S.P. KPWA who is personally known to me:

[Signature]
Oath Commissioner
Peshawar High Court Peshawar

FILED TODAY

[Signature]
Deputy Registrar

02 JUN 2010

[Signature]

87	Mohammad Tayyab	2-4-87	ADO Pry ESE Circle Batta Gram
88	Dilawar Khan	8-4-87	GHS Gazi Baba Bajour Agency
89	Sher Afzal	9-4-87	GMS Soor Kamar CHD
90	Faizur Rehman	13-4-87	GHS Shabqadar Fort CHD
91	Shamsul Wadood	SL 15.4.87	GMS Tehkal Payan Peshawar
92	Mohammad Rafiq	16-4-87	ADO(M) ES Swabi
93	Mohammad Ismail	16-4-87	GMS Ghari Durani PSR
94	Gul Mohammad Khan	19-4-87	GHS Sawal Dher Mardan
95	Fazli Ghani	20-4-87	GMS No.1 Sawabi
96	Muhajirullah	21-4-87	GMS Mach Kandai Puran Shangla
97	Iqbal Jehan	21-4-87	ADO ES Swat
98	Amir Nawaz Khan	27-4-87	GMS Andari Tank
99	Ziaul Haq	27-4-87	GHSS Kabal Swat
100	Hazrat Usman	17-5-87	GMS Naseer Kalli MRD
101	Abdul Jalil	18-5-87	GCMHS Lakki
102	Mohammad Sher Khan	19-5-87	GMS Wali Noor FR Bannu
103	Mohammad Shoukat	19-5-87	GHS No.4 ATD
104	Haq Nawaz	19-5-87	AAEO ESE SWA
105	Mushtaq	19-5-87	GHS attar Shisha Mansehra
106	Mohammad Yasin Khan	19-5-87	AEO SWA Tank
107	Allah Nawaz Khan	19-5-87	GHS Azeem Kalay FR Bannu
108	Munawar Khan	19-5-87	GHS SAR Garah FR Lakki
109	Amir Mohammad	19-5-87	GEC Habibullah FR Bannu
110	Bismillah Khan	19-5-87	GHS Bakkakhel Bannu
111	Mir Saddiq	26-5-87	GHS Kotka Muhammad Khan Banuu
112	Sher Malik	1-6-87	GHS Durush Khela Swat
113	Mohammad Ibrahim	1-6-87	GHS Bandai Swat
114	Lal Badshah	4-6-87	GHS Muhabat Abad MDN
115	Nasib ul Mohyuddin	9-6-87	GMS Bilyamina Hangu
116	Saifoor Khan	9-6-87	GMS Kot Hakeem Tank
117	Feroz Khan	13-6-87	GMS Dippa FR Bannu
118	Mohammad Pervaiz	20-5-87	GHS Rich Bhan ATD
119	Munsif	21-5-87	GHS No.2 Havelian ATD

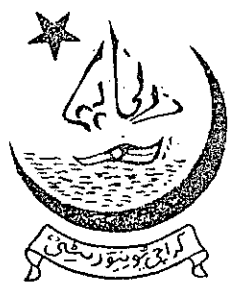
Asstt. Accounts Officer
A.G.N.W.F. Club

Amr... (B) / 4

شماره ۶۲

54 / 3

88



کراچی یونیورسٹی

University of Karachi

FACULTY OF EDUCATION
Master of Education

کلیۃ تعلیم
ایم۔ ایڈ

Whereas IQBAL JAHAN S/O
TALIHAND

برگہ ۵۶
ذاتی کارڈ
درد
طالبہ

has pursued a course of study prescribed by this University for the Degree of Master of Education in the Faculty of Education and has passed the requisite examination held in 1999, having been placed in B GRADE class.

نے کلیۃ تعلیم کے تحت ایم۔ ایڈ کی سند کے لیے اس جامعہ کے منظورہ نصاب کی تکمیل کرنی ہے اور مطلوبہ امتحان منعقدہ ۱۹۹۹ میں کامیاب ہو کر "بی" گریڈ میں حاصل کر لیا ہے،

It is hereby certified that he / she has been duly admitted to the degree of Master of Education in this University.

