

16.08.2022

Due to summer vacations, tour to Camp Court Abbottabad has been cancelled, therefore, to come up for the same as before on 14.11.2022.


Reader

14th Nov, 2022

None present on behalf of the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution for the appeal be issued to the appellant as well as his counsel and to come up for arguments on 13.12.2022 before the D.B at Camp Court Abbottabad.



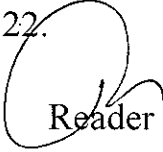
(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

17.03.2022


Due to non-functional of the Tribunal, the case is adjourned for the same on 19.05.2022.



Reader

19.05.2022

Appellant in person present. Syed Naseer Ud Din, Assistant Advocate General for respondents present.

Appellant submitted rejoinder which is placed on file. After hearing the arguments it deems appropriate let respondent No.5 submit reply in detail in respect of the claim of the appellant within one week. The Law officer present in the court shall ensure submission of reply of respondent No.5 within time, failing which this appeal be decided on the available record. To come up for arguments before D.B on 15.06.2022 at camp court Abbottabad.


(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad


15.06.2022

Appellant in person present.

Noor Zaman Khan Khattak, learned District Attorney alongwith Naseem Khan S.O for respondents present.

Reply on behalf of respondent No.5 was submitted. Request for adjournment was made on behalf of appellant as his counsel is not available today. Adjourned. To come up for arguments on 16.08.2022 before D.B at Camp Court, Abbottabad.


(Fareeha Paul)
Member (E)
Camp Court, A/Abad

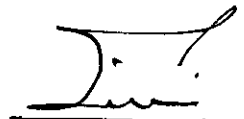

(Rozina Rehman)
Member (J)
Camp Court, A/Abad

21.12.2021

Appellant in person present. Mr. Sohail Ahmed Zeb, Litigation Officer and Mr. Touseef, ADO (Litigation) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Joint para-wise reply on behalf of respondents No. 1 to 4 submitted, which is placed on file and copy of the same is handed over to appellant.

Respondent No. 5 has failed to submit his written reply/comments today, therefore, his right for submission of written reply/comments stands struck off in light of order dated 12.10.2021. Adjourned. To come up for rejoinder, if any, as well as arguments on 17.03.2022 before the D.B at Camp Court Abbottabad.



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

12.07.2021

Due to COVID- 19, tour to Abbottabad has been cancelled, therefore, case to come up for the same as before on 12.10.2021.



Reader

12.10.2021


Appellant in person and Muhammad Tauseef, ADEO for respondents No. 1 to 4 alongwith Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Written reply/comments of the respondents are still awaited. Learned AAG is required to ensure submission of written reply of respondents on the next date positively. In case they fail to submit reply on next date, their right for submission of reply/comments shall be deemed as struck off. Case to come up on 21.12.2021 before the S.B at camp court, Abbottabad.



Chairman



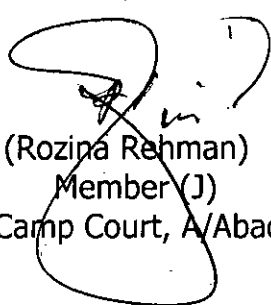
Camp Court, A/Abad



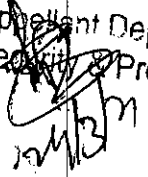
FORM OF ORDER SHEET

Court of _____

Case No.- 14129 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/11/2020	<p>The appeal of Mr. Abdul Waheed presented today by him may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	16.03.2021	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>16-03-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant present in person. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on <u>12/07/2021</u> before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

Appellant Deposited
Security & Process Fee


12/13/21

**BEFORE THE KHYBER PAKHTUKHWA SERVICE
TRIBUNAL, CAMP COURT, ABBOTTABAD.**

Appeal No. 74129 / 2020

Mr. Abdul Waheed Head Master, GHS Baidara, Tehsil &
District, Mansehra.

...APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Department,
Peshawar and 04 others.

.....RESPONDENTS

=====

**PARA WISE REJOINDER ON BEHALF OF APPELLANT AGAINST THE
COMMENTS/REPLY OF THE RESPONDENTS**

=====

Respectfully Sheweth:

Rejoinder on behalf of appellant is submitted as under:-

ON PRELIMINARY OBJECTIONS:

1 to 10. All objections from Sr. No-1 to 10 are incorrect and wrong and have no space in law. Respondents had totally failed to produce any legal objection against the appellant. The Service Tribunal is the proper forum for appellant to file the appeal against the impugned order of respondents because the appellant is a Civil Servant and filed instant service appeal U/S-04 of KPK Service Act, 1974 in the light of the fresh cause of action. The appellant badly suffered due to the order dated 07.10.2020 and filing of appeal

against the said order is basic and fundamental right of the appellant. Appellant come to this Hon'ble Tribunal through proper channel with clean hands but respondents concealed and distorted the material facts from this Honourable Tribunal. The appeal of the Appellant was filed well within time, hence maintainable. The service appeal of appellant is relating to "personal pay" not related to the matter of increment / arrear of advance increment of the higher education qualification.

Respectfully Sheweth:

ON FACTS:

1. That, the Para No.1 of the appeal is correct while the reply of Para No.1 is incorrect. first appointment order of the appellant is already attached with the main service appeal as Annexure "A".
2. That, the Para No. 2 of the appeal is correct while the reply of Para No.2 is incorrect. The relevant documents are already annexed as annexure "B &C" in Main Service appeal.
3. That, the Para No. 3 of the appeal is correct while the reply of Para No.3 is incorrect. Notification dated 30/03/2009 is already attached with the main service appeal as Annexure "D".
4. That, the Para No. 4 of the appeal is correct while the reply of Para No.4 is incorrect. Notification dated 07/08/1991 is already attached with the main service appeal as Annexure "E".

5. That, the Para No. 5 of the appeal is correct while the reply of Para No.5 is incorrect because the appellant challenged the same matter before the August Supreme Court against the judgment of Peshawar High Court Abbottabad Bench and service appeal No.19/2011 was dismissed not on the merit but dismissed on the technical grounds. Copy of the order of the August Supreme Court of Pakistan is already attached with the main service appeal as Annexure "H".

6. That, the Para No. 6 of the appeal is correct while the reply of Para No.6 is incorrect. Appellant challenged the judgment of Peshawar High court not the judgment of Hon'ble Tribunal before the August Supreme court of Pakistan. Respondents intentionally concealed the material facts and ground from the Hon'ble tribunal.

