

06.09.2022

Learned counsel for the appellant present. Mr. Obaid-ur-Rehman, ADEO (Litigation) alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

To come up for arguments alongwith connected Service Appeal bearing No. 670/2019 titled "Alamgeer (SCT) Versus District Education Officer (Male) Swat and four others", 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

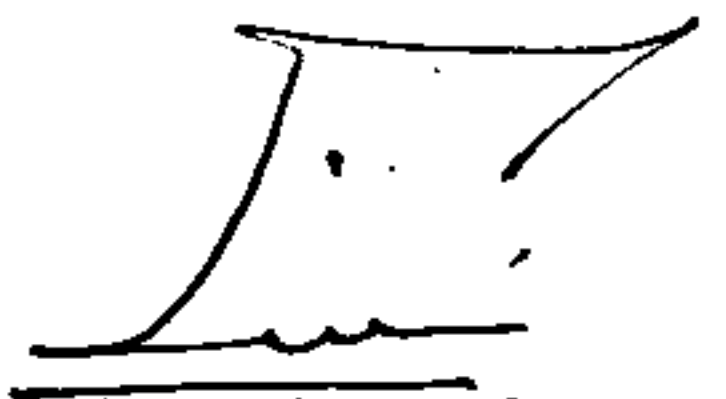
05.10.2022

Learned counsel for the appellant present. Mr. Obaid-ur-Rehman, ADEO and Mr. Amir Zaman Shah, Assistant Accountant alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

To come up for arguments alongwith connected Service Appeal bearing No. 670/2019 titled "Alamgeer (SCT) Versus District Education Officer (Male) Swat and four others", 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


9th June, 2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Yakmeen Khan, ADEO for respondents present.

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



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

06.07.2022

Counsel for appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

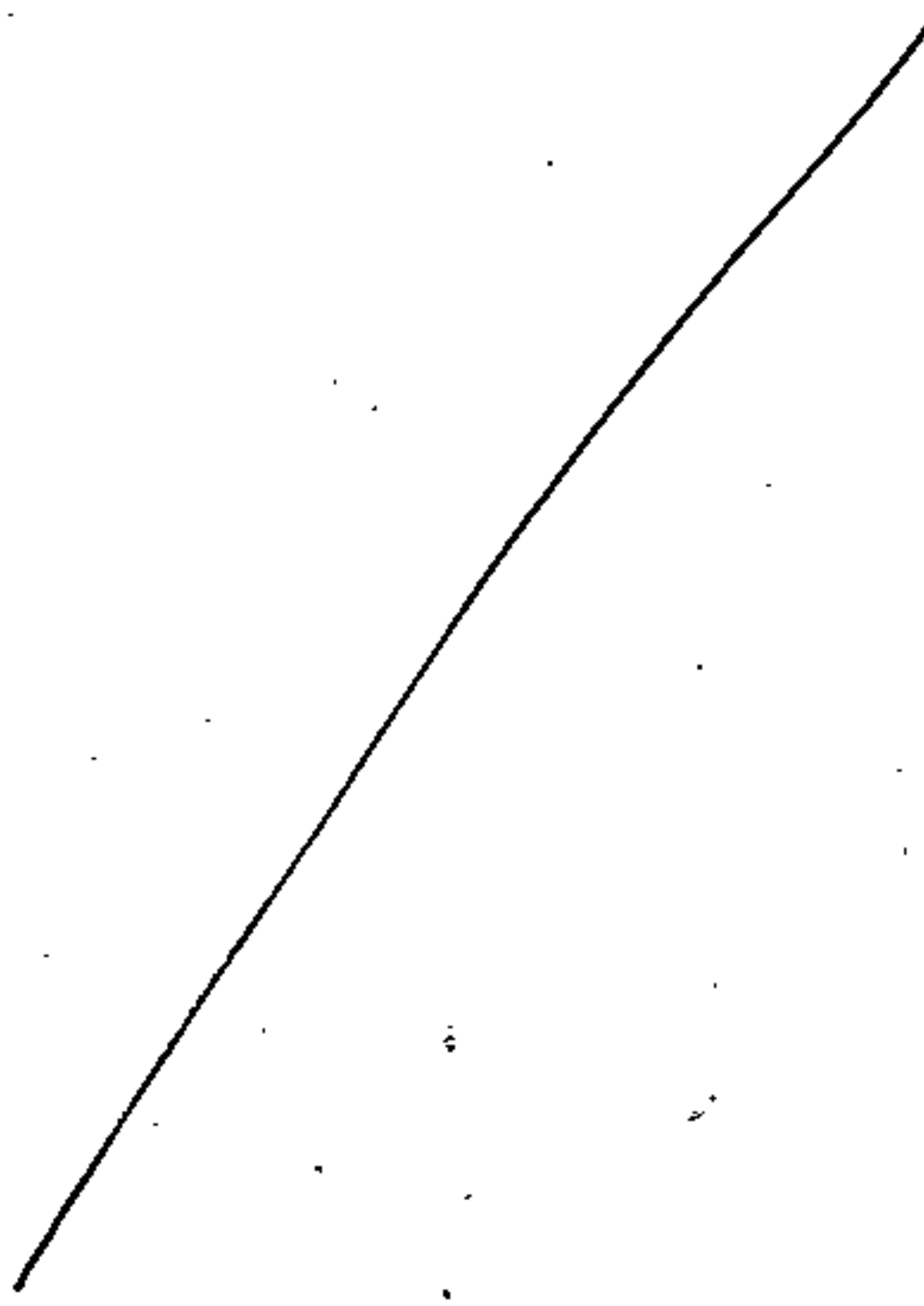
File to come up alongwith connected Service Appeal No. 671/2019 titled "Salat Khan Vs Government of Khyber Pakhtunkhwa" on 06.09.2022 before D.B at camp court, Swat.



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



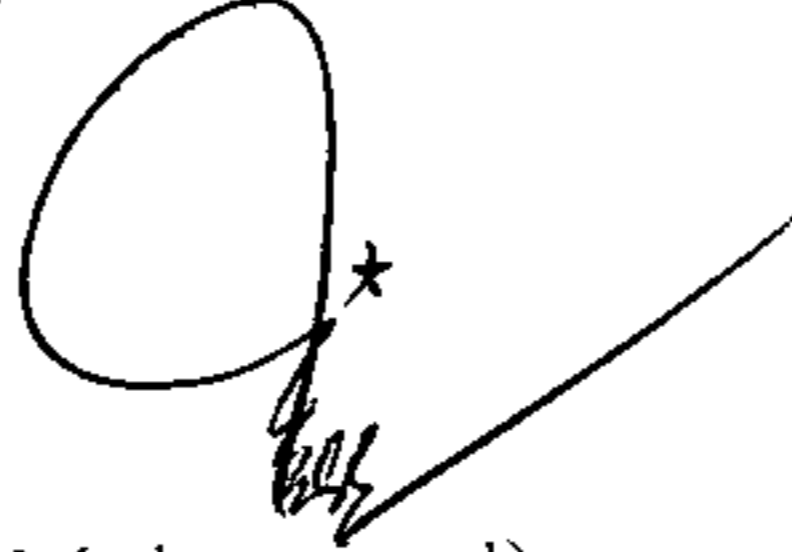
(Rozina Rehman)
Member (J)
Camp Court Swat.



06.01.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ameer Zaman Shah, AAO and Mr. Obaid Ur Rehman, ADEO 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.



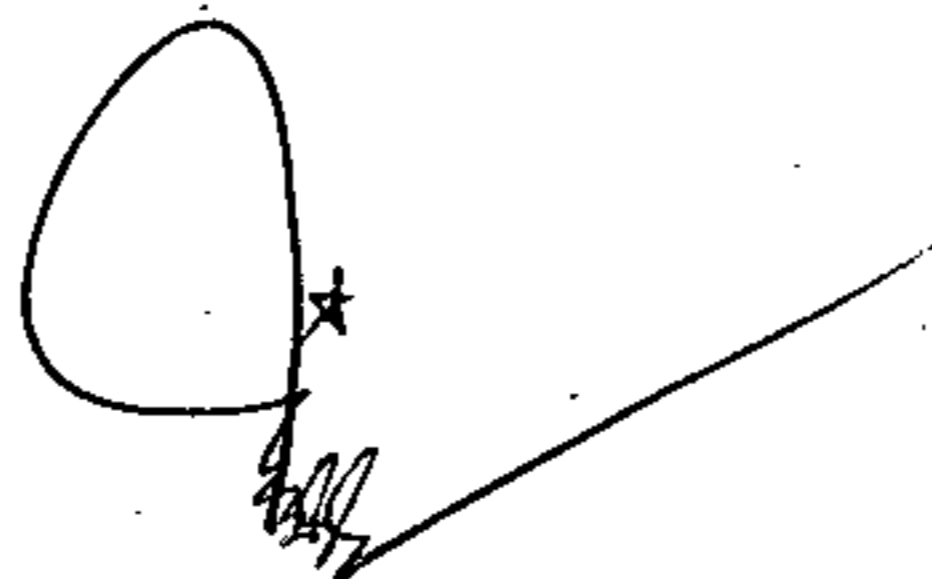
(Mian Muhammad)
Member(E)



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

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)

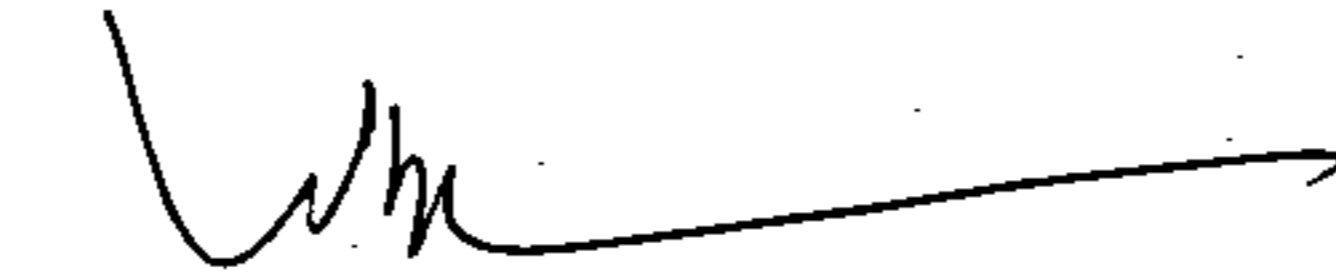


(Salah Ud Din)
Member(J)
Camp Court Swat

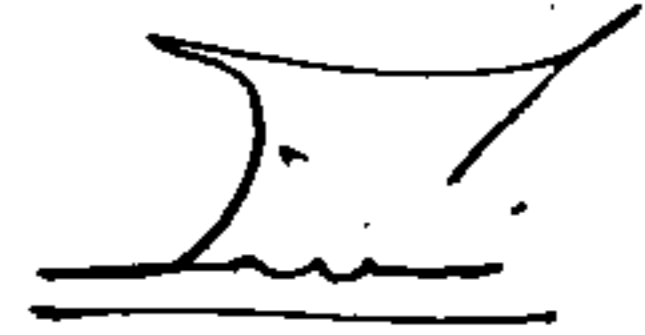
04.11.2021

Learned counsel for the appellant present. Mr. Obaid-ur-Rehman, ADEO (Litigation) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Reply/comments on behalf of respondent No. 1 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. 2 & 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.



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



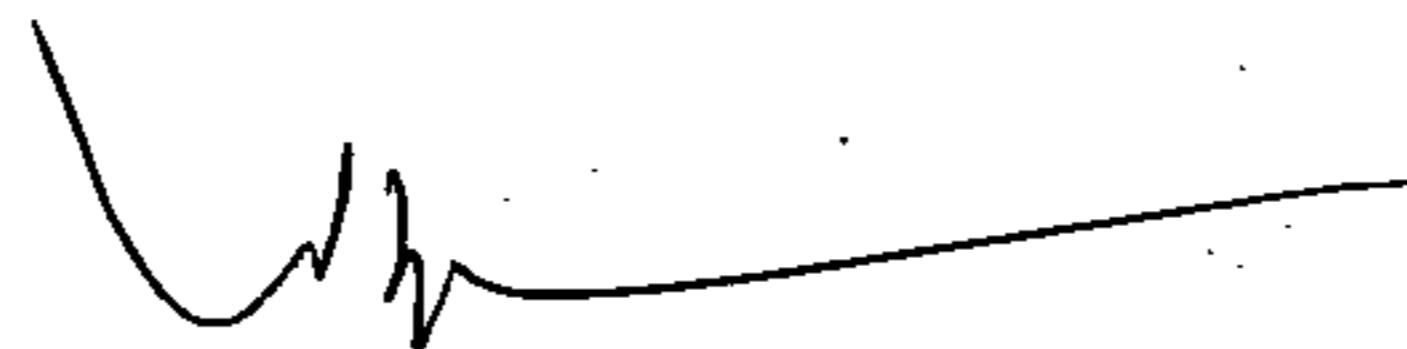
(Salah-Ud-Din)
Member (J)
Camp Court Swat

09.12.2021

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

File to come up alongwith connected Service Appeal No.671/2019 titled Salat Khan Vs. Education Department, 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

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 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.

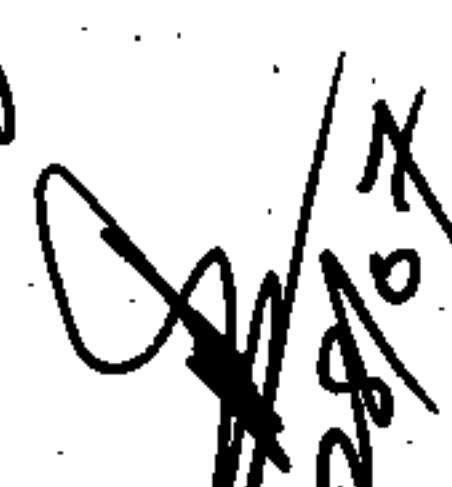

Chairman

26.08.2021

Junior to counsel for the appellant, Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG alongwith Obaidur Rehman, ADEO for respondent No. 1 and Amir Zaman Shah, AAO for respondents No. 2 and 3 present.

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


Chairman
Camp court, Swat.

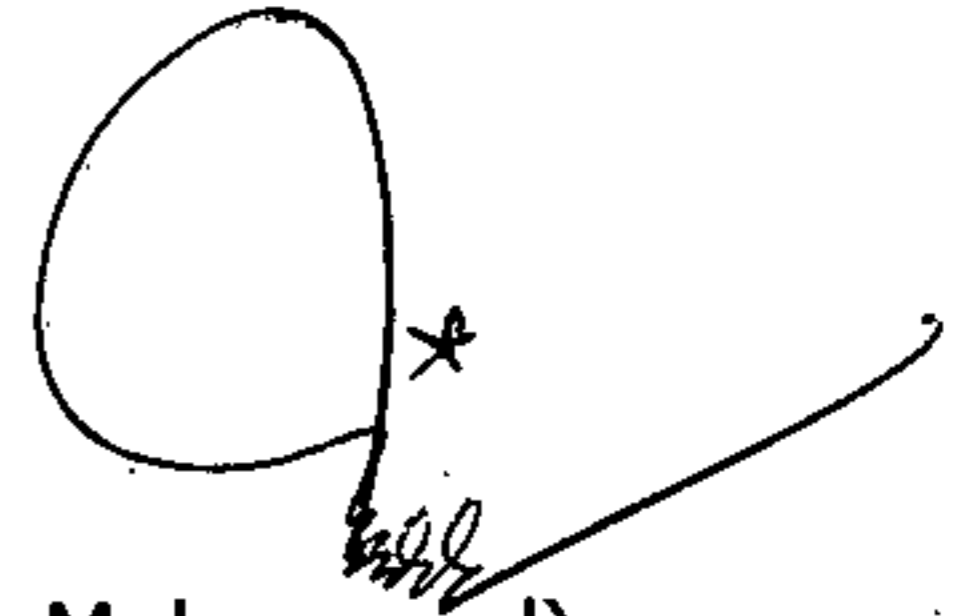
Noted

28/07

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.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right. A small asterisk is placed above the end of the signature.

(Mian Muhammad)
Member(E)
Camp Court Swat

03.11.2020

Appellant in person present

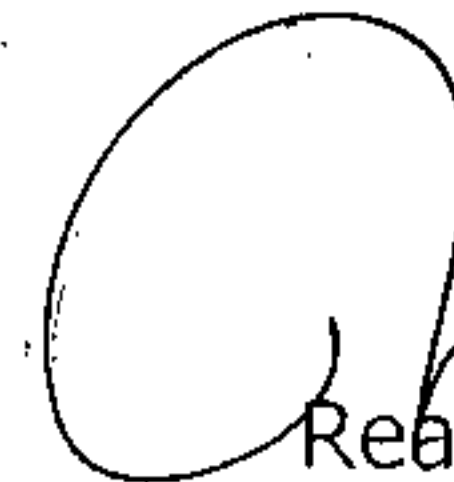
Muhammad Jan learned Deputy District Attorney Amin Zaman Shah Assistant for respondents present.