لہذا تصدیق کی جاتی ہے کہ انھیں اس جامعہ ایم۔ ایڈ کے درجہ پر فائز کیا گیا۔

Registrar

Vice-Chancellor

کراچی
شیخ الجامعہ

مستجیل

Dated Karachi, the 22ND FEBRUARY 2000

۱۹۲۰...

کراچی بتایخ ۲۲ فروری

Note :- Detailed transcripts of examination results have been issued separately.

امتحان کے مضامین اور حاصل کردہ نشانات کی تفصیلات علیحدہ جاری کی گئی ہیں۔

Attested

Asst. Accounts Officer
O/o
A.G.N.W.F.P. Peshawar

Z. Muhammad

Zahoor Muhammad
M.A. M-ED, S.E.T. (Gazetted)
G.H.S. Puran Distt: Shangla.

Date: 19 7 2000

BETTER COPY

5

19

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

No.FD(SR.I)2-123/2002

Dated Peshawar the, Feb. 08, 2003.

To

The Executive District Officer,
Finance & Planning,
Malakand at Batkhela.

Subject: PROTECTION / ALLOWING OF PERSONAL PAY TO TEACHERS STAFF.

I am directed to refer to your letter No. DO(Fin)MKD/2-9/02/28 dated 10.01.2003 on the subject noted above and to say that teaching staff are not allowed the advance increments beyond the maximum of Pay Scale.

Sd
(SYED BAQAR SHAH)
SECTION OFFICER (SR.I)

S. Baqar Shah
Asstt. Account's Officer
O/o
A.G N.W.F.P. Peshawar

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

NO. FD(SR.1)2-123/2002
Dated Peshawar the, Feb. 08, 2003.


5
20

To

The Executive District Officer,
Finance & Planning,
Malakand at, Batakhehla.

SUBJECT: PROTECTION/ALLOWING OF PERSONAL PAY TO TEACHERS STAFF.

I am directed to refer to your letter No. DO(Fin)MKD/
2-9/02/28 dated 10-1-2003 on the subject noted above and to say that
teaching staff are not allowed the advance increments beyond the
maximum of Pay Scale.



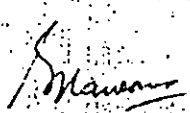
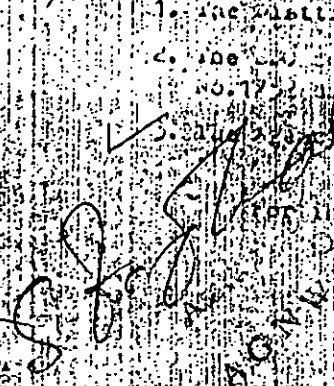
(SYED RAQAR SHAH)
SECTION OFFICER (SR.1)

Section Officer, Finance & Planning, Malakand at Batakhehla.

No. FD(SR.1)2-9/2002-03/250-51 dated Batakhehla the 19/02/2003.

For reference to

1. The District Officer, Malakand at Batakhehla.
2. The Section Officer, Malakand at Batakhehla, with reference to his letter No. 17/2/02 dated 12.2.03.
3. For information and necessary action.



Executive District Officer,
Finance and Planning Deptt,
Malakand at Batakhehla.

BETTER COPY

6

al

Government of NWFP
Finance Department
Date: Pesh: the Oct: 23, 2001

No.FD (SR.V) 2-123)2001.
To,

The Accountant General,
NWFP Peshawar

Sub: **ADVANCE INCREMENT TO SCHOOL TEACHERS ON
ATTAINING HIGHER QUALIFICATION AS PERDONAL PAY**

Sir,

I am directed to refer to your letter No.H-24(SWA-TANK/VI: I/135 dated 24.7.2001 on the subject noted above and to state that facility/concession of advance increments as personal pay sanctioned in respect of Govt official vide Para 5(II) of circular letter No. FD (PRC) 1-1/89 dated August 11, 1991 is exclusively meant for the afore-mentioned cadres, and the said benefit is not admissible as a general principal in case of basic pay scale rules 1983, Finance Department regrets its inability to exceed to the view point of accountant general office.