7. That, the Para No. 7 of the appeal is correct while the reply of Para No.7 is incorrect. August Supreme court of Pakistan provided the opportunity of filing fresh departmental appeal to the appellant and the relevant Para of the Judgment is as under:-

"As the Service Tribunal has decided the case of the petitioner on technical grounds, therefore, if the petitioner wishes to file a representation before the Department, he may do so and the Department, on filing of such representation, will decide the same within a period of one month. If the petitioner is not satisfied with the decision of the department, he may then avail the remedies available to him under the law"

8. That, the Para No. 8 of the appeal is correct while the reply of Para No.8 is incorrect. The appellant filed instant service appeal before honourable tribunal within the period of 30 days after the rejection of departmental appeal.

ON GROUNDS:**Grounds "a to e":-**

All the ground of the reply of the respondents from "a to e" are totally illegal, against the law and un-necessary reply because:-

- a) Respondents totally failed to give proper reply of the grounds of the service appeal and narrated totally un-necessary story.
- b) The service appeal of the appellant is just according to the personal pay because the appellant has reached to the ceiling of the basic pay scale.
- c) The judgments coded by the respondents are totally irrelevant to the pray of the service appeal of the appellant. The act No.IX of 2012 which was referred by the respondents did not relating to the case of appellant

It is therefore very humbly prayed that, the comments of the respondents may kindly be rejected /dismissed with cost and the appeal of appellant may graciously be accepted.

Dated: 9/5/2022



(ABDUL WAHEED)
(APPELLANT)
In person

AFFIDAVIT:

I, Mr. Abdul Waheed Head Master, GHS Baidara, Tehsil & District, Mansehra. do here by solemnly affirm and declare on oath that the contents of foregoing Rejoinder are true and correct to the best of my knowledge and belief and that nothing has been concealed therein from this Hon'ble Tribunal.

Dated: 9/5/2022



.....DEPONENT

BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL,

CAMP COURT ABBOTTABAD.

Appeal No. 14129 /2020

Mr. Abdul Waheed Headmaster, GHS Baidara Tehsil & District, Mansehra.

...APPELLANT

VERSUS


Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Peshawar. & 04 Others.

....RESPONDENTS

SERVICE APPEAL
INDEX

S.No.	Description of Document	Annexure	Page No.
1.	Appeal alongwith affidavit	--	1-8
2.	Copy of appointment order dated 29/07/1985 of the appellant alongwith better copy	"A"	9-10.
3.	Copies of M.Ed degree of the appellant and Notification dated 13/07/2002 with regard to granting three advance increments	"B & C"	11-12
4.	Copy of Notification dated 30/03/2009 by respondent No.2	"D"	13
6.	Copy of Notification dated 07/08/1991	"E"	14-19
7.	Copy of the Judgment of Hon'ble Service Tribunal dated 15/12/2017.	"F"	20-23
8.	Copy of the Judgment of Hon'ble Peshawar High Court, dated 21/03/2018.	"G"	24-25
9.	(Copy of the Judgment of August Supreme, Court dated 24/01/2020.	"H"	26-27
10.	Copies of Departmental appeal dated 03/02/2020 and rejection order dated 07/10/2020.	"I"	28-33

Dated: 13/11/2020



ABDUL WAHEED...APPELLANT
(IN PERSON)

BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.

Appeal No. /2020

Mr. Abdul Waheed Head Master, GHS Baidara, Tehsil &
District, Mansehra, Cell No. 0313-5937466.

...APPELLANT

V E R S U S

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Peshawar.
2. Secretary Finance Govt of Khyber Pakhtunkhwa, Peshawar.
3. Director Elementary & Secondary Education KPK, Peshawar
4. District Education Officer (Male), Elementary & Secondary Education District, Mansehra.
5. District Comptroller of Accounts, District Mansehra.

...RESPONDENTS

APPEAL U/S 4 OF THE NWFP SERVICE TRIBUNAL ACT, 1974
FOR GRANT OF THE FRINGE BENEFITS OF INCREMENTS
BEYOND THE MAXIMUM OF PAY SCALE-16 (5490) FOR WHICH
APPELLANT FILED DEPARTMENTAL APPEAL TO
RESPONDENT NO.1 BUT THE SAME WAS REJECTED ON
07/10/2020, VIDE ORDER NO.7913, ISSUED BY RESPONDENT
NO.3, RECEIVED BY THE APPELLANT ON 15/10/2020.

PRAYER:-

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, ORDER MAY GRACIOUSLY BE PASSED FOR GRANT OF THE FRINGE BENEFITS OF ADVANCE INCREMENTS BEYOND THE MAXIMUM AS PERSONAL PAY FROM THE DUE DATE, WITH ALL CONSEQUENTIAL BENEFITS.

Respectfully Sheweth,

THE FACTS LEADING RISE TO THE PRESENT APPEAL ARE AS UNDER:-

1. That, the appellant appointed in the Elementary & Secondary Education Department as S,E,T vide order dated 29/07/1985 and since then appellant has been regularly performing his duty to the entire satisfaction of the superiors and, at the moment, appellant has got 35 years unblemished service at his credit and at present, appellant is working as Head Master (BPS-17) GHS, Baidara, District, Mansehra. (Copy of appointment order of the appellant alongwith better copy, is annexed as Annexure "A")
2. That, appellant qualified the degree of M.Ed from Allama Iqbal Open University on 01/03/2001 and as

per Policy of the Government, vide Notification dated 13.07/2002, appellant was allowed three advance increments on the basis of higher professional qualification. (Copies of M.Ed degree of the appellant and Notification dated 13/07/2002 with regard to granting three advance increments, are annexed as Annexure "B & C" respectively).