Written reply on behalf of respondents is still awaited. Representative of respondents requests for time to submit written reply/comments; granted by way of last chance. To come up for written reply/comments on 08.12.2020, before S.B at Camp Court, Swat.


Member (E)
Camp Court, Swat

08.12.2020

Due to COVID-19, case is adjourned to 02.02.2021 for the same as before.


Reader


02.02.2021

Counsel for the appellant present.

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

As the case had been adjourned previously on Reader note due to Covid-19, therefore, notice to the parties be issued..

Adjourned to 03.03.2021 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

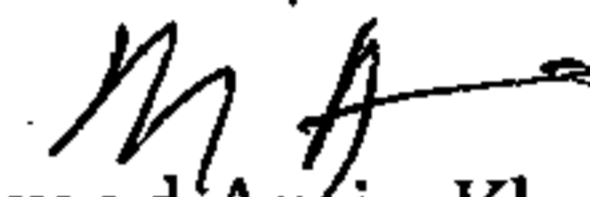
05.10.2020 Assistant of learned counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith representative of the department Mr. Obaid Ullah, ADEO (Litigation) are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time to furnish written reply/comments. File to come up for written reply/comments on 03.11.2020 before S.B at Camp Court, Swat.


(MUHAMMAD JAMAL KHAN)
MEMBER
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. 3 present. Representatives of respondents No. 1 & 3 requested for further time to file written reply/comments. Neither representatives of respondent No. 2 is present nor written reply on his behalf submitted therefore, notice be issued to him with the direction to direct the representative 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 Ubaid ur Rehman ADO (for respondent No.1) and Ameer Zaman Shah AAO (for respondents No.2 & 3) 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 - 07/06/20
Reader

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. Amir Zaman Shah Assistant Accountant representative of the respondent department present and requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 08.01.2020 before S.B at Camp Court, Swat.

Member



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 (SST) 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 Ubaid Ur Rehman ADO (for respondent No.1) and Mir Zaman Assistant Accountant (for respondent No.3) present and requested for time to furnish written reply/comments. Zaki Ullah Senior Auditor (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.

Noted
14/6/19

Member
Camp Court, Swat.

The appeal of Mr. Liaqat Hussain SST GCMHS Daggar Bunir 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- 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.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- In para-5 of the memo of appeal respondent no. 4 is mentioned but in the heading of appeal there are only 3 respondents therefore, the same may be rectified.

No. 618 /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 Waheed Zada vs Govt 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

Note # that the objection No # 1 is not in the possession of the appellant and the department not handed over to the applicant and the objection No. 2 at page 13 objection No # 3 are removed from before the court

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

Service Appeal No. 673 /2019

Liaqat Hussain (SST)Appellant

V E R S U S

District education Officer (M) Buner and othersRespondents

I N D E X

S.N	Description of Documents	Annex	Pages
1.	Memo of Appeal.		1-4
2.	Application for Status-quo along with Affidavit		5-6
3.	Addresses of Parties.		7
4.	Copies Service Book along with impugned of DATED:02/12/2014	A	8-12
5.	Copy departmental appeal.	B	13
6.	Wakalat Nama		14

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. 673 /2019.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 478

Dated 27/3/2019

Liaqat Hussain (SST)

Presently posted at GCMHS Daggar, Bunir.....Appellant

V E R S U S

1. District Education Officer(Male) Buner.
2. Accountant General, Khyber Pakhtunkhwa, Civil secretariat,
Peshawar.
3. District Accounts Officer, Buner.....Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED OFFICE ORDER**

Filed to-day DATED:02/12/2014.

Registrar

PRAYER IN APPEAL:

On acceptance of this appeal, the impugned Office Order Dated: 02.12.2014 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 and further the respondents may kindly be directed issue/release the recovered amount if so to the appellant.

Respectfully Sheweth:

1. That the appellant being Teacher "SST" joined the respondent/department since long and as such performing his duties with zeal and zest.

**Re-submitted to -day
and filed.**

Registrar

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.3 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.
3. 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

DATED:02/12/2014 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 **DATED:02/12/2014** is annexure-A)

4. 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".
5. That during pendency of writ petition of appellant, in his written reply, Resp No.3 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:02.12.2014 which was not decided within statutory delay.(Copies Departmental appeal is annexure-B)

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:

GROUNDS:

- 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.

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

- i) Impugned Office Order Dated: 02.12.2014 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: 02.12.2014 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 and further the respondents may kindly be directed to issue/release the recovered amount if so to the appellant.

Appellant

Liaqat Hussain (SST)

Through

Shams-ul-Hadi

Advocate, High court.

Dated: 22/03/2019

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____/2019

Liaqat Hussain (SST)Appellant

V E R S U S

District education Officer (M) Buner and othersRespondents

Application for Status-quo/Suspension of impugned office order Dated: 02.12.2014 regarding recovery of the amount and further the respondents may kindly be directed not to recover the disputed amount or made deduction 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 for.
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: 02.12.2014 regarding recovery of the amount 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

Liaqat Hussain (SST)Appellant

V E R S U S

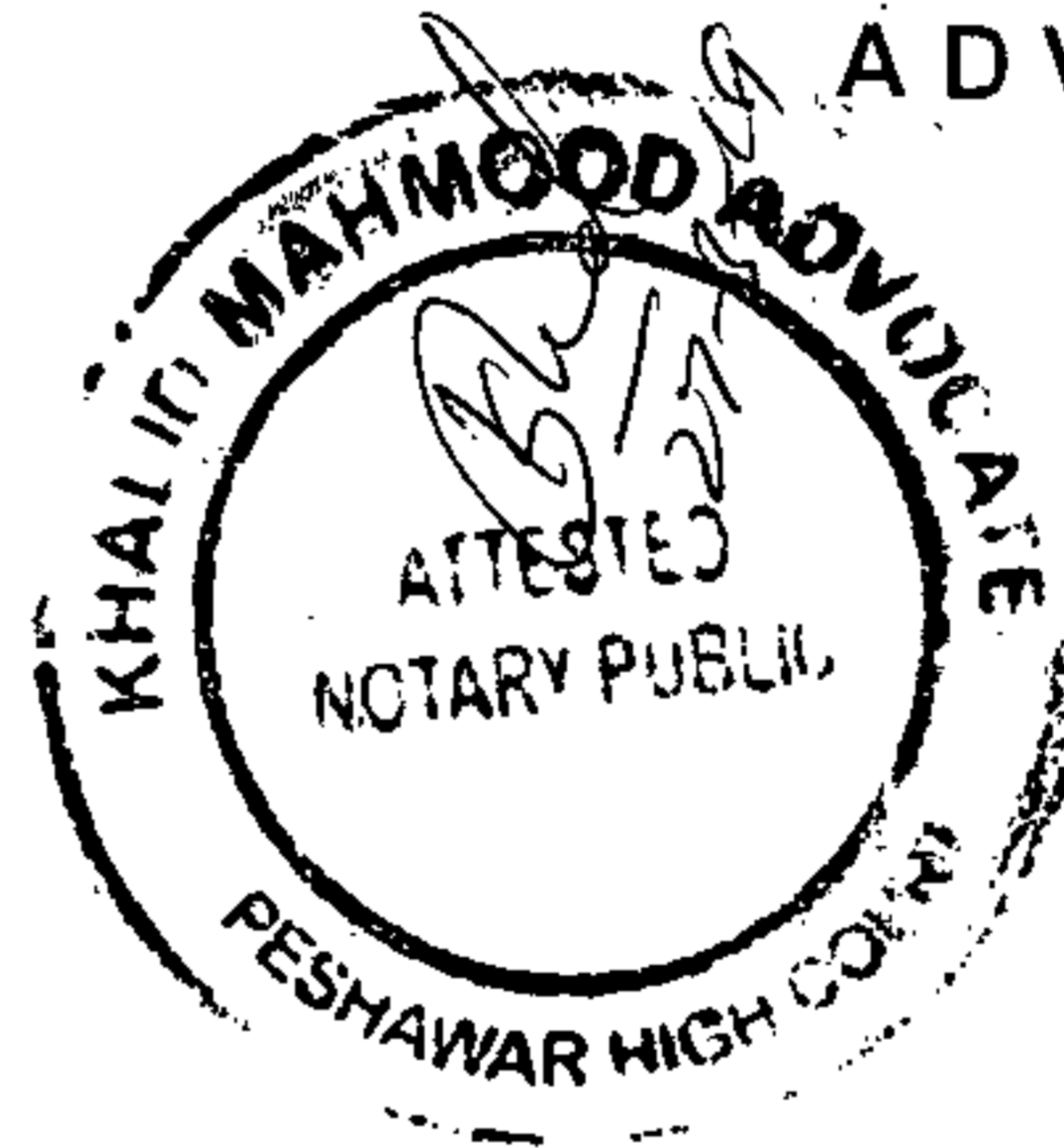
District education Officer (M) Buner and othersRespondents

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.



ADVOCATE



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

Service Appeal No. _____/2019

Liaqat Hussain (SST)Appellant

V E R S U S

District education Officer (M) Buner and othersRespondents

ADDRESSES OF THE PARTIES

APPELLANT:

Liaqat Hussain (SST)

Presently posted at GCHMS Daggar, Buner

Cell No.0347-4773440.

RESPONDENTS:

1. District Education Officer(Male) Buner.
2. Accountant General, Khyber Pakhtunkhwa, Civil secretariat, Peshawar.
3. District Accounts Officer, Buner.


Appellant

Through



Shams ul Hadi

Advocate, Peshawar.

Dated: 22/03/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 673/2019

Liaqat hussain----- Appellant

VERSUS

District Education Officer (Male) Buner & Others ----- Respondents

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9	Judgment of the Supreme Court of Pakistan in Civil Petition No. 172-P & 173-P of 2013	G	38-42


DEPONENT

CNIC No.15101-0882586-3

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 673/2019

Liaquat Hussain SST District Buner

(APPELLANT)

Versus

1. District Education Officer (Male) District Buner
2. Accountant General, Khyber Pakhtunkhwa Civil Secretariat Peshawar
3. District Accounts Officer, District Buner

(RESPONDENTS)

Written Reply/Para wise Comments for & on behalf of Respondents No. 1

Respectfully Sheweth!

Preliminary Objections.

1. The appellant has no cause of action/locus standi to file the instant appeal.
2. The instant appeal is badly time barred.
3. The appellant has concealed the material facts from this honorable Tribunal, hence liable to be dismissed.
4. The appellant has not come to this honorable Tribunal with clean hands.
5. That the appeal is bad for mis-joinder and non-joinder and proper parties.
6. The appellant has filed the instant appeal on mala-fide motives.
7. The instant appeal is against the prevailing law and rules.
8. The appellant has been estopped by his conduct to file the appeal.

Facts:

1. In reply, it is submitted that it is mandatory for each and every government servant to perform his duty with zeal and zest and up to the entire satisfaction of his superiors because he is paid for his services from the national exchequer.
1. Pertains to record.
2. That Analyzing pay rules (National pay scales) introduced w.e.f 01-3-1972 for the civil employees while for the teaching staff separate national pay scales (NPS) introduced w.e.f 1-7-1973, it is evident that there are separate advance increment schemes on acquiring higher qualification for teaching and non-teaching staff.

On the introduction of basic pay scales (BPS) in 1983, 1987 & 1991, advance increment schemes on acquiring higher qualification was separate and different for teaching and non-teaching staff as well.

Basic pay scale rules of 1983 Notification NO.FD(SR-I) 1-67/82 dated 24-08-1983, for teaching staff, the advance increments scheme on acquiring higher qualification was separately introduced which continued with some amendments till 30-11-2001 and was discontinued w.e.f 01-12-2001, vide Govt. of NWFP Finance department (Regulation wing) letter No. FD (PRC) 1-1/2001, Dated 27-10-2001 as per para09: advance increments to school teachers on attaining/acquiring higher qualification vide no. FD (SR-II) 67/83, Govt. of NWFP Finance department Peshawar, the 24th August, 1983 (Annex "A"):

A. Primary School:

- I. A teacher who possess or acquires FA/FSc shall be allowed 02-advance increments.

II. A teacher who (in addition to FA/FSc) also acquires CT shall be allowed 01- additional advance increment.

III. A teacher who acquires a degree of BA/BSc shall be allowed 03- additional advance increments.

B. Middle Schools:

A teacher who possess or acquires a degree of BA/BSc shall be allowed 03 advance increments.

C. High Schools:

A teacher who possesses or acquires master's degree shall be allowed 03-advance increments.

In case of a teacher who possesses or acquires master's degree in education (M.Ed) and also Master degree in any academic subjects shall be allowed 06- advance increments. (Annexure- 'A')

Vide letter no. FD (PRC) 1-1/89, Dated Peshawar the 7th August 1991, the advance increments sanctioned by FD vide para-09 of its letter No. FD(SR-I) 1-67/82 dated 24-08-1983 will not be admissible on acquiring/possessing qualifications for which higher pay scales are being sanctioned through this notification which was amended vide FD letter No. FD (SR-V) 2-123/98 dated 22-03-1999 and FD letter No. SO(R-V)2-123/ 91 dated 25-09-1995, re-continuing the advance increments only on acquiring higher qualification on which higher scales was not granted earlier.

Advance increments to officials for possessing/attaining educational qualification vide No.FD(PRC)1-1/87-VIII dated 22-07-1987 as per para-06.

"Advance increments shall be allowed to the official in BPS-1-15 for possessing/acquiring higher educational qualification over and above prescribed qualification in recruitment rules to the extent given below." (Annexure-'B')

S. No		Matric at least 2 nd Div	FA/FSc at least 2 nd Div	BA/BSc at least 2 nd Div	MA/MSc at least 2 nd Div
i.	Where the prescribed qualification is non-matric	1	2	3	4
ii.	-do- Matric	Nil	1	2	3
iii.	-do- FA/FSc	Nil	Nil	1	2
iv.	-do- BA/BSc	Nil	Nil	Nil	1

The finance department Govt. of Khyber Pakhtunkhwa vides its letter no. FD (SR-II) 2-123/83 dated 31-01-1988, further clarified in the light of para-6(a) that "it is clarified the order is not applicable to the teachers". Then, vide Notification No. FD (PRC) 1-1/89, dated 11-08-1991 as para-5, grant of advance increments to officials for possessing/attaining higher educational qualification: (Annexure "C &D")

i. From 1-6-1991 onwards advance increments shall be allowed without the condition of 2nd division to the officials in BPS 1-15 for possessing or acquiring higher educational qualification over and above prescribed qualification in the relevant recruitment rules to the extent given below:

S. No		Matric	FA/FSc	BA/BSc	MA/MSc
a)	Where the prescribed qualification is non-matric	2	4	6	8
b)	-do- Matric	Nil	2	4	6
c)	-do- FA/FSc	Nil	Nil	2	4
d)	-do- BA/BSc	Nil	Nil	Nil	2

This scheme reflects the previous scheme of advance increments for non-teaching staff mentioned in pay revision rules 1987, clearly vindicates that the revision of Basic pay scales (BPS) 1991 is also not applicable to teaching staff. (Annexure-'E &F')

The scheme of advance increments was wrongly extended to teaching staff which created the confusion resulted in distress to the department. It is a settled law that ill-gotten gain cannot be made a precedent.

In the Supreme Court of Pakistan verdict/Judgment in case of Abdul Haq Khan & others VS Haji Ameer Zada & others reported as, PLD 2017 Supreme Court 105, "it is otherwise settled by now that courts of law have no jurisdiction to add or subtract to the clear words of a statute."

For further clarification, similar observations had already been recorded by honorable apex court in the case of collector of sales tax, Gujranwala vs Messers super Asia Muhammad din & sons and others reported as 2017 SCMR 1427. The dictum laid down by the apex court of Pakistan in these Judgments was totally ignored by the honorable Peshawar High Court Peshawar.

The matter of advance increments relates to the terms and conditions of Civil servants. Therefore, bar of article 212 Constitution of Islamic Republic of Pakistan was attracted to the instant case as it falls within in the terms and condition of the service reliance has been placed on Pir Muhammad VS Govt. of Baluchistan through Chief Secretary & others, 2007 SCMR-54.

Basic pay scales rules 24-8-1983, advance increments detail on higher qualification, finance department letter, clarification dated 31-1-1988, revision of basic pay scale 1991 and Finance department letter dated 12-1-1995 are hereby annexed as A,B,C,D,E & F.