Yours Obediently
Sir/-
(Abdul Latif)
Section Officer (SR-I)

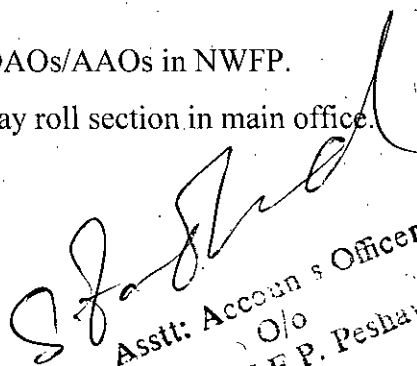
OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR

No.No.H-24(SWA)/TANK/Vol: I/259

Dated

Copy of the above is forwarded to:-

1. All DAOs/AAOs in NWFP.
2. All pay roll section in main office.


Asstt: Accounts Officer
O/o
A.G.N.W.F.P. Peshawar

Accounts Officer (HAD)

GOVERNMENT OF NWFP.
FINANCE DEPARTMENT.
Date: Pesh: the Oct: 23, 2001.

NO. (SR.V)2-123)2001.

To,

The Accountant General,
NWFP, Peshawar.

Sub:

ADVANCE INCREMENTS TO SCHOOL TEACHERS ON ATTAINING HIGHER
QUALIFICATION AS PERSONAL PAY.

Sir,

I am directed to refer to your letter No.H-24(SWA-TANK/
Vol:I/135 dated 24.7.2001 on the subject noted above and to state that
facility/concession of advance increments as personal pay sanctioned
in respect of Government officials vide para 5(ii) of circular letter
No.FD(P&C)1-1/89 dated August, 11, 1991 is exclusively meant for the
afore-mentioned cadres and the said benefit is not admissible as a
general principle in case of basic pay scale rules, 1983. Finance Deptt:
regrets its inability to accede to the view-point of Accountant General
office.

Yours Obediently,

S/-

(ABDUL LATIF)
SECTION OFFICER(SR-I).

OFFICE OF THE ACCOUNTANT GENERAL NWFP. PESHAWAR.
NO.NO.H-24(SWA)/Tank/vol:I/259 dt:-

Copy of the above is forwarded to:-

1. All DAOs/AAOs in NWFP.
2. All Pay Roll Section in Main Office.

ACCOUNTS OFFICER(HAD)
NWFP, PESHAWAR.
c2-11-2001

Asstt. Accounts Officer
O/o
A.G.N.W.F.P. Peshawar

BETTER COPY

Amma
(7)

OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR.

No.H-24/SWA-TANK/VOL:I/135
To

Dated 24/07/2001

The Secretary to Government of NWFP,
Finance Department,
Peshawar.

Subject: ADVANCE INCREMENTS TO SCHOOL TEACHERS ON
ATTAINING HIGHER QUALIFICATION AS PERSONAL PAY.

Memo:

Kindly refer to your office Memo: No.FD(SR-V)2-123 2001 dated 23.05.2001 and No.FD(SR.I)15-2/98 dated 30.05.2001 on the subject noted above.

2. It is correct that the letter of Finance Department No.FD(PRC)1-1/89 dated 07.08.1991 is very much clear on the subject. But the Government of NWFP, Finance Department has allowed advance increments to teaching staff of Education Department on acquiring / possessing higher qualification over and above the prescribed qualification vide letter No.FD.SG(SR-V)2-123/91 dated 24.09.1995 and No.FD(SR-V)2-123/98 dated 22.03.1999.

3. A question has been raised by various DAOs/AAOs regarding admissibility of advance increments in shape of personal pay beyond the maximum of their pay scale. A large number of teacher in different categories were drawing pay at the maximum of their pay scale. Such teachers would be deprived of the benefit of advance increments even if they possess higher qualification for which advance increments have been allowed and could not get full benefit of advance increment due to drawing salary pay at the maximum of their respective pay scales.

4. This office is of the view that advance increments are admissible in shape of personal pay over and above the maximum of the scale, is a general principle to be followed in case of Basic Pay Scale Rule, 1983 also.

5. The presumption of this office, if correct may please be confirmed or correct course be intimated for future guidance.