3. That, since the Respondent No.2, vide Notification dated 30/03/2009, allowed increments for untrained service period to the entire teaching community, hence, appellant, on being benefitted from the same notification, reached the maximum salary of BPS-16 i.e. Rs. 5490/- on 01/12/2000, accordingly increments of M.Ed then granted to appellant stood usurped / snatched. (Copy of Notification dated 30/03/2009 by respondent No.2, is annexed as Annexure "D")
4. That, the ceiling of BPS-16 i.e. Rs. 5490/-, was required to be settled as personal Pay in the light of Notification dated 11/08/1991, issued by the Respondent No.2 so as to done away with the anomalous state of Pay Fixation of the appellant. (Copy of Notification dated 07/08/1991 is annexed as Annexure "E")

5. That, appellant filed departmental appeal departmental appeal before the Respondent No.3, but the same produced no result and, thus, after the lapse of the statutory period of 90 days, appellant filed a Service Appeal No.19/2011 on 30/12/2010 before this Hon'ble Tribunal which was rejected on 15/12/2017 on the ground that the instant appeal not comes under the ambit of Section-4 of the Service Tribunal Act, 1974. **(Copy of the Judgment of Hon'ble Service Tribunal dated 15/12/2017, is annexed as Annexure "F")**

6. That, feeling aggrieved by the Judgment of this Hon'ble Tribunal, appellant filed a Writ Petition No.170-A/2018 before the Peshawar High Court Abbottabad Bench under Article 199 of the Constitution of Islamic Republic of Pakistan but the same was also rejected on 21/03/2018 **(Copy of the Judgment of Hon'ble Peshawar High Court, is annexed as Annexure "G")**

7. Feeling aggrieved by the Judgment of Hon'ble Peshawar Court, appellant filed CPLA No.1927 of 2018 before the August Supreme Court of Pakistan, Islamabad which was disposed off on 24/01/2020 with

the directions to the appellant that:- *“ As the Service Tribunal has decided the case of the Appellant / petitioner on technical grounds, therefore, if the appellant / petitioner wishes to file a representation before the Department, he may do so and the Department, on filing of such representation, will decide the same within a period of one month. If the petitioner is not satisfied with the decision of the Department, he may then avail the remedies available to him under the law”.* (Copy of the Judgment of August Supreme Court dated 24/01/2020 is annexed as Annexure “H”)

8. That, in the light of above mentioned Judgment of August Supreme Court of Pakistan, appellant filed a Departmental appeal on 03/02/2020 before the Respondent No.1, but the same was rejected on 07/10/2020 vide order No.7913, issued by Respondent No.3 which was received by the Appellant on 15/10/2020. (Copies of Departmental appeal and Rejection order are annexed as Annexure “I”)
9. That, feeling aggrieved by the rejection of departmental appeal, appellant left no other option but

to file the instant Service Appeal inter-alia on the following amongst other grounds:-

GR O U N D S :-

- a. That, Respondents have not treated the appellant in accordance with law, rules and policy on subject and, thus, violating the Article-4 of the Constitution of Islamic Republic of Pakistan, 1973, Respondents, unlawfully refused to extend the benefits of the requisite Increments, which is unjust, unfair and, thus, not sustainable in the eye of law.

- b. That, once the Respondent No.2, had clarified / provided for the anomalous situation through Notification dated 11/08/1991, and then no legal justification can arise to grant the same benefits to the appellant. Thus, the refusal of the Respondents, is unlawful and, as such, not sustainable in the eye of law.

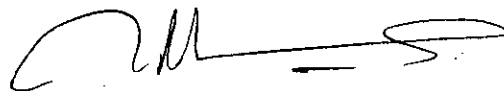
- c. That, the refusal on the part of the respondents to allow the requisite benefits, has reduced the Pay of the appellant from that of his junior officers having similar cadre, line and length of service and, as such, is discriminatory and, hence, not tenable under the law.

- d. That, in an identical case under similar circumstances, the same benefits, has been extended by this Hon'ble Tribunal to one Mr. Salman Khan S.E.T in Service Appeal No.846/2004 decided on 21/06/2006, implemented by the Respondent No.2, vide letter dated 10/11/2008, in the light of the directions of the Hon'ble Service Tribunal vide order dated 05/09/2007 and Notification dated 20/05/1984. As it is, in another appeal, on the same issue, was also decided in preliminary by this Hon'ble Tribunal vide order dated 13/07/2009, thus, Respondent violated the Article 25 of the Constitution of Islamic Republic of Pakistan.
- e. That, the instant appeal is well within time and other points will be raised during the course of arguments.

PRAYER:

It is, therefore, humbly prayed that, on acceptance of the instant service Appeal, Order may graciously be passed for grant of the fringe benefits of Advance increments beyond the maximum as Personal pay from the due date, with all consequential benefits.

Dated:-13/11/2020


Abdul Waheed...APPELLANT
(IN PERSON)

BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.

Appeal No. /2020

Mr. Abdul Waheed Head Master, GHS Baidara, Tehsil &
District, Mansehra, Cell No. 0313-5937466.

...APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary Elementary
& Secondary Education Peshawar, & 04 Others.

...RESPONDENTS

AFFIDAVIT

Mr. Abdul Waheed Head Master, GHS Baidara, Tehsil &
District, Mansehra, appellant, do hereby solemnly affirm declare
that the contents of instant Service Appeal are true and correct
to the best of my knowledge and belief and that nothing has
been concealed from this Honourable Tribunal. It is further
affirms that the instant Service Appeal is the Second (2nd)
Appeal before this Hon'ble Tribunal.


DEPONENT

Dated:-13/11/2020

A.

DIRECTOR OF THE DIRECTOR OF EDUCATION (SET) HAZARA DIVISION A.ABAD.

OFFICE ORDER NO. 39/SET(U)
DATED A.ABAD THE 29/7/1985.

PINDASIT.

Mr. Abdul Wahed, B.Sc. S/O Abdul Latif C/O Haider Agencies Club Road Abbottabad (Candidate) is hereby appointed against SET(Sa) post at Govt. High School Kaghan Distt: Mansehra. Sal. 400/- P.M (Fixed) plus usual allowances as admissible under the rules with effect from the date of taking over charge in the interest of public service on the following terms and conditions:-

Conditions:-

1. Charge reports should be submitted to all concerned.
2. No TA/DA is allowed.
3. The appointment is purely temporary and subject to the termination/reversion at any time without assigning any reasons or notice.
4. The Head of institution is required to check the original certificates of the candidate and charge should not be handed over without actual verification.
5. In case the candidate failed to take over charge within 15 days from the date of issuing of this order, his appointment shall stand automatically cancelled.
6. The candidate should produce his age and health certificates from the medical superintendent.
7. The candidate should not be handed over charge if his age is below 18 years and above 30 years.
8. In case the candidate wishes to resign from service, he should have to give one month prior notice or forfeit one month pay in lieu of notice.
9. The verification roll of character and antecedent should be obtained from the candidate on prescribed form and it should be submitted to this office after proper verification from the police authorities.

