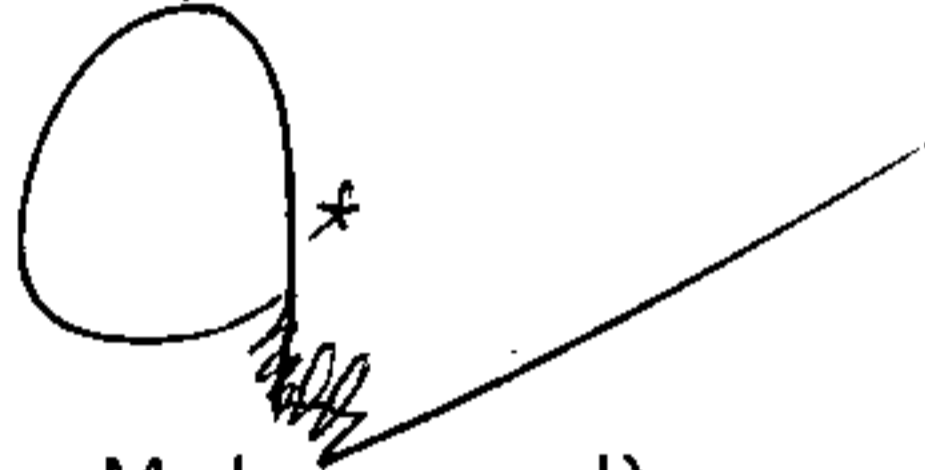


06.09.2022

Learned counsel for the appellant present. Mr. Afzal Ali, Section Officer (Litigation) and Mr. Muhammad Jamil, Account Officer alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant as well as learned Assistant Advocate General requested that concerned Writ Petition No. 913-P/2014 is fixed for arguments before the august Peshawar High Court, Peshawar on 14.09.2022, therefore, the appeal in hand may be fixed for arguments after 14.09.2022. Adjourned. To come up for arguments on 05.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat

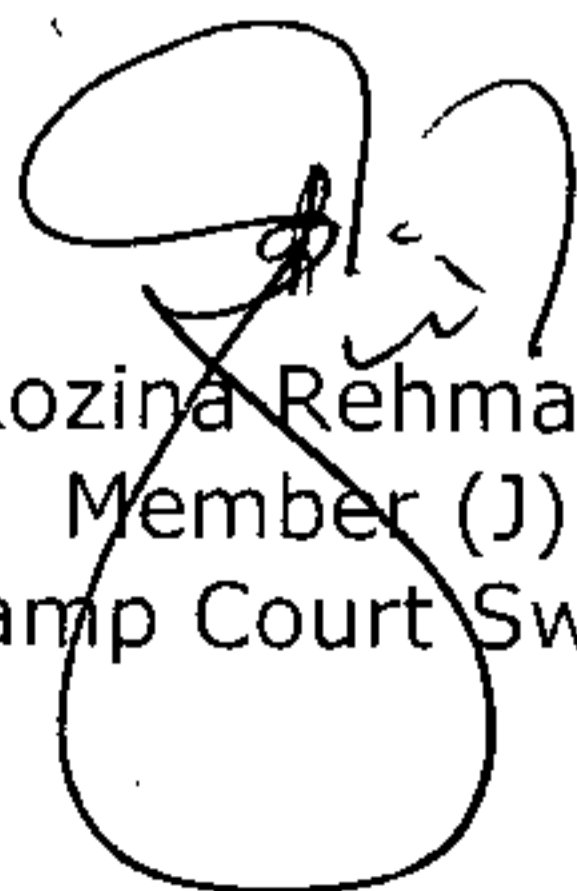


(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

05.10.2022

Learned counsel for the appellant present. Mr. Obaid-ur-Rehman, ADEO and Mr. Muhammad Jameel, Assistant Account Officer alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant as well as learned Assistant Advocate General again requested that concerned Writ Petition No. 913-P/2014 is fixed for arguments before the august Peshawar High Court, Peshawar on 20.10.2022 therefore, the appeal in hand may be fixed for arguments after 20.10.2022. Adjourned. To come up for arguments on 05.12.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat

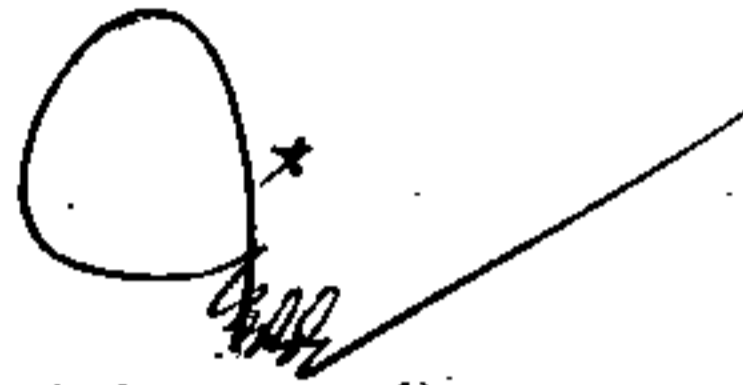


(Salah-Ud-Din)
Member (J)
Camp Court Swat

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for arguments on 06.07.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Kalim Arshad Khan)
Chairman
Camp Court Swat

06.07.2022

Learned counsel for appellant present.

Noor Zaman Khattak, learned District Attorney for respondents present.

Request for adjournment was made on behalf of learned counsel for appellant in order to prepare the brief. Adjourned. To come up for arguments on 06.09.2022 before D.B at Camp Court, Swat.



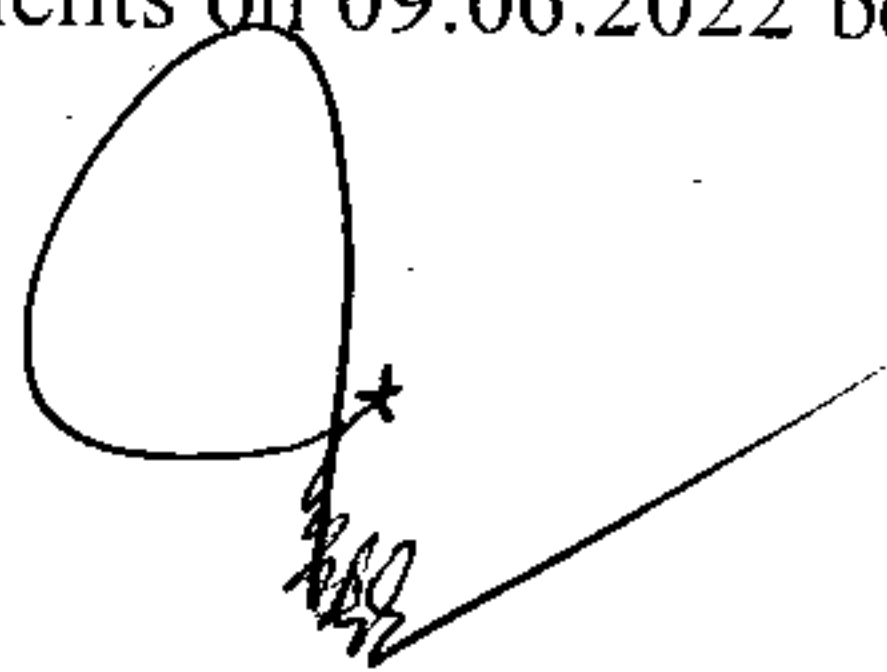
(Fareeha Paul)
Member (E)
Camp Court, Swat



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

11.05.2022

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naseeb Khan, SO, Mr. Muhammad Jamil, Account Officer and Mr. Fazal Rehman, Principal for respondents present and produced copy of order dated 02.06.2021 passed by august Supreme Court of Pakistan, whereby judgment dated 08.06.2017 passed by august Peshawar High Court in Writ Petition No. 913-P/2014 has been set-aside and the matter has been remanded to august Peshawar High Court for re-deciding the above mentioned Writ Petition as well as other connected Writ Petitions afresh, after issuing of notice under Order XXVII-A CPC to the Advocate General, Khyber Pakhtunkhwa, in accordance with law. In this view of the matter, learned counsel for the appellant stated that an adjournment may be granted. Adjourned. To come up for arguments on 09.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member(E)



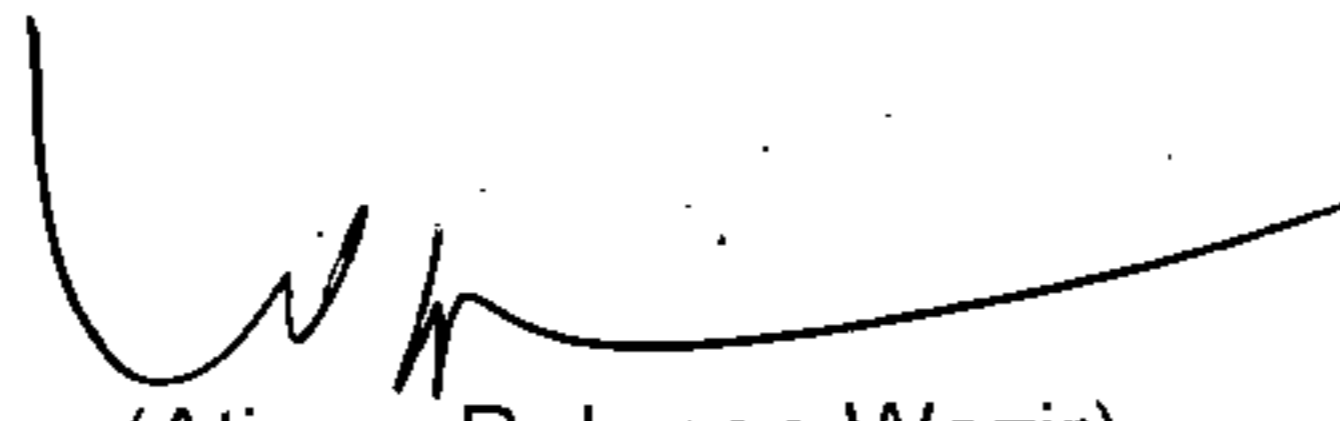
(Salah Ud Din)
Member(J)
Camp Court Swat

09.12.2021

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Naseeb Khan S.O and Hussain Ali ADEO for respondents present.

Former made a request for adjournment in order to prepare the brief. Request is accorded and case is adjourned. To come up for arguments on 06.01.2022 before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat.

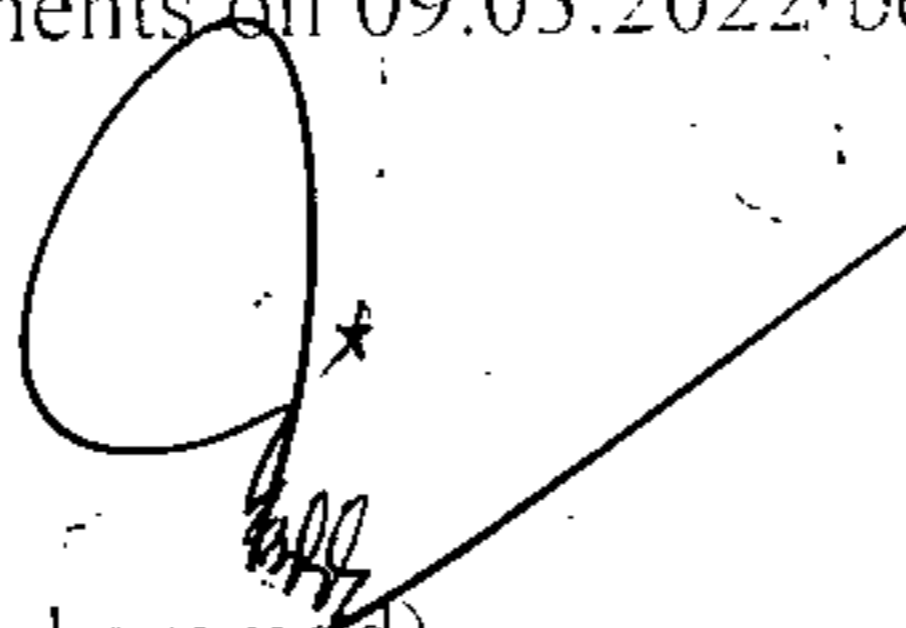


(Rozina Rehman)
Member (J)
Camp Court, Swat

06.01.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Hussain Ali, Litigation Assistant for respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that his counsel is not available today due to general strike of the Bar. Adjourned. To come up for arguments on 09.03.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member(E).



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

04.11.2021

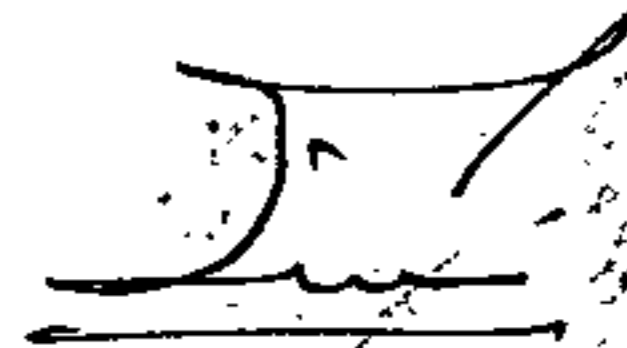
Learned counsel for the appellant present. Mr. Muhammad Jamil, Assistant Accounts Officer for respondents No. 4 & 5 alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney present.

Reply/comments on behalf of respondents No. 4 & 5 submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Representative of the department stated that cost will be paid on the next date. Reply/comments on behalf of respondents No. 1 to 3 have already been submitted. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 09.12.2021 at Camp Court Swat.

Cost has not been paid yet.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat



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


07/04/2021

Due to COVID-19, the case is adjourned to
09/06/2021 for the same.


READER

26.07.2021

To come up for Written reply/comments on behalf of respondents No. 4 & 5 on 26.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel as well as respondents for the date fixed.

Noted

28/07


Chairman

26.08.2021

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Mr. Hussain Ali, ADEO for respondents No.1 & 2, Mr. Sajid Superintendent for respondent No. 3 and Mr. Muhammad Jamil, AAO for respondents No. 4 & 5 present.

Respondents No. 1, 2 & 3 have already furnished reply/comments. Representative of respondents No. 4 and 5 seeks further time to furnish reply/comment. Let respondents No. 4 & 5 be afforded with final opportunity for filing of reply/comments, subject to payment of cost of Rs. 1000/-. If they failed to submit reply/comments on next date, ^{their} right of defence shall stand struck off. Case to come up for written reply/comments of respondent No. 4 & 5 and cost on 04.11.2021 before D.B at camp court, Swat.

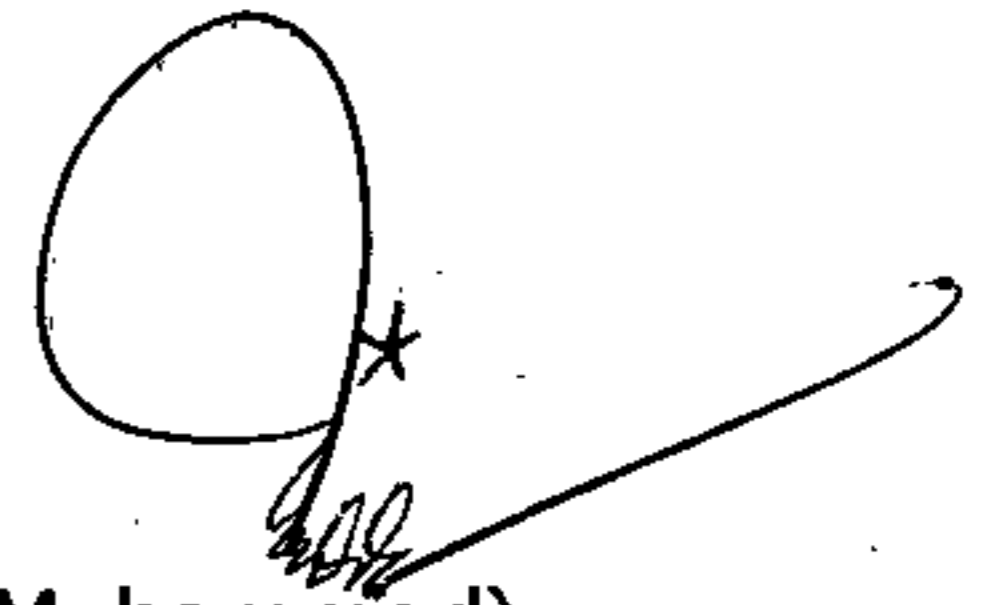

Chairman
Camp court, Swat.

03.03.2021

Appellant in person present. Mr. M. Riaz Khan Paindakhel, Asst: AG alongwith Mr. Mir Zaman Shah, AAO and Mr. Hussain Ali, Litigation Assistant for respondents present.

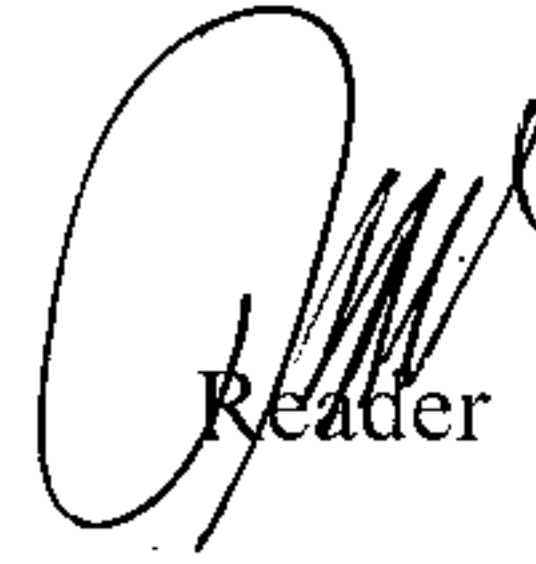
Written reply/comments on behalf of respondents No. 1 to 3 have already been submitted. Representative of respondent No. 4 and 5 seeks time to submit the written reply/comments on the next date of hearing. ~~Another~~ last opportunity granted.

Adjourned to 07.04.2021 before S.B at camp court Swat.



(Mian Muhammad)
Member(E)
Camp Court Swat

01.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 06.07.2020, at camp court Swat.



Reader

06.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 06.08.2020, at camp court Swat.




Reader

02.02.2021 Counsel for the appellant present.

Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents is present.

Written reply on behalf of respondents No. 1 to 3 have already submitted. Notices be issued to respondents No.4 and 5 for submission of written reply/comments but as a last chance.


Adjourned to 03.03.2021 before S.B at camp court Swat.