3. As stated is incorrect. Detail reply is given above.
4. At this stage, the claim of the respondents cannot be entertained in the light of section-ii of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act-2012 by virtue of which the instant appeal may very graciously be dismissed. There is plethora of Judgments of the apex court of Pakistan in this regard. Reliance is placed on un-reported Judgment of apex court dated 7-12-2018 in CPs No. 172-P & 173/P 2013. Judgment annexed as G.

The scheme of advance increments was wrongly extended to teaching staff which created the confusion resulted in distress to the department. It is a settled law that ill-gotten gains cannot be made a precedent.

5. In reply, it is stated that many of respondents are such that they have gained higher educational qualification or appointment or both after the discontinuation of the scheme of advance increments on acquiring higher qualification. Even though they were granted advance increments which is clearly against the existing policy.

The similar nature cases CA#2139/2019 in CP# 397-P/2017 Govt; of KPK Vs Saeedullah and others, CA#732-P/2019 in WP# 3081-P/2012 Govt; of KPK Vs Inayat Khan and others were fixed for hearing before apex court of Pakistan which were remanded back to Peshawar High Court Peshawar for a fresh decision within a period of four months which are fixed for hearing on 9-11-2021.

The final decision of these cases will clarify the instant service appeals.

The appellant is not an aggrieved person at all, thus he has no cause of action to file the instant appeal and the appeal in hands is liable to be dismissed inter-alia amongst the following grounds:


Reply on Grounds:

- A. Incorrect in strongly denied. The matter relates to the Finance Department which was not included in the list of respondents in the instant appeal, therefore, the appeal is incompetent. The action and inactions of respondents and Shape of recovery of advance increments on the basis of acquiring higher qualification is in accordance with the law/ the KPK Cessation of Payment of Arrears on Advance Increments on Higher Education Qualification Act 2012.
- B. Incorrect, hence denied. The issue in hand has not already been decided but still subjudice before the Honorable Peshawar High Court Peshawar on the direction of the apex supreme court of Pakistan. The detail reply is already given in para 5 ibid.

As far as the recovery of over payment is concerned the KPK Cessation of Payment of Arrears on Advance Increments and Higher Qualification Act 2012 is not related to the instant issue, because the increments were wrongly acquired by the appellant.

The respondents seek permission to raise /argue other points/ Grounds during the final arguments in this appeal.

In view of the above stated submissions it is earnestly requested that the appeal may very graciously be dismissed with cost in favor of the respondents/ department.


District Education Officer
(Male) Bunerg 2/10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 673/2019

Liaqat hussain -----Appellant

VERSUS

District Education Officer (Male) Buner & Others -----Respondents

AFFIDAVIT

I, Ubaid ur Rahman, ADEO (Litigation), District Education Office (Male) Buner, do hereby solemnly affirms & state on oath that the whole contents of the reply are true & correct to the best of my knowledge & belief & nothing has been concealed from this Hon'ble Tribunal.



Deponent
15101-0882586-3

Dated, Peshawar, the 24th August, 1983.

4

From: The Secretary to Government of NWFP,
Finance Department.

To: 1. All Administrative Officers to Govt. of NWFP.

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

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

Sir,

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

PART-I-BASIC SCALE AND ALLIED MATTERS.

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

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

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(Male) Swabi

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No.FD (SR-I)1-67/03
Government of N.W.F.P.
FINANCE DEPARTMENT

Dated, Peshawar the 24th August, 1983

From.

The Secretary to Government of NWFP,
Finance Department.

To.

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

SUBJECT:


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

Sir,

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

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


Distt. Education Officer
(Male) Swabi

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(ii). Annual increment shall continue to be admissible subject to existing conditions on the 1st of December each year under this Scheme. However, the first annual increment of existing employees in the Basic Scales shall accrue on the 1st of December, 1983.

4. Fixation of Pay on Promotion:— The existing provision regulating the fixation of pay in case of promotion of employees from a lower to a higher post shall continue to apply.

5. Move-Over:— The existing provision regulating the concession of Move-over without promotion to the next higher pay scale of employees in revised National Pay Scale-15(B-1) to revised National Pay Scale-16(B-16) shall continue to be applicable in this scheme.

6. The existing concession of "Move-Over" of employees from revised National Pay Scale-16 to revised National Pay Scale-17 (B-17) and RNPS-17(B-17) to RNPS-18(B-18) shall be extended up to B-20 and regulated as under:—

- (a) The existing condition of the period of stay of 3 years at the maximum of Pay Scale B-16 and B-17 in the case of Non-Technical and Non-Professional categories shall continue to be applicable.
- (b) No Move-over beyond B-18 in the case of categories of employees mentioned at (a) above shall be permissible.
- (c) The Move-Over in the case of Technical and Professional categories e.g. Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Archaeologists, Geologists, Meteorologists, Expert of Agriculture, Animal Husbandry and Forestry shall be permissible upto B-20, without the condition of stay at the maximum for 3 years; provided that in cases where it is intended to allow move-over to the category of officers other than Doctors, Engineers, Educationists, Experts in Agriculture, Animal Husbandry and Forestry, prior concurrence of Finance Department shall be obtained.
- (d) Move-over shall be allowed in cases where an employee who is otherwise considered fit for promotion to higher post, cannot be promoted for want of a vacancy.
- (e) Normal promotion procedure as is observed in cases of promotion through the Competent Authority, e.g. SGT/Selection Board shall be followed in allowing Move-over to Basic Scales 19 and 20.

7. (A). Modification of Scales in case of certain posts.

In the case of certain posts, the Basic Pay Scales indicated in Annexure-II to this circular letter shall be allowed.

(B). Fixation of Pay in case of order (A) above. In cases where the Basic Scales under (A) above higher than the scale which correspond to the revised National Pay Scales have been allowed, initial fixation of pay of the employees concerned shall first be made in the Basic Scale corresponding to his existing revised National Pay Scale in the light of the initial fixation of pay formula mentioned in para 3 above, and

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(ii). Annual increment shall continue to be admissible subject to existing conditions on the 1st of December each year under this scheme. However, the first annual increment of existing employees in the Basic Scales shall accrue on the 1st of December, 1983.

4. Fixation of Pay on Promotion:- The existing provision regulating the fixation of pay in case of promotion of employees from a lower to a higher post shall continue to apply.

5. Move-over:- The existing provision regulating the concession of Move-over without promotion to the next higher pay scale of employees in revised National Pay Scale-I (B-I) to revised National Pay Scale-16 (B-16) shall continue to be applicable in this scheme.


6. The existing concession of "Move-Over" of employees from revised National Pay Scale-16 to revised National Pay Scale-17 (B-17) and PNPS-17 (B-17) to RNPS-18 (B-18) shall be extended up to B-20 and regulated as under:-

- (a) The existing condition of the period of stay of 3 years at the maximum of Pay Scale B-16 and B-17 in the case of Non- Technical and Non-Professional categories shall continue to be applicable.
- (b) No Move-over beyond B-18 in the case of categories of employees mentioned at (a) above shall be permissible.
- (c) The Move-over in the case of Technical and professional categories e.g Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Archaeologists, Geologists, Meteorologists, Expert of Agriculture, Animal Husbandry and Forestry shall be permissible up to B-20 without the condition of stay at the maximum for 3 years; provided that in cases where it is intended to allow move-over to the category of officers other than Doctors, Engineers, Educationists, Experts in Agriculture, Animal Husbandry and Forestry, prior concurrence of Finance Department shall be obtained.
- (d) Move-over shall be allowed in cases where an employee who is otherwise considered fit for promotion to higher posts, cannot be promoted for want of vacancy.
- (e) Normal promotion procedure as is observed in cases of promotion through the Competent Authority, e.g S&GAD/Selection Board shall be followed in allowing Move-over to Basic Scales 19 & 20.

7. (A). Modification of Scales in case of certain posts. In the case of certain posts, the Basic Pay Scales indicated in Annexure-II to this circular letter will be allowed.

(B). Fixation of Pay in cases under (A) above. In cases where the Basic Scales under (A) above higher than the scale which correspond to the revised National Pay Scales have been allowed, initial fixation of pay of the employees concerned shall first be made in the Basic Scale corresponding to his existing revised National Pay Scale in the light of the initial fixation of pay formula mentioned in para, 3 above, and

Contd:-


Distt. Education Officer
Muzaffargarh

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

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

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

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

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

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

I. Primary School.

- (I) A teacher who possesses or acquires P.A./P.Sc shall be allowed two advance increments.
- (II) A teacher who (in addition to P.A./P.Sc) also acquires C.T shall be allowed one additional advance increment.
- (III) A teacher who acquires a Degree of B.A/B.Sc shall be allowed three additional advance increments.

II. Middle School.

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

III. High School.

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

Provided that a teacher who has already drawn increments for possessing higher educational qualification under the existing scales shall be allowed increments equal to shortfall in the number of increments, if any, between the increments obtained by him and the increments which he is entitled to draw.

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thereafter their pay in the higher Basic Scales shall be fixed at the next higher stage.

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

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

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

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

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

I. Primary School.

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


II. Middle School.

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

III. High School.

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

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


Distt: Education Officer
(Male) Subbi


CHAPTER - 16

(Pages 1 to 18)

**Advance Increments
on
Possessing/Attaining
Higher Qualification.**

Source:

- (i) Notifications of Government of NWFP, Finance Department quoted at the end of each decision/component.
- (ii) Rule 10 of the Notification No.F1(5)Imp,2001, dated 4-9-2001 of the Finance Division (Regulation Wing) Islamabad.


Distt. Education Officer
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(2)

ADVANCE INCREMENTS TO OFFICIALS FOR POSSESSING/ATTAINING HIGHER EDUCATIONAL QUALIFICATION

Notified vide No.FD(PRC)I-1/87-VII dated 22.7.1987 as amended from time to time.

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

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

No. of advance increments for obtaining.

S.No.	Where the Prescribed qualification is:-	Matric atleast 2 nd Div.	FA/FSc atleast 2 nd Div.	BA/BSc atleast 2 nd Div.	MA/MSc atleast 2 nd Division
1.	Non Matric		2	3	4
2.	Matric	1	1	2	3
3.	FA/FSc	Nil	Nil	1	2
4.	BA/BSc	Nil	Nil	Nil	1

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

[Signature]
Distt. Education Officer
(Male) Sush

c) The advance increment/increments shall be allowed at the time of recruitment or acquiring higher qualification during service. In cases where the employee is already at the maximum of his pay scale, he would be allowed the requisite number of increments as personal pay to be treated as part of pay for the purpose of fixation of pay on his promotion/selection grade/move-over. No arrears prior to 1-1-1999 shall be admissible on moving over/promotion to higher pay scale.

Para-6(a), (b) and (c) of letter No. FD(PRC)/1-1/87-Vol-VIII, dated 22.7.1987.
read with No. FD(SR-I)15-2/98, dated 26-1-1999.

Clarification-I

The qualification in commerce subjects given below shall be treated at par with qualification noted against each:-

i)	D.Com	F.A/F.Sc
ii)	B.Com	B.A/B.Sc
iii)	M.Com	M.A/M.Sc


Note:- The individuals possessing/acquiring LLB degree will not be considered for advance increments.

No.FD(SR.II)2-145/87 dated 15.12.1987

Decision

Two Advance increments on the basis of LLB degree to Government Servants upto BPS-16 working in the High Courts, the subordinate courts and NWFP Service Tribunal Peshawar. It will take effect w.e.f. 1-7-1997, however, no arrears will be allowed prior to 29-4-1999.

No.FD(SR-V)2-145/98 dated 29-4-1999.


Distt. Education Officer
(Male) Swabi

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Clarification-2

i) The order regarding the advance increment allowed in accordance with Para(a) of FD letter No.FD(PP.S)1-1/87-VIII dated 22.7.1987 is not applicable to the Teachers. The Teachers are still to be governed by rules of the scheme of Basic Pay Scale and Fringe Benefits of Civil Servants 1983.

ii) The officials who have already drawn advance increments for higher qualification before 1.7.1987 shall be allowed increments equal to shortfall between the increments already drawn by them and the increments which have been sanctioned now.


No. FD(SR.II)2-123/83 dated 31.1.1988

Clarification-3. (For officials B-1 to 15)

1. For every stage of higher qualification from Matric to Post-Graduation at least in second Division, only one Advance Increment shall be admissible. To Illustrate if an employee in whose respect qualification for initial recruitment is Matric and who possesses or acquires degree in BA/B.Sc. in second division but FA/F.Sc. in third division, he will be entitled to one Advance Increment for BA/B.Sc. in second division and not FA/F.Sc. in third division.
2. For those categories of posts where certain percentage of posts is reserved for direct recruitment and the rest are reserved for promotion, the qualification prescribed for direct recruitment will be treated the prescribed qualification in case of promotees also and the Advance Increments shall be allowed only if officials possess or acquire higher qualification over and above the qualification prescribed for direct recruitment. However where there is no such quota reserved for direct recruitment, the qualification of the lower post from which the employee has been promoted shall be treated as prescribed qualification for the post.

Illustration.

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Distt. Education Officer
(Male) S. 20/1

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The qualification prescribed for the post of Assistant for direct recruitment is graduation and that qualification will be treated as prescribed qualification for promotion also. There is neither prescribed qualification for the post of Senior Clerk nor any percentage reserved for direct recruitment, the qualification prescribed for the post of Junior Clerk will be treated as the qualification for the post of Senior Clerk. However, the qualification prescribed for the post of UDC for direct recruitment is Intermediate and that qualification will be treated for promotion also.

3. In the scheme of Revised Basic Pay Scale, 1987 selection grade to the Junior Clerks, Senior Clerks and Assistants and advance increments for possessing or acquiring higher qualification were granted simultaneously. The Government Servants who possess higher qualification over and above the qualification prescribed in the relevant recruitment rules before 1.7.1987 will first be allowed advance increments in terms of Para-6(a) of Finance Department letter No. FD(PRC)1-1/87-Vol-VIII dated 22.7.1987 and thereafter selection grade will be allowed in terms of para-4 and 5 of the letter referred to above.

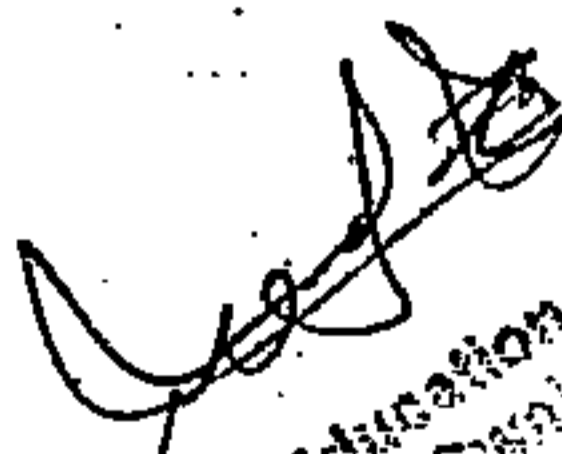
4. The officials who acquired or would acquire higher qualification and were/are drawing pay in selection grade shall be allowed advance increments in the pay scale of selection grade from 1.7.1987 or from the date of acquiring higher qualifications, as the case may be.

NO.FD(SR.II)2-145/87 dated 20.1.1989.

Clarification-4 (For Engineers & Doctors)

3. It is hereby clarified that in terms of Para-6(b) and (c) of Revised Basic Pay Scales, 1987 Four(4) advance increments will be admissible to only those Engineers and Doctors:

- i) who were initially appointed as such (viz. Engineer as an Engineer against the technical post and Doctor as a Doctor against the professional post) irrespective of their present place of posting & the R.B.P.S. in which they are drawing pay;


Distt. Education Officer
(Male) Swabi

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- ii) where postgraduation (possessed or acquired) is higher than the minimum qualification prescribed for initial appointment; and
 - iii) where no advance increments or qualification pay/Allowance have/has been drawn for the same purpose previously.

No. FD(SR-II)2-132/88/Vol-III dated 4.4.1989.

CLARIFICATION-5. (For officials B-1 to 15)

It is clarified that in term of para-6(a) of revised Pay Scales, 1987 the provision of advance increments as mentioned above is admissible to all the officials in BPS-1 to 15 irrespective of ministerial or non-ministerial staff provided that such employees have acquired academic qualification like Matric, FA/FSc/D.Com/BA/B.Sc/B.Com/MA/MSc/M.Com over and above the prescribed qualification, as notified from time to time by Finance Department. However, no advance increments will be admissible to the employees possessing/acquiring diploma in technical field.

No. FD(SR-2)2-145/87-89 dated 27-7-1989, 15-9-1994 & 23-6-2000.

Admissibility of Normal Increment on 1st December on acquiring Higher Qualification.