(Signature)
Asstt. Accountant General
O/o
A.G N.W.F.P. Peshawar

DEPUTY ACCOUNTANT GENERAL (HAD)
NWFP, PESHAWAR.

Annexure (A)

OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR.
NO.H-24/SWA-TANK/VOL.1/135

Dated 24/7/2001.

To

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

7

CV

Subject:- ADVANCE INCREMENTS TO SCHOOL TEACHERS ON ATTAINING HIGHER QUALIFICATION AS PERSONAL PAY.

Memo:

Kindly refer to your office Memo: No.FD(SR-V)2-123/2001 dated 23/5/2001 and No.FD(SR.V)15-2/98 dated 30/5/2001, on the subject noted above.

2. It is correct that the letter of Finance Department No.FD(PRC)1-1/89 dated 7/8/91 is very much clear on the subject. But the Government of NWFP, Finance Department has allowed advance increments to teaching staff of Education Department on acquiring/Possessing higher qualification over and above the prescribed qualification vide letter No.FD.SG(SR-V)2-123/91 dated 24/9/95 and No.FD(SR-V)2-123/98 dated 22/3/99.

3. A question has been raised by various DAOs/AAOs regarding admissibility of advance increments in shape of personal pay beyond the maximum of their pay scale. A large number of teachers in different categories were drawing pay at the maximum of their pay scales. Such teachers would be deprived of the benefit of advance increments even if they possess higher qualification for which advance increments have been allowed and could not get full benefit of advance increment due to drawing salary/pay at the maximum of their respective pay scales.

4. This office is of the view that advance increments are admissible in shape of personal pay over and above the maximum of the scale, is a general principle to be followed in case of Basic Pay Scale Rule, 1983 also.

5. The presumption of this office, if correct may please be confirmed or correct course be intimated for future guidance.

- 5 -

DEPUTY ACCOUNTANT GENERAL (BAD)
NWFP, PESHAWAR.

5
Asstt. Accounts Officer
Peshawar

(23)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 661 /2010

Iqbal Jahan.....Petitioner

VERSUS

1. Secretary N.W.F.P, Finance Peshawar
2. Accountant General N.W.F.P, Peshawar.
3. District Account Officer, Swat Respondents

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S.No	Description of Documents	Annex	Pages
1.	Para wise Comments		1-2
2.	Affidavit		3
3.	Copy of AG, Finance Department letters	"A"	4-6
4.	Copy of Notification at serial No. 97	"B"	7
5.	Copy of M-Ed Degree	"C"	8

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FILED TODAY
M.Y.
Deputy Registrar
13 APR 2010
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13342
RE-FILED TODAY
M.Y.
Deputy Registrar
26 MAY 2010
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OFFICE OF THE DISTRICT CONTROLLER OF ACCOUNTS SWAT.

Before The Peshawar High Court, Peshawar.
Plaint No. 661/20/10

1. Iqbal Jahan.....Petitioner.

V.S

1. Secretary N.W.F.P, Finance Peshawar.
2. Accountant General N.W.F.P Peshawar.
3. District Accounts Officer, Swat.....Respondents.

Preliminary Objection.

1. The applicant has got no locus standi.
2. The applicant has got no cause of action.
3. The claim is bad in its present form hence not maintainable.
4. The claim is bad from non-jointer^d and miss-jointer^d.
5. This honorable Court has got no jurisdiction.

Respectfully Sheweth.

Reply on behalf of respondent No. 3

1. No comments.
2. He was appointed as SET on 21/04/1987 (copy of promotion SET attached. Annexure (A))
3. Incorrect/ he obtained high qualification i.e. (M.Ed examination) on 22/02/2000. Copy of M.Ed examination attached. Annexure (B))
4. Correct/but after the receipt of F.D letter No. FD(SR-I)2-123/2002 dated 08/02/2003 stating that the teaching staff are not allowed the Advance Increment, beyond ~~to~~ maximum of pay scale, ^{hence} the two advance increments allowed by this office as personal pay (PP) were retrenched from the pay of the officer. Annexure (C)
5. Correct.
6. No comments.
7. As stated above at S-No 4.
8. Correct.
9. Correct.
10. Incorrect.

Deputy Registrar
13 APR 2010