(Mian Muhammad)
Member(E)
Camp Court Swat


08.01.2020

Appellant in person present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith M/S Syed Mohsin Ali, Assistant on behalf of respondent No. 1 and Ameer Zaman Shah, Assistant Accounts Officer on behalf of respondent No. 5 present. Representatives of respondents No. 1 & 5 requested for further time to file written reply/comments. Neither representatives of respondents No. 2 to 4 are present nor written reply on their behalf submitted therefore, notices be issued to them with the direction to direct the representatives to attend the court and submit written reply on the next date. Case to come up for written reply/comments on 04.02.2020 before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

04.02.2020


Clerk to counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Hussain Ali Litigation Officer (for respondent No.1) Toseef ADO (for respondent No.2) Muhammad Shamim S.O (for respondent No.3) and Jamil Shah AAO (for respondents No.4 & 5) present and requested for time to furnish reply. Representatives are directed to furnish reply on the next date, otherwise, heavy cost shall be imposed upon the respondents. Adjourn. To come up for written reply/comments on 06.04.2020 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 - 01-6-2020


07.10.2019

Counsel for the appellant and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Mr. Amir Shah, Assistant Account officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the respondents requested for adjournment. Adjourned to 04.11.2019 for written reply/comments before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

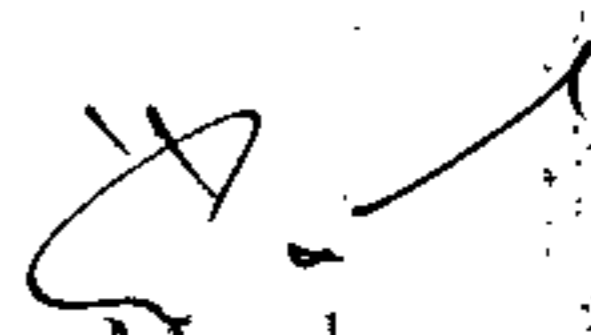
04.11.2019

Junior counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Ubaid-ur-Rehman, ADEO for respondent No. 1 and Mr. Mir Zaman Shah, Assistant Account Officer for respondent No. 3 present. None present on behalf of respondents No. 2, therefore, notices be issued to him with the direction to direct the representative to attend the court and submitted written reply on the next date positively. Case to come up for written reply/comments on 03.12.2019 before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

03.12.2019

Clerk to counsel for the appellant present. Hussain Ali Litigation Officer representative of the respondents No.1 & 2 present and submitted reply on behalf of the said respondents. None present on behalf of respondents No.3 to 5. Notice be issued to respondents No.3 to 5 for submission of written reply. Adjourn. To come up for written reply on behalf of respondents No.3 to 5 on 08.01.2020 before S.B at Camp Court, Swat.


Member
Camp Court, Swat

12.06.2019

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued inter-alia that the appellant (SCT) is aggrieved from the action of the respondents in the shape of recovery of advance increments on higher educational qualification, which have already been paid to the appellant. Prayer of the appellant is that the respondents may be directed that no recovery should be made from the appellant as per Section (2) of THE KHYBER PAKHTUNKHWA CESSATION OF PAYMENT OF ARREARS ON ADVANCE INCREMENTS ON HIGHER EDUCATIONAL QUALIFICATION ACT, 2012.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for reply/comments. To come up for written reply/comments on 01.07.2019 before S.B at Camp Court, Swat.


Appellant Deposited
Security & Process Fee

14/6/19


Member
Camp Court, Swat.

01.07.2019

No one present on behalf of appellant. Written reply not submitted. M/S Hussain Ali Litigation Officer (for respondent No.1) and Muhammad Shameem S.O (for respondent No.3) and Muhammad Jameel Assistant Accounts Officer (for respondents No.4 & 5) present and requested for time to furnish written reply/comments. Toseef Ahmad Litigation Officer (for respondent No.2) absent. Respondent No.2 as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 07.10.2019 before S.B at Camp Court, Swat.

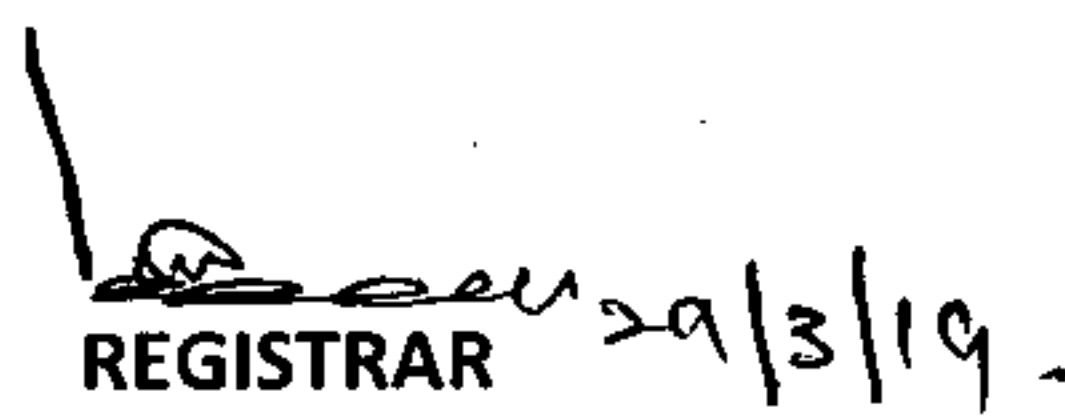

Member

The appeal of Mr. Alamgir SCT GHS Guli Bagh Swat received today i.e. on 27.03.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copies of over payment recovery order and notification dated 11.5.2016 mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 4- In para-3 of the memo of appeal respondent no. 6 is mentioned but in the heading of appeal there are only 5 respondents therefore, the same may be rectified.



No. 610 /S.T,

Dt. 29-3- /2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shamsul Hadi Adv.
High Court Swat.

that all the deficiencies has been removed/completed except 2 the said notification dated 11-05-2016 which is mentioned and the said notification has already been approved in the main appeal title Wakeel Zadavs Cent which is fixed on 18-06-2019 before the service Tribunal Swat. So these appeals will be argued together so this appeal may kindly be fixed before the court

Notes: that the objection No. 1 removed, 
that the objection no-2 is not in the possession of the appellant and the department not handed over to the applicant and the objection no-3 at Page 55 objection no-4 are removed from before the court. 

W

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 670 /2019

Alamgir.....Appellant

V E R S U S

District education Officer (M) Swat and othersRespondents

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S.N	Description of Documents	Annex	Pages
1.	Memo of Appeal.		1-5
2.	Application for Status-quo along with Affidavit		6-7
3.	Addresses of Parties.		8
4.	Copy of the Act of 2012.	A	9-11 ³
5.	Copy of letter dated:30.09.2013.	B	12-13
6.	Copies Service Book along with impugned of 2013-14 DATED:01/10/2014	C	14-41
	Copies judgments.	D	42-52
7.	Copies of comments, notification of 2016 and departmental appeal.	E	53-55
8.	Wakalat Nama		56

Appellant

Through


Shams ul Hadi

Advocate, Peshawar.

Office: St/3 Abshar Colony

Warsak Road Peshawar.

Cell No. 0313-9772262.

Dated: 22/03/2019.

1

BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR

Service Appeal No. 670 /2019.

Khyber Pakhtukhwa
Service Tribunal

Diary No. 482

Dated 27/3/2019

Alamgeer (SCT)

Presently posted at GHS Guli Bagh, Swat.....Appellant

V E R S U S

1. District Education Officer(Male) Swat.
- ✓ 2. Director Elementary & Secondary Education Khyber Pakhtukhwa, Peshawar.
- ✓ 3. Secretary to Govt of Khyber Pakhtunkhwa, Finance department, Civil secretariat Peshawar.
- ✓ 4. Accountant General, Khyber Pakhtunkhwa, Civil secretariat, Peshawar.
- ✓ 5. District Accounts Officer, Swat.....Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED OFFICE
ORDER/AUDIT PARA No.20 of 2013-14
DATED:01/10/2014.**

Filed to-day

[Signature]
Registrar

27/3/2019

PRAYER IN APPEAL:

On acceptance of this appeal, the impugned Office Order Dated: 01.10.2014. may kindly be set aside and the respondents may kindly be directed not to recover the disputed amount in shape of recovery of advance increments Rs, 1,83,246/- and further the respondents may kindly be directed issue/release the recovered amount if so to the appellant.

Re-submitted to-day
and filed.

Registrar

Respectfully Sheweth:

1. That the appellant being Teacher "SCT" joined the respondent/department since long and as such performing his duties with zeal and zest.
1. That initially, the appellant and others approached the Peshawar High court and Service Tribunal Khyber Pakhtunkhwa for grant of "Advance increments granted to government servant vide notification dated:11.08.1991 issued by Respondent No. 5 and as such the same petitions were allowed.
2. That latter on, the said advance increments were awarded to the appellants and such like others and finally the government of Khyber Pakhtunkhwa passed an Act i-e "***The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act,2012***" from provincial assembly through which, all kind of notifications and legal instruments regarding claim for payments of arrears on account of advance increments on higher educational qualification were revoked and it was further declared that no further claim whatsoever on the basis of these instruments shall be entertained but according to ***section (2)*** of the said it was further declared ***that on the basis of any notifications and courts judgments, any amount paid there-under on account of advance increments or arrears thereof shall be deemed to have been validly paid and shall not be recoverable from the recipient government employees*** and

as such once for all the issue of advance increments on the basis of higher qualification was resolved.(Copy of the Act is annexure-A)

3. That latter on, again the said issue regarding advance increments was re-open by Resp No. 5 by making recovery from the employees of education department of district Mansehra and the same was properly clarified by the Resp No.3 through letter dated:30.09.2013 and the Resp No. 5 was directed that no recovery should be made as per the above Act of 2012 and the same may be followed in letter and spirit.(Copy of letter dated:30.09.2013 is annexure-B)

4. That now with utmost surprise of the appellant, once again in the service books of the appellant, the Respondents have made entries in shape of Recovery of advance increments through impugned entry/order **PARA of 2013-14 DATED:01/10/2014** and as such re-open the issue which is against the law and "The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act,2012".(Copies Service Book along with impugned **para 2013-14 DATED:01/10/2014** is annexure-C)

5. That against the impugned order of recovery, the appellant approached Peshawar High court through Writ Petition No.610/2015 and as such during pendency of title writ petition

this Hon;ble Tribunal resolved the issue of "Recovery of advance increments" while deciding Service Appeal No.312/2015 through judgment dated:10.01.2018, hence the writ petition was transmitted to this Hon;ble Tribunal through order dated:19.10.2018 by the high court for further adjudication where this august Tribunal after receiving the same, converted in to service appeal and is still subjudice before this august Tribunal bearing Service Appeal No.1328/2018 titled as "Wakil Zada Vs Govt".(Copies judgments are annexure-D)

6. That during pendency of writ petition of appellant, in his written reply, Resp No.5 took plea that regarding the issue in hand they have issued a Notification dated:11.05.2016. through which recovery of advance increments was waved off and further it was advised to appellant to approach concerned quarters, so in light of the comments and notification dated:11.05.2016, the appellant filed departmental appeal against the impugned order of recovery dated:01.10.2014 which was not decided within statutory delay.(Copies of comments, notification of 2016 and departmental appeal is annexure-E)

That being aggrieved from the actions and inactions of Respondents and according to directions of this august Tribunal vide order sheet dated:08.03.2019, the appellant prefer this petition on the following grounds amongst others inter-alia:

GROUND:

- A. That the actions and inactions of Respondents in shape of recovery of advance increments which have already been paid

to the appellant on the basis of Higher Educational qualification is against the law and The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act, 2012.

- B. That issue in hand has now already been decided by this august Tribunal in his judgment dated: 10.01.2018 in connection of service appeal No. 312/2015 title "Muhammad Islam Vs Govt" which hence the appellant deserve for the same treatment:
- C. That the appellant seeks the permission of this august Court to rely on additional grounds at the hearing of this petition.

It is, therefore, humbly prayed that on acceptance of this appeal,

- i) Impugned Office Order Dated: 01.10.2014 may kindly be declare against the section (2) of "The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act, 2012".
- ii) And further impugned Office Order Dated: 01.10.2014 may kindly be set aside and the respondents may kindly be directed not to recover the disputed amount in shape of recovery of advance increments Rs, 1,83,246/- and further the respondents may kindly be directed issue/release the recovered amount if so to the appellant.


Appellant

Through


Shams-ul-Hadi

Advocate, High court.

Dated: 22/03/2019

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____/2019.

Alamgir.....Appellant

V E R S U S

District education Officer (M) Swat and othersRespondents

Application for Status-quo/Suspension of impugned office order Dated: 01.10.2014 regarding recovery of amount Rs,1,43,246/- and further the respondents may kindly be directed not to recover the disputed amount or made deduction Rs,5000/- P.M from the monthly salary of the appellant and further the respondents may kindly be restrain from taking any adverse action against the appellant, till final disposal of the titled appeal

Respectfully Sheweth:

1. That the appellant/petitioner filed instant application along with service appeal in which no date is fixed so far.
2. That facts and grounds of the appeal may kindly be considered part and parcel of this application.
3. That prima facie the appellant has good case and is sanguine about its success.
4. That if the impugned Impugned Office Order Dated: 01.10.2014 regarding recovery of amount Rs,1,83,246/- is not suspended at this stage the appellant will suffer irreparable loss.

So on acceptance of this application a staus-quo order may kindly be issued as prayed for in the headings of the instant application.

Through


Applicant


Shams-ul- Hadi
Advocate High Court.

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019


Alamgir.....Appellant

V E R S U S

District education Officer (M) Swat and othersRespondents

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


KHALID MAHMOOD ADVOCATE
ATTESDED
NOTARY PUBLIC
PESHAWAR HIGH COURT

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019

Alamgir.....Appellant

V E R S U S

District education Officer (M) Swat and othersRespondents

ADDRESSES OF THE PARTIES

APPELLANT:

Alamgeer (SCT)

Presently posted at GHS Guli Bagh, Swat

Cell No.0347-4773440-.

RESPONDENTS:

1. District Education Officer(Male) Swat.
2. Director Elementary & Secondary Education Khyber Pakhtukhwa, Peshawar.
3. Secretary to Govt of Khyber Pakhtunkhwa, Finance department, Civil secretariat Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Civil secretariat, Peshawar.
5. District Accounts Officer, Swat

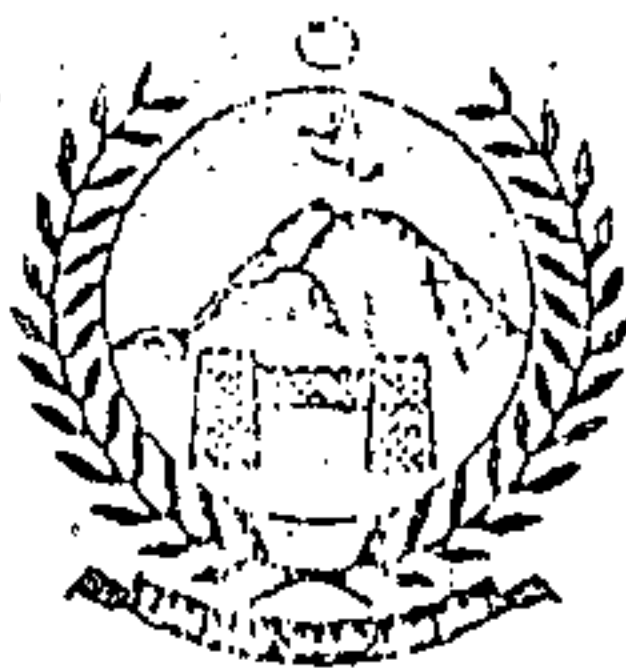
Appellant

Through

Shams-ul-Hadi

Advocate, Peshawar.

Dated: 22/03/2019



KHYBER PAKHTUNKHWA

Published by Authority.

PESHAWAR, TUESDAY, 15TH MAY, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 15th May, 2012.

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

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

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)

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

AN
ACT

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

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

Att. Secy

Ct. C

10

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

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

It is hereby enacted as follows:-

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

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

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

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

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

C.F.C.

C.F.C.

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

(11)

4. **Repeal.**— The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Ordinance, 2012 (Khyber Pakhtunkhwa Ordinance NO. 1 of 2012), is hereby repealed.

BY ORDER OF MR. SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary

Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Dept., Khyber Pakhtunkhwa, Peshawar

Attested

~~_____~~

C. F. C.

~~_____~~

GOVERNMENT OF

KHYBER PAKHTUNKHWA

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT



No. SO(3&A)1-16/09/Advance Increment
Dated Peshawar, the 30.09.2013

12

To:
The Accountant General,
Khyber Pakhtunkhwa Peshawar.
Attention: CM&I Section.
The District Accounts Officer,
Manshera.

Subject: - CESSATION OF PAYMENT OF ARREARS ON ADVANCE
INCREMENTS ACT, 2012 CONTEMP OF COURT.

I am directed to refer to your letter No. Litigation/H.C/W/P-
No.17/07/Mohammad Saddique/832 dated 02.05.2013 on the subject cited above and to
state that the documents of the following teachers in District Manshera were examined
and found as per remarks against each as under:

Sr.	Name/Designation	Name of School	Qualification	D/O	Remarks
1	Zulqar Ahmad (Ex-CT)	GHS Batta	M.A (Islamic)	17.09.1993	MA Degree is genuine
2	Ghulam Khan CT	GHS Batta	M.A (Islamic)	25.09.2011	MA Degree is genuine
3	Mrs. M. Miskin CT	GHS Batta	M.A (Islamic)	11.09.1993	MA Degree is genuine
4	Mr. Mubarak Ahmad CT	GHS Batta	M.A (Islamic)	28.08.2008	MA Degree is genuine
5	Mr. Umar Farooq CT	GHS Batta	M.A (Islamic)	13.08.1994	MA Degree is genuine
6	Mr. M. Maseem CT	GHS Batta	M.A (Islamic)	26.06.2004	MA Degree is genuine
7	Mr. Musajab Khan CT	GHS Batta	M.A (Islamic)	08.10.1998	MA Degree is genuine
8	Mr. Munir Hussain CT	GHS Batta	M.A (Islamic)	26.06.2000	MA Degree is genuine
9	Mr. Ahar Qadir CT	GHS Bhatta	M.A (Islamic)	22.12.1996	MA Degree is genuine
10	Mr. Sajjad Hussain CT	GHS Batta	M.A (Islamic)	26.06.2008	MA Degree is genuine
11	Mr. M. Riz CT	GHS Batta	M.A (Islamic)	02.10.1996	MA Degree is genuine
12	Mr. Muzhar Hussain CT	GHS Batta	M.A (Islamic)	17.06.2001	MA Degree is genuine
13	Mr. M. Hamid PET	GHS Gargab	M.A (Islamic)	06.07.2001	MA Degree is genuine
14	Mr. Saad Mehmood EAT	GHS No. Manshera	M.A (Islamic)	17.09.1998	MA Degree is genuine
15	Mr. Sajjad Muhammad	GHS Batta	M.A (History & Pub. Studies)	19.03.2000	MA Degree is genuine
16	Mr. Yaq Muhammad Khan	GHS Batta	M.A (Islamic)	02.10.1994	MA Degree is genuine
17	Mr. Saad NSI	GHS Batta	M.A (Islamic & Pub. Studies)	24.03.1998	MA Degree is genuine
18	Mr. M. Ishaq	ADOC (Civil Eng)	M.A (Islamic)	23.10.1996	MA Degree is genuine
19	Mr. Saad Alimyar Shah	GHS Batta	M.A (Islamic)	13.10.1998	MA Degree is genuine

(Handwritten signature)

(Handwritten signature)

In light of the proceedings and perusal of relevant record, all the above teachers have not obtained advance increments through fraud, misrepresentation or any forged documents.

As per The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification ACT-2012, para-2 (2) which is reproduced as under;

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

Therefore, it is requested that no recovery should be made as per the above Khyber Pakhtunkhwa Cessation of payment of Arrears on Advance Increments on Higher Educational Qualification ACT-2012, and may be allowed in letter and spirit please.