(MUNIR AHMED AYUB KHAN JADON)
DIRECTOR OF EDUCATION (SET)
HAZARA DIVISION ABBOTTABAD.

12256-69

Instt: No. / App: T: H: U. S. Dated A. Abad the 29/7/1985.

Copy to:-

- The Director of Education (S) NWFP, Peshawar.
- The District Education Officer (S) Mansehra.
- The Headmaster, G.H. Kaghan.
- The Candidate concerned.
- A. D. L. Head Directorate.
- Office Order File.

[Signature]
29/7
85
MUNIR AHMED AYUB KHAN JADON (SET)
HAZARA DIVISION ABBOTTABAD.

(10)

BETTER COPY

OFFICE OF THE DIRECTOR OF EDUCATION (SCHOOLS)
HAZARA DIVISION A.ABAD.

OFFICE ORDER NO.34/SET(M)
DATED A.ABAD THE 29/07/1985

APPOINTMENT:

Mr. Abdul Waheed, B.Sc S/o Abdul Latif C/o Haider Agencies Club Road Abbottabad (Candidate) is hereby appointed against SET(Sc) Post at Govt:High School Kaghan Distt:Mansehra @ Rs.900/- P.M (Fixed) plus usual allowance as admissible under the rules with effect from the dated of taking over charge in the interest of public service on the following terms and conditions:-

CONDITIONS:-

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed.
3. The appointment is purely temporary and subject to the termination / reversion at any time without assigning any reasons or notice.
4. The head of institution is required to check the original certificate of the candidate and charge should not be handed over without actual verification.
5. In case the candidate failed to take over charge within 15 days from the date of issuing of this order his appointment shall stand automatically cancelled.
6. The candidate should produce his age and health certificate from the medical supdt: concerned.
7. The candidate should not be handed over charge if his age is below 16 years and above 30 years.
8. In case the candidate's wishes to resign from service he should have to give on month prior notice or forfeit one month pay in lieu of notice.
9. The verification roll of character and antecedent should be obtained from the candidate on prescribed form and it should be submitted to this office after property verification from the police authorities.

(MOHAMMAD AYUB KHAN JADOON)
DIRECTOR OF EDUCATION (SCH)
HAZARA DIVISION ABBOTTABAD

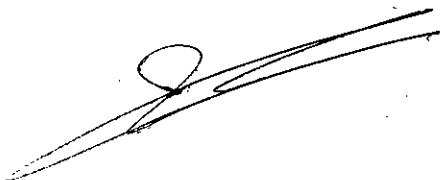
Endst: No. 12259-64/ apptt:TRNF B.Sc. Dated A.Abad the 29/7/1985.

Copy to:-

1. The Director of Education (S) NWFP, Peshawar.
2. The District Education Officer (M) Mansehra.
3. The Headmaster, GHS, Kaghan.
4. The Candidate concerned.
5. A.D.O Local Directorate.
6. Officer Order File.

Sd/-

For DIRECTOR OF EDUCATION (SCH)
HAZARA DIVISION ABBOTTABAD



Roll No. 1-6523383

1639

Allama Iqbal Open University



علامہ اقبال اوپن یونیورسٹی

ABDUL WAHEED

Regn. No.

91-NAD-0226

رجسٹریشن نمبر

عبد الرحیم

son/daughter of ABDUL LATIF

بن / بنت عبد اللطیف

having completed the prescribed requirements

کو بہار ۲۰۰۰ء میں مطلوبہ شرائط مکمل کرنے پر

in SPRING, 192000. is awarded the degree of

M.Ed.

SPECIALIZATION DUFE

ایم ایڈ
(پیشہ کارینڈیشن ڈی این ایف ای)

He/She secured 57 % marks and was placed

in B grade.

کہ ڈگری دھاک گئی۔ اس نے ۵۷ فیصد نمبر لے کر جی گریڈ حاصل کیا۔

Vice Chancellor

وائس چانسلر

Salamabad

Dated : 01st MAR, 2001.

Controller of Examinations

کنٹرولر امتحانات

اسلام آباد
تاریخ: ۰۱ مارچ ۲۰۰۱

This degree is to be read in conjunction with the Transcript, issued separately.

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

NOTIFICATION.

Sanction is hereby accorded to the grant of (03) three Advance increments on passing M.A/M.Sc/M.Ed: Examination in R/O the following teachers from the date of passing M.A/M.Sc:/M.Ed: Examination or from the date of their taking over charge against SET Post as a result of appointment by the Departmental Selection Committee/Public Service Commission NWFP Peshawar which over is later subject to the condition that proper entry has been made in their Service Books by the Principal/L.D.O (Edu: & Lit) concerned (in case of Middle School/Headmaster of GHS/GHSS) under their proper signature and office seal.

S.No.	Name/Designation/School.	Remarks
1/	Mr. Fazal Rahim SET GHS, Jagan Nath (Dawabi)	Adv: Incree
2/	Mr. Abdul Wahad SET GHS, Bandi Dhundia (A. Abad)	do
3/	Mr. Iqbal Hussain Khan SET GHS, Basma Thural	do

DIRECTOR SECONDARY EDUCATION NWFP PESHAWAR

End st: No. 1576-87 /A-258/Adv: Inc: Dated 13.7.02

Copy forwarded to the:-

1. Executive District Officer (Edu: & Lit) concerned.
2. Accountant General NWFP Peshawar/District Accounts Officer concerned.
3. Principals/Headmasters concerned alongwith S/Book(s).
4. Official(s) concerned.
5. P.A. to Director Secondary Edu: NWFP Peshawar.

DEPUTY DIRECTOR SECONDARY EDUCATION NWFP PESHAWAR

ISRAR

[Handwritten signature]

13



GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT
(REGULATION WING)

NO.ED (PRC) 5-2/2002
Dated Peshawar the: 30-03-2009

To: The Secretary to Govt. of NWFP,
Elementary & Secondary Education,
Peshawar.

Subject: GRANT OF ANNUAL INCREMENT / RUNNING
PAY TO UNTRAINED TEACHERS IN THE LIGHT
OF SUPREME COURT JUDGEMENT.