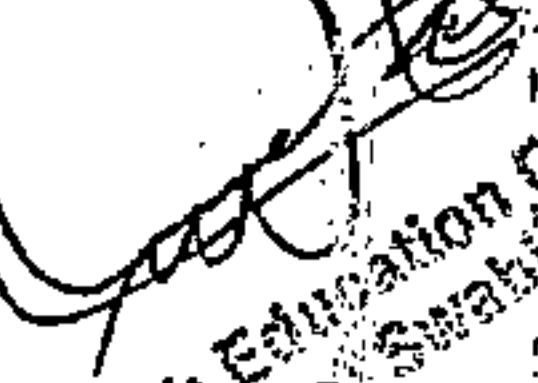
The employees who have been granted advance increments between 2nd June and 30th November, in terms of para-6(a) and (b) of Finance department letter No. FD(PRC)1-1/87/Vol-VIII dated 22.7.1987 on acquiring/ possessing higher educational qualification over and above prescribed qualification are allowed to receive normal increments on 1st December.

No. FD(SR-II)2-151/89/KC dated 28.6.1990

Further Liberalization.

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

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Distt. Education Officer
(Male) Swabi

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No. of Advance Increments for obtaining

S.No.	Where the Prescribed qualification is:-	Matric	FA/FSc	BA/BSc	MA/MSc
1.	Non Matric		4	6	8
2.	Matric	Nil	2	4	6
3.	FA/FSc	Nil	Nil	2	4
4.	BA/BSc	Nil	Nil	Nil	2

The advance increment already allowed in terms of para-6(a) of Finance Department's letter No. FD(PRC)-1/87-Vol VIII, dated 22.7.1987 would be doubled from 1.6.1991.

- ii) The Advance increments shall be allowed at the time of recruitment or acquisition of higher qualification whichever is later. In cases where the employee is already at the maximum of the scale, he may be allowed the number of advance increments beyond the maximum of the scale as personal pay to be treated as part of the time scale of pay for the purpose of fixation of pay at the time of his promotion/selection-grade, move-over. No arrears prior to 1.1.1999 will be admissible. Those employees who had acquired higher qualification in 3rd Division prior to 1.6.1991 and were not granted advance increments earlier would henceforth be allowed advance increments with effect from 1.6.1991.

No. FD(SRII)2-153/89/KC Dated 29-6-91.
Read with No. FD(SR-1)15-2/98, dated 26-01-1999.

* The benefit of advance increment in terms of para 6 (b), (c) of Finance Department Letter No. FD(PRC)-1-87/viii dated 22-7-1987, is also extended with immediate effect to the veterinary doctors/ Animal Husbandry graduates who possess or acquire post graduate degree in their relevant fields

*No. FD(PRC)2-132/96 dated 30-5-1992.

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(Signature)
Distt. Education Officer
(Male) Swabi

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14

Advance Increments to Civil Servants Drawing Pay in BPS-16.

It has now been decided to allow advance increments to the Provincial civil servants drawing pay in BPS-16 or acquiring/possessing higher qualification over & above the minimum prescribed qualifications in relevant recruitment Rules to the extent given below:-

S.No.	Where the Prescribed qualification is:-	Matric	FA/FSc	BA/BSc	MA/MSc
1.	Matric	Nil	2	4	6
2.	FA/FSc	Nil	Nil	2	4
3.	BA/BSc	Nil	Nil	Nil	2

These increments will be allowed in accordance with the existing policy requiring fulfillment of the following conditions:-


- i) The incumbent of the post has not availed the benefit earlier, on any lower post/scale.
- ii) The qualification acquired is higher than the one prescribed in respect of the posts for direct recruitment under the service rules.

These orders will take effect from 1st March, 1998.

FD letter No.FD(SR-V)2-145/97/Vol-V dated 14.3.1998.
No.FD(SR-V)2-145/99-Vol-VII, dated 23-6-2000.

CLARIFICATION

Those categories of posts where certain percentage of posts is reserved for direct recruitment and the rest are reserved for promotion, the qualification prescribed for direct promotion will be treated the prescribed qualification in case of promotion


Distt. Education Officer
(Male) Swabi

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also and the advance increments shall be allowed only if officials possess or acquire higher qualification over and above the qualification prescribed for direct recruitment. However, where there is no such quota reserved for direct recruitment, the qualification of the lower post from which the employee has been promoted shall be treated as prescribed qualification for the post.

No. FD(SR-V)2-145/98 dated 31-8-1999

ADVANCE INCREMENTS TO SCHOOL TEACHERS ON ATTAINING HIGHER QUALIFICATION.

With effect from 1-7-1987 Primary, Middle and High School teachers who possess or acquire while in service higher qualifications shall be allowed advance increments as under:-


I. Primary School.

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

II. Middle School.

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

III. High School.


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

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

Para No.9 FD letter No.FD(SR.1)1-67/83 dated 24.8.83

Equivalency of Qualifications

It has been decided that for the purpose of grant of advance increments for higher qualifications to teachers B.Com. and other academic qualifications equivalent to B.A/B.Sc shall be treated at par with B.A/B.Sc and M.Com/other qualification equivalent to M.A/M.Sc shall be treated at par with M.A/M.Sc.

No.FD(SR-III)2-123/83 dated 18-12-1983.


ADVANCE INCREMENTS TO HEADMASTERS/HEADMISTRESS OF HIGH SCHOOLS.

The Headmasters/ Headmistresses of High Schools would also be entitled to advance increments as admissible to High School Teachers for possessing higher qualifications provided that they were not appointed to the cadre by initial recruitment on the basis of qualifications for which advance increments have been sanctioned.

No.FD(SR.II)2-123/83 dated 15.12.83

ADVANCE INCREMENTS TO DEO/DDEO/ADEO/SDEO/ASDEO & OTHER EQUIVALENT POSTS.

Advance Increments for possessing higher qualifications allowed to the Headmasters/ Headmistresses vide para 2 of Finance Department letter No. FD(SR.II)2-123/83 dated 15th December 1983 will also be admissible subject to the condition specified therein, to subject Specialists, Assistant Directors, Deputy District Education Officers, Sub-


Distt. Education Officer
(State) Swaha

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Divisional Education Officers and other equivalents who are borne on the cadre of Headmistress/Headmistresses and hold joint seniority with them.

Similarly Senior English Teachers possessing higher qualifications and posted as Assistant District Education Officers, Assistant Sub-Divisional Education Officers or to other equivalent posts would also be entitled to the Advance Increments in accordance with the Provisions of Para 9(III) of the Finance Department circular letter No.FD(SR-I)1-67/83 dated 24.8.1983.

FD letter No.FD(SR-II)2-123/83 dated 30.1.1984

ADVANCE INCREMENTS TO EMPLOYEES DRAWING PAY AT THE MAXIMUM OF RNPS-17 ON 1.7.1983.

The teachers who could not get the full benefit of advance increments provided for in the Scheme of Basic Pay Scales, shall be allowed the benefit of Advance Increments, if any, which they could not get on 1/7/1983, in the next higher Pay Scales after their move-over to such Basic Pay Scale with effect from 1-12-1984.


FD letter No.FD(SR-II)2-123/83 dated 20th May, 1984.

ADVANCE INCREMENTS TO HEADMASTER/HEADMISTRESS APPOINTED DIRECT THROUGH PBSC

- (1) Headmasters/Headmistresses appointed direct to the post through NWFP Public Service Commission on the basis of qualifications prescribed for the post, shall be entitled to the benefit of advance increments for possessing higher qualifications of M.A/M.Sc/M.Ed and M.Com allowed through the Scheme of Basic Pay Scales.
- (2) The High School Teachers and Headmasters/Headmistresses holding Master's degree even in 3rd Division are entitled to advance increments allowed under Basic Pay Scale Scheme, 1983.

FD letter No.FD(SR-II)2-123/83 dated 7th June, 1984

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Distt. Education Officer
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ADVANCE INCREMENTS TO THE HEADMASTER/SET'S OF EX-STATE OF SWAT:

The advance increments in terms of para 9 of the Scheme of Basic Pay Scales, 1983 shall be admissible to the above teachers who had been allowed increased in pay of Rs. 15, 30 & 40 for improvement of qualification, in the following manner:-

1. The shortfall of advance increments should be allowed in pay scale held by the teacher on 30.6.1983 by treating the amount of increase allowed by Ex-Ruler equal to one increment (on the analogy of the precedent of Primary and Middle Schools teachers) provided that if a teacher had been in selection grade before 1.7.83, his case will be decided later on.
2. The teachers placed in selection grade (B-17) on 1.7.1983 and also entitled to the grant of advance increments under the provision of Basic Pay Scales 1983 should be allowed advance increments in BPS-15 like other teachers.
3. The orders of the Provincial Government will take effect from 1.11.1988. However neither recovery will be made nor arrears will be allowed on account of fixation of pay with retrospective effect.


File No. FD(SR-II)2-123/83/Vol-IV dated 14.12.1988.

ADMISSIBILITY OF ADVANCE INCREMENTS TO SELECTION GRADE.

A question has been raised with regard to the grant of Advance increments for possessing/acquiring higher qualifications in respect of the teachers who were to avail Selection Grade and Advance Increments for higher qualification on 1.7.1983 simultaneously and the teachers who acquired or would acquire higher qualification and are drawing pay in selection Grade.

It has therefore, been decided that Advance Increments for higher qualifications or the shortfall as the case may be, shall be allowed to the School teachers/Headmasters/Headmistresses in the following manner:-

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Distt. Education Officer
(Male) Swat

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1. Those who possessed higher qualifications before 1.7.1983 shall first be allowed Advance Increments in Basic Pay Scales of the employees concerned viz BPS 7,9 & 15 and thereafter Selection Grade be allowed.
2. Those who acquired or would acquire higher qualifications and were/are drawing pay in Selection Grade shall be allowed Advance Increments in pay scale of Selection Grade w.e.f 1.7.1983 or from the date of acquiring higher qualifications (as the case may be).

FD letter No.FD(SR-II)2-123/83/Vol-IV dated 11.2.1989.

CLARIFICATION

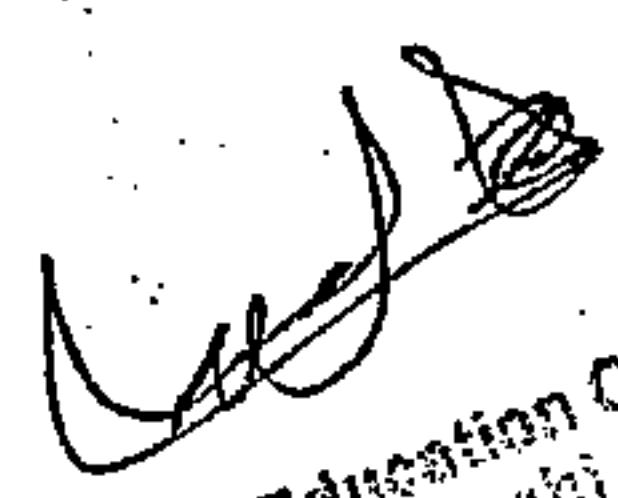
Upgradation of the post of SETs under Notification dated 7.8.1991 is on the basis of existing prescribed qualifications for the SETs post without imposing any condition of higher educational qualifications. The SETs would therefore remain entitled to advance increments for possessing/acquiring higher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

FD letter No.SO(R-V)2-123/91 dated 25.9.1995.

ADMISSIBILITY OF ADVANCE INCREMENTS TO PRIMARY SCHOOL TEACHERS ON POSSESSING HIGHER QUALIFICATION OF C.T. BA/BSC/B.COM OR EQUIVALENT.

Under para 9 of the Basic Pay Scales Scheme issued vide letter No.FD(SR-I)1-67/82 dated 24.3.1983 read with letter No.FD(SR-II)2-123/83 dated 15.12.1983 Primary School Teachers on possessing or acquiring, while in service, higher qualification were allowed advance increments as under:-

HIGHER QUALIFICATION	ADVANCE INCREMENTS
FA/FSc	2
C.T.	1
BA/BSc/B.COM or equivalent	3
Total	6


Distt. Education Officer
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2- Primary School Teachers holding the qualification of FA/FSc/(2nd Division) plus existing prescribed professional training were placed in BPS-9 with 1/3rd in selection Grade BPS-10 as peronal to them vide Notification No.FD(PRC)1-1/89 dated 7.8.91. The advance increments referred to in para 1 above, however, ceased in the case of teachers referred to in this para.

It has now been decided that Primary School Teachers placed in BPS-9 in terms of notification of 7.8.1991 referred to above shall be allowed advance increments on possessing or acquiring higher qualification of CT & BA/BSC/B.Com or equivalent qualification as under:-


CATEGORY OF TEACHERS	HIGHER QUALIFICATION	NUMBER OF ADVANCE INCREMENTS
Primary School Teacher		
PTC/JV	CT	1
	BA/BSC/B.Com or equivalent.	3

The above decision would be effective from 7.8.91. However no arrears will be allowed on account of re-fixation of pay prior to 22.3.1999.

FD letter No.FD(SR.V)2-123/98 dated 22.3.1999.

ADVANCE INCREMENTS TO TECHNICAL AND PROFESSIONAL CATEGORIES ON POSSESSING/ ACQUIRING HIGHER QUALIFICATIONS

Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Geologists, Meteorologists, Archaeologists, Experts in Agriculture, Animal Husbandry and Forestry working in Universities, Colleges, Research Institutions or Technical Departments, shall be allowed advance increments on possessing/acquiring higher qualifications as under:-


Distt. Education Officer
(Male) Swabi

- (21)
- (i) In case a technical/professional employees of the above category possesses D.Sc. Ph.D degree from a foreign university, he shall be allowed six advance increments on entry into service in B-17.
- (ii) Those of the above categories of officers who possess M.A/M.Sc/M.S or equivalent from a foreign university or Ph.D or M.Phil from a university in Pakistan will receive four advance increments on induction in service in B-17.
- (iii) Those of the above categories of employees who while in service obtain a degree shall be allowed four advance increments in case of (i) above and two advance increments in case of (ii) above.
- (iv) In cases where it is intended to extend the concession of advance increments to the categories of officers other than Doctors, Engineers, Educationists, Experts in Agriculture, Animal Husbandry and Forestry mentioned above, prior concurrence of Finance Department should be obtained.

Provided that if a Government Servant belonging to the above mentioned categories has already drawn advance increments for possessing or acquiring the higher qualifications indicated in (i) and (ii) above, he shall be allowed increments equal to the short fall in the number of increments, if any, between the increments already drawn by him and the increments being sanctioned now.

The advance increments on obtaining higher degrees while in service referred above shall be allowed only to those Technical/Professional employees who are drawing pay in Basic Pay Scale 17.

Para-10 of FD letter No. FD(SR-II)-67/83 dated 24.8.83.
Revised with No. FD(SR-II)-123/83 dt 25.9.83 & even No. 13.1.85


Distt. Education Officer
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**ADMISSIBILITY TO EMPLOYEES ALREADY DRAWING PAY AT THE
MAXIMUM OF RNPS-17 ON 1.7.1983.**

A number of technical and professional Employees were drawing pay at the maximum of RNPS-17 on 1st July, 1983 and their pay had also been fixed at the maximum of the Basic Pay Scale-17. Such civil servants would be deprived of the benefit of advance increments sanctioned under paragraph-10 of the scheme of the Basic Pay Scales even if they possessed higher qualifications for which advance increments have been allowed. It has been decided that such technical and professional civil servants who could not get the full benefit of advance increments provided in the Basic Pay Scales, shall be allowed the benefit of advance increments, if any, which they could not get on 1st July, 1983 in scale B-18 after their move-over to that pay scale with effect from the date of move-over under paragraphs 6 of this department letter dated 24.8.1983 referred to above.


FD letter No. FD(SR-II)2-123/83 dated 13th January, 1985

**ADVANCE INCREMENTS WHILE DRAWING PAY IN BPS-18 OR IN CASE
OF PERSONS DIRECTLY APPOINTED TO THE POSTS IN BPS-18.**

Pay of these employees of the categories mentioned in para 10 of the circular letter referred to above, who acquire higher qualifications specified therein while drawing pay in BPS-18 may be refixed in BPS-18 with effect from 1.7.1983 or the date of acquiring the higher qualification whichever is later, by allowing the benefit of advance increments under para 10(iii) of this Department's above mentioned circular letter.

In case of persons directly appointed to the posts in BPS-18, advance increments as mentioned in para 10(i) and (ii) of the above mentioned circular letter for the higher qualifications specified therein, may be allowed in BPS-18. However no advance increments shall be admissible on initial appointment in BPS-18 to a person possessing higher qualifications specified in para 10 of Finance Department circular referred to above if these are the prescribed minimum qualifications for such appointment.

No FD(SR-II)2-132/85 dated 5.1.1986.


Distt. Education Officer
(Male) Swaha

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QUALIFICATION ALLOWANCES ON POSSESSING/ACQUIRING A Ph.D./D.Sc. DEGREES.