Encl: As above

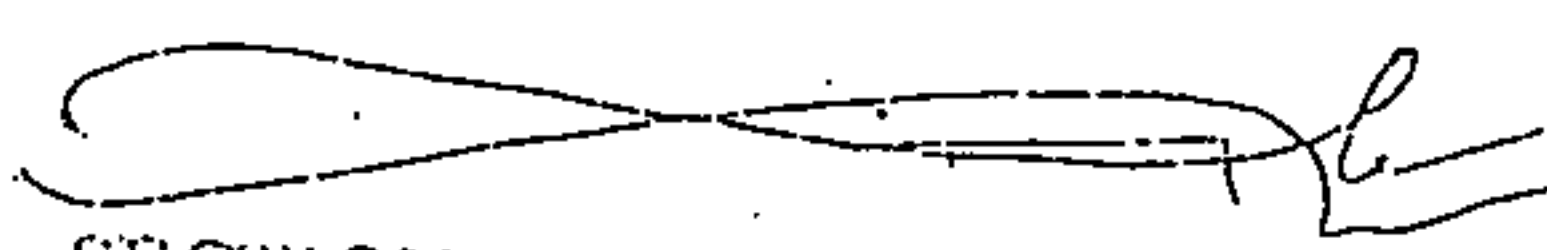
Yours faithfully,

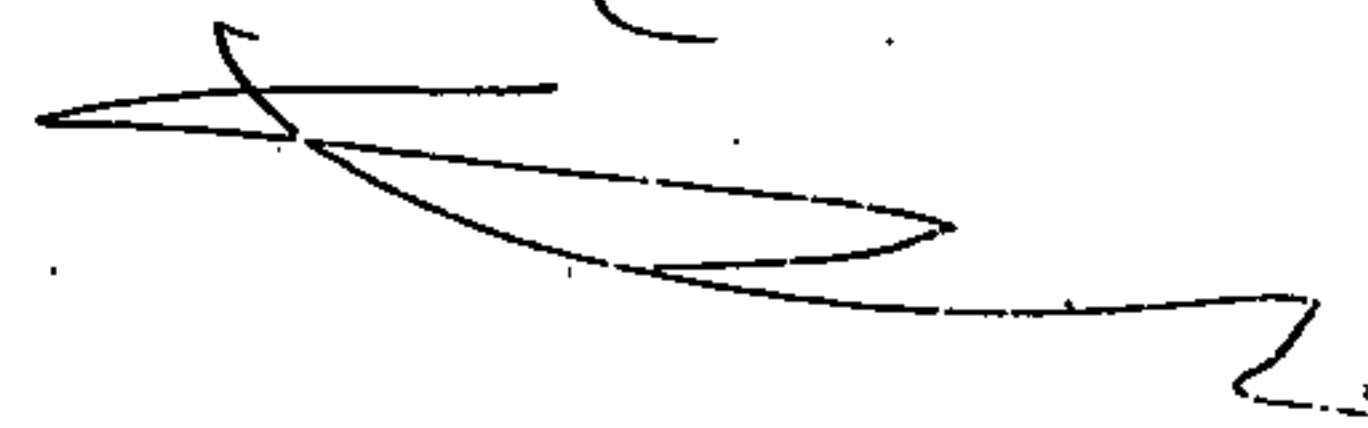
(NOOR ALAM KHAN WAZIR)
SECTION OFFICER (BUDGET)

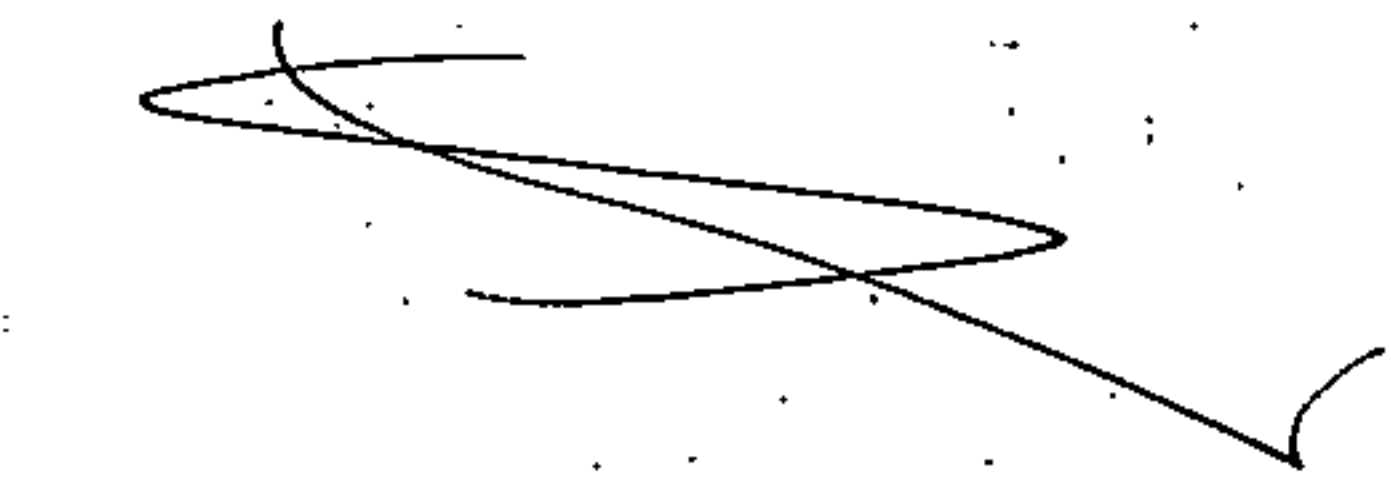
Enclst. Of even Number & Date.

Copy of the above is forwarded to:-

- 1. The Director E&SE Khyber Pakhtunkhwa Peshawar.
- 2. The DEO (M/F) Manshera.
- 3. PS to Additional Secretary, E&SE Department Khyber Pakhtunkhwa Peshawar.
- 4. Master File.


SECTION OFFICER (BUDGET) 20/09/14

C-4-C


C-4-C


18
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SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Gulzar Ahmed, C.J.
Mr. Justice Muzhar Alam Khan Mankhela
Mr. Justice Sayyed Muzahur Ali Akbar Naqvi

CIVIL APPEALS NO.2139 TO 2143 OF 2019 AND 986 OF 2020
AND
CIVIL PETITION NO.2-P OF 2020

[Against the judgments dated 8.6.2017, 20.6.2019, 29.10.2019 and 23.10.2019, passed by the Peshawar High Court, Peshawar, in W.P.N. No.2053 of 2014, 913-P of 2014, 1418 of 2014, 3081-P of 2012, 1182-P of 2018, 2326-P of 2019 and 4713-P of 2018, respectively]

CA.2139 of 2019 Government of Khyber Pakhtunkhwa through Secretary Establishment Department, Peshawar and others Vs. Saeedullah and others.

CA.2140 of 2019 Government of Khyber Pakhtunkhwa through Secretary Finance, Peshawar and others Vs. Muhammad Iqbal and others.

CA.2141 of 2019 Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar and others Vs. Molvi Muhammad and others.

CA.2142 of 2019 Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others Vs. Anyat Ullah Khan and others

CA.2143 of 2019 Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others Vs. Muhammad Rehman and others

CA.986 of 2020 Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar and others Vs. Muhammad Anwar

CP.2-P of 2020 Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others Vs. Muhammad Akbar Khan and others

TESTED

For the Appellants
and Petitioners

Mr. Zahid Yousaf Qureshi,
Additional Advocate General,


Senior Court Associate
Peshawar High Court of Peshawar

(in all cases)

Khyber Pakhtunkhwa
Fazale Khalq,
Lit. Officer/DEO Swabi
Iftikhar Ghoni, DEO (M) Bunir
Shakir Ullah, S.O. (Lit),
F. Department, KPK

For Respondents : Mr. Muhammad Isa Khan Khalil,
No.1, 2, 4 to 9, 12 to ASC
14, 16 to 32 in
CA.2139 of 2019

Respondents in : Nemo
CA.2140 of 2019

For Respondents : Mr. Amjad Ali, ASC a/w
No.2 to 5 in CA.2141 Mr. Anis Muhammad Shahzad,
of 2019 and 29, 32 AOR
and 33 in CA.2142 of
2019

For Respondent No.1 : Mr. Muhammad Amir Malik, ASC
in CA.2143 of 2019 Syed Rifaqat Hussain Shah, AOR

Sole respondent in : Mr. Misbah Ullah Khan, ASC
CA.986 of 2020

Respondent in CP.2- : N.R.
P of 2020

Remaining : Nemo
Respondents in all
C.As.

Date of Hearing : 02.06.2021

ORDER

GULZAR AHMED, CJ.- The learned Additional

Advocate General, Khyber Pakhtunkhwa (AAG), contends that in
the very writ petitions filed before the Peshawar High Court,
Peshawar (the High Court), the respondents have challenged the
vires of the Khyber Pakhtunkhwa Cessation of Payment of Arrears

ATTESTED on Advance Increments on Higher Educational Qualification Act
(Act No.IX) of 2012 (the Act of 2012), but no notice under Order
XXVII-A CPC was issued to the Advocate General, Khyber

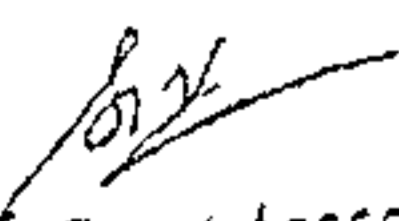
Senior Court Associate
Supreme Court of Pakistan
Islamabad

Pakhtunkhwa, which is the mandatory requirement of law in terms of judgment passed by a 14-Member Bench of this Court reported as Federation of Pakistan through Secretary, Ministry of Law, Justice and Parliamentary Affairs, Islamabad and others v. Aftab Ahmad Khan Sherpao and others (PLD 1992 SC 723). He further relies upon the judgments of this Court in the cases of Superintendent Central Jail, Adwala, Rawalpindi v. Hammad Abbasi (PLD 2013 SC 223) and Federal Public Service Commission and others v. Syed Muhammad Afaq and others (PLD 2002 SC 167).

2. The learned counsel appearing for the respondents were confronted with the issue, as raised by the AAG, who were unable to show that the High Court may have passed order complying with the mandatory requirement of Order XXVII-A CPC. The issuance of notice to the Advocate General being itself a mandatory requirement of law, as laid down in the above cited judgments of this Court, the High Court deciding the writ petitions without issuing of such notice and also declaring Section 2 of the Act of 2012, as ultra vires the Constitution was, therefore, not in accordance with the law, rather contrary to law as laid down by this Court in the above cited cases.

3. In view of the above, the impugned judgments are set aside and the matters are remanded to the High Court for re-deciding the writ petitions afresh, after issuing of notice under Order XXVII-A CPC to the Advocate General, Khyber Pakhtunkhwa, in accordance with law.

TESTED


Senior Counsel
Federation of Pakistan

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4. The appeals stand allowed, while the civil petition is converted into appeal and allowed, in the above terms.

5. As the matters are quite old, it is expected that the High Court will decide the same expeditiously, preferably within a period of four months.

Sd/-HCJ

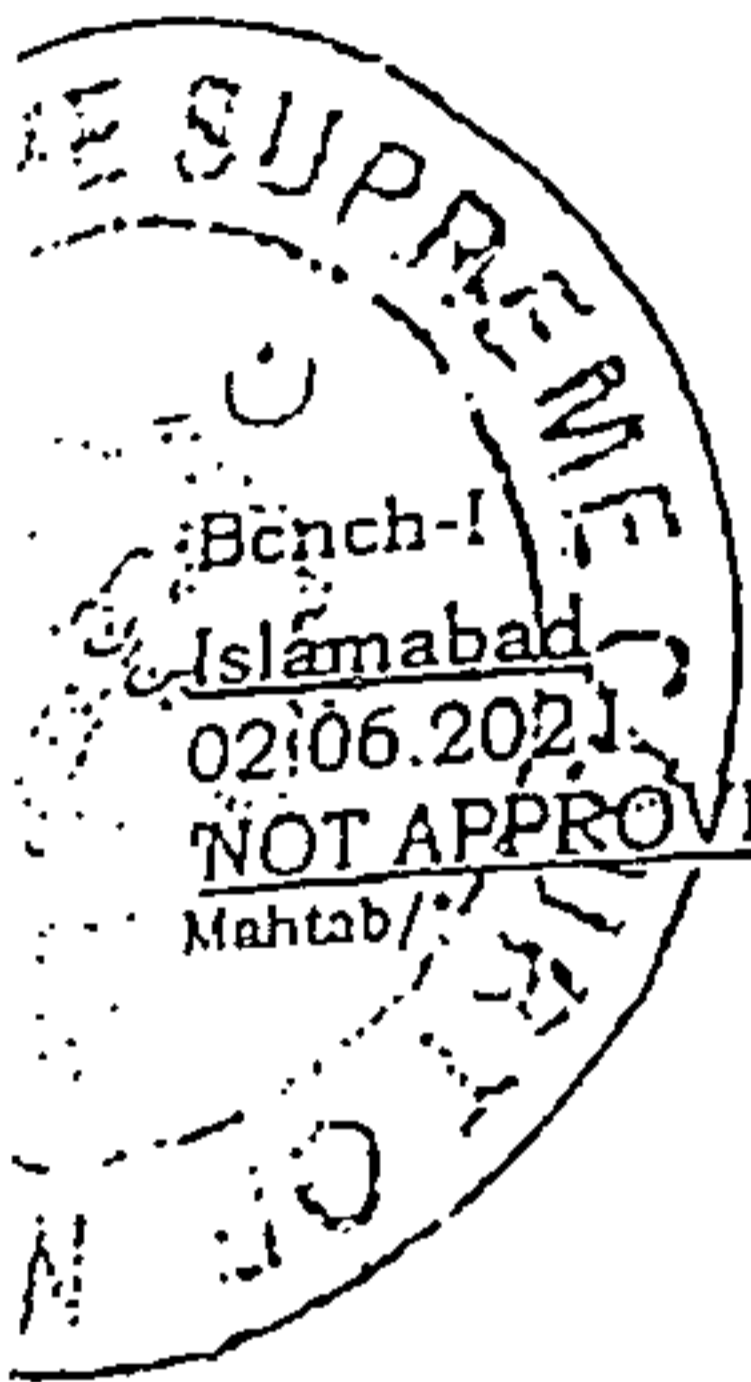
Sd/-J

Sd/-J

Certified to be True Copy

[Signature]

Senior Court Associate
Supreme Court of Pakistan
Islamabad



GR No:	9485/2021	Civil/Criminal
Date of Presentation:	02-6-2021	
No of Words:	12	
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Received by:		

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Muhammad Akbar Khan and others

TESTED

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and Petitioners

Mr. Zahid Yousaf Qureshi,
Additional Advocate General

Chief Court Associate
Peshawar Court of P.A. 12/21

(in all cases)

Khyber Pakhtunkhwa
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Lit. Officer/DEO Swabi
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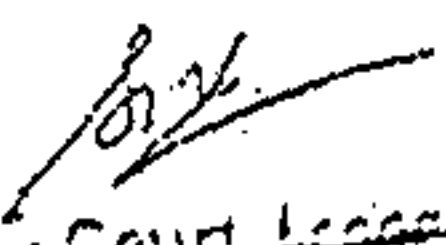
Senior Court /
Supreme Court of
Islamabad

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TESTED


Chief Justice, Supreme Court of Pakistan
Pakhtunkhwa, in accordance with law.

4. The appeals stand allowed, while the civil petition is converted into appeal and allowed, in the above terms.

5. As the matters are quite old, it is expected that the High Court will decide the same expeditiously, preferably within a period of four months.

Sd/-HCJ

Sd/-J

Sd/-J

Certified to be true copy



Senior Court Associate
High Court of Pakistan
Karachi

Supreme Court of Pakistan
Islamabad

No. of Appeal: 2119 of 2019
 No. of Civil Petition: 19 of 2019
 Registration Fee: 5.00
 Court Fee: 7.26
 Date of Copy: 5-6-2019

D.F.A

11.05.2022

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Naseeb Khan, SO, Mr. Muhammad Jamil, Account Officer and Mr. Fazal Rehman, Principal for respondents present and produce copy of order dated 02.06.2021 passed by august Supreme Court of Pakistan, whereby judgment dated 08.06.2017 passed by august Peshawar High Court in Writ Petition No. 913-P/2014 has been set-aside and the matter has been remanded to august Peshawar High Court for re-deciding the above mentioned Writ Petition as well as other connected Writ Petitions afresh, after issuing of notice under Order XXVII-A CPC to the Advocate General, Khyber Pakhtunkhwa, in accordance with law. In this view of the matter, learned counsel for the appellant stated that an adjournment may be granted. Adjourned. To come up for arguments on 09.06.2022 before the D.B at Camp Court Swat.

(Mian Muhammad)
Member(E)

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

shipshod manner and to put an end to 32 years long career of the appellant by a

single stroke of pen.

08. As a sequel to the above, we are of the considered view that neither due

course and fair play was adopted nor the ends of justice have been fulfilled before

the impugned order was passed. The impugned order dated 20.10.2015 and

appellate order dated 25.01.2016 being not sustainable on the touchstone of law, are

therefore set aside and the appellant reinstated in service against the same post with

all back benefits. Parties are left to bear their own costs. File be consigned to the

record room.

(MIAN MUHAMMAD)

Member(Executive)

Camp Court Abbottabad.

(SALAH-UD-DIN)
Member(Judicial)

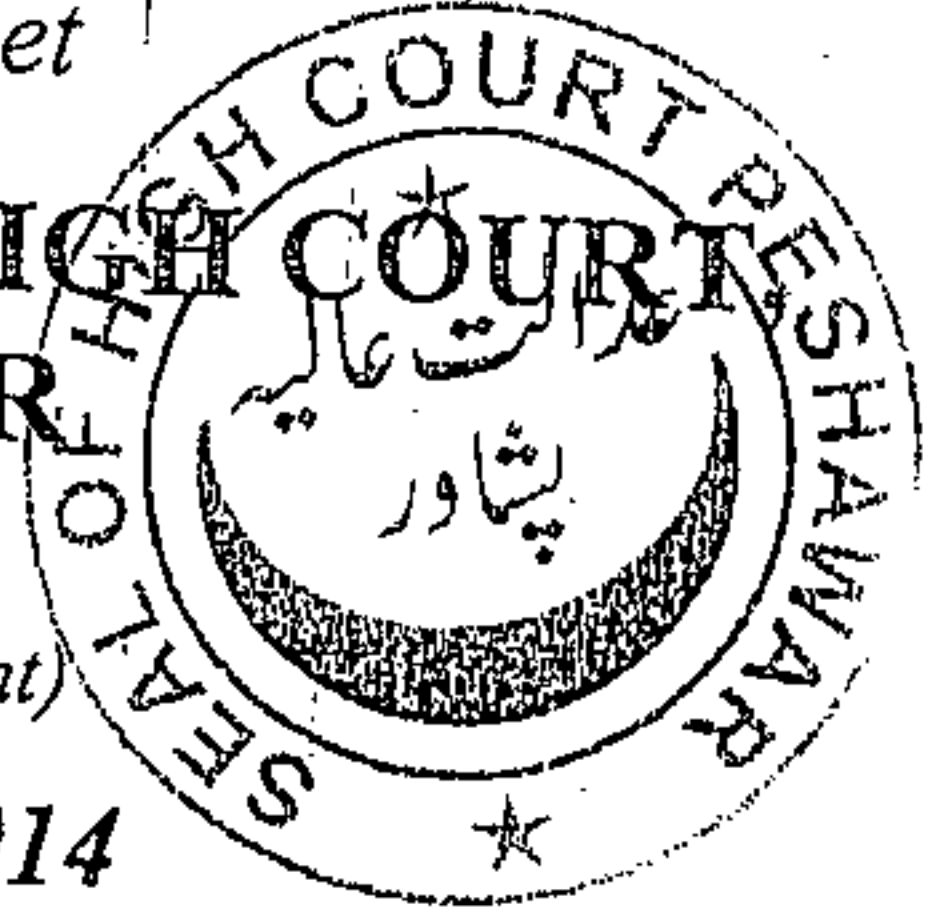
ANNOUNCED
22.12.2021

Judgment Sheet

IN THE PESHAWAR HIGH COURT
PESHAWAR

(Judicial Department)

WP No. 913-P/2014



Muhammad Iqbal & two others

Vs

Govt. of Khyber Pakhtunkhwa through
Secretary to Government, Finance
Department, Peshawar & three others

JUDGMENT

Date of hearing. 08.06.2017
Petitioner (s) by: Mr. Fazal Shah Mohmand, Advocate
Respondent (s) by: Syed Qaiser Ali Shah; AAG

MUHAMMAD YOUNIS THAHEEM, J.-.