Dear Sir,

I am directed to refer to your letter NO.SO (B&A) 1-16/08/
Advance Increment dated February 27, 2009 on the subject noted above and
to state that the Provincial Government is pleased to allow the benefit of
annual increments to the untrained teachers from the date of their regular
appointment.

No arrears shall however, be admissible / payable prior to the
date of issuance of this circular.

(ABDUL JABBAR)
SECTION OFFICER (SR-1)

Endst. of even No & date:

Copy for information & necessary action to the:

1. Accountant General NWFP.
2. All District Coordination Officers.
3. All District / Agency Accounts Officers NWFP / FATA.

SECTION OFFICER (SR-1)

B(14) 6


GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
FINANCE DEPARTMENT

NOTIFICATION

Peshawar, dated the 7th August, 1991

No, FD(PRG)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	2	3
1.	Primary schools teachers (PTO/JV)	<p>All the present and future Primary school Teachers who hold the qualification of BA/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 scales with selection grade accordingly.</p> <p>However the higher scales/Grades allowed to these teachers will be personal to them and the inter-se seniority will remain intact.</p>
2.	Elementary school teachers(E.S.T/S.V /PET/Drawing Master/PTI.	<p>All the present and future elementary school teachers who possess the qualification of BA/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 scale with Selection Grade accordingly.</p> <p>However, the higher scales/Grades allowed to these teachers will be personal to them and the inter-se seniority will remain intact.</p>
3.	Arabic teachers -	<p>All the present and future Arabic teacher who possess the qualification of Trained Fazal with BA/B,Sc (2nd Division) and Five years teaching experience or MA, Arabic or equivalent qualifications shall be placed in BPS-14 with 1/3rd in Selection Grade BPS-15</p>

Attested


contd ----- 2



No Name of the post Benefits Extended

1 2 3

4. Secondary school teachers.

All other teachers who do possess Higher qualification shall continue getting existing pay scale with Selection Grade accordingly .

However, the Higher Scale/Grade allowed to these will be personal to them and the inter-se- seniority will remain intact.

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: 24.08.1983 will not be admissible on acquiring / possessing qualifications for which higher pay scales are being sanctioned through this notification.

sd/ x x x

SECRETARY TO GOVERNMENT OF 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, N.W.F.P Peshawar for information and necessary action.

sd/ x x x

(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 N.W.F.P.
2. All Commissioners of Divisions in N.W.F.P
3. All District Accounts Officers,
4. All the District Education Officer
5. Secretary to the Govt of N.W.F.P
6. Registrar Peshawar High Court.
7. Registrar Service Tribunal N.W.F.P
8. All Deputy Commissioners/Political Agents / District and session Judges in N.W.F.P

sd/ x x x

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

Plotted

[Signature]

(A), (16)

A copy of Finance Department, Government of NWFP circular letter No. FD(PRC)1-1/89, dated 11th August, 1991 addressed to all the Administrative Secretaries in NWFP and others,

.....

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

Sir,

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

2. BASIC PAY SCALES:-

The existing, modified and revised Pay scales are detailed in the annexure to this letter. The revised pay scales shall replace the Basic Pay Scales, 1987 and shall be effective from the 1st 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.
- ii) In the case of those employees whose pay is fixed in the revised scale at a stage which gives less than Rs. 100/- increase in pay of May, 1991 a minimum increase of Rs. 100/- in pay over May, 1991 level, would be allowed and thereafter pay fixed at the corresponding stage equal to this pay or if there is no such stage at the next higher stage. The pay fixation formula has been illustrated through examples I, II & III in Appendix.
- iii) The annual increment shall continue to be admissible subject to the existing conditions on the 1st of December each year.
- iv) The increases allowed since 1-7-1988, as detailed below shall cease to be admissible from 1-6-1991:-
 - a) Indexed pay sanctioned vide Finance Department circular No. FD(PRC)1-3/85 dated 4-8-1988.

Contd....2/-

Attested
[Signature]

[Signature]

- b) Adhoc increase of 5% of pay sanctioned vide circular No.FD(PRC)1-3/85,dated 13-1-1990.
- c) Adhoc increase of 10% sanctioned vide Finance Department circular No.FD(PRC)1-3/89 dated 21-7-1990.
- d) Dearness Allowance of Rs.200/-P.M. sanctioned vide Finance Department circular No.FD(PRC)1-3/89,dated 16-1-1991.

4. FIXATION OF PAY ON PROMOTION.

- i) In cases of promotion from a lower to higher post/scale before the introduction of these scale pay of the employee concerned in the revised scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if his promotion to the higher post/scale had taken place after the introduction of these scales.
- 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 INCREMENTS TO OFFICIALS FOR POSSESSING/ATTAINING HIGHER EDUCATIONAL QUALIFICATION.

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

	No. of Advance increments for obtaining			
	Matric.	F. A/T. 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 F. A/ F. Sc.	Nil.	Nil.	2	4
d) Where the prescribed qualification is B. A./ B. Sc.	Nil.	Nil.	Nil.	2

Attested
[Signature]

The advance increment already allowed in terms of Para-6(a) of Finance Department's letter No.FD(PRC)1-1/87 Vol-VIII, dated 22-7-1987 would be doubled from 1-6-1991.

Contd....3/-

[Signature]

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 absorbed at the time of his moveover/promotion. Those employees who had acquired higher qualification in 3rd Division prior to 1-6-1991 and were not granted advance increments earlier would henceforth be allowed advance increments with effect from 1-6-1991.

6. MOVE-OVER.

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

7. SPECIAL PAYS.

The existing Special Pay admissible to various categories of Personal Assistants in BPS-15 shall be revised from 1-6-1991 as under:-

NAME OF POST.	EXISTING RS. PER MONTH.	REVISED RS. PER MONTH.
P.A. to Minister.	100	150
P.A. to Chief Secretary/ Addl: Chief Secretary/ Secretaries/ Additional Secretaries.	75	120

8. TEACHING ALLOWANCE.

The existing rate of teaching allowances admissible to qualified teachers of High Schools who teach Science subjects of Physics, Chemistry, Biology and Mathematics and Junior Instructors in Poly-technic shall be enhanced as under:-

- a) For High School Science Teachers. From 100/-P.M. to Rs.200/-P.M.
- b) For Junior Instructors in Poly-technic who possess Technical Teachers Diploma. From Rs.100/-P.M. to Rs.200/-P.M.