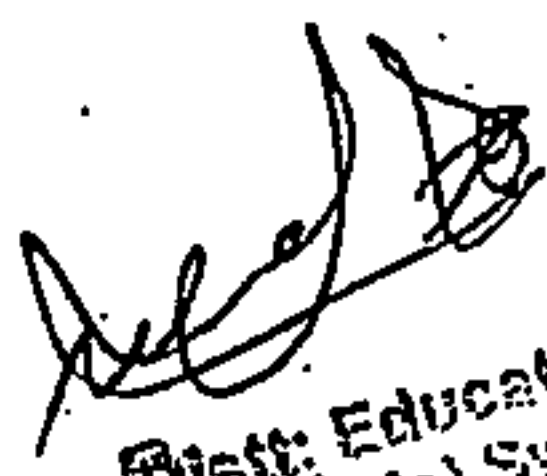
In partial modification of the Basic Pay Scale Scheme it has been decided that the civil servants of Technical and Professional categories i.e. Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Geologists, Meteorologists, Archeologists, Experts in Agriculture, Animal Husbandry and Forestry, Chartered Accountants, Electronic Data Processing Personnel/Computer Personnel, Librarians, Pharmacists, Physiotherapists, Statisticians, Architects and Town Planners, serving in jobs which are required to be manned by persons holding technical or professional qualifications relevant to these jobs, will be allowed qualification allowance of Rs.1000/P.M. on possessing/acquiring a Ph.D./D.Sc. degree from any recognized University.

Those civil servants who have already benefited from the concession of advance increments allowed vide this Department letter dated 24.8.1983 referred to above, will have the option either to retain the above benefit or to receive the qualification Allowance and have their pay revised by excluding the advance increments allowed earlier.

The Qualification Allowance of Rs.1000/- P.M. will be admissible to all Technical/Professional Civil Servants of specified categories, irrespective of their scale, who possess or acquire the degree of Ph.D./D.Sc. and are serving on jobs which are required under the Recruitment Rules to be manned by persons holding this degree. Such persons may be employed in Secretariat or elsewhere. However, Civil Servants of B-17/B-18 posts who have drawn the advance increments for these qualifications and wish to draw the Qualification Allowance, the advance increments shall be adjusted from the date of issue of this letter.

The Qualification Allowance is also admissible to technical and professional Civil servants employed on relevant jobs in those Autonomous Organizations/Corporations which have adopted the Scheme of Basic Pay Scales in toto sanctioned vide this department letter No.FD(SR.1)1-67/82, dated 24.8.1983.

These orders shall take immediate effect.


Distt. Education Officer
(Male) Swaha

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FD letter No.FD(SR-II)2-132/85 dated 11.8.1986.

Decision: With effect from 1-7-1983 the Ph.D/D.Sc has been increased from Rs.1000/- per month to Rs.1500/- per month and the eligibility of the allowance will not hence forth i.e. w.e. 4-8-1988 be linked with recruitment rules and job assigned to them.

No.FD(SR-II)2-149/88 dated 4-8-1988.

CLARIFICATION:

The option provided in para 3 & 4 of letter dated 11-8-1986 had to be exercised by those employee only who had availed of the benefit of the advance increments on Phd./D.Sc qualification till 11-8-1986. The employee who are appointed on or after 11-8-1986 and possessing Ph.D/D.Sc degree or those who acquire Ph.D/D.Sc degree on or after 11-8-1986 shall only be allowed qualification allowance.

No. FD(SR-V)2-149/88 dated 11-7-1989.

CLARIFICATION:

A question has arisen as to whether, advance increments would be admissible to those Civil Servants who acquire higher qualifications after 1-7-1983 or the advance increments would also be admissible to those who possessed these qualifications before 1-7-1983.


It is clarified that the advance increments would be admissible to the said categories of employees who possessed higher qualification before or on 1-7-1983, provided that if a civil servant has already drawn advance increments for possessing/acquiring higher qualifications before 1-7-1983 will be entitled to the shortfall in the number of increments if any, between increments drawn and the increments sanctioned in the Basic Pay Scale Scheme 1983 with effect from 1-7-1983.

FD letter No.FD(SR-II)2-132/86 dated 5.2.1987.

SANCTIONING AUTHORITY.

The Administrative Departments concerned will allow at their end the advance increments to Technical/Professional Categories of Employees, under the Basic Pay Scales Scheme, 1983, in accordance with the above mentioned circular letters, without referring individual cases to Finance Department.

FD letter No.FD(SR-II)2-132/85 dated 6.4.1987.

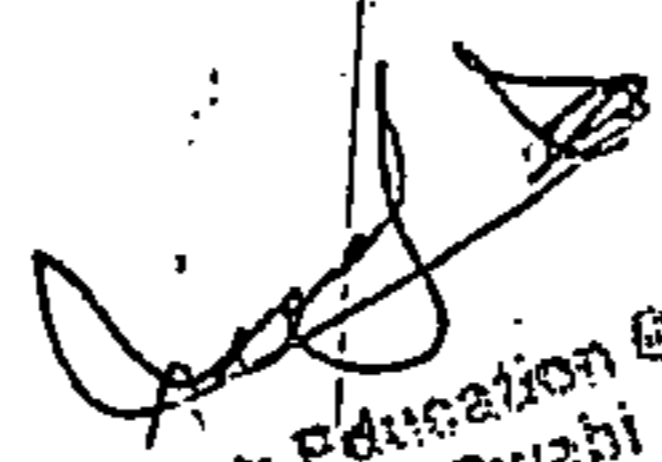

(Distt. Education Officer)
(Male) Swabi

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Discontinuation of advance increments vide letter No.FI(5)Imp;2001, dated 4-9-2001 issued by Deputy Secretary, Finance Division (Regulation Wing) Islamabad. (Srl.No.10 of the letter).

The existing scheme of advance increments is discontinued with effect from 1-12-2001. A fresh scheme of any will be introduced in due course of time.


Distt: Education Officer
(Male) Swabi

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GOVERNMENT OF NWFP
FINANCE DEPARTMENT

N.S. FD(SA-II)2-123/83
Dated Pesh: 31.1.1988

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

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

Sir,

I am directed to refer to the subject noted above and to state that in Para-6(c) of this Department letter No. FD(PHC)1-1/87-VIII dated 23rd July, 1987, advance increments have been allowed to the officials in BPS-1-15 for possessing or acquiring higher qualification over and above the qualification prescribed in the relevant recruitment rules. A question has been raised as to whether:-

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

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

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(Peshawar)

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No. FD (SR-II) 2-123/83
Dated Peshawar the 31.1.1988.

To.

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

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

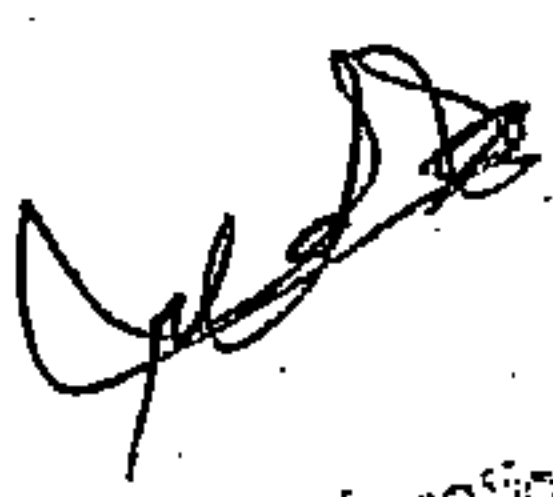
Sir,

I am directed to refer to the subject noted above and to state that in para-6 (a) of this Department letter No.FD (PRC) 1-1/87-VIII dated 23rd July, 1987, advance increments have been allowed to the officials in BPS-1-15 for possessing or acquiring higher qualification over and above the qualification prescribed in the relevant recruitment rules. A question has been raised as to whether:-

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

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

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Distt. Education Officer
(Male) Peshawar

Schemes of Basic Pay Scale and Fringe Benefits of Civil Servants, 1983.

As the question (b) above is clarified that the officials who have already drawn advance increments for higher qualifications before 1.7.1987, shall be allowed increments equal to short fall between the increments already drawn by them and the increments which have been sanctioned.

Your obedient servant,

(MIAN SAHID JAN)
DEPUTY SECRETARY (REG.)

Encls: No. PD(SR-II)2-123/83 dated 2/2/1986.

- Copy forwarded for information to:-
1. All Heads of Autonomous and Semi Autonomous Bodies in NWFP.
 2. The Secretary, Finance Department, Government of NWFP, Islamabad.

(ABDUL WAHAB)
SECTION OFFICER (SR-II)

Encls: No. PD(SR-II)2-123/83 dated 2/2/1986.

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

(ABDUL WAHAB)
SECTION OFFICER (SR-II)

No. H-24(73)M/7/86

Copy forwarded to:-
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Dist. Education Officer
(Muz) Sector

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Scheme of Basic Pay Scale and fringe benefits of Civil Servants, 1983.

As regards question (b) above it is clarified that the officials who have already drawn advance increments for higher qualifications before 1.7.1987, shall be allowed increments equal to short fall between the increments already drawn by them and the increments which have been sanctioned now.

Your obedient servant,
Sd/-

(MIAN SAHIB AN)
DEPUTY SECRETARY (REG:)
dated 2/2/1988

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

Copy forwarded for information to:-

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

Sd/-

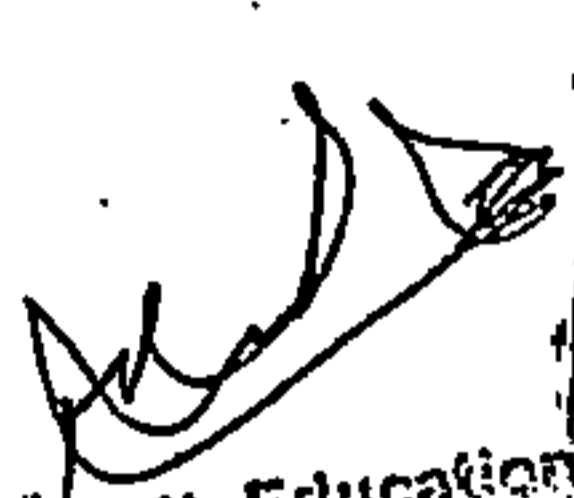
(ABDUL WAHAB)
SECTION OFFICER (SR-II)

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

dated 2/2/1988.

Copy forwarded to:-

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


Distt: Education Officer
(Water Swabi)

Sd/-

(ABDUL WAHAB)
SECTION OFFICER (SR-II)

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No.F.1(12)-Imp.II/91

Islamabad, the 29th June, 1991.

OFFICE MEMORANDUM

Subject:- REVISION OF BASIC PAY SCALES AND FRINGE BENEFITS OF CIVIL EMPLOYEES OF THE FEDERAL GOVERNMENT (1991).

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

2. Basic Pay Scales: The existing, modified and the revised pay scales are detailed in the Annexure to this O.M. The revised pay scales shall replace the basic pay scales, 1987 and shall be effective from the first of June, 1991.

3. Initial fixation of pay: (i) The initial pay of the existing employees who have been in government service since before the 1st June 1991, shall first be fixed in the modified scale at the stage having the same pay or if there is no such stage, at the next higher stage. Thereafter the pay shall be fixed in the revised pay scale on point to point basis i.e. at the stage in the relevant revised basic pay scale which is as many stages above the stage occupied by him above the minimum of the modified basic scale.

...P/2.

[Signature]
Distt. Education Officer
(Basic) Swabi

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No. F1 (12)- Imp.II/91

Islamabad, the 29th June, 1991.


OFFICE MEMORANDUM

Subject:- REVISION OF BASIC PAY SCALES AND FRINGE BENEFITS OF CIVIL EMPLOYEES OF THE FEDERAL GOVERNMENT (1991).

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

2. Basic Pay Scales: The existing, modified and the revised pay scales are detailed in the Annexure to this O.M. The revised pay scales shall replace the Basic Pay Scales, 1981 and shall be effective from the month of June, 1991.

3. Initial fixation of pay: (i) The initial pay of the existing employees who have been in government service since before the 1st June, 1991, shall first be fixed in the modified scale at the stage having the same pay or if there is no such stage, at the next higher stage. Thereafter the pay shall be fixed in the revised pay scale "on point to point basis" i.e., at the stage in the relevant revised basic pay scale which is as many stages above the stage occupied by him above the minimum of the modified basic scale.


Distt: Education Officer
(Male) Swabi

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(ii) In the case of those employees whose pay is fixed in the revised scales at a stage which gives less than Rs. 100/- increase in pay of pay, 1991 a minimum increase of Rs. 100/- in pay over (pay, 1991) shall be allowed and the amount of pay to be fixed in the revised scales shall be subject to the conditions I, II & III in appendix.

(iii) The annual increment shall continue to be subject to the existing conditions on the first of January each year.

(iv) The increases allowed since 1-7-1989 as detailed below shall come to effect from 1-6-1991:-

- a) Indexed pay sanctioned vide Finance Division C.E. No. 1(31)-I-11/89 dated 1-7-1989.
- b) Adhoc increase of 5% of pay sanctioned vide Finance Division C.E. No. 1(11)-I-11/89 dated 11-7-1989.
- c) Adhoc increase of 10% sanctioned vide Finance Division C.E. No. 1(13)-I-11/89 dated 11-7-1989.
- d) Dearness Allowance of Rs. 200/- sanctioned vide Finance Division C.E. No. 1(25)-I-11/90 dated 15-12-1990.

Fixation of pay on promotion

(1) In cases of promotion from a lower to a higher post/scale before the introduction of the revised scales the pay of the employees concerned shall be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if his promotion to the higher

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(II) In the case of these employees whose pay is fixed in the revised scales at a stage which gives less than Rs.100/- increase in pay over May, 1991 level would be allowed and

I, II & III in Appendix.

(III) The Annual increment shall continue to be admissible subject to the existing conditions and the first of December every year. The increases allowed since 01.07.1983 as detailed below shall cease to be admissible from 01.06.1991:-

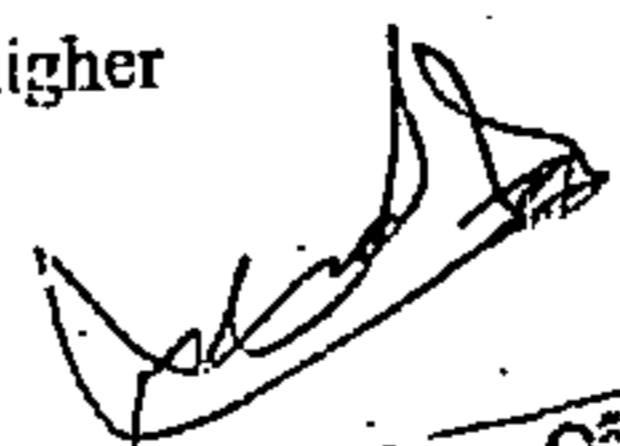
(a) Indexed pay sanctioned vide Finance Division O.M. NO. F.I (31)-Imp-II/88 dated 01.07.1988.

(b) Adhoc increase of 05% of pay sanctioned vide O.M. No.F.I (31)-Imp-II/89 dated the 2nd July, 1989.

(c) Adhoc increase of 10% sanctioned vide Finance Division's O.M.No.F.I (13) (imp-II/90 dated the 10/07/1990.

(d) Dearness Allowance of Rs. sanctioned vide Finance Division's O.M.No.F.I (23) Imp-II/90 dated 5.12.1990. fixation of pay on promotion.

(i) In case of promotion from a lower to higher post/scale before the introduction of the examining scales, the pay of the employees concerned in the revised scale may be fixed and no enhance that it would not be less than the pay that would have been admissible to him if his promotion to the higher


Distt. Education Officer
(Male) Swabi

post/scale had taken place after the introduction of these scales.

ii) Government employees who are allowed selection grade shall be granted one premature increment from 1-6-1991 as is allowed in the case of promotion.

5. Grant of advance increment to officials for possessing/attaining higher educational qualifications.

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

	No. of advance increments for obtaining			
	Matric	F.A./P.S.	B.A./B.Sc.	M.A./M.Sc.
a) Where the prescribed qualification is Non-Matric.	2	4	6	8
b) Where the prescribed qualification is Matric.	Nil	Nil	Nil	Nil
c) Where the prescribed qualification is BA/P.S.	Nil	Nil	2	4
d) Where the prescribed qualification is MA/M.Sc.	Nil	Nil	Nil	2

The advance increments already allowed in terms of para 6 of O.M. No. F. 1/7/IM. II/87 dated 1st July, 1987 would be doubled from 1-6-1991.

[Signature]
 Distt. Education Officer
 (Male) Swat

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Posts/scale had taken place after the introduction of these scales.