Through this single judgment we propose to decide the instant writ petition alongwith connected WP No.1418-P/2014 titled Molvi Muhammad & four others Vs Govt. of KPK through Secretary Education (E&S), Peshawar & others and WP No.2053-P/2014 titled Saeed Ullah & 32 others Vs Govt. of KPK through Secretary S & GAD & others, as in all above petitions common question of law and facts regarding

2

higher educational qualifications, granted under Notification No. FD(PRC)1-1/89 dated 11.08.1991 Paragraph 5 are involved. Brief facts of the instant writ petition and connected petitions are separately given below:

i) WP No.913-P/2014:

The petitioners served in police department and retired as Inspectors, claimed above said relief after attaining higher educational qualifications by acquiring LL.B Degrees, they filed WP No.3600/2010 which was allowed by this Court vide judgment dated 28.10.2010 and were declare entitled for the benefit of two advance increments already given to other civil servants but inspite of favourable judgment of this Court in their favour, the petitioners were refused relief, therefore, they filed contempt of Court petition bearing COC No.201-P/2013, wherein this Court after hearing the parties passed an order for the implementation of judgment instead Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act IX, 2012 was promulgated, which has been challenged

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No.3600/2010 titled as Muhammad Iqbal etc Vs Provincial Police Officers, K.P.K Police and others by giving it retrospective effect from 01.12.2001 so to the extent of retrospectivity given in Section 2 of the ibid impugned Act is liable to be truck down.

ii) WP No.1418-P/2014:

The petitioners are employees of Education Department working on the posts of AT and TT who attained Master Degrees during service, so claimed same relief as were deprived, so filed WP No.1791/2009 which was decided by this Court vide order dated 08.09.2009 with the direction to decide the matter of advance increments within 03 months, but respondents gave deaf ear to the grievance of the petitioners rather to make the aforesaid judgment as effectless, promulgated enactment known as Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act-IX of 2012 which is ineffective upon the rights of petitioners, so be declared as null and void and its retrospectivity given in Section 2 be expunged.

iii) WP No.2053-P/2014:

The petitioners in the above referred petition are provincial government civil servants in different capacity from BPS-1 to BPS-15 in the education department who also during service attained higher qualifications, so sought relief provided vide notification dated 11.08.1991. The petitioners approached respondent No.4 by filing representation/departmental appeal for the grant of two advance increments but their said representation has not been considered but took shelter in the notification dated 03.01.2009 which contemplates as following:

"Now it has been decided that those who are although entitled but have not availed the same facilities so far will not be given advance increments in future"

but said notification dated 03.01.2009 has been declared discriminatory and violative of law by Honourable Supreme Court in judgments passed in *CPLA No.525 of 2007* titled as *Rashid Iqbal Khan Vs District Coodination Officer, Abbottabad & others* and *CPLA No.526 of 2007* titled as *Muhammad Haroon Qureshi Vs District Coodination Officer, Abhattabad*

3.11.12

Moreover, the petitioners have also challenged the vires of ibid KPK Act IX of 2012.

2. The petitioners in all the above said petitions have invoked the constitutional jurisdiction of this Court for the relief regarding grant of two advance increments on attaining higher educational qualifications and in this regard the notification dated 03.01.2009 has been set aside in WP No.368/2009. Petitioners have also challenged the vires of K.P.K Cessation of Arrears on Advance Increments on Higher Educational Qualification (hereinafter called impugned Act IX of 2012) to the extent of giving it retrospective effect before 01.12.2001 as against law with prayer to declare it null and void and it be expunged to the extent of retrospectivity.

3. Comments from respondents were called who submitted the same wherein they took stance that the petitioners have no any vested rights in view of notification dated 03.01.2009 and new enactment said K.P.K. Cessation of Arrears Act IX of 2012 and notification dated 03.01.2009. Respondents contended that the existing scheme of advance increments has been discontinued w.e.f. 03.01.2009 and vide Section

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given it retrospective effect which is within legislative powers of Pakhtunkhwa Assembly.

4. The learned counsel for the petitioners argued that issuance of notification dated 03.01.2009 and giving retrospective effect to the impugned enactment K.P.K. Cessation Act, 2012 is only aimed to nullify the beneficial effects of judgment of this Court in WP No.3600/2010 vide which notification dated 03.01.2009 has been set aside by this Court and by Honourable Supreme Court in above mentioned CPLAs decided on 19.07.2007, so this Court can examine the constitutionality of the piece of legislation by ibid impugned Section 2 of K.P.K. Cessation Act-IX of 2012 to the extent of giving it retrospective effect. He added that so many civil servants of provincial government had been benefited earlier from the notification dated 11.08.1991 but petitioners have been deprived, so the impugned enactment is malafide to nullify the judgment of this Court and prayed for striking it down to the extent of Section 2 of impugned ibid Act by giving it retrospective effect before 01.12.2001.

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03.01.2009, relied on their comments and impugned Act. He further argued that this enactment is neither aimed at to nullify the judgment of this Court nor that of Honourable Supreme Court. He lastly argued that petitioners are not entitled for the advance increments due to aforesaid notification dated 03.01.2009 and ibid impugned Act IX of 2012.

6. Arguments heard and record perused.

7. From the perusal of record it is admitted position that vide paragraph 5 of the notification dated 11.08.1991 issued by Finance Department, it was provided that any civil servant of Provincial Government Department who attained higher qualifications during service, would be entitled for two advance increments and due to said notification admittedly so many civil servants had already been benefited. However, above said relief has not been extended to petitioners despite of representations to their higher competent authorities and judgment passed by this Court as well as by Honourable Supreme Court particularly in WP No.1791/2009 decided on 08.09.2009 vide which direction was given

Singh

respondents have decided the matter nor given said advance increments, on this inaction, petitioner filed COC Petition No.133/2010 which was disposed of vide order dated 11.10.2012 as abated in the light of impugned Act, IX of 2012 known as Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 in the light of provision by giving it retrospective effect before 01.12.2001, so the petitioners feeling aggrieved have challenged the vires of above said notification and impugned enactment to the extent of giving it retrospective effect.

8. In brief the reliefs sought by the petitioners in all petitions is, one for the grant of two advance increments in purview of notification dated 11.08.1991, second for the implementation of beneficial judgments in WP No.368/2009 dated 24.03.2009 & WP No.3600/2010 dated 28.10.2010 and in third to declare the retrospective effect of impugned ibid Act, IX of 2012 as null and void and for expunction.

9. The question for determination before this Court is as to whether impugned enactment passed by

Sincerely
Y

nomenclature as Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, IX of 2012 is to nullify the effects of aforesaid judgments passed by this Court and to annul the beneficial effects of notification dated 11.08.1991 from which earlier so many civil servants of different departments of Khyber Pakhtunkhwa have been benefited.

10. We examined the impugned notification dated 03.01.2009 and whole of impugned ibid Act IX of 2012 by giving it retrospective effect before 01.12.2001. A query was put to the learned counsel for respondents as to whether before promulgation of impugned Act, its cause was removed and as whether that same provision in the impugned legislation would not amount to nullify the effects of judgment passed by this Court in the light of judgment of Honourable Apex Court cited as *2013 SCMR 1752*, on this learned counsel for the respondents failed to provide some reasonable and rational explanation for giving the impugned Act as retrospective effect before 01.12.2001. The Honourable Supreme Court while taking cognizance about the anomaly and miscarriage

3/12/2012

Province for giving out of turn promotions by way of deputation and absorption of different officers in the province of Sindh through legislation by way of amending Sindh Civil Servants (Amendment) Act, 2013 and Sindh Civil Servants (Second Amendment) Act, 2013 but said piece of enactment in aforesaid enactment through amendment was struck down in the referred judgment i.e. *2013 SCMR 1752 (Contempt Proceedings case)*.

11. In the above cited judgment the Honourable Supreme Court held that Supreme Court either on its own or on petition by party is vested with the judicial power to examine, review and expunge the vires of such piece of legislation/amendment relating to the rights of civil servants and having public importance.

12. The Honourable Supreme Court vide above said judgment set aside the piece of legislation promulgated by the Sindh Assembly with regard to out of turn promotions of some officers by way of deputation /absorption. In the said judgment certain principles have been enunciated regarding instruments/piece of legislation which had nullified the

Sindh
7

Court as well as of Honourable Sindh High Court. In this respect paragraphs No.165, 166 and 167 of said cited judgment are reproduced below:

165. *The leading judgment on the subject issue, which our Courts have approvingly referred to the case of Indira Nehru Gandhi V. Raj Narain (AIR 1975 SC 2299) which relates to amendment in the Election Laws of India. In the said judgment Paras 190 and 191 are importance and reproduced hereunder:-*

"190. A declaration that an order made by a Court of law is void is normally part of the judicial function and is not a legislative function....."

191. *The position as it prevails in the United States, where guarantee of due process of law is in operation, is given on pages 318-19 of Vol. 46 of the American jurisprudence 2d as under:*

"The general rule is that the legislature may not destroy, annul set aside, vacate, reverse, modify, or impair the final judgment of a Court of competent jurisdiction, so as to take away private rights which have become vested by the judgment. A statute attempting to do so has been held unconstitutional as an attempt on the part of the legislature to exercise judicial power, and as to

Handwritten signature/initials

previously decided by the Courts, but is also forbidden to affect the inherent attributes of a judgment. That the statute is under the guise of an act affecting remedies does not alter the rule. It is worthy of notice, however, that there are cases in which judgments requiring acts to be done in the future may validly be affected by subsequent legislation making illegal that which the judgment found to be illegal, or making legal that which the judgment found to be illegal."

13. Similarly Paragraphs No.166 and 167 of the cited judgment (2013 SCMR 1749) are reproduced as under:

"166. This Court in the case of Fecto Belarus Tractor Ltd. V. Government of Pakistan through Finance Economic Affairs and others (PLD 2005 SC 605) has held that when a legislature intends to validate the tax declared by a Court to be illegally collected under an individual law, the cause for ineffectiveness or invalidity must be removed before the validation can be said to have taken place effectively"

5/2

167. In order to nullify the judgment of the Court, unless basis for judgment in favour of a party is not removed, it could not affect the rights of a party in whose favour the same was passed. The issue of effect of nullification of judgment has already been discussed in the case of Mobashir Hassan reported in (PLD 2010 SC 265), Para-76 discusses the effect of nullification of a judgment by means of a legislation. In the said case, the view formed is identical to the one in the case of Indira Nehro Gandhi V. Raj Narain (AIR 1975 SC 2299) and Fecto Belarus Tractor Ltd. V. Government of Pakistan through Finance Economic Affairs and others (PLD 2005 SC 605) and it was observed that the legislature cannot nullify the effect of the judgment and there are certain limitations placed on its powers

5/12/20

the law with retrospective effect on
the basis of which the order or
judgment has been passed thereby
removing basis of the decision."

(Underlining are ours for emphasis)

14. In the petitions in hand the Government of Pakhtunkhwa by means of issuing notification dated 03.01.2009 had nullified the effect of notification dated 11.08.1991 and same notification dated 03.01.2009 had been declared null and void by this Court in judgment passed in WP No.3600/2010 dated 28.10.2010 and Honourable of Supreme Court in above referred CPLAs No.525 and 526 of 2007. So the petitioners were and are entitled for the benefits arising out of notification dated 11.08.1991 and the judgments passed by this Court, therefore, respondents were not legally authorized to deprive the petitioners from the beneficial effects of the aforesaid notification dated 11.08.1991 and aforesaid judgments through impugned *ibid* Act, IX of 2012 before first removing the cause that is entitlement and the aforesaid beneficial effects of judgments in the impugned

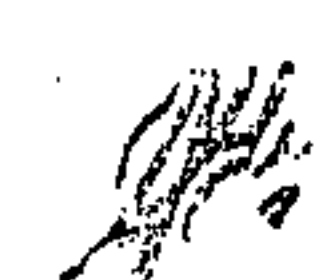
sim
HC

impugned *ibid* Cessation of Advance Increments Act-IX of 2012.

15. Thus in view of above discussion, we are of the firm view that by promulgating impugned piece of legislation and giving it retrospective effect is nothing but to destroy, annul and make the judgments of this Court as well as of Honourable Supreme Court as effectless, therefore, to the extent of Section 2 by giving it retrospective effect before 1.12.2001 is declared null and void so is hereby expunged and struck down from the aforesaid impugned Act IX of 2012. Hence, these petitions are allowed and the respondents are directed to provide them the benefits of two advance increments according to notification dated 11.08.1991 on attaining higher qualifications during service within the period of two months from the receipt of this judgment according to prescribed manner under the law then in field.

Announced:
08.06.2017

sd/ wagar Ahmad Eeth
ee m Younes Tabee m


JUDGE

OFFICE OF THE DISTRICT COMPUTROLLER OF ACCOUNTS SWAT

NO.DCA/SWAT/PR-I/1149

Dated:- 30 / 09 / 2014/

To

Mr, Alamgir SCT BPS No.-16, Personal No.70486

GHS Ghalegay District Swat. AR- 1 -SCT

Page No. 112

Subject:-

ISSUE OF REVISED PAY SLIP BPS NO.16.

Memo:-

Consequent upon the Promotion from BPS No.15 to BPS No.16, Vide Director:of Khyber Pakhtoon Khwa (Elem:& Secy:Edu:)Deptment Peshawar. Endst:No.SO(B&A)1-18/E&SED/2012 Dated 11.07.2012./ and KPK Finance Department Peshawar Notification No.SO(FR)FD/10-22 Dated 16.07.2012./

Now Premature Increment allowed Notification No..FD(SO-SR-1)2-123/2014 dated 30.05.2014./

You are authorized to draw pay and allowances at the following rates.

BPS No.16 (10000-800-34000) Premature Incr: Arrear will be admisible w.e.f.30.05.2014.			
PERIOD	30.05.2014	01.07.2014	Remarks
0001-Basic Pay.	21200/- ✓	21200/-	
1000-House Rent.	1818/- ✓	1818/-	
1210-Conv:Allow:	5000/-	-----	
1912-Comp:Allow:	1500/- ✓	1500/-	
1947-Med:Allow:	1602/- ✓	1602/-	
1948-A.A.10-50 %	5340/- ✓	5340/-	
1970-A.R-11-15 %	1602/- ✓	1602/-	
2118-A.R-12-20 %	4240/- ✓	4240/-	
2148-A.R-13-15 %	3180/- ✓	3180/-	
2174-A.R-14-10%	-----	2120/-	
G.Total:-.....	45482/-	42602/-	

- Note:- (1) All deduction at the prescribed rates.
 (2) Less pay and allowances already drawn.
 (3) Arrears will be passed subject to the availability of funds.

④ ROP Rs-183864 is releasable

DISTRICT ACCOUNTS OFFICER,
SWAT AT SAIBU SHARIF.

25/9

25/9

Rs. 183864: 15/10

Attested

C-T-C

Petitioner
No. 13
Award
C
14

15

Heirs.

- 1.
- 2.
- 3.

Verification Roll No. dated received back

Passed MA (Islamiat) in 1992, Secatory 520, Second division
 Under R.No. 11044.
 Result Decl. date: 23-10-93.

Govt. High School
 Left thumb impression
 Swat.

Passed C.T Examination 1993 (Condensed Course) NEW
 Under Roll No. 90 obtaining marks 262/500 in 2nd Division and the
 result was declared on 25-12-1993.

Exam. R.No. mark, Divi. Date of Dec.

Hafiz Nazrat Said
 HAFIZ NAZRAT SAID
 HEAD MASTER,
 GOVT. HIGH SCHOOL,
 PARRAI, SWAT.
 Date

Qualification	Date	Qualifications	Date
S.S.C. 7974	3/4 III 7-9-78		
English	900	First Arts	
F.A. 22003	403 III 7-9-88		
Pashtu	1000	B. L. or B. A.	
B.A. 11023	221 III 10-9-88		
Urdu	550	Pleadership examination	
Plan-drawing	Sub-Divisional Edu. Officer (M) / Smt. Sharif Sub	Training School Final examination	
Finger print		Other qualifications—	
Drill instructing			
Court duties			
Reserve duties	Passed B.A. Examination 1987 Under Roll No. 11023 marks obtained 221 Total marks 550. Division Third III		

Hafiz Nazrat Said
 Head master,
 Govt. High School,
 PARRAI, Distt. Swat.

N.B.—Line to be drawn under the qualification possessed.

C.A-C
 C.T-C

Note:—The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name

Alamgir

(30)

2. Race

Afghan

(16)

Residence

vill. & P.O. Manyar Distt. Swat

4. Father's name and residence

Sadbat Khan

5. Date of birth by Christian era as nearly as can be ascertained

(20-1-1960)

(Twenty January N.H. & Sixty)

6. Exact height by measurement

5-6

7. Personal marks for identification

NIL

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger.

Ring Finger

Middle Finger.

Fore Finger

Thumb.