9. MEDICAL ALLOWANCE.

The existing rate of Medical Allowance of Rs.50/-P.M. admissible to the employees in BPS 1-15 shall be enhanced to Rs.60/-P.M.

Contd...4/-

Attested
[Signature]

[Signature]

10.

a) MESSIN /DIET ALLOWANCE.

The existing rate of messing/diet allowance for Nursing Cadre(below BPS-16 shall be enhanced from Rs.300/- to Rs.500/-.

b) UNIFORM ALLOWANCE.

The existing rate of uniform allowance for Nursing Cadre(below BPS-16)shall be enhanced from Rs.125/- P.M. to Rs.150/-P.M.

c) NIGHT DUTY ALLOWANCE.

The Night Duty Allowance shall be admissible as under:-

- i) For Assistants/Clerks. ...Rs.8/-per night.
- ii) For Staff Car Drivers/ Despatch Riders. ...Rs.4/-per night.
- iii) For Naib Qasid. ...Rs.3/50 per night.

d) WASHING GRANT/ALLOWANCE ADMISSIBLE TO LIVERIED STAFF.

The existing rates of Washing Grant/ Allowance shall be enhanced from Rs.25/-per month to Rs.30/-per month.

e) CONVEYANCE CHARGES FOR LATE SITTING AFTER OFFICE HOURS.

The existing rates of Conveyance Charges admissible to employees in BPS 1 to 16(Non-Gazetted) shall be enhanced as under:-

i) ON WORKING DAYS.

- For officials in BPS 1-2. From Rs.3.50 per day to Rs.4.50 per day.
- For officials in BPS 3-15 B-16(Non-Gazetted). From Rs.4.50 per day to Rs.5.50 per day

(ii) ON CLOSED HOLIDAYS

- For officials in BPS 1-2. From Rs.4.50 per day to Rs.5.50 per day.
- For officials in BPS 3-15 B-16(Non Gazetted). From Rs.7.00 per day to Rs.8.00 per day.

Your obedient servant

Sd/-
(GHULAM DASTAGIR AKHTAR)
DEPUTY SECRETARY(REG.)
FINANCE DEPARTMENT.

Attested.
[Signature]

[Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 19/2011

Date of Institution ... 30.12.2010

Date of Decision ... 15.12.2017



Mr. Abdul Waheed, SET, GHS No.3 Abbottbad.

(Appellant)

VERSUS

1. The Executive District Officer, Elementary and Secondary Education, Abbottabad and 4 others.

(Respondents)

MR. Khaled Rahman,
Advocate

For appellant.

MR. MUHAMMAD RIAZ PAINDAKHEL,
Assistant Advocate General

For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER(Executive)
MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

ATTESTED

FACTS

2. The brief facts are that the appellant was appointed SET on 29.07.1985. The appellant obtained M.Ed on 01.03.2001. As per policy of the government dated 13.07.2002, he was allowed three advance increments on getting higher qualification. That the Finance Department issued notification dated 30.03.2009 by allowing increments for untrained period to the entire teaching community, hence the appellant also benefited from the said notification and reached the maximum of BPS-16. In the light of notification dated 11.08.1991, the appellant

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

was entitled for personal pay, which has been denied to him. He filed departmental on 27.09.2010, but without any response, hence, the instant service appeal on 30.12.2010.

ARGUMENTS

3. Learned counsel for the appellant argued that he was appointed as SET on 27.09.1885. That after qualifying M.Ed from Allama Iqbal Open University on 01.03.2001 three advance increments on higher professional qualification were granted/allowed to him vide notification dated 13.07.2002. The Finance Department vide notification dated 30.03.2009 allowed increments for untrained service period to all the teachers serving in the department. That the appellant also benefited from the aforementioned notification and reached the maximum of BPS-16 i.e Rs. 5490 on 01.12.2000. Resultantly increments granted on obtaining M.Ed to the appellant stood usurped. That pay of the appellant should have been fixed as personal pay in the light of notification of the Finance Department dated 11.08.1991. He filed departmental appeal on 02.09.2010 which was not decided within the statutory period, hence the instant service appeal. He further argued that judgment of this Tribunal dated 21.06.2006 passed in service appeal no. 846/2004 was implemented by the Finance Department vide letter dated 10.11.2008. Case of the appellant being identical in nature deserves similar treatment. Reliance was placed on 2005 SCMR 499, 2009 SCMR 01 and Peshawar High Court, Peshawar dated 08.06.2017 passed in writ petition no. 913-P/2014.

4. On the other hand learned Assistant Advocate General argued that a cursory reading of Section-4 of Service Tribunal Act 1974 shows that it is only against a final order, original or appellate that an appeal can be filed in Service

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]

Tribunal. In the instant service appeal the appellant has not challenged any original or appellate order passed by a departmental authority and from which he is aggrieved. Appellant is seeking directions from this Tribunal to the respondents for grant of advance increment on getting higher qualification. Issuance of directions is not the job of Service Tribunal. Moreover, after promulgation of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increment on Higher Qualification Act No. IX-2012, he is not entitled for advance increments. Reliance was placed on 1990 SCMR 1106, 2016 PLC 1042, 2006 SCMR 1630 and judgment of this Tribunal dated 20.09.2017 passed in service appeal no. 467/2012.

CONCLUSION.

5. This Tribunal deems it appropriate to first decide the issue of parameters given in Section-4 of Service Tribunal Act 1974 for filing service appeal which is reproduced below:-

"Any civil servant aggrieved by any order whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within days of the communication of such order to him, or within six months of the establishment of the appropriate Tribunal, whichever is later, prefer an appeal to the Tribunal."

Learned counsel for the appellant when confronted on the above mentioned section of law conceded that no original or appellate order passed by the respondents is available to be challenged through the instant service appeal. As he has not challenged any departmental order but seeking directions from this Tribunal to the respondents which is beyond our jurisdiction. In these circumstances no effective remedy can be granted in favour of the appellant. In view of case law reported as 1990 SCMR 1106 the appeal is not maintainable. After having deliberated on the issue of jurisdiction there is hardly any need to touch the merits of the case.