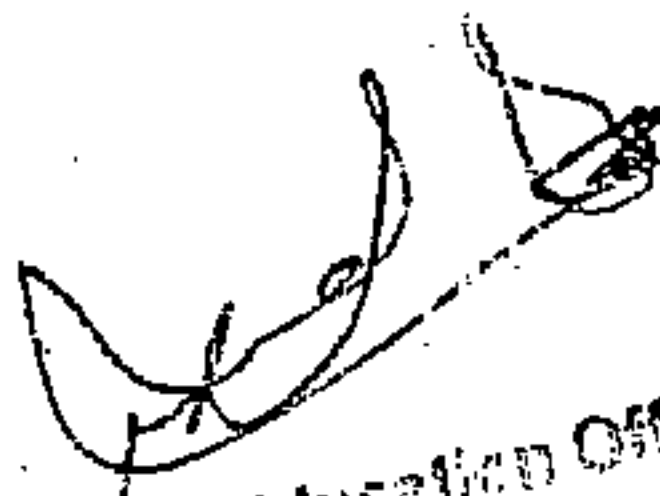
ii) Government employees who are allowed selection grade shall be granted one premature increment from 1-6-1991 as is allowed in the case of promotion.

5. Grant of advance increment to officials for possessing/attaining higher educational qualifications.

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

	No. of advance increments for obtaining			
	Matric	F.A/F.Sc	B.A/B.Sc	M.A/M.Sc
a) Where the prescribed qualification is Non-Matric.	2	4	6	8
b) Where the prescribed qualification is Matric	Nil	2	4	6
c) Where the prescribed qualification is FA/F.Sc	Nil	Nil	2	4
d) Where the prescribed qualification is BA/B.Sc	Nil	Nil	Nil	2

The advance increments already allowed in terms of para 6 of O.M. No. F.1/7/IM. II/87 dated 1st July, 1987 would be allowed from 1-6-1991.


Distt. Education Officer
(Matric Section)

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

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

7. Special Pay
i) The existing special pay is admissible to various categories of employees working as Personal Assistants in BPS-15 and Confidential Assistants personal in Ministers/Divisions shall be revised from 1-6-1991, as under :-

<u>Name of Post</u>	<u>Existing Revised</u>	
	<u>Rs. P.M</u>	<u>Rs. P.M</u>
PA to Ministers (Federal)	100	150
PA to Ministers of State	100	150
PA to Secretaries (Federal)	100	150
PA to Addl: Secretaries (Federal)	100	150
PA to Secretaries (Provincial)	75	120
PA to Joint Secretaries (Federal)	75	120
Confidential Assistants posted in Ministers/Divisions.	45	65


District Education Officer
(Male)

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
FINANCE DEPARTMENT

NOTIFICATION

Peshawar, dated the 7th August, 1991.

No. FD(PPS)1-1/89- In exercise of all the powers enabling him in this behalf, the Governor of the North-West Frontier Province is pleased to order the following scales of pay/benefits to various categories of Teachers with effect from 1-7-1991.

1. Name of the Post.	3. Benefits extended
1. Primary School Teachers (PTC/J.V)	<p>All the present and future primary school teachers who hold the qualification of F.A/F.Sc. (2nd Division) plus existing prescribed professional training shall be placed in BPS-9 with 1/3rd in selection grade BPS-10.</p> <p>All other teachers who do not possess higher qualification shall continue getting existing pay scale with selection grade accordingly.</p> <p>However, the higher scales/grades allowed to these teachers will be <u>personal to them</u> and <u>inter-seniority will remain intact.</u></p>
2. Elementary school Teachers (E.S.T/ S.V/P.E.T/ Drawing Masters/PTI.	<p>All the present and future elementary school teachers who possess the qualification of B.A/B.Sc (2nd Division) plus existing prescribed professional training shall be placed in BPS-14 with 1/3rd in Selection Grade BPS-15.</p> <p>All other teachers who do not possess higher qualifications shall continue getting existing pay scales with Selection Grade accordingly.</p> <p>However, the higher scales/grade allowed to these teachers will be <u>personal to them</u> and the <u>inter-seniority will remain intact.</u></p>
Arabic Teachers:	<p>All the present and future Arabic Teachers who possess the qualification of Trained Fazil with B.A/B.Sc. (2nd Division) and five years teaching experience or M.A. Arabic or equivalent qualifications shall be placed in BPS-14 with 1/3rd in Selection Grade BPS-15.</p>

[Signature]
District Education Officer
(Male) Peshawar

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GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
FINANCE DEPARTMENT.

NOTIFICATION

Peshawar dated the 7th August, 1991.

NO. FD (PRC) 1-1/89 In exercise of all the powers enabling him in this behalf the Governor of the North-West Frontier Province is pleased to order the following scales of pay/benefits to various categories of Teachers with effect from 01.07.1991.

S.No.	Name of the Post	Benefits Extended
1		3
1.	Primary School Teachers (PTC/J.V)	All the present and future primary school teachers who hold the qualification of F.A/F.Sc (2nd Division) plus existing prescribed professional training shall be placed in BPS-9 with 13rd in selection grade BPS-10. All other teachers who do not possess higher qualification shall continue getting existing pay scale with Selection grade accordingly. However, the higher Scales/grades allowed to these teachers will be personal to them and the inter-seniority will remain intact.
2	Elementary School Teachers (E.S.T/C.T/S.V/P.E.T/Drawing Masters/PTI)	All the present and future Elementary School Teachers who possess the qualification of B.A/B.Sc (2nd Division) plus existing prescribed professional training shall be placed in BPS-14 with 13rd in selection Grade BPS-15. All other teachers who do not possess higher qualification shall continue getting existing pay scales with selection Grade accordingly. However, the higher Scales/grades allowed to these teachers will be personal to them and the inter-seniority will remain intact.
3	Arabic Teachers.	All the present and future Arabic Teachers who possess the qualification of Trained/Fazil with B.A/B.Sc (2nd Division) and five years teaching experience of M.A Arabic or equivalent qualifications shall be placed in BPS-14 with 1/3rd in Selection grade BPS-15. All other teachers who do not possess higher


District Education Officer
(Male) Swabi

11. Name of the Post
12. No.
13. 2.3

Benefits extended.

All other teachers who do not possess higher qualification shall continue getting existing pay scale with Selection Grade accordingly.

However, the higher scale/grade allowed to these teachers will be personal to them and the inter-seniority will remain intact.

4. Secondary School Teachers.

All the present and future Secondary School Teachers with prescribed qualification under the Rules shall be placed in BPS-16 with 1/3rd in Selection Grade BPS-17.

The advance increments sanctioned by Finance Department vide Para 9 of its letter No. FD (SR-1) 1-67/82 dated 24-8-1983 will not be admissible on acquiring/possessing qualifications for which higher pay scales are being sanctioned through this notification.

SECRETARY TO GOVERNMENT OF NWFP
North West Frontier Province
Finance Department.

Endst. No. FD(PCR) 1-1/89.

Dated Peshawar, the 7th August, 1991.

A copy is forwarded to the Accountant General, NWFP, Peshawar for information and necessary action.

(GHULAM DASTGIR AKHTAR)
Deputy Secretary (Regulation)
Finance Department.

Endst. No. FD(PCR) 1-1/89.

Dated Peshawar, the 7th August, 1991.

A copy is forwarded to:-

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

(GHULAM DASTGIR AKHTAR)
Deputy Secretary (Regulation)
Finance Department.

Director, Education
(Male) Swat

contd. 3

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		qualification shall continue getting existing pay scales with Selection Grade accordingly. However, the higher Scales/Grades allowed to these teachers will be personal to them and the inter-seniority will remain intact.
4	Secondary School Teachers	All the present and future Secondary School Teachers with prescribed qualification under the Rules Shall be placed in BPS-16 with 1.3rd in Selection Grade BPS-17.

The advance increments sanctioned by Finance Department vide Para-9 of its letter No.FD (SR-D) 1-67/82 dated 24-08-1983 will not be admissible on acquiring/ possessing qualifications for which higher pay scale are being sanctioned through this notification.

Sd/-

SECRETARY TO GOVERNMENT OF
North West Frontier Province
Finance Department.

Endst:No.FD (PRC) 1-1/89

Dated Peshawar the 7th August, 1991.

A copy is forwarded to the Accountant General, NWFP, Peshawar for information and necessary action.

Sd/-

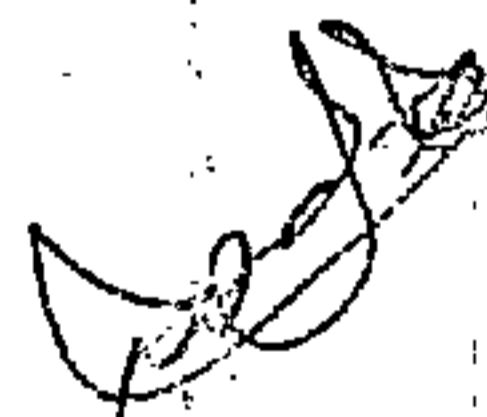
SECRETARY TO GOVERNMENT OF
North West Frontier Province
Finance Department.

Endst:No.FD (PRC) 1-1/89

Dated Peshawar the 7th August, 1991.

A copy is forwarded to:-

1. All Administrative Secretaries to Govt. of NWFP.
2. All Commissioners of Division, NWFP.
3. All Heads of Attached Departments, NWFP.
4. The Secretary to Governor, NWFP.
5. The Registrar, Peshawar High Court, Peshawar.
6. The Secretary, Public Service Commission, NWFP.
7. The Registrar, Service Tribunal, NWFP.
8. All Dy. Commissioners/Political Agents/District & Session Judges in NWFP.


Distt. Education Officer
(Muz) Swabi

Sd/-

(GHULAM DASTAGIR AKHTAR)
Deputy Secretary (Regulation)
Finance Department.

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

NO. FD (PRC) 5-1/93.

GOVERNMENT OF N.W.F.P.,
FINANCE DEPARTMENT.

Issued Peshawar, the 12th January, 95.

To

The Secretary to Government of
N.W.F.P., Education Department,
Peshawar.

Subject: MEETING ON THE DEMANDS OF ALL TEACHERS ASSOCIATION.

Sir, I am directed to refer to your letter No. SO(S)7-3/94/
M. Ayub dated 10th January, 1995 and to convey the approval of the
following decisions taken in the meeting held on 5.1.1995 in the
Office of Secretary to Government of N.W.F.P., Education Department :-

1. Pay Scales of P.T.Is.

BPS-15 would be admissible with effect from
1.7.1983 to the existing P.T.Is with BA/BSc
qualifications with senior diploma in physical
education and working in the Government High/
Comprehensive High Schools as personal to them.

2. Recoveries of two increments granted to
un-trained P.T.Cs.

It has been decided to suspend the recoveries
till further orders from the un-trained P.T.Cs
on account of fixation of their pay at Rs.1215/- P.M
with effect from 1.8.1991. The matter would be
finally decided by the Education Department, Finance
Department and Accountant General, NWFP jointly.

3. Recoveries from B.A CTs appointed against S.V posts
in B-14 in conversion of posts into CT posts.

The S.V cadre posts may be merged with C.T cadre
alongwith incumbent. The Education Department will
amend the respective Services Recruitment Rules and
also get the posts of S.Vs reflected as C.Ts in
the budget.

4. Grant of graded pay to Arabic Teachers
with effect from 1.7.1983.

The graded pay in BPS-9 would be admissible to
Arabic Teachers with effect from 1.7.1983 onwards
irrespective of date of notification of Services
Recruitment Rules in 1987.

Distt. Education Officer
(Male) Swabi

Distt. Education Officer
(Male) Swabi

(Contd. P/2.)

Amirul Islam

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No.FD (PRC) 5-1/93
GOVERNMENT OF N.W.F.P,
FINANCE DEPARTMENT.
Dated Peshawar, the 12th, January, 95.

To.

The Secretary to Government of
N.W.F., Education Department
Peshawar.

Subject:-
Sir,

MEETING ON THE DEMANDS OF ALL TEACHER ASSOCIATION.

I am directed to refer to your letter No.SO (S) 7-3/94/M.Ayub, dated 10th January, 1995 and to convey the approval of the following decisions taken in the meeting held on 5.1.1995 in the Office of Secretary to Government of NWFP, Education Department:-

1.

Pay Scales of P.T.Is.

BPS-15 would be admissible with effect from 1.7.1983 to the existing P.T.Is with BA/BSc qualification with senior diploma in physical education and working in the Government High/ Comprehensive High School as personal to them.

2.

Recoveries of two increments granted to un-trained P.T.Cs

It has decided to suspend the recoveries till further orders from the un-trained P.T.Cs on account of fixation of their pay at Rs.1215/- P.M with effect from 1.6.1991. The matter would be finally decided by the Education Department, Finance Department and Accountant General, NWFP jointly.

3.

Recoveries form B.A Cts appointed against S.V posts in B-14 in conversion of posts into C.T posts.

The S.V cadre posts may be merged with C.T cadre alongwith incumbent. The Education Department will amend the respective Services Recruitment Rules and also get the posts of S.Vs reflected as C.Ts in the budget.

4.

Grant of graded pay to Arabic Teachers with effect from 1.7.1983

The graded pay in BPS-9 would be admissible to Arabic Teachers with effect from 1.7.1983 onwards irrespective of date of notification of Services Recruitment Rules in 1987


Distt. Education Officer
(Male) Swabi

(Contd...P/2...)

5. Advance increments on possessing or acquiring qualifications of F.A/B.A in 3rd Division.

The advance increments sanctioned under the Finance Department's letter No. FD(SR-I)1-67/83, dated 24.8.1983 as clarified in the Finance Department's Notification No. FD(PRC)1-1/89, dated 7.8.1991 are not admissible to those who have been granted higher pay scales on the basis of higher specified qualifications in at least 2nd Division. The advance increments in term of F's letter dated 24.8.1983, referred to above are still admissible to those who could not get higher pay scales for not possessing/acquiring the specified higher qualifications in 2nd Division.

Your obedient servant

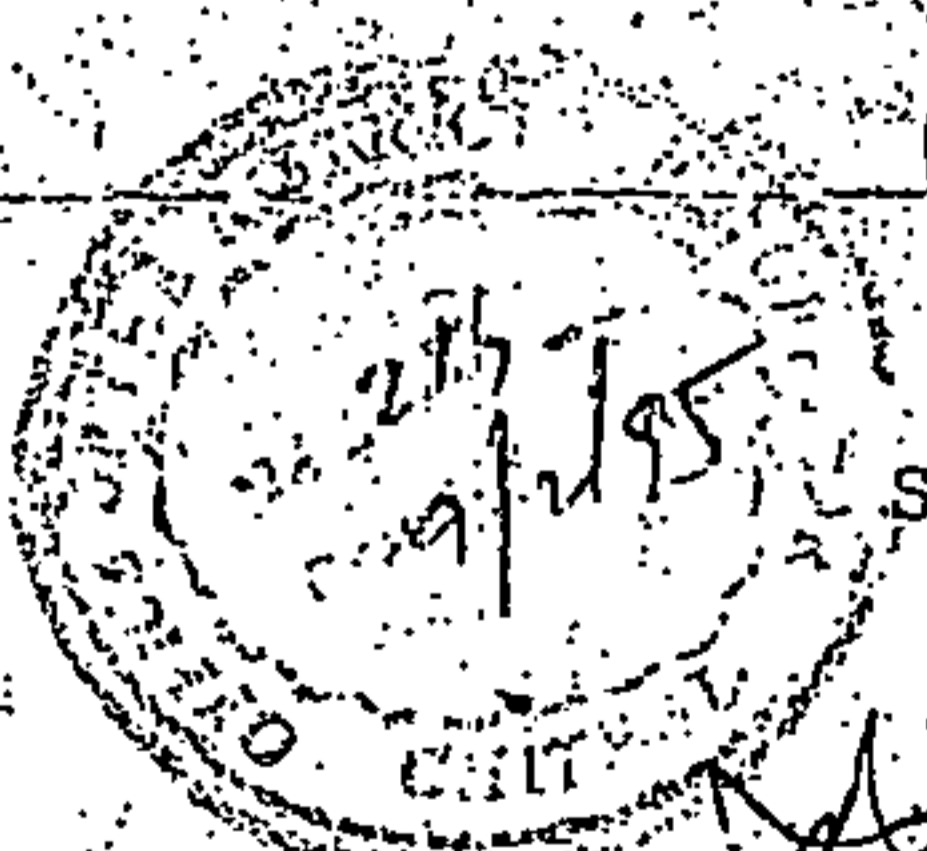
JL Jabbar
JL JABBAR
Section Officer (PRC)

Endst. NO. FD(PRC) 5-1/33, dated 12th January, 1995.

Copy for information and necessary action is forwarded to :-

1. The Accountant General, N.W.F.P.
2. All District/Agency Accounts Officers in NWFP.
3. All Additional Secretaries in the Finance Deptt.
4. All Deputy Secretaries in the Finance Department.
5. All Section/Budget Officers in the Finance Deptt.
6. The Section Officer(R-I), Services & General Admin. Department.