9. Signature of Government servant

Alamgir

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Sub Divisional Officer (M)
Saidpur Sub Division

C.F.C

C.F.C

17

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. B.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under "Pay"	7 Date of appointment	8 Signature of Government servant
Ct. Cham. G.M.S. Jobby	Sub/per	(BPS No 9 830-38-1590)	Rs. 830/- Fixed			10.6.90	Alamy
- do -	- do -	(BPS No 9 - 1295 - 1995)	1195-72-2265				Alamy
- do -	- do -		Rs. 1329/- Fixed			1/9/91	Alamy
<p>Note The following over payment made may be recovered @ 144/- PM 1/9 to 30/11/91 Rs. 864/-</p>							
<p>Office of the Accounts Officer N.W.F.P. Peshawar. Pay fixed in the Revised Pay Scales 1991 of Rs. 1185/- P.M.W. E.F.1-6-1991 @ Rs. 1185/- P.M.W. E.F.1-6-1991 With Next Increment on 1-12-1991</p>							
<p>Accounts Officer Pay Fixation Party N.W.F.P. Peshawar.</p>							
GMS Pardon - do -	- do -		Rs. 1185/- P.M. Fixed			1/12/91	Alamy
- do -	- do -		Rs. 1185/- P.M. Fixed			1/12/92	Alamy
- do -	- do -		Rs. 1185/- P.M. Fixed			1/12/93	Alamy
<p>Revised BPS No 9 - (1605-97-3060)</p>							
- do -	- do -		Rs. 1605/- P.M.			1/6/94	Alamy
- do -	- do -		Rs. 1708/- P.M.			1/12/94	Alamy
- do -	- do -		Rs. 1993/- P.M.			25/12/93	Alamy

Signature of Government servant	9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure; or reward or praise of the Government Servant.
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable		
	S: D: E: O: Saidu Sharif	Appointment	scale	S: D: E: O: Saidu Sharif				
	S: D: E: O: Saidu Sharif	31/91	revised	S: D: E: O: Saidu Sharif				Appointed against c.T. post at G.M.S. vide D.E. (S) MKD: Division order Embr. No. 14940-43 dated 5-6-1990.
	S: D: E: O: Saidu Sharif		RPS scale	S: D: E: O: Saidu Sharif				Sub Divisional Edu. Officer (M)
	S: D: E: O: Saidu Sharif	31/92	Transferred	S: D: E: O: Saidu Sharif				Age relaxed vide D.E. (S) MKD: Division order Embr. No. 399-33 dated 14-7-92 by three years four months
								Sub Divisional Edu. Officer (M) Saidu Sharif
								pay fixed in B-9 on point to point bases w.e.f. 1/91 as under
								pay in BPS No 9 Rs: 830/-
								pay fixed in modified Rs: 840/-
								pay fixed in RPS Rs: 1329/-
	Head master, Govt. High School, Parrai, Swat.							
	Head ma Govt. High School, Parrai, Swat.	30/91	Pitted	Head ma Govt. High School, Parrai, Swat.				
	Head ma Govt. High School, Parrai, Swat.	30/92	Fixed	Head ma Govt. High School, Parrai, Swat.				
	Head master, Govt. High School, Parrai, Swat.	31/94	Scale Revised	Head master, Govt. High School, Parrai, Swat.				
	Head master, Govt. High School, Parrai, Swat.	30/94	Annual increment	Head master, Govt. High School, Parrai, Swat.				Service Verified w.e.f. 1-11-92 to 30-11-93 from Acq. Roll & other reports of the School.
	Head master, Govt. High School, Parrai, Swat.	24/93	Three Advans for Post-grad. B.A. awarded	Head master, Govt. High School, Parrai, Swat.				Sub Divisional Edu. Officer (M) Saidu Sharif
	Head master, Govt. High School, Parrai, Swat.							3

C.T.C
C.T.C

(19)

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1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term 'Pay'	7 Date of appointment	Signature of Government servant
SV G.H.S. Pansori	Sub. Post	Revised B.P.S. No. 9-1185-72-2465	Rs. 1185/- P.M.			1 ¹² / ₉₃ Alamyi	
-do-	-do-		Rs. 1401/- P.M.			25 ¹² / ₉₅ Alamyi	
-do-		Revised B.P.S. No. 9-1405-97-3060				Alamyi	
-do-	Sub. Post		Rs. 1896/- P.M.	✓	✓	1 ⁶ / ₉₄ Alamyi	
-do-	-do-		Rs. 1993/- P.M.	✓	✓	1 ¹² / ₉₄ Alamyi	
G.H.S. SV Chalegay Swat	-do-		Rs. 1993/2 P.M.	✓	✓	1 ⁵ / ₉₅ Alamyi	
-do-	-do-		Rs. 2090/- P.M.	✓	✓	1 ¹² / ₉₅ Alamyi	
Three appointments on B.P.S.	Name of the Government General			(4)			
Pay fixed in the 1st scale of Rs. 1605-97-3060 (9) or Rs. 1896/- with next increment	N.W.P. 1994	W.C.P. 1994	Service Verified from 1-5-95 to 30-11-95		Principal, Govt. High School, Chalegay Swat		
Pay fixation Party	N.W.P. Peshawar	Service Verified from 1-12-95 to 30-11-96		(5)			
					Principal, Govt. High School, Chalegay Swat		
C.A.C.							

C.A.C.

8	9	10	11	12	13		14	15
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to a recorded punishment, censure, or reward or praise of the Government Servant.	
<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat	24 12 93	Three Advance increments passed for B.A. 1st year	<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat			<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat	Graded pay scale No. 9 consequent upon passing Condensed course Mr. Alamgir allowed Pension Scale - BPS-11 w.c.f. 25-12-93 under D.I.E. Mahiland Division Swat. Govt. Servant No. 6025-27 dt: 26-3-95	
<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat	31 5 94	Scale Revised	<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat			<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat		
<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat	30 11 94	Annulment	<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat			<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat		
<i>[Signature]</i> Govt High School, Parrai Swat	30 4 95	Transfer to GHS Ghalegay	<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat			<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat	Service verified w.c.f. 1-12-94 To 30-4-1995 from Govt. Records and Record of this office	
Imran PRINCIPAL, Govt High School, Ghalegay Swat	30 11 95	Annulment	Imran PRINCIPAL, Govt High School, Ghalegay Swat			<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat		
Imran PRINCIPAL, Govt High School, Ghalegay Swat	30 11 96	Annulment	Imran PRINCIPAL, Govt High School, Ghalegay Swat			<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat		
Imran PRINCIPAL, Govt High School, Ghalegay Swat		Increments on passing BA examined in 1995 amounting to Rs 6038/- R.O.P	Imran PRINCIPAL, Govt High School, Ghalegay Swat			<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat	Sanction of three Advance increments Allowed three advance increments on passing B.A. Third Division, w.c.f. 25-12-95 under D.I.E. (S) PAKD Division Swat, Govt. Servant No. 15751-55 dt: 19-7-96	
Service Verified from 1-12-96 to 30-11-97			Imran PRINCIPAL, Govt High School, Ghalegay Swat			Imran PRINCIPAL, Govt High School, Ghalegay Swat		
Imran PRINCIPAL, Govt High School, Ghalegay Swat			Imran PRINCIPAL, Govt High School, Ghalegay Swat			<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat		
Imran PRINCIPAL, Govt High School, Ghalegay Swat			Imran PRINCIPAL, Govt High School, Ghalegay Swat			<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat		
Imran PRINCIPAL, Govt High School, Ghalegay Swat			Imran PRINCIPAL, Govt High School, Ghalegay Swat			<i>[Signature]</i> Headmaster, Govt High School, Parrai Swat		

Attested *[Signature]*

UNDERTAKING
I, **MR. Alamgir SV** is hereby undertake that no overpayment is made to three advance increments of fixation of my pay, the same are recovered from my pay/pension/ gratuity.
Signature of Govt. Servant: **Alamgir SV**
Designation: **SV**
Imran PRINCIPAL, Govt High School, Ghalegay Swat

(21)

(2)

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
BPS No. 9 (1605-97-3000)							
e.T. G.H.S. Ghaligani	sub/Per		Rs 2187/-			1/12/96	Alamji
-do-	-do-		Rs 2284/-			1/12/97	Alamji
-do-	-do-		Rs 2381/-			1/12/98	Alamji
-do-	-do-		Rs 2478/-			1/12/99	Alamji
-do-	-do-		Rs 2575/-			1/12/2000	Alamji
-do-	-do-		Rs 2672/-			1/12/2001	Alamji
BPS No. 9 (2410-145-6760)							
-do-	-do-		Rs 4005/-			1/12/2001	Alamji
-do-	-do-		Rs 4150/-			1/12/2002	Alamji
		(12)				(11)	1-12-2003
		Service Verified w.e.f. 1-12-2004 to 30-11-2005 from acq. Rolls & other Record of this office.			Service Verified w.e.f. 1-12-2004 to 30-11-2005 from acq. Rolls & other Record of this office.		
Attested							

Principal, Govt. High School, Ghaligani

Principal, Govt. High School, Ghaligani

Attested
[Signature]

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9. Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal etc).	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Per-iod	Government to which debitable		
Imman PRINCIPAL, Govt-High School, Ghalegay Swat	30-11-97	Ann. Incl.	Imman PRINCIPAL, Govt-High School, Ghalegay Swat			Service Verified, from 1-12-97 to 30-11-99	30-11-99
Imman PRINCIPAL, Govt-High School, Ghalegay Swat	30-11-98	Ann. Incl.	Imman PRINCIPAL, Govt-High School, Ghalegay Swat			(8)	Imman PRINCIPAL, Govt-High School, Ghalegay Swat
Imman PRINCIPAL, Govt-High School, Ghalegay Swat	30-11-99	Ann. Incl.	Imman PRINCIPAL, Govt-High School, Ghalegay Swat		Service Verified, from 1-12-99 to 30-11-2000	30-11-2000	
Imman PRINCIPAL, Govt-High School, Ghalegay Swat	30-11-2000	Ann. Incl.	Sargandah PRINCIPAL, Govt-High School, Ghalegay Swat			Sargandah PRINCIPAL, Govt-High School, Ghalegay Swat	(9)
Sargandah PRINCIPAL, Govt-High School, Ghalegay Swat	30-11-2001	Ann. Incl.	PRINCIPAL, Govt-High School, Ghalegay Swat			Service Verified, from 1-12-2001 to 30-11-2001	30-11-2001
PRINCIPAL, Govt-High School, Ghalegay Swat	1-12-2001	scale Revised	PRINCIPAL, Govt-High School, Ghalegay Swat				PRINCIPAL, Govt-High School, Ghalegay Swat
PRINCIPAL, Govt-High School, Ghalegay Swat	30-11-2002	Ann. Incl.	PRINCIPAL, Govt-High School, Ghalegay Swat		Departmental Pay Fixation in Revised Pay Scale No. 9 @ Rs. (2410-145-6760) w.e.f 1.12.2001 vide FD (PR) 1-12-2001, dated 27-10-2001 Pay in Existing S. 1. 11, 9 on 30-11-2001 Rs. 2575/- Annual Increase to existing Pay Scale Rs. 47/- TOTAL PAY:- Rs. 2622/- Equal/Next Scale to Revised P. Scale No. 9 Rs. 4005/- Pay Fixed on 1-12-2001. With Next Annual Increment on 1-12-2002		
PRINCIPAL, Govt-High School, Ghalegay Swat	30-11-2003	Ann. Incl.	PRINCIPAL, Govt-High School, Ghalegay Swat				
PRINCIPAL, Govt-High School, Ghalegay Swat							

Office of the Accountant General
N.W.F.P. Peshawar,
Pay Fixed in the revised basic pay scales 2001
of Rs. 2410-145-6760 w.e.f 1-12-2001
at Rs. 4005/- PMYEP 1-12-2001
with next annual increment on 1-12-2002

Accountant General
Pay Fixation Party N.W.F.P. Peshawar

Attested

PRINCIPAL,
Govt-High School,
Ghalegay Swat

PRINCIPAL,
Govt-High School,
Ghalegay Swat

Service Verified w.e.f 1-12-2001
to 30-11-2003 from acq. Rolls
& other Record of this office.

C-t-c

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1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment; or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in post	5 Additional Pay for officiating	6 Other emolument falling under the term 'Pay'	7 Date of appointment	8 Signature of Government servant
		B.P.S No. 09 (2410-145-6760)					
c.T. Shs Ghalagay Swat	Sub/Per:		Rs 4295/2			12/2003	Alongi
do	do		Rs 4440/2			12/2004	Alongi
		B.P.S No. 09 (2770-165-7720)					
do	do		Rs 5080/2			7/2005	Alongi
do	do		Rs 5245/2			12/2005	Alongi
		<div data-bbox="586 1566 1202 2104" data-label="Text"> <p>Office of the Accountant General NW.F.P Peshawar Pay Fixed in the revised basic pay scale 2005 of Rs. 2770-165-7720 at Rs. 5080/- with effect from 01/07/2005 P.M. 04/01/07-2005 Accounts Officer of Party N. V. P. Peshawar</p> </div>		<div data-bbox="1242 1502 1958 2009" data-label="Text"> <p>UNDERTAKING I Mr. Alongi working against c.T. Postal GMS/GMS Shs Ghalagay do hereby given an undertaking in the effect that if any over payment is made to me as a result of in correct payment of my pay, W.F.F 17, 2005, it will be made good by recovery from my pay/retirement gratuity.</p> <p>ATTESTED Govt: High School, GHALEGAY Distt-Swat.</p> </div>			
		B.P.S No. 09 (2770-165-7720)					
do	do		Rs 5410/2			12/2006	Alongi
		B.P.S No. 09 (3185-190-8885)					
do	do		Rs 6225/2			7/2007	Alongi
do	do		Rs 6415/2			12/2007	Alongi

c.T.
Attested

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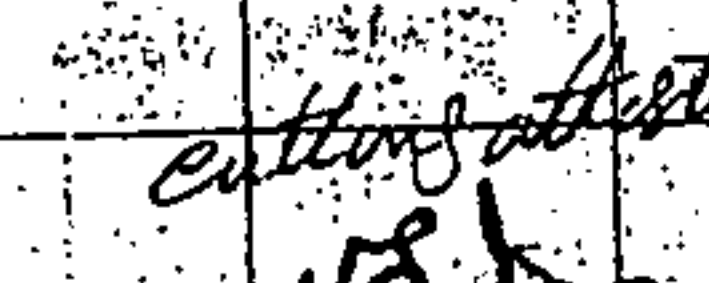
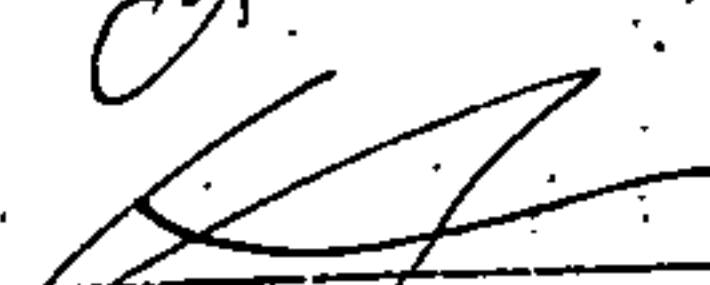
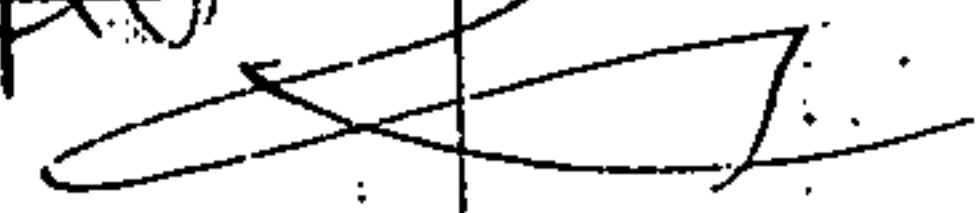
9	10	11	12	13	14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal etc)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Signature of the head of the office or other attesting officer	Reference to a recorded punishment or censure, or reward or praise of the Government Servant.
	30/11/2004	Ann. Iner.		Leave		
PRINCIPAL, Govt-High School, Ghalogay Buz.	1/7/2005	Scale Revised		Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Departmental Pay Fixation in Revised Pay Scale No. 09 @ Rs. BPS No. 9 (2770-165-7720)	Reference to a recorded punishment or censure, or reward or praise of the Government Servant.
PRINCIPAL, Govt-High School, Ghalogay Buz.			PRINCIPAL, Govt-High School, Ghalogay Buz.	W.E.F. 1-7-2005 vide No FD(PRC)1-1-2005 Dated Peshawar the July 9 2005	Pay in Existing Scale No. 9 on 30-6-2005 Rs. 4440/-	Pay Fixed on 1-7-2005 Rs. 5080/- With Next Annual Increment on 1-12-2005
	30/11/2005	Ann. Iner.				PRINCIPAL, Govt: High School, GHALEGAY Distt-Swad.
PRINCIPAL, Govt-High School, Ghalogay Buz.	30/11/2006	Ann. Iner.				
PRINCIPAL, Govt-High School, Ghalogay Buz.	(13)		PRINCIPAL, Govt-High School, Ghalogay Buz.	UNDERTAKING	I Mr. Alamgir working against CT Post at GMSIGGMS GHS Ghalogay	do hereby given an underraking to the effect that if any over Payment is made to me as a result of in correct Fixation of my Pay W.E.F. 1-7-2005, It will be made good by recovery from my Pay/Pension/gratuity.
Service Verified w.o. 1-12-2005 to 30-6-2007 from acq. Rolls & other Record of this office.				ATTESTED	Signature of Govt. Servant	
PRINCIPAL, Govt-High School, Ghalogay Buz.			PRINCIPAL, Govt-High School, Ghalogay Buz.			PRINCIPAL, Govt: High School, GHALEGAY Distt-Swad.
	30/6/2007	Scale Revised		Departmental Pay Fixation in Revised Pay Scale No. 09 @Rs. BPS No. 09 (3185-190-8885)	W.E.F. 1-7-2007 Vide FD (PRC) 1-1-2007 Dated Peshawar the July 20 2007	Pay in Existing Scale No. 09 on 30-6-07 Rs. 5410/-
PRINCIPAL, Govt-High School, Ghalogay Buz.			PRINCIPAL, Govt-High School, Ghalogay Buz.	Equal/Next Stage in Revised Pay Scale	09 Rs. 6225/-	Pay Fixed on 1-7-2007, Rs. 6225/- With Next Annual increment on 1-12-2007.
	30/11/2007	Ann. Iner.				
PRINCIPAL, Govt-High School, Ghalogay Buz.	30/6/2008	Scale Revised				
PRINCIPAL, Govt-High School, Ghalogay Buz.			PRINCIPAL, Govt-High School, Ghalogay Buz.			PRINCIPAL, Govt: High School, GHALEGAY Distt-Swad.

Attested

At C

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1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of appointment	Signature of Government servant
C.T. H.S. Ghalegay Per		BPS No. 09 (3820-230-10720)	Rs 7730/2			1/7/2008	Alamy
-do-	-do-	BPS No. 15 (4350-350-14850)	Rs 6450/2			1/10/2007	Alamy
-do-	-do-	Refixation of pay B-15, Rs 6800/2				1/12/2007	Alamy
-do-	-do-	BPS No. 15 (5220-420-17820)	Rs 8160/2			1/7/2008	Alamy
DEPARTMENTAL PAY FIXATION AWARD OF GRADED PAY SCALE BPS No-15 Vide Finance Department Notification No-FD/S(FR) 10-22/2007 Dated 26-01-2008 and DCO Swat Sanction No-9345 Dated 23-07-2008 With Effect From 1-10-2007				DEPARTMENTAL PAY FIXATION AWARD OF GRADED PAY SCALE BPS No-15 Vide Finance Department Notification No-FD/S(FR) 10-22-2007 Dated 26-01-2008 and DCO Swat Sanction No-9345 Dated 23-07-2008.			
Pay on 1-10-07 in BPS 09		Rs 6225/2		Pay on 1-10-07 in BPS 15		Rs 6450/2 ✓	
Pay on 1-10-07 in BPS 15		Rs 6450/2		Pay on 1-12-07 in BPS 15		Rs 6800/2 - 6450/2	
Pay Fixed on 1-0-07 in BPS 15		Rs 6450/2		Pay Fixed on 1-12-07 in BPS 15		Rs 6800/2 - 6450/2	
 PRINCIPAL Govt. High School, GHALEGAY Distt-Swat.				cutting attested  PRINCIPAL Govt. High School, GHALEGAY Distt-Swat.			
ct-c 		Attested 					

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

Entry Revised
Graded Pay scale
BPS No-15

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

GRADED PAY SCALE BPS NO:15
Allowed graded pay scale BPS NO:15
w.e.f 01-10-2007 according to the notification No:
vide DCO Swat NO: 9345/DCO/Actt Dated 23/07/08
and vide EDO (Elem. & Sec. Education) Swat
Encl: NO 15004-7/F.No.14/Graded pay scale
14-Dated: 29-07-2008.

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

Reference to any recorded punishment or censure, or reward or praise of the Government Servant.

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

30/11/2007
Refixation
of pay B-15

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

NO OPTION:

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

Reference to any recorded punishment or censure, or reward or praise of the Government Servant.

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

30/6/2008
Scale
Revised

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

① In the light of notification NO: of Fin-
-ance dept. memo NO: FD (PRC) 01-01-1986
VI (A) dated 05/06/1986. I Mr. Alamgir C.
of GHS Ghalegay Swat do hereby opt for
refixation of my pay in B-15 w.e.f 01-12-2007

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

Reference to any recorded punishment or censure, or reward or praise of the Government Servant.

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

Entry Revised
for incorrect
fixation

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

② pay revised in B-15 w.e.f 01-12-2007 with
monitory benefits from 01-10-2007 to 30/11/2007

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

Reference to any recorded punishment or censure, or reward or praise of the Government Servant.

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

S.A No. 251
Date 12/12/08
Drawn difference of pay w.e.f 1/12/07
to 31/12/08 due to
Total Rs. 2500/-

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

③ Upgraded to B-15 w.e.f 01-10-2007 vide Fin-
-ance notification NO FD (SOFR) 15-22/2007
Dated pesh: the 26-01-2008, w.e.f 01-10-2007.