ATTENDED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

6. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Announced Sd/- Ahmad Hassan,
15-12-2017 Member

Sd/- M. Amin Khan Kundt,
Member

Certified Signature copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Receipt of copy	20/12/17
Number of copy	1600
Copying charges	10.00
Urgent	2.00
Total	12.00
Name of	
Date of Receipt	20-12-17
Date of Delivery of Copy	20/12/17

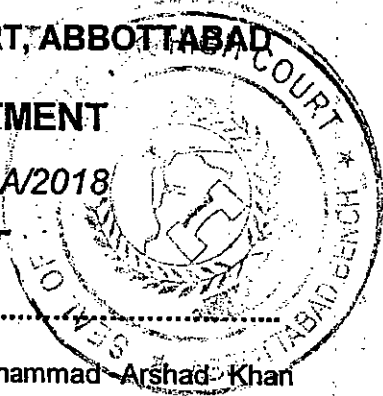
Signature

Judgment Sheet

IN THE PESHAWAR HIGH COURT, ABBOTTABAD
BENCH
JUDICIAL DEPARTMENT

Writ Petition No. 170-A/2018

JUDGMENT



Date of hearing.....21.03.2018.....

Petitioner (Abdul Waheed) By Mr. Muhammad Arshad Khan
Tanoli, Advocate.

Respondents (Government of Khyber Pakhtunkhwa)

LAL JAN KHATTAK, J.- Petitioner through the instant petitioner has prayed this Court for issuance of a writ directing the respondents to grant him fringe benefits of advance increment on his acquiring higher qualification of M.Ed.

2. Arguments heard and record gone through.

3. Perusal of the case record would show that for the relief sought herein, petitioner once had approached the Khyber Pakhtunkhwa Services Tribunal through his service appeal which was dismissed by the Tribunal vide judgment dated 15.12.2017 wherein, inter alia it was held as under:-

"Moreover, after promulgation of Khyber Pakhtunkhwa Cassation of Payment of Arrears on Advance Increment on Higher Qualification Act No. IX-2012, he is not entitled for advance increments".

Certified to be True Copy
EXAMINER
18 APR 2019
Peshawar High Court Atd. Bench
Authorized Under Sec. 75 Evid Ordns.

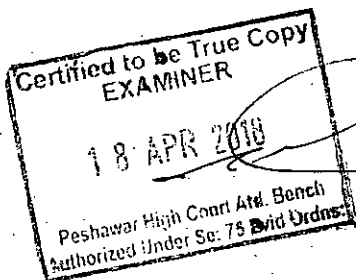
4. As the Tribunal has held the petitioner disentitled to the relief claimed herein, therefore, his petition, is not maintainable before this court.

5. For what has been discussed above, this petition, being bereft of any merit, is hereby dismissed in limine.

Announced:
21.03.2018.

Sd/- Arshad Iqbal
Sd/- Arshad Ali

Arshad Iqbal
Justices Lal Jan Khattak & Syed Arshad Ali



[Signature]

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz-ul-Ahsan
Mr. Justice Sajjad Ali Shah

Civil Petition No. 1927 of 2018
(Against the judgment dated 21.3.2018 of the Peshawar High Court, Abbottabad Bench passed in SF No. 170-A of 2018)

Abdul Waheed ...Petitioner(s)

Versus

Govt. of KPK thr. Secretary Elementary & Secondary Education (E&SE) Peshawar and others ...Respondent(s)

For the Petitioner(s) : In person.
For the Respondent(s) : N. R.
Date of Hearing : 24.01.2020

ORDER

Gulzar Ahmed, CJ.- The petitioner filed Service Appeal No. 19 of 2011 in Kyber Pakhtunkhwa Service Tribunal praying for grant of increment on his qualifying the maximum scale limit. The Service Tribunal vide its judgment dated 15.12.2017 dismissed the Service Appeal of the petitioner in the following terms:-

"Moreover, after promulgation of Khyber Pakhtunkhwa Cassation of Payment of Arrears on Advance Increment on Higher Qualification Act No. IX-2012, he is not entitled for advance increments"

Instead of challenging this judgment of the Service Tribunal before this Court, petitioner filed writ petition in the Peshawar High Court, Abbottabad Bench. The Peshawar High Court dismissed the writ petition filed by the petitioner on the ground that the same was not maintainable for the reason that the petitioner is a civil servant and

ATTESTED

[Signature]
Senior Court Associate
Supreme Court of Pakistan
Islamabad
20/1/20

further he has already availed the remedy before the Service Tribunal. No illegality or perversity in the impugned judgment is pointed out. The petition is, therefore, dismissed and leave refused.

2. As the Service Tribunal has decided the case of the petitioner on technical grounds, therefore, if the petitioner wishes to file a representation before the Department, he may do so and the Department, on filing of such representation, will decide the same within a period of one month. If the petitioner is not satisfied with the decision of the Department, he may then avail the remedies available to him under the law.



28/11/20

Sd/-HCJ

Sd/-J

Sd/-J

Certified to be True Copy

30/11/20
Senior Court Associate
Supreme Court of Pakistan
Islamabad

1926/20

GR No: _____ CIVIL

Date of Presentation: 24-1-20

No of Words: 200

No of Folios: 6

Requisition Fee Rs: 500

Copy Fee in: 200

Court Fee Stamps: 800

Date of Completion of Copy: 20/11/20

Date of delivery of Copy: 30/11/20

Compared by/Prepared by: _____

Received by: _____

(28)

OFFICE OF THE HEADMASTER G.H.S BAIDRA MANSEHRA

No. 438 G.H.S Baidra Mansehra

To

Secretary,
Elementary & Secondary Education Department,
Government of Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL FOR THE SANCTION OF PERSONAL
PAY BEYOND THE MAXIMUM OF BPS-16 PAY SCALE 1994
UNDER THE KHYBER PAKHTUNKHWA CIVIL SERVANTS
(APPEAL) RULES 1986 ON THE DIRECTION OF HONOURABLE
SUPREME COURT OF PAKISTAN THROUGH JUDGMENT CP
NO.1927/2018 DATED 24.01.2020.

Respected Sir,

With reference to the subjected cited above I would like to lay down following humble submission for your kind perusal and favourable necessary action.