*Mr. Anwar
may be notified
The Secy. NWFP
at least 3 days
before*



JL Jabbar
JL JABBAR
Section Officer (PRC)

Education Officer
(State Swabi)

Distt. Education Officer
(State) Swabi

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5. Advance increments on possessing or acquiring qualifications of F.A/B.A in 3rd Division.


The advance increments sanctioned under the Finance Department's letter No.FD (SR-D)1-67/83, dated 24.08.1983 as clarified in the Finance Department's Notification No.Fd (PRC) 1-1/89, dated 7.8.1991 are not admissible to those who have been granted higher pay scales on the basis of higher specified qualifications in atleast 2nd Division, The advance increments in term of FD's letter dated 24.3.1983, referred to above are still admissible to those who could not get higher pay scales for not possessing/acquiring the specified higher qualifications in 2nd Division.

Your obedient servant,
Signed
Section Officer (PRC)

Endst:No.FD (PRC) 5-1/93, dated 12th January, 1995.

Copy for information and necessary action is forwarded to:-

1. The Accountant General, N.W.F.P.
2. All District/Agency Accounts Officers in NWFP.
3. All Additional Secretaries in the Finance Deptt:
4. All Deputy Secretaries in the Finance Department.
5. All Section/Budget Officers in the Finance Deptt:
6. The Section Officer (R-1) Service & General Admn: Department.


Distt. Education Officer
NWFP

Signed
Section Officer (PRC)

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Qazi Fazl Isa
Mr. Justice Syed Mansoor Ali Shah

Civil Petition No.172-P & 173-P of 2013.

(on appeal from the judgment of KPK Service Tribunal, Peshawar dated 06.02.2013, passed in Appeals No. 523 & 524 of 2010)

Manzoor Ahmad (in C.P. 172-P/2013)
Yasmeen Akhtar (in C.P. 173-P/2013)

....Petitioners

Versus

The Secretary Education, Government of KPK, etc. (in both cases)

....Respondents

Petitioners: In person (in both cases)

For the respondents: Mr. Mujahid Ali Khan, Addl. A.G. KPK

Date of hearing: 07.12.2013

JUDGMENT

Syed Mansoor Ali Shah, J. - The facts of the case are that petitioners in both the petitions were appointed as Primary School Teachers ("PST"). Manzoor Ahmad, petitioner in Civil Petition No.172-P/2013 ("Petitioner No.1"), however, retired from service on 01.02.2016, while Yasmeen Akhtar, petitioner in Civil Petition No.173-P/2013 ("Petitioner No.2") is still in service.

ATTESTED

[Signature]
Assistant Registrar
Supreme Court of Pakistan
Peshawar.

[Signature]
Distt. Education Officer
(Malek Mandi)

These petitions pertain to their claim regarding advance increments on the basis of acquiring higher educational qualification while in service. Petitioner No.1 was given five advance increments under Notification dated 24.08.1983 while petitioner No.2 was given three advance increments under the same Notification plus a move-over to BPS-09. Petitioners claim that as per subsequent Notification dated 11.08.1991 issued by the Finance Department, Government of KPK, petitioner No.1 ought to have been given 12 advance increments for obtaining higher educational qualification of F.A, B.A and M.A, while petitioner No.2 be given six advance increments, as per the same Notification for obtaining the qualification of F.A and B.A. It is submitted

that the petitioners were appointed as PSTs when the qualification for the said post was matriculation.

3. Arguing the case for himself and for petitioner No.2, Mr. Manzoor Ahmad submitted that they were initially granted *advance increments* vide Notification dated 24.08.1983, however, subsequently through the Notification dated 11.08.1991, the number of *advance increments* were increased, inasmuch as, it was also granted for obtaining higher educational qualification of M.A. He submits that the said notification is applicable to PSTs and placed reliance on an unreported judgment of this Court dated 09.07.2007, passed in Civil Petition No.525/2007, as well as, the subsequent notification issued in the light of the said judgment i.e. Notification dated 13.05.2009, issued by the Elementary and Secondary Education Department, Government of KPK. The above cited judgment extends the benefit of

ATTESTED

[Signature]
Assistant Registrar,
Supreme Court of Pakistan
[Signature]
Deputy Registrar.

Notification dated 11.08.1991 to teachers.

Learned Additional Advocate General, KPK representing the Government, submits that the case of the petitioners is governed by Notification dated 24.08.1983, issued by the Finance Department, Government of KPK and as per clause 9 of the said notification, petitioner No.1 is entitled to five advance increments for obtaining F.A. and B.A., whereas, petitioner No.2 is entitled to three advance increments as she has already been granted the benefit of move-over to higher pay scale as per Notification dated 07.08.1991, issued by the Finance Department, Government of KPK. Learned law officer has placed reliance on an unreported judgment of this Court dated 08.9.2011, passed in Civil Petition No.1425/2011, which discusses the mode of calculation of *advance increment* granted for higher educational qualification. In this case, it was held that *advance increments* can only be granted for the highest educational qualification obtained, as *advance increments* for the degrees leading up to the final degree stand merged into *advance increment* prescribed for the highest qualification. In other words, *advance increments* for obtaining F.A (two advance increments) and B.A (four advance increments including two

[Signature]
District Education Officer
District Education Office
Peshawar

advance increments granted for F.A) stand merged into advance increments granted for obtaining M.A. (six advance increments), therefore, providing two advance increment for each higher educational qualification.

5. He further submits that at this stage the claim of the petitioners cannot be entertained in the light of section 2 of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 ("Act of 2012"), by virtue of which the instant petitions cannot proceed and stand abated. He placed reliance on an unreported judgment of this Court dated 29.8.2013, passed in Civil Petition No.360/2013.

6. We have heard the parties at some length and have gone through the record of the case. While the argument of the petitioners might have some merit with regard to grant of one advance increment in the case of petitioner No.1 and four advance increments in case of petitioner No.2 in the light of Notification dated 11.08.1991, read with the unreported judgments of this Court dated 09.7.2007 passed in Civil Petition No.525/2007 and dated 08.9.2011 passed in Civil Petition No.1425/2011. However, before going into the merits of the case, we need to first examine the justiciability of the claims in the light of Act of 2012. The preamble of Act of 2012 provides as under:-

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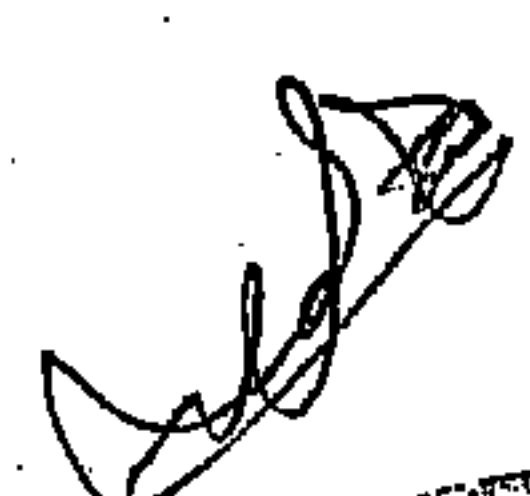

Assistant Registrar
Supreme Court of Pakistan

"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.

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 prescribed educational qualification from time to time;

And whereas the Provincial Government vide Notification No.(PRC)1-1/2001 dated 27-10-2001, had already discontinued the scheme of advance increments on higher educational qualification;

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


Distt: Education Officer
(State) Swabi


It is hereby enacted as follows:— (emphasis supplied)

While section-2 reads as under:-

"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."

ATTESTED


Assistant Registrar (emphasis supplied)
Supreme Court of Pakistan
Peshawar.

7. Plain reading of the above provisions show that the claim of advance increments on obtaining higher educational qualification was discontinued by the Provincial Government on 27.10.2001. Section-2 of the Act of 2012 provides that claim for payment of arrears of advance increments shall be deemed non-existent 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 shall stand abated. Sub-section 2 provides that any amount of advance increment or arrears thereof already paid before the commencement of the Act of 2012 shall be deemed to have been validly paid and shall not be recoverable from the recipient government employees.

8. The scope of Act of 2012 is that after the promulgation of the Act i.e. w.e.f. 11.03.2012, no government employee can claim arrears on account of advance increments for higher educational qualification and advance


District Education Officer
Peshawar

412⁵

increments and arrears already paid shall not be recoverable from the recipient government employee. "Arrears" includes payment of a debt or the discharge of an obligation¹. In this case, claim of the petitioners for advance increment under Notification dated 11.8.1991 is an outstanding arrear. Reference to the deeming commencement date under section-1(3) of the Act is simply to identify the cutoff date for the purposes of tabulating arrears as mentioned in section-2, which, if outstanding on 11.5.2012, will not be payable and no claim relating to the same can be entertained.

9. In the instant case petitioners are seeking arrears on the basis of Notification dated 11.08.1991 and in the light of section-2 of the Act of 2012, their claim cannot be entertained and is not justiciable. Reliance is placed on unreported judgment of this Court dated 29.08.2013 passed in Civil Petition No.360/2013. The petitioners have not challenged the vires of the Act, therefore, these petitions stand abated under Act of 2012, as a result leave to appeal is declined and these petitions are dismissed.

Sd/- Qazi Faez Isa, J.
Sd/- Syed Mansoor Ali Sha

Peshawar,
07th December, 2018.
Not approved for reporting.
Sadaqat



Certified to be true copy
13/12/18
Assistant Registrar
Supreme Court of Pakistan
Peshawar

17/29/18

Distt: Education Officer
(M) Peshawar






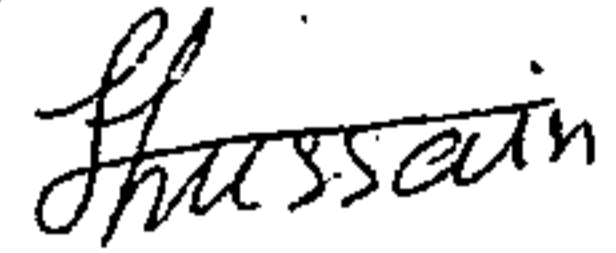
¹ Black's Law Dictionary 9th Edition, page-174.

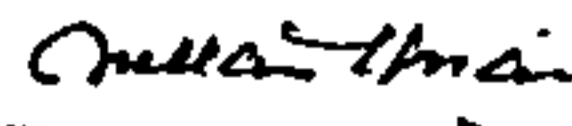
8
Amir
TA,
3

Liaqat Hussain

note: All 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 ... Liaqat Hussain
2. Race ... Afghan Yusufzai
3. Residence ... village Takhta Band p.o. Teh Dagar
Distt Buner.
4. Father's name and residence ... Amir Akbar Shah
(AS Above)
5. Date of birth by Christian era as nearly as can be ascertained ... Tenth February N.H. of Seventy
(10-2-1970)
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. 
10. Signature and designation of the Head of the Office, or other Attesting Officer.


Distt Education Officer (M)
Secondary, Buner.

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Date
accen

25-12-93

Officer (M)
ur. er.

in 1996 (A)
awar, Peshawar
ained 537/1000
1. Division
-04-1997.

xam 1998 from
R.No 2587
-placed in Bnd
-08-99.

C.A.L

(For use in Police Department only).

Heirs,

9

- 1.
- 2.
- 3.

- 1. Name
- 2. Race
- 3. Resi

Verification Roll No. dated received back

- 4. Fath
- 5. Date nearly

Left thumb-impression.

passed SSC (A) Exam in 1987
 from BISE Peshawar under
 R.No=17677 obtained 531 marks
 and placed in I Div. ⁸⁵⁰ Date

passed et (eq) exam in 1993
 from departmental Exams,
 Edu: deptt NWFP under
 R.No=316 obtained
 801 marks and placed in
 First Arts I Div. Date

English ^{Mulla Hameed}
 Distt: Education Officer (M)
 Secondary, Buner.

B. L. or B. A. Result declared on 25-12-93

passed F.A. pre Engineering (A) Exam
 Pashtu in 1989 from BISE Pesh under
 R.No=58641 obtained 560 marks
 Urdu and placed in II Div. ¹¹⁰⁰

Pleadership exam ^{Mulla Hameed}
 Distt: Education Officer (M)
 Secondary, Buner.

Plan-drawing
 Finger print ^{Mulla Hameed}
 Distt: Education Officer (M)
 Secondary, Buner.

Training School Final examination
 Passed B.Ed. Examination in 1996 (A)
 from University of Peshawar, Peshawar
 Other qualifications
 under R.No-2020, & obtained 537/1000
 marks & placed in 2nd. Division.
 Result declared on 30-04-1997.

passed B.Sc part-II (A) Exam in
 Drill instructing 1991 from BISE Pesh under
 University of
 R.No: 21085 obtained 313 marks
 Court duties and placed in II Div. ⁵⁵⁰

Reserve duties
 Distt: Education Officer (M)
 Secondary, Buner.

Passed M.Sc (Maths) Annual Exam 1998 from
 University of Peshawar, under R.No 2587
 & obtained 475/1100 marks & placed in 2nd
 Div. Result declared on 05-08-99.

Passed M.Ed Exam 2001 under Roll No 6647
 from AIOU Islamabad, obtained Marks ²⁵⁸
 575/1100 and placed 2nd division.
 N. B - Line to be drawn under the qualification possessed.

Result declared on 16-4-02.
 PRINCIPAL
 Govt. Model High School
 Daggar Buner

PRIN
 G.H.S. District Buner.
 [Signature]

- 3. Resi
- 4. Fath
- 5. Date nearly
- 6. Exact
- 7. Person
- 8. Left ha sion of
- Little F
- Middle :
- Thumb.
- 9. Signature
- 10. Signature Head of Officer.

10

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 G.C.M.H.S Daggab	Sub/Perm.	Revised BPS No. 5230-420-17820	Rs 9420/-			1/7/2008	[Signature]
-DO-	-DO-		Rs 9840/-			1/12/2008	[Signature]
C.T G.C.M.H.S Daggab	Sub/Perm.	BPS-14 (2065-161-4480)	Rs 2548/-			1/12/97	[Signature]
-do-	-do-		Rs 2548/-			Resamed duty 12/20/99	[Signature]
-do-	-do-		Rs 3192/-	2870/-	2MA	12/20/99	[Signature]
-do-	-do-		Rs 3353/-	3031		1/12/2000	[Signature]
-do-	-do-		Rs 3514/-	3192		1/12/2001	[Signature]
-do-	-do-	R.BPS-14 (3100-240-10300)	Rs 5260/-	4780		1/12/2001	[Signature]
-do-	-do-		Rs 5500/-	5020		1/12/2002	[Signature]
-do-	-do-		Rs 5740/-	5260		1/12/2003	[Signature]
-do-	-do-		Rs 5980/-	5500/-		1/12/2004	[Signature]
-do-	-do-	RBPS-14 (3565-275-11815)	Rs 6865/-	6315/-		1/7/2005	[Signature]
-do-	-do-		Rs 7140/-	6590		1/12/2005	[Signature]

Signature designation head of the other officer in all of columns

PRINCIPAL
G.C.M.H.S, Daggab

PRINCIPAL
G.C.M.H.S, Daggab

PRINCIPAL
G.C.M.H.S Daggab
Dist: Buner

PRINCIPAL
G.C.M.H.S Daggab
Dist: Buner

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PRINCIPAL
G.C.M.H.S Daggab
Dist: Buner

PRINCIPAL
G.C.M.H.S Daggab
Dist: Buner

PRINCIPAL
G.C.M.H.S Daggab
Dist: Buner

C.T.C

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te:

Signature: Designation: head of the office in all other offices of columns 1
PRINCIPAL G.C.M.H.S.D. Dist. Durg Date Entered

Signature: Designation: head of the office in all other offices of columns 1
PRINCIPAL G.C.M.H.S.D. Dist. Durg Date Entered

Signature: Designation: head of the office in all other offices of columns 1
PRINCIPAL G.C.M.H.S.D. Dist. Durg Date Entered

Signature: Designation: head of the office in all other offices of columns 1
PRINCIPAL G.C.M.H.S.D. Dist. Durg Date Entered

Signature: Designation: head of the office in all other offices of columns 1
PRINCIPAL G.C.M.H.S.D. Dist. Durg Date Entered

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PRINCIPAL G.C.M.H.S.D. Dist. Durg Date Entered

Signature: Designation: head of the office in all other offices of columns 1
PRINCIPAL G.C.M.H.S.D. Dist. Durg Date Entered

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PRINCIPAL G.C.M.H.S.D. Dist. Durg Date Entered

Signature: Designation: head of the office in all other offices of columns 1
PRINCIPAL G.C.M.H.S.D. Dist. Durg Date Entered

Signature: Designation: head of the office in all other offices of columns 1
PRINCIPAL G.C.M.H.S.D. Dist. Durg Date Entered

1	2	3	4	5	6	7	8
CT	sub/Perm	Rs. 2100/-	BPS-15-8500-700-29500			12/2012	
Senior	BPS-16	Rs. 22000/-				22-2	
	BPS-16	Rs. 22800/-				12/2013	
			BPS No. 15 (4350-350-14850)			02-12-2007	
			Revised B-15 (5200-420-17820)			12-2008	
			Rs. 26000/-			12-2008	
			10680			12-2008	
			11520			12-2010	
			11940/-			12-2007	
			12360/-			12-2010	
			18000			01-2011	
			Revised BPS-15 (8500-700-29500)				

(11)

CT

18

17

CT

BPS-16

CT GCMHS Durg

Whether substantive or officiating appointment, or permanent or temporary

If officiating, state (i) substantive or (ii) whether appointment, or service counts under Art. 371 C.S.R.