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

Reference to any recorded punishment or censure, or reward or praise of the Government Servant.

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

Distt. A/c Officer
SWAT

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

Signature of G. Servant Alamgir

[Signature]
PRINCIPAL,
Govt-High School,
Ghalegay Swat

Reference to any recorded punishment or censure, or reward or praise of the Government Servant.

UNDER TAKING
I Mr. Alamgir working
against Post at GHSS/GHS/GMS Ghalegay
do hereby given an under taking to the effect
that if any over payment is made to me as a
result of in correct fixation of my pay
w.e.f 1-7-2008 it will be made good by
recovery from my pay/pension/gratuity.

ATTESTED
[Signature]
PRINCIPAL,
Govt. High School,
GHALEGAY Dist. Swat

Departmental Pay Fixation in Revised
Pay Scale No. 15
@Rs. (5220-420-17820)
W.E.F. 1-7-2008 vide FD (PRC) 1-1-2008
Dated Peshwar the July 10, 2008
Pay In Existing Scale No-15 on 30-6-08 Rs. 6450/-
Equal/Next Stage In Revised Pay Scale 15 - Rs. 8160/-
Pay Fixed on 1-7-2008, Rs. 8160/- 7744/-
With Next Annual Increment on 1-12-2008.

[Signature]
PRINCIPAL,
Govt. High School,
GHALEGAY Dist. Swat

G.B No. 1448
Date 18/12/08
Drawn difference of pay w.e.f 1/12/08
to 31/12/08 due to
Total Rs. 2500/-

[Signature]
Distt. A/c Officer,
SWAT

Attested
[Signature]

(12)

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1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under "Pay"	Date of appointment	Signature of Government servant
c.T. GHS Ghalegay Swat	Per	BPS No. 09 (3185-190-8885)	Rs 6225/-			01/07/07	Alamji
do	do	BPS No. 15 (4350-350-14850)	Rs 6450/-			01/10/07	Alamji
do	do	BPS No. 15 (5220-420-17820)	Rs 6450/-			01/12/07	Alamji
do	do	BPS No. 15 (5220-420-17820)	Rs 7740/-			01/07/08	Alamji
do	do	BPS No. 15 (5220-420-17820)	Rs 8160/-			1/12/2008	Alamji
c.T. Post.	Sub/Per	BPS No. 9 (830-38-1590)	Rs 830/-			10/6/90	Alamji
"	"	BPS No. 9 (830-38-1590)	Rs 830/-			1/12/90	Alamji
"	"	BPS No. 9 (1185-72-2265)	Rs 1329/-			6/9/91	Alamji
"	"	BPS No. 9 (1185-72-2265)	Rs 1401/-			12/9/91	Alamji
C-f-c	"	BPS No. 9 (1185-72-2265)	Rs 1473/-			12/9/92	Alamji

Attested

[Signature]

8	9	10	11	12	13	14	15	
nature of government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to a recorded punishment or censure, or reward or praise of the Government Servant.
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Per-iod	Government to which debitable		
<i>Al</i>	 PRINCIPAL, Govt-High School, Ghalegay Swat.	30 ⁰⁹ / ₀₇	Allowed graded pay scale B-15	 PRINCIPAL, Govt-High School, Ghalegay Swat.		Sr-2000 15/11	<i>Drawn diff. of pay</i> 12/08. B.420/1	
<i>Al</i>	 PRINCIPAL, Govt-High School, Ghalegay Swat.	30 ¹¹ / ₀₇	Ann. Incr. not allowed	 PRINCIPAL, Govt-High School, Ghalegay Swat.			<i>Asst. Dist. Officer, Swat.</i>	
<i>Al</i>	 PRINCIPAL, Govt-High School, Ghalegay Swat.	30 ⁰⁶ / ₀₈	scale revised	 PRINCIPAL, Govt-High School, Ghalegay Swat.			<i>Relaxation of untrained period.</i>	
<i>Al</i>	 PRINCIPAL, Govt-High School, Ghalegay Swat.	30 ¹¹ / ₂₀₀₈	Ann. Incr.	 PRINCIPAL, Govt-High School, Ghalegay Swat.			<i>Relaxation w.e.f. 30-03-2009, granted benefit of Annual Increments/ Running pay scale to untrained teachers from the date of their regular Appth, vide Govt. of NWFP, Finance Dept. P.O. Notification No. FD (P/R) 5-2/2002 Dated 30-03-2009, duly Enacted by ED (E/SE) Swat, Enact. No. 12498-12502 Dated 17-04-2009.</i>	
<i>Al</i>	 PRINCIPAL, Govt-High School, Ghalegay Swat.	<i>Entry revised for untrained period.</i>		 PRINCIPAL, Govt-High School, Ghalegay Swat.				
<i>Al</i>	 PRINCIPAL, Govt-High School, Ghalegay Swat.	30 ¹¹ / ₉₀	Ann. Incr. not allowed	 PRINCIPAL, Govt-High School, Ghalegay Swat.			<i>PRINCIPAL, Govt-High School, GHALEGAJ (Dist-Swat)</i>	
<i>Al</i>	 PRINCIPAL, Govt-High School, Ghalegay Swat.	31 ⁵ / ₉₁	scale revised	 PRINCIPAL, Govt-High School, Ghalegay Swat.				
<i>Al</i>	 PRINCIPAL, Govt-High School, Ghalegay Swat.	30 ¹¹ / ₉₁	Ann. Incr.	 PRINCIPAL, Govt-High School, Ghalegay Swat.				
<i>Al</i>	 PRINCIPAL, Govt-High School, Ghalegay Swat.	30 ¹¹ / ₉₂	11	 PRINCIPAL, Govt-High School, Ghalegay Swat.				
<i>Al</i>	 PRINCIPAL, Govt-High School, Ghalegay Swat.	30 ¹¹ / ₉₃	11	 PRINCIPAL, Govt-High School, Ghalegay Swat.			<i>Att K</i>	

*Att
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1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term 'Pay'	7 Date of appointment	8 Signature of Government servant
e. T. Post RHS Ghalegay	Sub/Per	✓ B 1545	1545	1401 X		1 ¹² / ₉₃	Alamji-
"	"	✓ B 17611/2	17611/2	1617		25 ¹² / ₉₃	Alamji-
<u>BPs No. 9C 1605-97-3060</u>							
"	"	✓ B 2381/2	2381/2	2187		1 ⁶ / ₉₄	Alamji-
"	"	✓ B 2478/2	2478/2	2285		1 ¹² / ₉₄	Alamji-
"	"	✓ B 2575/2	2575/2	2587		1 ¹² / ₉₅	Alamji-
"	"	✓ B 2672/2	2672/2	2498		1 ¹² / ₉₆	Alamji-
"	"	✓ B 2769/2	2769/2	2555		1 ¹² / ₉₇	Alamji-
"	"	✓ B 2866/2	2866/2	2672		1 ¹² / ₉₈	Alamji-
"	"	✓ B 2963/2	2963/2	2765		1 ¹² / ₉₉	Alamji-
"	"	✓ B 3060/2	3060/2	2866		1 ¹² / ₂₀₀₀	Alamji-
<u>BPs No. 10C 1660-107-3265</u>							
"	"	✓ B 3158/2	3158/2	2953		1 ¹² / ₂₀₀₁	Alamji-

c.t-c

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9	10	11	12	13		14	15	
				Leave				
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to recorded punishment or censure reward or promotion of the Government Servant
					Period	Government to which debitable		
PRINCIPAL, Govt-High School, Ghalegay Swat	24 ¹² / ₉₃	Passed ET/ Passed B.A. 3 Adv. Incl.	PRINCIPAL, Govt-High School, Ghalegay Swat					
PRINCIPAL, Govt-High School, Ghalegay Swat	31 ⁵ / ₉₄	Scale Revised	PRINCIPAL, Govt-High School, Ghalegay Swat					
PRINCIPAL, Govt-High School, Ghalegay Swat	30 ¹¹ / ₉₄	Ann. Inces.	PRINCIPAL, Govt-High School, Ghalegay Swat					
PRINCIPAL, Govt-High School, Ghalegay Swat	30 ¹¹ / ₉₅	"	PRINCIPAL, Govt-High School, Ghalegay Swat					
PRINCIPAL, Govt-High School, Ghalegay Swat	30 ¹¹ / ₉₆	"	PRINCIPAL, Govt-High School, Ghalegay Swat					
PRINCIPAL, Govt-High School, Ghalegay Swat	30 ¹¹ / ₉₇	"	PRINCIPAL, Govt-High School, Ghalegay Swat					
PRINCIPAL, Govt-High School, Ghalegay Swat	30 ¹¹ / ₉₈	"	PRINCIPAL, Govt-High School, Ghalegay Swat					
PRINCIPAL, Govt-High School, Ghalegay Swat	30 ¹¹ / ₉₉	"	PRINCIPAL, Govt-High School, Ghalegay Swat					
PRINCIPAL, Govt-High School, Ghalegay Swat	30 ¹¹ / ₂₀₀₀	"	PRINCIPAL, Govt-High School, Ghalegay Swat					
PRINCIPAL, Govt-High School, Ghalegay Swat	30 ¹¹ / ₂₀₀₁	M/over to B-10	PRINCIPAL, Govt-High School, Ghalegay Swat					
PRINCIPAL, Govt-High School, Ghalegay Swat	1 ¹² / ₍₂₀₀₎	Scale Revised	PRINCIPAL, Govt-High School, Ghalegay Swat					

CT-C

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1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
<u>Revised BPS No. 9 (2410-145-6760)</u>							
C.T. Post	Sub/Per		4875/2	4440		12/2001	Alamy
GHS Ghalogay			5020/2	4585		12/2002	Alamy
"	"		5165/2	4730		12/2003	Alamy
"	"		5310/2	4875		12/2004	Alamy
<u>BPS No. 9 (2770-165-7720)</u>							
"	"		6070/2	5595		7/2005	Alamy
"	"		6235/2	5740		12/2005	Alamy
"	"		6400/2	5905		12/2006	Alamy
<u>BPS No. 9 (3185-190-8885)</u>							
"	"		7365/2	6795		7/2007	Alamy
"	"		7555/2	6985		12/2007	Alamy
<u>BPS No. 15 (4350-350-14850)</u>							
"	"		7850/2	7150		12/2007	Alamy

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9	10	11	12	13		14	15
				Leave			
Signature and designation of the head of the office or other attesting officer in attestation (columns 1 to 8)	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period	Government to which debitable	
PRINCIPAL, Govt-High School, Ghalogay Swat	30/11/2002	Ann. Inces	PRINCIPAL, Govt-High School, Ghalogay Swat				
PRINCIPAL, Govt-High School, Ghalogay Swat	30/11/2003	"	PRINCIPAL, Govt-High School, Ghalogay Swat				
PRINCIPAL, Govt-High School, Ghalogay Swat	30/11/2004	"	PRINCIPAL, Govt-High School, Ghalogay Swat				
PRINCIPAL, Govt-High School, Ghalogay Swat	30/6/2005	Scale Revised	PRINCIPAL, Govt-High School, Ghalogay Swat				
PRINCIPAL, Govt-High School, Ghalogay Swat	30/11/2005	Ann. Inces	PRINCIPAL, Govt-High School, Ghalogay Swat				
PRINCIPAL, Govt-High School, Ghalogay Swat	30/11/2006	"	PRINCIPAL, Govt-High School, Ghalogay Swat				
PRINCIPAL, Govt-High School, Ghalogay Swat	30/6/2007	Scale Revised	PRINCIPAL, Govt-High School, Ghalogay Swat				
PRINCIPAL, Govt-High School, Ghalogay Swat	30/11/2007	Ann. Inces	PRINCIPAL, Govt-High School, Ghalogay Swat				
PRINCIPAL, Govt-High School, Ghalogay Swat	30/6/2008	Scale Revised	PRINCIPAL, Govt-High School, Ghalogay Swat				

Scale

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1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature Government servant
C.T. Post		BPS No. 15 (5220-420-17820)					
H.S. Ghalegay smart	Sub/Per:		Rs 9420/-			1 ⁷ / ₂₀₀₈	Alamji
-do-	-do-		Rs 9840/-			1 ¹² / ₂₀₀₈	Alamji
-do-	-do-		Rs 10260/-			1 ¹² / ₂₀₀₉	Alamji
-do-	-do-		Rs 10680/-			1 ¹² / ₂₀₁₀	Alamji
-do-		BPS No. 09 (1185-72-2265)					
-do-	-do-		Rs 1473/-			23 ¹⁰ / ₉₃	Alamji
-do-	-do-		Rs 1761/-			23 ¹⁰ / ₉₃	Alamji
-do-	-do-	1401	Rs 1833/-			1 ¹² / ₉₃	Alamji
-do-	-do-	4 Adv. 1689/-	Rs 2049/-			25 ¹² / ₉₃	Alamji
-do-		BPS No. 09 (1605-97-3060)					
-do-	-do-	284	Rs 2769/-			1 ⁶ / ₉₄	Alamji
22 ⁰⁴ / ₁₉₄	-do-	2381	Rs 2866/-			1 ¹² / ₉₄	Alamji
24 ⁰⁸ / ₂₀₀₈	-do-	2478	Rs 2963/-			1 ¹² / ₉₅	Alamji
25 ³³ / ₂₀₀₈	-do-	2575	Rs 3060/-			1 ¹² / ₉₆	Alamji

C.T. - C
 C.T. - C

8 Signature of Government servant	9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable		
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	30/11/2008	Ann. Incr.	PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	30/11/2009	A/G Inc.	PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	30/11/2010	A/G Inc.	PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	Entry revised by Advance Incr. w/ A.A.		PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	4 Advance Incr. w/ Passing A.A.		PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	30/11/93	Ann. Incr.	PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	24/12/93	Passed B.A. 3 Adv. Incr.	PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	31/5/94	Scale received	PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	30/11/94	Ann. Incr.	PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	30/11/95	Ann. Incr.	PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	30/11/96	Ann. Incr.	PRINCIPAL, Govt. High School, Ghalegay, Swat.				
	PRINCIPAL, Govt. High School, Ghalegay, Swat.	30/11/97	Major to B-10	PRINCIPAL, Govt. High School, Ghalegay, Swat.				

under taking:
 I Mr. Alamgir et. hereby undertake as a result of my Re-fixation of untrained pay to basic pay Scale No 15. If any over payment is made to me the same may be recover from my pay/pension and gratuity.
 Along:-

PRINCIPAL, Govt. High School, Ghalegay, Dist. Swat.
 Signature of Govt. Servant:

G.P. No. 1319 ...
 Drawn diff. ...
 Total Rs. 1188/-

(14)

Service Verified w.o.f. 1-7-2007 to 30-11-2009 from acc. Roll & other Record of this office.

G.P. No. 2537 ...
 Drawn diff. ...
 Total Rs. 4499/-

cut - e

(90)

35

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emoluments falling under the term "Pay"	Date of appointment	Signature of Government servant
e.T. Post, R.H.S. Halegar	Per:	BPS No. 10 (1660-107-3265)	R 3158 1/2	2672 ✓		1 12 / 97	Alamyji
- do -	- do -		R 3265 1/2	2769 ✓		1 12 / 98	Alamyji
- do -	- do -	BPS No. 11 (1725-116-3465)	R 3349 1/2	2866		1 12 / 99	Alamyji
- do -	- do -		R 3465 1/2	2963		1 12 / 2000	Alamyji
- do -	- do -	BPS No. 12 (1830-130-3780)	R 3520 1/2	3060 ✓		1 12 / 2001	Alamyji
- do -	- do -	Revised BPS No. 9 (2410-145-6760)	R 5310 1/2	4585		1 12 / 2001	Alamyji
- do -	- do -		R 5455 1/2	4730		1 12 / 2002	Alamyji
- do -	- do -		R 5600 1/2	4875		1 12 / 2003	Alamyji
- do -	- do -		R 5745 1/2	5020		1 12 / 2004	Alamyji
- do -	- do -	BPS No. 9 (2770-165-7720)	R 6565 1/2	5740		1 7 / 2005	Alamyji
- do -	- do -		R 6730 1/2	5905		1 12 / 2005	Alamyji
- do -	- do -		R 6895 1/2	6070		1 12 / 2006	Alamyji
- do -	- do -	BPS No. 9 (3185-190-8885)	R 7935 1/2	6985		1 7 / 2007	Alamyji

C.T. - C

C.T. - C



8	9	10	11	12	13		14	15
					Leave			
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken.	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant
					PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/98		
PRINCIPAL, Govt High School, Ghalegay, Swat.	1/10/11	M/O	PRINCIPAL, Govt High School, Ghalegay, Swat.					Sanction of 04 advance incrs of MA.
PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2000	Ann. Incr.	PRINCIPAL, Govt High School, Ghalegay, Swat.					Sanction is hereby accorded the grant of 04 advance incrs of passing MA vide Govt of K.P.K Finance Deptt. persha Notification No. FD(SR-1)2-12 2010, dated 15-12-2010, and EDD (E & SE) Swat.
PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2001	M/O	PRINCIPAL, Govt High School, Ghalegay, Swat.					NO 1218-21 dated 19/02-2011
PRINCIPAL, Govt High School, Ghalegay, Swat.	1/12/2001	Scale Revised	PRINCIPAL, Govt High School, Ghalegay, Swat.					
PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2002	Ann. Incr.	PRINCIPAL, Govt High School, Ghalegay, Swat.					
PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2003	Ann. Incr.	PRINCIPAL, Govt High School, Ghalegay, Swat.					
PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2004	Ann. Incr.	PRINCIPAL, Govt High School, Ghalegay, Swat.					
PRINCIPAL, Govt High School, Ghalegay, Swat.	30/6/2005	Scale Revised	PRINCIPAL, Govt High School, Ghalegay, Swat.					
PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2005	Ann. Incr.	PRINCIPAL, Govt High School, Ghalegay, Swat.					
PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2006	Ann. Incr.	PRINCIPAL, Govt High School, Ghalegay, Swat.					
PRINCIPAL, Govt High School, Ghalegay, Swat.	30/6/2007	Scale Revised	PRINCIPAL, Govt High School, Ghalegay, Swat.					
PRINCIPAL, Govt High School, Ghalegay, Swat.	30/09/2007	upgradation Ann. Incr. to B.S.H. 15.	PRINCIPAL, Govt High School, Ghalegay, Swat.					

C.T.C

C.T.C

~~37~~

37

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 374 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant
c.T. Post		BPS No. 15 (4350-350-14850)					
LHS Ghalegay	Per:		Rs 8200/2	7150		1 ¹⁰ / ₂₀₀₇	Alamgir
				Rs. 7175/-		1 ¹² / ₂₀₀₇	
- do.	- do.		Rs 8200/2	Rs. 7500/-		1 ¹² / ₂₀₀₇	Alamgir
		BPS No. 15 (5250-420-14820)					
- do.	- do.		Rs 9840/2	9000		1 ⁷ / ₂₀₀₈	Alamgir
				9420/-			
- do.	- do.		Rs 10260/2			1 ¹² / ₂₀₀₈	Alamgir
				9840			
- do.	- do.		Rs 10680/2			1 ¹² / ₂₀₀₉	Alamgir
				10260			
- do.	- do.		Rs 11100/2			1 ¹² / ₂₀₁₀	Alamgir
		BPS No. 15 (8500-700-29500)					
- do.	- do.		Rs 18300/2	16900/-		1 ⁷ / ₂₀₁₁	Alamgir
9000/15							
- do.	- do.		Rs 19000/2	17600/-		1 ¹² / ₂₀₁₁	Alamgir
16900/15							
Rs 1941-674 to 11010/-							
18300/2007-12/01 to							
C.T.-C	Rs 16		Rs 19700/2	18300/-		1 ¹² / ₁₂	Alamgir
			Rs 19600/2			1 ³ / ₂₀₁₃	

8 Signature of Government Servant	9 Signature and Designation of the head of the office or other attesting officer, in attestation of columns 1 to 8	10 Date of termination or appointment.	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or praise of the Government Servant.	
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government			
						Period			Government to which debit
	PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2007	Ann. Incr. not allowed	PRINCIPAL, Govt High School, Ghalegay, Swat.					
	PRINCIPAL, Govt High School, Ghalegay, Swat.	30/6/2008	scale revised	PRINCIPAL, Govt High School, Ghalegay, Swat.					
	PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2008	Ann. Incr.	PRINCIPAL, Govt High School, Ghalegay, Swat.					
	PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2009	Ann. Incr.	PRINCIPAL, Govt High School, Ghalegay, Swat.					
	PRINCIPAL, Govt High School, Ghalegay, Swat.	30/11/2010	Ann. Incr.	PRINCIPAL, Govt High School, Ghalegay, Swat.					
	PRINCIPAL, Govt High School, Ghalegay, Swat.	30/6/2011	Scale Revised	Principal, G.H.S. Ghalegay, Dist: Swat.					
	Principal, G.H.S. Ghalegay, Dist: Swat.	30/11/2011	Ann. Int.	Principal, G.H.S. Ghalegay, Dist: Swat.					
	Principal, G.H.S. Ghalegay, Dist: Swat.	30/12/12	Ann. Incr.	Principal, G.H.S. Ghalegay, Dist: Swat.					
	Principal, G.H.S. Ghalegay, Dist: Swat.	Promoted to set pay B-16 (gazetted)		Principal, G.H.S. Ghalegay, Dist: Swat.					

U.P No 505
 Drawn difference of pay ...
 10.3.11/2011
 Total Rs. 104843/-

SCHEME NO. 1382
 DATED 07-09-11
 DRAWN Rs 130000/-
 DEBIT Rs 130000/-
 SOURCE RES NO 124
 DATED 17-07-11

DEPARTMENTAL PAY FIXATION IN REVISED
 PAY SCALE No. 15
 @ Rs. 8500 - 700 - 29500
 WEF 1-7-2011 vide FD (PRC) 1-1/2011
 dated Peshawar the 14th July, 2011
 Pay in Existing Scale No. on 30/6/2011 Rs. 11100
 Equal/Next Stage In Revised Pay Scale Rs. 18300
 Pay Fixed on 1-7-2011 Rs. 18300
 With Next Annual Increment on 1-12-2011

PRINCIPAL,
 Govt High School,
 Ghalegay, Dist: Swat.

Service Verified u.o. 1-12-2009
 to 28-2-2013 from all other
 other Record of this Office.

PRINCIPAL,
 Govt High School,
 Ghalegay, Dist: Swat.

C.H.C.
 C.H.C.

(31)

(39)

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substant vs post	5 Additional Pay for officiating	6 Other emolument falling under the term "p"	7 Date of appointment	8 Signature of Government Servant.
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Office of the Accountant General
 Khyber Pakhtunkhwa
 (Pay) Fixed to the Government Pay Scales.

3187 = 190-8885-9-
 6985/1-7-07
 5220-420-17820-15 ✓
 9000/1-7-08
 8500-700-29500-15 ✓
 16900/1-7-11

457
 4157
 The teacher concerned drawn
 more than 10% on BIA
 and from other sources
 which is not allowed
 under rule 17A
 KBA 25738, told
 to be removed from
 service.

Postmaster
 4
 5
 2
 2
 17A

9000/15-8
 16900
 4585 ✓
 5740 ✓
 6985 ✓
 9000 ✓
 16900 ✓
 1941-6985 to 705-1 x 43 = 17460 ✓
 2807-1701 to 820 n x 24 = 12470 ✓
 3301-7105 to 1107 n x 5 = 7920 ✓
 3807-7107 to 6708 n x 23 = 1900 ✓
 7001-12/07 to 611 n x 36 = 4900 ✓
 8407-7/08 to 213 n x 20 = 30240 ✓
 14007-7/11 to 913 n x 24 = 28000 ✓
 16007-3/13 to 913 n x 24 = 9600 ✓
 = 119440 ✓
 ATG

S.No	Examination	Session	Roll No.	Marks obtained	Date of Results	Division	Board/University	Signature of the Officer	Signature of BDO
1	SSC	1980	12104	340/850	30-7-1980	3rd	BISE Peshawar	[Signature]	
2	Field Asst.	1983	21	658/1050	15-7-1983	1st	Agri Institute Peshawar	[Signature]	
3	CT	1985	4	922/1600	31-7-1985	2nd	Edu Dept N.W.F.P.	[Signature]	
4	F.A	1987	24422	533/1100	26-11-1987	2nd	BISE Peshawar	[Signature]	
5	B.A	1990	29763	267/550	16-3-1991	2nd	University of Peshawar	[Signature]	
6	B-Ed	1992	1230	429/1000	15-4-1993	3rd	University of Peshawar	[Signature]	
7	M.A	1995	11377	511/1100	14-10-1996	2nd	University of Peshawar	[Signature]	

Left thumb impression

passed B. Ed (A) Exam 1992
From University of Pesh under
R. No = 1230 obtained 429 marks

Qualification: _____ Date: _____

Passed F.A in 1987 (Annual)
English under R. No 24422 from
BISE Peshawar marks obtained
Pashtu 533 Div 2nd

Udu
[Signature]

Plan-drawing: High School
Answer: High School

Passed B.A (1990) (Annual) from
University of Peshawar under
Roll No 29763 obtaining 267 marks
out of 550 & placed in 2nd Division
Date of declaration: 16-3-91

Reserve duties: Sub Division: _____
District: _____

Passed M.A Exam in Urdu
under Roll No 11377 session 1995
at the roll no 11377 on 14-10-96
[Signature]

Qualification: _____ Date: _____

Result declared on 15-4-93
First Arts [Signature]
B. L. or B. A. Secy; Buner Dist.

Pleadership examination

Training School Final examination

Other qualifications

passed matriculation Exam in
1980 under Roll No 12104.

passed field Asst. Diploma
course in 1983 under Roll No. 21

passed C.T. Exam in 1985
under Roll No. 4.

[Signature]
[Signature]
[Signature]

N. B. - Also to be drawn under the qualification possessed.
Dist: Education Officer
Secondary Dist: Buner

[Signature] [Signature]

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5

3	9	10	11	12	13		14	15
					Leave			
					Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitabe to another Government		
	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Period	Government to which debitabe	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
					<p>UNDERTAKING</p> <p>I Mr. <u>Alamgir</u> working against <u>SET</u> Post: CA 1G/118/118 do hereby given an undertaking to the effect that if any over payment is made to me as a result of my correct calculation of my Pay. WEF-1-3-2013 It will be made good by recovery from my Pay/Pension/Gratuity.</p>			
					<p>ATTESTED</p> <p>Sign of Govt Servant</p> <p><i>Alamgir</i></p>			
					<p>PRINCIPAL</p> <p>Govt. High School</p> <p>Ghalegay, Distt. Swat.</p>			
					<p>Promoted to Senior CT Post No. 16 on regular basis vide Director of KPIK Peshawar, No. 5033-39/ File 2 / Promotion Senior CT No. 16, Dated 21-02-2013, and Finance Deptt. KPIK Pesh: No. 50(FR) FI 10-29 Dated 16-07-2012 and DECOM, Swat 6833-40/ Dated 27-02-2013. S. No. 193, w.e.f. 1-3-2013.</p>			
	<p>Recovery of over payment pay + allowances pointed out by pay-fraction party w.e.f. 1-6-1994 to 30-9-2014.</p> <p>Rs=183046/-</p> <p>Recovery starts w.e.f. 1/10/2014</p> <p>E.P. = 5000/- m</p>							
					<p>PRINCIPAL</p> <p>Govt. High School,</p> <p>Ghalegay, Distt. Swat.</p>			
					<p>PRINCIPAL,</p> <p>Govt. High School,</p> <p>Ghalegay, Distt. Swat.</p>			

Handwritten initials and signature at the bottom right of the page.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

APPEAL NO. 312 / 2015

M.W.F. Provincial
Service Tribunal

Diary No. 323

Dated 10-4-2015

Mr. Muhammad Islam, PSHT (BPS-15),
GPS Mehrdi, District Malakand

Appellant

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary of Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director of Education (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education Officer (M), District Malakand.
- 5- The District Account Officer, District Malakand.

Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE ILLEGAL AND UNLAWFUL RECOVERY
FROM THE APPELLANT BY THE RESPONDENTS AND
AGAINST NO ACTION TAKEN ON THE
DEPARTMENTAL APPEAL OF APPELLANT WITHIN
THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:


That on acceptance of this appeal the respondents may be directed that not to withdraw the benefit of short fall increments in terms of recovery. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

1- That the appellant was appointed as PTC teacher vide order dated 16-09-1980. That Later on the appellant was granted move over to BPS-12 from BPS-11 w.e.f 01-12-2000 vide order dated 16-04-2001. Copies of the orders are attached as annexure A & B.

2- That the appellant has the qualifications of SSC, FA, BA and PTC Certificates. That at the time of appointment the required qualification for PTC Post was SSC plus

ATTESTED


Secretary
Service Tribunal
Peshawar

ct-c

(43)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 312/2015

Date of Institution... 10.04.2015

Date of decision... 10.01.2018



Muhammad Islam, PSHT (BPS-15), GPS Mehrdi, District Malakand.
(Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary of Education (E&SE) Khyber Pakhtunkhwa, Peshawar and 4others.
(Respondents)

Mr. Noor Muhammad Khattak Advocate

For appellant.

MR. Kabir Ullah Khattak,
Additional Advocate General

... For respondents.

MR. NIAZ MUHAMMAD KHAN, ...
MR. MUHAMMAD HAMID MUGHAL, ...

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was granted two advance increments due to higher qualification on 26.08.2009 from 14.05.1999. These advance increments were granted to the appellant on the basis of judgment of this Tribunal dated 13.07.2009. The appellant received the arrears of the same advance and was also being paid the said increments thereafter. Then on 30.05.2014 the pay fixation

ATTESTED

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[Handwritten signature]

party recovered amount of 88846/- on the basis of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Education Qualification Act, 2012. Against this recovery the appellant filed a departmental appeal on 15.12.2014 which was not responded to and thereafter he filed the present service appeal on 10.04.2015.

ARGUMENTS

3. Learned counsel for the appellant argued that the pay fixation party misinterpreted the above mentioned Act because in accordance with sub section 2 of section 2 of the Act the advance increments of the appellants were saved.

4. On the other hand the learned AAG argued that the present appeal was not maintainable as there was not original or appellate order. He relied upon a judgment reported as 2006SCMR 1630. He further argued that in accordance with the Act the pay fixation party had rightly recovered the amount. He further argued that Accountant General was not made party to the present appeal.

CONCLUSION

5. Non impleading of Accountant General as party is not fatal for the present service appeal because Accountant General is not a necessary party. The Secretary Finance was already made respondent to the present appeal. Coming to the objection of the learned AAG regarding non presence of original or appellate order, the very order dated 30.05.2014 ordering the recovery of amount is the original order. Against which the appellant had filed the departmental appeal which was not responded to. The very Act rely upon by the respondents for recovery of the advance increments on higher qualification is named as Khyber

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal.

Signature

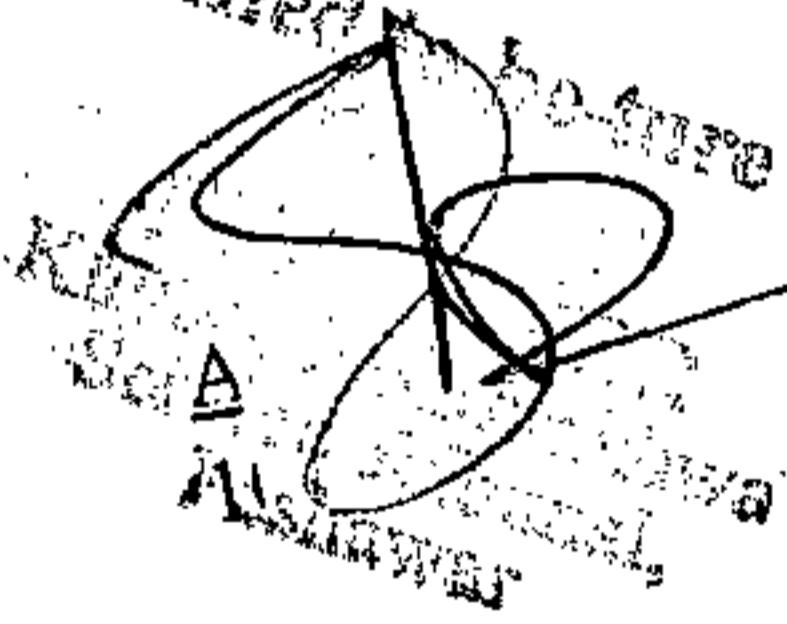
Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Qualification Act 2012. This Act ~~was~~ ^{is} in fact, was promulgated for non-payment of arrears and not for those increments which had already been paid to the civil servants. Sub section 2 of section 2 further clarifies this position by lying down that any order made, instruction issued, decision, judgment or order of court or tribunal implemented immediately before the commencement of the Act shall be deemed to have been validly made. Though commencement of the Act was from 01.12.2001 as the Act was given retrospective effect, which effect has been declared ultra vires by the Worthy Peshawar High Court vide judgment dated 08.06.2017 entitled "Muhammad Iqbal and two others Vs. Government of Khyber Pakhtunkhwa and three others."

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6. In view of the above, the appeal is accepted. Parties are left to bear their own costs. File be consigned to the record room.

MMW

Certified true copy



Date of Presentation of Application 19-1-18
 Number of Pages 1600
 Copying Fee 10-
 Urgent 2-
 Total 12-
 Name of Copy [Signature]
 Date of Completion 19-1-18
 Date of Delivery of Copy 19-1-18

C. F. C.
[Signature]

1

**BEFORE THE PESHAWAR HIGH COURT (MINGORA BENCH) AT
SWAT.**


W.P. No. _____/2015.

46

1. Wakil Zada (SST) presently posted at GHS Budal, Bunir.
2. Gul Said(SST) , GHS Karapa, Bunir.
3. Liaqat Hussain(SST) GCMHS Daggar, Bunir.
4. Sardar Shah (SST) , GCMHS Daggar, Bunir.
5. Habibul Haq(SST), GHSS Gagra, Bunir.
6. Shaiber (SST) GMS Koz Shamnal, Bunir.
7. Abdullah (SST) GMS Bambalai Shalbandy, Bunir.
8. Anwar ul Haq (SCT) GHS Nawagai, Bunir.
9. Subhani Gul (SST) GMS Alami Banda, Bunir.
10. Hakim Khan (SST) GHS Asharai, Bunir.
11. Muhammad Riaz (SCT) GHS Daggar No.2 Bunir.
12. Abdul rauf (SST) GHS Kulyarai , Bunir.
13. Alamgeer (SCT) GHS Guli Bagh, Swat.
14. Hidayatullah (SCT) Mingora No.1, Swat.
15. Bakhtmand (SCT) GMS Gumbat, Bunir.
16. Faida mand (GCMHS) Daggar, Bunir.
17. Fazli Majeed (SCT)GHS Sura, Bunir.
18. Fazli Hameed (SCT) GHSS Nawagai, Bunir.
19. Wali Zada (SCT) GCMHS Daggar, Bunir.
20. Amir Zeb (SCT) GHS Nawagai, Bunir.
21. Sherin Zada (SST)GMS Langwa, Bunir.
22. Shamsul Islam (SST) GHS Jangai, Bunir.
23. Sarzamin Khan (SCT) GHSS Nagrai, Bunir.....(Petitioners)

V E R S U S

- ✓ 1. District Education Officer (Male) Bunir.
2. District Education Officer(Male) Bunir.
3. Director Elementary & Secondary Education Khyber Pakhtukhwa, Peshawar.

C-4


4. Secretary to Govt. of Khyber Pakhtunkhwa, Finance department, Civil secretariat Peshawar.
5. Secretary to Govt of Khyber Pakhtunkhwa, Education department, Civil secretariat Peshawar.
6. Accountant General, Khyber Pakhtunkhwa, Civil secretariat, Peshawar.
7. District Accounts Officer, Bunir.
8. District Accounts Officer, Swat.
9. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.....(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,
1973.**

Respectfully Sheweth:

Brief facts giving rise to the instant Writ Petition are as under:

FACTS:

1. That initially, the petitioners and others approached the Peshawar High court and Service Tribunal Khyber Pakhtunkhwa for grant of "Advance increments granted to government servant vide notification dated: 11.08.1991 issued by Respondent No.4 and as such the same petitions were allowed. (Copies of Judgments are annexure-A)
2. That latter on the said advance increments were awarded to the petitioners and such like others and finally the government of Khyber Pakhtunkhwa passed an Act i-e
"The Khyber Pakhtunkhwa Cessation of payment of

C.A.L.


arrears on advance increment on Higher educational qualification Act, 2012” from provincial assembly through which, all kind of notifications and legal instruments regarding claim for payments of arrears on account of advance increments on higher educational qualification were revoked and it was further declared that no further claim whatsoever on the basis of these instruments shall be entertained but according to **section (2)** of the said it was further declared **that on the basis of any notifications and courts judgments, any amount paid there-under on account of advance increments or arrears thereof shall be deemed to have been validly paid and shall not be recoverable from the recipient government employees** and as such once for all the issue of advance increments on the basis of higher qualification was resolved. (Copy of the Act is annexure-B)

3. That latter on, again the said issue regarding advance increments was re-open by Resp No.6 by making recovery from the employees of education department of district Mansehra and the same was properly clarified by the Resp No.3 through letter dated:30.09.2013 and the Resp No.6 was directed that no recovery should be made as per the above Act of 2012 and the same may be followed



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in letter and spirit. (Copy of letter dated: 30.09.2013 is annexure-C)

4. That now with utmost surprise of the petitioners, once again in the service books of the petitioners, the Respondents have made entries in shape of Recovery of advance increments and as such re-open the issue which is against the law and "The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act, 2012". (Copies Service Books are annexure-D)

That being aggrieved from the actions and inactions of Respondents, the petitioners prefer this petition on the following grounds amongst others inter-alia:

GROUND:

- A. That the actions and inactions of Respondents in shape of recovery of advance increments which have already been paid to the petitioners on the basis of Higher Educational qualification is against the law and The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act, 2012.
- B. That the petitioner seeks the permission of this august Court to rely on additional grounds at the hearing of this petition:

It is, therefore, humbly prayed that on acceptance of this Writ Petition, the Respondents may kindly be directed that no recovery should be made from the petitioners as per section (2) of "The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act, 2012".

Or

Any other relief which this august Court deems appropriate may kindly be awarded to meet the ends of justice.

Interim Relief:

By way of interim relief, the respondents further directed that no recovery should be made in shape advance increments which were paid to the petitioners on the basis of higher educational qualification till final decision of the titled writ petition.

Petitioners

Through

Dated: 17/12/2015

Shams-ul-Hadi

Advocate, High court.

CERTIFICATE:

Certified that no such like petition has earlier been filed before this august court regarding the instant matter.

ADVOCATE

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on Higher educational qualification Act, 2012".
3. Any other law books according to need.

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JUDGMENT SHEET

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

**W.P. No. 610-M/2015
With Interim Relief & CM No. 44/2017**

JUDGMENT

Date of hearing: 09.10.2018

Petitioners:- (Wakil Zada & others) by Mr. Shams-ul-Hadi, Advocate.