Pay in substantive post

Additional Pay for officiating

Other employment falling under the term "Pay"

Date of appointment

Signature of Government

Signature



13

اپیل بخدمت جناب اکاؤنٹ جنرل خیبر پختونخواہ پشاور

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

جناب عالی:

مودہ نامہ گزارش ہے کہ ہمیں نوٹیفیکیشن نمبر FD(PRC) 1-1/89 مورخہ 11-08-1991 کے تحت جس کا یہ نوٹیفیکیشن یعنی ایم اے 1

ایم ایس سی پر جو چار increments دیئے گئے تھے تو Fixation party اور DAOs 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 منت رہیں گے۔ فقط

عرض کنندگان

12/7
2018

سیاحتی (سی)
 Journal (SI)
 A.S.
 70

Deo Chai Bhatt

12/7
2018

of c

(14) بعدالت سروس کرسیوں کے لئے شاور

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

22 مارچ 2019ء منجانب
سیا قدوسی بنام گورنمنٹ و سروس

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام سروس کرسیوں کے لئے جس کے بارے میں کارروائی 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 و ہر 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 22 مارچ 2019ء

العبد گواہ شدہ العبد
بمقام
Attested
Shamsul Haq

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR (SWAT CAMPUS)

Service Appeal No. 673/2019

Shahid Hussain

Appellant

Amir Ze

V/S

The District Education Officer (Male) Buner & Others..... Respondent

INDEX

S. No	Description	Annex	Page No
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3	Supreme Court Decision under Act 2012	Annexed-A	4-8

Amir Ze
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.673/2019

Liaqat Hussain.....Appellant.

V/S

The District Education Officer (Male) Buner & others.....Respondents.

(Para wise reply on behalf of Respondent No.2 & 3)

Preliminary Objection:-

1. That the appellant has no cause of action.
2. That the appellant has no locus standi.
3. That the appellant has not come to this Court with clean hands.
4. That the appeal in hand is not maintainable.
5. That the instant appeal is time barred.
6. That Finance Department is the most competent authority which appellant has not made as Respondent in the instant appeal.

Respectfully Sheweth-

Para :- 1 Pertains to record, however liable to be proved by the appellant.

Para :- 1 Incorrect to the extent that Notification dated: 11/08/1991 is not found attached with the instant appeal.

It is pertinent to mention here that Respondent No. "3" is not a policy making body, hence it carries no mandate to make laws. It can only enforce the given legislation under the clear instructions issued by the Provincial Government of Khyber Pakhtunkhwa as well as Federal Government of Pakistan.

Para :- 2 That Respondent No.2 & 3 are bound to follow the rules and instructions issued by the Provincial Government of Khyber Pakhtunkhwa from time to time. The verdicts of an "Act 2012" are very much clear (Copy enclosed).

It is Pertinent to mentioned here that the Respondent No.3 has only deducted/recovered the over and above amount of advance increment with arrears which the appellant has received after 2012.

Para :-3 As mentioned in Para "2" above to the extent that recovery of over and above payment is required to be recovered under the rules

Para :-4 No Comments.

Para:- 5 That the Notification dated:11/05/2016 is not found attached with the instant writ by the appellant. However as mentioned in Para No. "2" above Respondent No. "3" has acted upon correctly and under the rules.

GROUND:-

- A. As mentioned in Para "2" above to the extent that Respondent No. "2 & 3" are bound to follow the rules and instruction issued by the Provincial Government of Khyber Pakhtunkhwa from time to time.
- B. As mentioned in para "2" above Respondent No.3, has only deducted/recovered the over and above amount of advance increments which the appellant has received after 2012.

Keeping in view the above mentioned facts, it is , therefore , humbly prayed that the appeal in hand having no merits may be dismissed with cost.


DISTRICT ACCOUNTS OFFICER
BUNNER AT DAGGER


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 27TH MARCH, 2012.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

NOTIFICATION

Dated Peshawar, the 27th March, 2012.

No. Legis:1(11)2011-4867.—The following Ordinance by the Governor of the Khyber Pakhtunkhwa is hereby published for general information:

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

(KHYBER PAKHTUNKHWA ORDINANCE NO. I OF 2012)

**AN
ORDINANCE**

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

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

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

Handwritten signature

Handwritten signature
District Accounts Officer
Buner at Peshawar

District Accounts Officer
Buner at Peshawar

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;

AND WHEREAS the Provincial Assembly is not in session and the Governor of the Khyber Pakhtunkhwa Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Khyber Pakhtunkhwa is pleased to make and promulgate the following Ordinance:-

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

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District Accounts Officer
Buner at D/S/3/1

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

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

Peshawar,
Dated 22-03-2012

(BARRISTER SYED MASOOD KAUSAR)
Governor, Khyber Pakhtunkhwa

(MUHAMMAD ARIFEEN)
Secretary,
Government of the Khyber Pakhtunkhwa
Law, Parliamentary Affairs and
Human Rights Department.

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

Masood
Masood

[Signature]
District Accounts Officer
B. Buner at Daggar



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

No.H-24/ Master Circulation / (30-30)

Dated: 22.03.2019

To

THE DISTRICT ACCOUNTS OFFICER,

Subject: **CESSATION OF PAYMENT OF ARREARS ON ADVANCE INCREMENT ON HIGHER EDUCATION QUALIFICATION**

Please find enclosed herewith a copy of Supreme Court of Pakistan Decision in CP NO.172-P and 173-P of 2013 Dated: 07.12.2018 on the above noted subject for strictly compliance with the instructions contained in Cessation Act 2012 positively.

37 Admin. provide a copy to me.
11/4

[Signature]
ACCOUNTS OFFICER (HAD)

Copy forwarded to:

1. All Pay Roll Section (Local)
2. Pay Fixation Party-I & II.

ACCOUNTS OFFICER (HAD)

:D/Abdullah/DAO Letter.docx

1771
16.4.19

[Signature]
District Accounts Officer
Buner at Daggar

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:
Mr. Justice Qazi Faez Isa
Mr. Justice Syed Mansoor Ali Shah

Civil Petition No.172-P & 173-P of 2013.
(on appeal from the judgment of KPK Service Tribunal, Peshawar dated 06.02.2013, passed in Appeals No. 523 & 524 of 2010)

Manzoor Ahmad (in C.P. 172-P/2013)
Yasmeen Akhtar (in C.P. 173-P/2013)

....Petitioners

Versus

The Secretary Education, Government of KPK, etc. (in both cases)

...Respondents

Petitioners: In person (in both cases)
For the respondents: Mr. Mujahid Ali Khan, Addl. A.G. KPK
Date of hearing: 07.12.2018

JUDGMENT

Syed Mansoor Ali Shah, J. - The facts of the case are that petitioners in both the petitions were appointed as Primary School Teachers ("PST"). Manzoor Ahmad, petitioner in Civil Petition No.172-P/2013 ("Petitioner No.1"), however, retired from service on 01.02.2016, while Yasmeen Akhtar, petitioner in Civil Petition No.173-P/2013 ("Petitioner No.2") is still in service.

ATTESTED
[Signature]
Assistant Registrar
Supreme Court of Pakistan
Peshawar

These petitions pertain to their claim regarding *advance increments* on the basis of acquiring higher educational qualification while in service. Petitioner No.1 was given five *advance increments* under Notification dated 24.08.1983 while petitioner No.2 was given three *advance increments* under the same Notification plus a move-over to BPS-09. Petitioners claim that as per subsequent Notification dated 11.08.1991 issued by the Finance Department, Government of KPK, petitioner No.1 ought to have been given 12 *advance increments* for obtaining higher educational qualification of F.A, B.A and M.A, while petitioner No.2 be given six *advance increments*, as per the same Notification for obtaining the qualification of F.A and B.A. It is submitted

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that the petitioners were appointed as PSTs when the qualification for the said post was matriculation.

3. Arguing the case for himself and for petitioner No.2, Mr. Manzoor Ahmad submitted that they were initially granted *advance increments* vide Notification dated 24.08.1983, however, subsequently through the Notification dated 11.08.1991, the number of *advance increments* were increased, inasmuch as, it was also granted for obtaining higher educational qualification of M.A. He submits that the said notification is applicable to PSTs and placed reliance on an unreported judgment of this Court dated 09.07.2007, passed in Civil Petition No.525/2007, as well as, the subsequent notification issued in the light of the said judgment i.e. Notification dated 13.05.2009, issued by the Elementary and Secondary Education Department, Government of KPK. The above cited judgment extends the benefit of Notification dated 11.08.1991 to teachers.

Learned Additional Advocate General, KPK representing the

Government, submits that the case of the petitioners is governed by Notification dated 24.08.1983, issued by the Finance Department, Government of KPK and as per clause 9 of the said notification, petitioner No.1 is entitled to five *advance increments* for obtaining F.A. and B.A., whereas, petitioner No.2 is entitled to three *advance increments* as she has already been granted the benefit of move-over to higher pay scale as per Notification dated 07.08.1991, issued by the Finance Department, Government of KPK. Learned law officer has placed reliance on an unreported judgment of this Court dated 08.9.2011, passed in Civil Petition No.1425/2011, which discusses the mode of calculation of *advance increment* granted for higher educational qualification. In this case, it was held that *advance increment* can only be granted for the highest educational qualification obtained, as *advance increments* for the degrees leading up to the final degree stand merged into *advance increment* prescribed for the highest qualification. In other words, *advance increments* for obtaining F.A (two *advance increments*) and B.A (four *advance increments* including two

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advance increments granted for F.A) stand merged into *advance increments* granted for obtaining M.A (six advance increments), therefore, providing two *advance increment* for each higher educational qualification.

5. He further submits that at this stage the claim of the petitioners cannot be entertained in the light of section 2 of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 ("Act of 2012"), by virtue of which the instant petitions cannot proceed and stand abated. He placed reliance on an unreported judgment of this Court dated 29.8.2013, passed in Civil Petition No.360/2013.

6. We have heard the parties at some length and have gone through the record of the case. While the argument of the petitioners might have some merit with regard to grant of one advance increment in the case of petitioner No.1 and four advance increments in case of petitioner No.2 in the light of Notification dated 11.08.1991, read with the unreported judgments of this Court dated 09.7.2007 passed in Civil Petition No.525/2007 and dated 08.9.2011 passed in Civil Petition No.1425/2011. However, before going into the merits of the case, we need to first examine the justiciability of the claims in the light of Act of 2012. The preamble of Act of 2012 provides as under:-

"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.

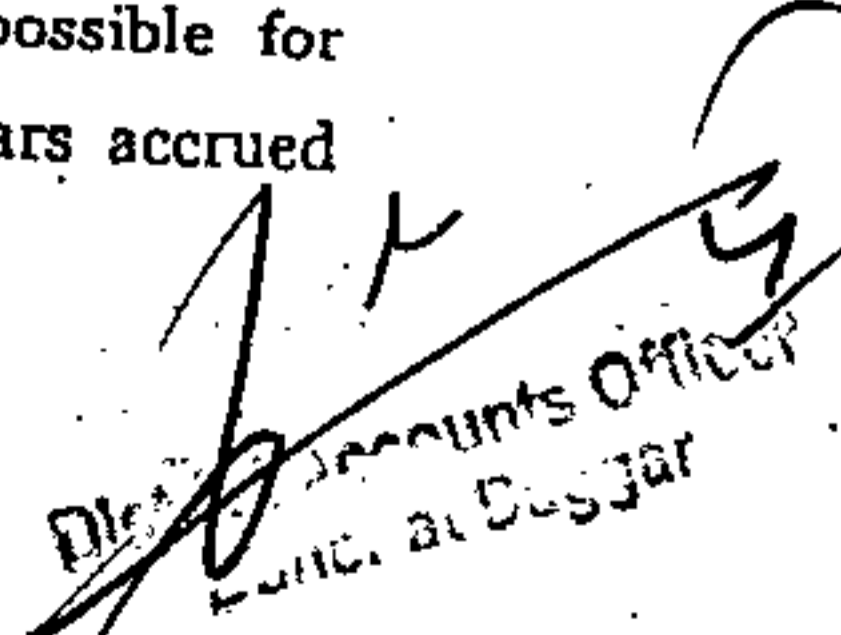
Whereas advance increments have been granted to certain Provincial Government employees on the basis of acquiring or possessing higher educational qualification over and above the prescribed educational qualification from time to time;

And whereas the Provincial Government vide Notification No.(PRC)1-1/2001, dated 27-10-2001, had already discontinued the scheme of advance increments on higher educational qualification;

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

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Court at Dera Ismail Khan


It is hereby enacted as follows:--" (emphasis supplied)

While section-2 reads as under:-

"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.

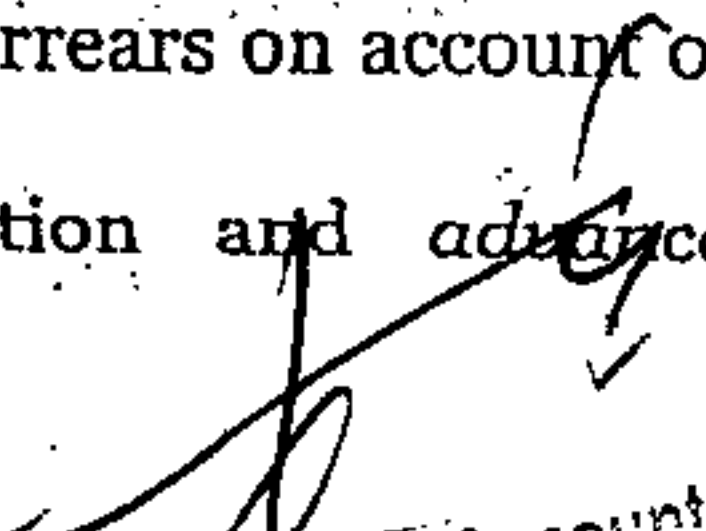
(2) Any order made, instruction issued, decision, judgment or order of any court or Tribunal including a High Court or the Supreme Court, implemented immediately before the commencement of this Act, shall be deemed to have been validly made, issued and implemented by the date of commencement of this 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."

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7. Plain reading of the above provisions show that the claim of advance increments on obtaining higher educational qualification was discontinued by the Provincial Government on 27.10.2001. Section-2 of the Act of 2012 provides that claim for payment of arrears of advance increments shall be deemed non-existent 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 shall stand abated. Sub-section 2 provides that any amount of advance increment or arrears thereof already paid before the commencement of the Act of 2012 shall be deemed to have been validly paid and shall not be recoverable from the recipient government employees.

8. The scope of Act of 2012 is that after the promulgation of the Act i.e. w.e.f. 11.05.2012, no government employee can claim arrears on account of advance increments for higher educational qualification and advance


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increments and arrears already paid shall not be recoverable from the recipient government employee. "Arrears" includes payment of a debt or the discharge of an obligation¹. In this case, claim of the petitioners for advance increment under Notification dated 11.8.1991 is an outstanding arrear. Reference to the deeming commencement date under section-1(3) of the Act is simply to identify the cutoff date for the purposes of tabulating arrears as mentioned in section-2, which, if outstanding on 11.5.2012, will not be payable and no claim relating to the same can be entertained.

9. In the instant case petitioners are seeking arrears on the basis of Notification dated 11.08.1991 and in the light of section-2 of the Act of 2012, their claim cannot be entertained and is not justiciable. Reliance is placed on unreported judgment of this Court dated 29.08.2013 passed in Civil Petition No.360/2013. The petitioners have not challenged the vires of the Act, therefore, these petitions stand abated under Act of 2012, as a result leave to appeal is declined and these petitions are dismissed.

Sd/- Qazi Faez Isa, J.
Sd/- Syed Mansoor Ali Shah,



Peshawar,
07th December, 2018.
Not approved for reporting.
Sadaqat

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14/12/18

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Peshawar.

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District Accounts Officer
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¹ Black's Law Dictionary 9th Edition, page-124.