Respondents: - (DEO (M) Buner & others) by Mr. Rahim Shah, Astt. Advocate General.

SYED ARSHAD ALI, J.- Through the instant writ petition, the petitioners seek constitutional jurisdiction of this Court with the following prayer:-

“ It is, therefore, humbly prayed that on acceptance of this writ petition, the Respondents may kindly be directed that no recovery should be made from the petitioners as per section (2) of “ The Khyber Pakhtunkhwa Cessation of payment of arrears on advance increment on higher educational qualification Act, 2012”.

Or

Any other relief which this august Court deems appropriate may kindly be awarded to meet the ends of justice.”

Wakil Zada (SST) Petitioners.

V/S

Government of Khyber Pakhtunkhwa Finance
Department Peshawar and others Respondents.

(Para-wise reply on behalf of respondent No. 6 & 8

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Answer
E²

PRELIMINARY OBJECTION

- 1) That the petitioner have got no cause of action.
- 2) That the petitioner have got no locus standi.
- 3) That the petitioner are estopped by their own act and conduct to sue the present petition.
- 4) That the petitioner have not come to this Court with clean hands.
- 5) That the instant petition is not maintainable.

RESPECTFULLY SHEWETH:-

1) Relate to record however liable to be proved by the petitioner.
 2) As mentioned in Para.1 above.
 3) Incorrect Necessary instructions in matter regarding recovery of over payment of advance increment has already been issued to the Account Officer pay Fixation party by the Accountant General-KPK-Peshawar vide letter No. HAD-24 (84) Mansehra/Vol-VI/2015-16/3601 dated 11/05/2016 (Copy attached) (Anex-A). The petitioners are required to contact the quarter concerned instead to come to this august Court.

valked by
m/s

4) Incorrect as mentioned in para 3 above.

GROUNDS

- (A) As mentioned in para-1 above
- (B) Incorrect, as mentioned in para 3 above.

Keeping in view the above mentioned facts it therefore humbly prayed that appeal in hand having no merit may be dismissed with Court.

Respondent No. 6

~~Accountant General
Khyber Pakhtunkhwa Peshawar.~~

Respondent No. 8

~~District Accounts Officer Swat.~~

**FILED TODAY
13 NOV 2017**

Additional Registrar

C-f-c



Office of the
Accountant General
Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-53

54

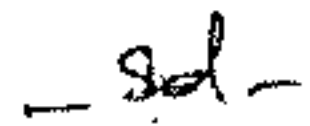
No.HAD-24(84)/Mansehra/Vol-VI/2015-16/3601 Dated:11.05.2016
To

The Accounts Officer,
Pay Fixation Party,
C/O Distt: Accounts Officer,
Mardan.

Subject: **APPEAL OF C.T TEACHER FOR RECOVERIES BEING MADE
ON ACCOUNT OF ADVANCE INCREMENTS GRANTED ON
HIGHER EDUCATIONAL QUALIFICATION.**

Please refer to your Memo No.PFP/RBPS/2015-16/MR/380
dated 25.03.2016 on the subject.

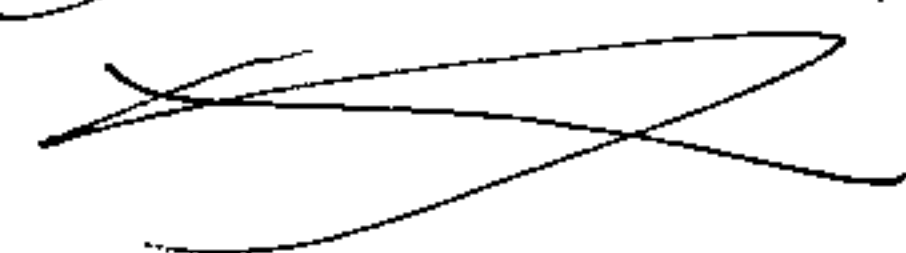
The case has been thoroughly examined and it has been decided
that under Section 2(1) of the Cessation of payment on account of Advance
Increments on Higher Education Qualification Act 2012 all the payment on
account of the subject should be deemed to have been validly made. Hence
recovery of over payment on the subject matter upto 15th May
2012(promulgation of the aforementioned Act) is irregular and therefore stand
waved off.


ACCOUNTS OFFICER (HAD)

Copy to:-

- 1: All DAOs/AAOs in Khyber Pakhtunkhwa.
- 2: All Accounts Officers
- 3: All Pay rolls Sections (Local)


ACCOUNTS OFFICER (HAD)

C.T-C


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اپیل بخدمت جناب اکاؤنٹ جنرل خیبر پختونخواہ پشاور

عنوان: نوٹیفیکیشن نمبر FD(PRC) 1-1/89 اور خیبر پختونخواہ ایکٹ نمبر 2012 of 1 کے تحت غیر قانونی ریکوری

جناب عالی:

مودبانہ گزارش ہے کہ ہمیں نوٹیفیکیشن نمبر FD(PRC) 1-1/89 مورخہ 11-08-1991 کے تحت جس ہائیر نوٹیفیکیشن یعنی ایم اے 1 ایم ایس سی پر جو چارج increments دیئے گئے تھے نوٹیفیکیشن اور Fixation party نے ان میں سے دو increments کی ریکوری کی ہے اور مزید کر رہے ہیں۔ جو کہ مذکورہ نوٹیفیکیشن اور ایکٹ کے خلاف ہے۔

لہذا آپ کی خدمت میں اپیل کی جاتی ہے کہ اگر آپ صاحبان مہربانی کر کے ہم سے مطلوبہ ریکوری اور مزید کٹوتی بند کرنے کے احکامات جاری فرمائیں تو تاحیات مرہون مدد رہیں گے۔ لفظ

عرض کنندگان

12/7
2018

Presented for approval (SIA)
A.S. Officer

Deo Ch / Bant

12/7
18

Handwritten signature and initials

بعدالت کروس کمپنیوں کے لئے شہادت

کوریٹ فیس	قیمت ایک روپیہ
-----------	----------------

مورخہ
مقدمہ
دعویٰ
جرم

21 مارچ 19۱۹ء منجانب
عالمگیر
بنام گورنمنٹ آف سندھ

باعث تحریر آنکے

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام کروس کمپنیوں کے لئے شہادت کی درخواست کی اور اس کے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق ذرا اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کارروائی 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 دہر جانہ التوائے مقدمہ کے سبب سے ہا گا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

المرقوم 21 مارچ 19۱۹ء

العبد گواہ شہادت العبد
کروس کمپنیوں کے لئے منظور ہے

Attested and accepted by
Shams-ul-Haeeli Adu.

"B"

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

No.

TB

Appeal No. 670 of 2019.

Alamgeer

Appellant/Petitioner

Versus

DEO, (M) Swat

Respondent

Respondent No. 5

Notice to:

District Accounts officer Swat

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 7-20-19 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

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

Day of June 2019.

at Camp Court Swat

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No. 113

Appeal No. 670 of 2019

Alamgeer

Appellant/Petitioner

Versus

DEO. (M) Swat

Respondent

Respondent No. I

Notice to: District Education officer (male)
Swat

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

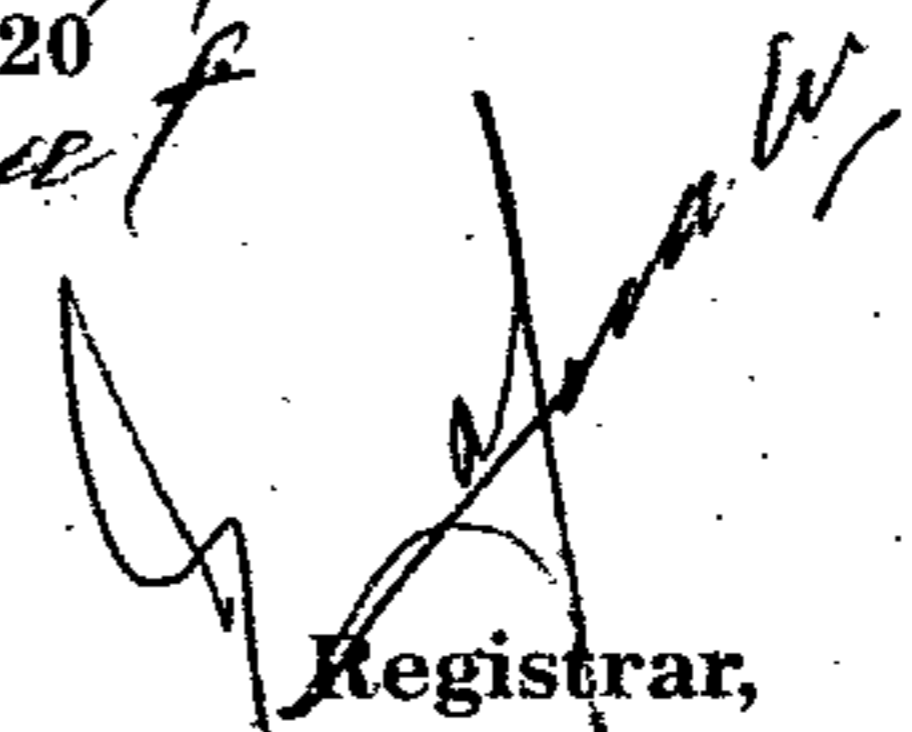
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition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

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

Given under my hand and the seal of this Court, at Peshawar this..... 17/12

Day of..... June.....2019

at Camp Court Swat



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. 670 of 20 19 TB

Alamgeer Appellant/Petitioner

DEB, (M) Versus Sawat Respondent

Respondent No. 3
Secy. to Govt. of KP Education
Peshawar

Notice to: —

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

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 17th

Given under my hand and the seal of this Court, at Peshawar this.....
June 19
Day of.....20

at Camp Court Swat

2/16

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. of 20

670

TB

Appellant/Petitioner

Alamgeer versus

Respondent

DEO,

(M)

Sawat

Respondent No.

2

Notice to: —

Director, Ele. 2 Sec. Education Dept. of
K.P.K. Peshawar.

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

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

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

17th

Day of.....20

June

19

at Camp Court Sawat
20/6/2019

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

19/18
M21

Appeal No. 670 of 2019

Alamgeer Appellant/Petitioner

Versus

DEO (D) Sarat Respondent

Respondent No. 4

Notice to: —

Accountant General K.P.K. Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 1-7-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 17/6

Day of June 2019

at Camp Court Sarat

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

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

"B"

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

No.

18

Appeal No.....670..... of 20 19

.....A. Langzeer..... Appellant/Petitioner

Versus

.....DEO, (M)..... Respondent

Respondent No.....2.....

Notice to: - Director, Ele: & Sec Education Dept: of
19 Pte Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....7-10-2019.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this.....9/10.....

Day of.....Friday.....20 19

at Camp Court Swat

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

TB

No.

Appeal No.....670..... of 20 19

.....Abdullah Khan.....Appellant/Petitioner

Versus

.....D.F.O. D.M. Swat.....Respondent
.....Representative for R.S. 2.....
Respondent No.....

Notice to: —

To Secy Ahmad Litigation Officer
Through Director, Educational Institutions of P.K.
District Swat

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....7-10-2019.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this.....9/11.....

Day of.....July.....2019

at Camp Court Swat

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

“B”

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

No.

713

Appeal No.....670..... of 2019

.....*Ahanger*.....Appellant/Petitioner

Versus

.....DEO (M) Swat.....Respondent

Respondent No.....2.....

Notice to:

- Director, Education Deptt. of S.P. Swat

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....3-12-2019.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this.....13/11.....

Day of.....Nov.....20 19

at Camp Court Swat

[Handwritten signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

**BEFORE THE KHYBER PAKTUN KHWA SERVICE TRIBUNAL AT CAMP COURT
SWAT.**

Service Appeal No. 670/2019

Alamgeer SCT Government High School Guli Bagh, District Swat.

.....Appellant

Versus

1. District Education officer (Male) Swat.
2. Director Elementary and secondary education Khyber Pakhtunkhwa at Peshawar.
3. Secretary to Govt of Khyber Pakhtunkhwa, Finance department, Civil Secretariat Peshawar.
4. Account General, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
5. District Account Officer, District Swat.

..... Respondents.

Parawise Comments on Behalf of the Respondents No. 1,2:

Respectfully shewith

Preliminary objections

1. That the appellant is not an aggrieved person within the meaning of Section 4 of the service tribunal Act, 1974.
2. That the appellant has no cause of action / locus standi.
3. That the appellant has not come to this honorable court with clean hands.
4. That the appellant has filed this instant service appeal just to pressurize the respondents.
5. The present service appeal is badly time barred as the disputed order was passed on 01.10.2014 while the appellant approached this Honorable Tribunal in the year 2019.
6. That the instant service appeal is against the prevailing law and rules.
7. That the appellant has filled this instant Service Appeal on malafide motives.
8. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
9. That the appellant has estopped by his own conduct.
10. That the appellant has concealed the material facts from this honorable tribunal.

FACTS

1. That the Para No.1 pertains to the appointment of the appellant, hence no comments while the rest of the para is irrelevant.

1. That the Para No.1 is correct to the extent of notification 118/1991. The rest of the para is irrelevant to the present issue.
2. That the Para No.2 is correct as it is about the promulgation of the Act 2012.
3. That the Para No.3 is correct to the extent of letter dated 30-09-2013, the rest of the para is irrelevant to respondent No. 1 & 2.
4. Para No. 4 pertains to the competency of Respondent No. 4 & 5. However, Respondent No.1 is duty bound to act on the directions of the Fixation Party in letter and spirit
5. Para No. 5 is correct.
6. That the Para No.6 is the repetition of the above paras, hence no comments.

That the instant service appeal of the appellant is bereft of any merit, hence liable to be dismissed inter alia following grounds.

GROUND:


- A. As stated in the above paras.
- B. As stated in the above paras.
- C. As stated in the above paras.

It is, therefore, very humbly prayed that the instant service appeal of the appellant may be dismissed with cost in favor of the respondents.



DISTRICT EDUCATION OFFICER (M)
SWAT AT GULKADA


DIRECTOR,
ELEMENTARY AND SECONDARY
EDUCATION KHYBER PAKHTUNKHWA


SECRETARY,
ELEMENTARY AND SECONDARY
EDUCATION PESHAWAR

"B"

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

No.

713

Appeal No.....670..... of 20 19

.....Alamgeer.....Appellant/Petitioner
Versus

.....DEO, (NI) Suwat.....Respondent

Respondent No.....2.....

Notice to: -

Director, Ele: 2 Sec: Education Govt. of K.P.K. Sh.
Direction to direct the representatives to attend the
Court.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....4-2-20.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....15/1/20.....

Day of.....Jan.....20 20

at Camp Court Suwat
S 15-1-20

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

TB

No.

Appeal No. 670 of 20 19

Alamgeer Appellant/Petitioner

Versus

DEO (M) Swat Respondent

Respondent No. 3

Notice to:

*Copy: To Govt. of KPK Finance Deptt. Pesh.
Direction to direct the representatives to attend
The Court*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 4-2-2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 15/1/20

Day of Jan 2020

At Camp Court Swat

17/1/20

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

TB

Appeal No.....670..... of 20 19

.....A. Langar..... Appellant/Petitioner

Versus

.....DEO, (M) Swat..... Respondent

Respondent No.....4.....

Notice
Asstt. Accounts Officer
G.O. Khyber Pakhtunkhwa

Accountant General Govt. of KP Pesh.
Direction to direct the representatives to attend
The Court.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....15/1/20.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this.....15/1.....

Day of.....Jan.....20 20

at Comp Court Swat

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

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

"B"

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

No.

13

Appeal No.....670..... of 2019

.....Alamgir..... Appellant/Petitioner

Versus

.....DEO (M) Swat..... Respondent

Respondent No.....5.....

Notice to: - Distt. Accounts Officer, Swat

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on...3-11-2019.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

Day of.....oct.....2020

at Camp Court Swat

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

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

BEFORE THE KHYBER PAKTUN KHWA SERVICE TRIBUNAL AT CAMP COURT
SWAT.

Service Appeal No. 670/2019

Alamgeer SCT Government High School Guli Bagh, District Swat.

.....Appellant

Versus

1. District Education officer (Male) Swat.
2. Director Elementary and secondary education Khyber Pakhtunkhwa at Peshawar.
3. Secretary to Govt of Khyber Pakhtunkhwa, Finance department, Civil Secretariat Peshawar.
4. Account General, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
5. District Account Officer, District Swat.

..... Respondents.

Parawise Comments on Behalf of the Respondents No. 1,2:

Respectfully shewith

Preliminary objections

1. That the appellant is not an aggrieved person within the meaning of Section 4 of the service tribunal Act, 1974.
2. That the appellant has no cause of action / locus standi.
3. That the appellant has not come to this honorable court with clean hands.
4. That the appellant has filed this instant service appeal just to pressurize the respondents.
5. The present service appeal is badly time barred as the disputed order was passed on 01.10.2014 while the appellant approached this Honorable Tribunal in the year 2019.
6. That the instant service appeal is against the prevailing law and rules.
7. That the appellant has filled this instant Service Appeal on malafide motives.
8. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
9. That the appellant has estopped by his own conduct.
10. That the appellant has concealed the material facts from this honorable tribunal.

FACTS

1. That the Para No.1 pertains to the appointment of the appellant, hence no comments while the rest of the para is irrelevant.

**BEFORE THE KHYBER PAKTUN KHWA SERVICE TRIBUNAL AT CAMP COURT
SWAT.**

Service Appeal No. 685/2019

Hidayatullah ~~SST~~ Government High School Qamber, District Swat.

.....Appellant

Versus

1. District Education officer (Male) Swat.
2. Account General, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. District Account Officer, District Swat.

..... Respondents.

Parawise Comments on Behalf of the Respondents No. 1 only:

Respectfully shewith

Preliminary objections

1. That the appellant is not an aggrieved person within the meaning of Section 4 of the service tribunal Act, 1974.
2. That the appellant has no cause of action / locus standi.
3. That the appellant has not come to this honorable court with clean hands.
4. The instant Service Appeal is liable to be dismissed on the grounds of non-joinder and miss-joinder of the necessary parties.
5. That the appellant has filed this instant service appeal just to pressurize the respondents.
6. The present service appeal is badly time barred as the disputed order was passed on 30.05.2014 while the appellant approached this Honorable Tribunal in the year 2019.
7. That the instant service appeal is against the prevailing law and rules.
8. That the appellant has filled this instant Service Appeal on malafide motives.
9. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
10. That the appellant has estopped by his own conduct.
11. That the appellant has concealed the material facts from this honorable tribunal. In fact, the post of the Appellant is SCT and not ~~SST~~.

FACTS

1. That the Para No.1 pertains to the appointment of the appellant, hence no comments while the rest of the para is irrelevant.

1. That the Para No.1 is correct to the extent of notification 11/08/1991. The rest of the para is irrelevant to the present issue.

2. That the Para No.2 is correct as it is about the promulgation of the Act 2012.
3. That the Para No.3 is correct to the extent of letter dated 30-05-2014, the rest of the para is irrelevant to respondent No. 2 & 3.
4. Para No. 4 is correct.
5. That the Para No.5 is the repetition of the above paras, hence no comments.

That the instant service appeal of the appellant is bereft of any merit, hence liable to be dismissed inter alia following grounds.

GROUND:

- A. As stated in the above paras.
- B. As stated in the above paras.
- C. As stated in the above paras.

It is, therefore, very humbly prayed that the instant service appeal of the appellant may be dismissed with cost in favor of the respondents.



DISTRICT EDUCATION OFFICER (M)

SWAT AT GULKADA