1. That I am working as Headmaster at G.H.S Baidra Mansehra.
2. That I was appointed as S.S.T on 31.07.1985 vide Divisional Director Office Order No.34 Endorsement No.1259/64 dated 27.07.1985.
(Copy attached)
3. That I passed my B.Ed exams on 29th April 1993 on qualifying professional degree department issued a notification Endst No.34657-66/AE-II/App/VO-I dated 22.12.1996 for running pay scale in BPS-16 w.e.f dated of passing B.Ed. (Copy attached)

4. That I passed my M.Ed exams on 1st March 2001 and as per policy of the government department issued a sanction of three advance increments under Endst No.1576/87/A-258/Adv Inc Pesh:02/1 dated 13.07.2002 w.e.f date of passing M.Ed degree. (Copy attached)
5. That in the light of the judgment passed by the Honourable Supreme Court of Pakistan Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) issued order No.FD(PRC)5-2/2002 dated Peshawar 30.03.2009 allowed the benefit annual increments for the untrained teachers from date of their regular appointment. (Copy attached)
6. That on this notification I applied for revised pay slip to get the benefit of untrained period to District Account Office Abbottabad. Account Office issued me revised pay slip, in this pay slip at stage No.7, I reached the maximum of the BPS-16 on 01.12.2000 i.e. (Rs.5490/-). (Copy attached)
7. That the three advance increments of M.Ed which are the part of pay was usurped in this revised pay slip.
8. That in such state of affairs pay of a senior officer having similar cadre line and length of service and a discrimination took place which is to be requested for settlement according to the natural principles and norms of justice.

9. The Honourable Service Tribunal Peshawar in Appeal No.19/2011 pass an order through judgment on 15th December 2017. The facts of the judgment:-

"The brief facts are that the appellant was appointed S.E.T on 29.07.1985. The appellant obtained M.Ed on 01.03.2001. As per policy of the government dated 13.07.2002 he was allowed three advance increments on getting higher qualification. The finance department issued notification dated 30.03.2009 by allowing increments for untrained period to the entire teaching community, hence the appellant also benefited from the said notification and reached the maximum of BPS-16. In light of the notification dated 11.03.1991 the appellant has entitled for personal pay which has been denied to him. He filed departmental appeal on 27.09.2010 but without any response hence the instant service appeal on 30.12.2010.

10. The Honourable Service Tribunal decided my case on technical ground i.e.

CONCLUSION: "This Tribunal deems it appropriate to first decide the issue of parameters given Section-4 of Service Tribunal Act 1974 for filing service appeal which is reproduced below:-

"Any civil Servant aggrieved by any order whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within days of the

communication of such order to him, or within six months of the establishment of the appropriate Tribunal, whichever is later, prefer an appeal to the Tribunal"

Learned counsel for the appellant when confronted on the above mentioned section of law conceded that no original or appellate order passed by the respondents is available to be challenged through the instant service appeal. As he has not challenged any department order but seeking directions from this Tribunal to the respondents which is beyond our jurisdiction. In these circumstances no effective remedy can be granted in the favour of the appellant. (Copy of judgment is attached)

11. Honourable Supreme Court of Pakistan pass an order in judgment CP No.1927/2018 on 24.01.2020 "As the Service Tribunal has decided the case of petitioner on technical ground therefore if the petitioner wishes to file a representation before the department, he may do so and the department on filing of such representation will decide the same within a period of one month if the petitioner is not satisfied with the decision of the department he may then avail the remedies available to him under the law. This order of Honourable Supreme Court of Pakistan also support my petition. (Copy of judgment 1927/2018 is attached)
12. The Act No.IX 2012 which is referred by the Honourable Supreme Court of Pakistan also support my case in Section-II, Part-II the act says that:-

"Any order made, instructions issued, decision, judgment or order of any Court or Tribunal including High Court or Supreme Court of Pakistan implemented immediately before the commencement of this ordinance, shall 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. (Copy of Act IX-2012 is attached)

13. That the Honourable Peshawar High Court passed the judgment dated 08.06.2017 in WP No.913-P/2014 against the Act IX of 2012 and declared this act null and void. (Copy of the judgment is attached)

It is, therefore, humbly prayed that on acceptance of the instant departmental appeal, appropriate directions / order may graciously be issued to respondent to grant the appellant the benefits of advance increments beyond the maximum as personal pay from the due date with all consequential benefits.

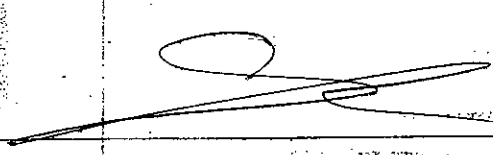


...APPELLANT
Abdul Waheed
Head Master GHS, Baidra,
Manshehra
Head Master
Govt. High School Baidra
Manshehra

No. 4138 /GHS Baidra Manshehra Dated: 03/02/2020

Copy to

- 1. Secretary E&SE Govt. of KPK, Peshawar.



(33)

Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

No. 7413 / F.No. 1/SST(M)/Financial Matters

Dated Peshawar the 7/10 2020

To
5742
18/10

Mr. Abdul Waheed Head Master,
GHS Baidra Mansehra.


Supdt

015/01/20

Subject: - APPEAL FOR BACK BENEFITS

Memo:

I am directed to refer to your letter No.480 dated 09-09-2020 on the subject cited above and to state that the competent Authority has been pleased to reject the subject mentioned appeal in the light of Khyber Pakhtunkhwa Cessation of Payment Arrears on Advance Increments on Higher Educational Qualification Ordinance 2012.

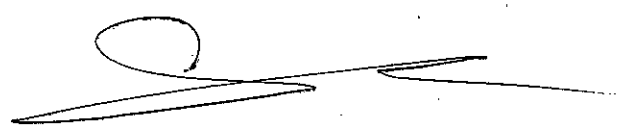
J.D.K.O (M)

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. _____

Copy of the above is to:-

- 1. PA to Director (E&SE) Local Directorate.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

Appeal No. 14129/2020

Abdul WaheedAppellant

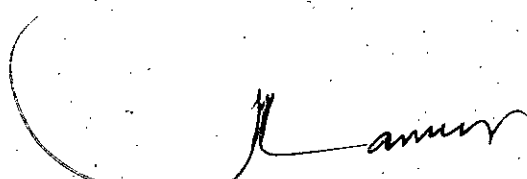
VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

INDEX

Sr.#	Description	Page No's	Annexure
1.	Comments alongwith Affidavit	01 to 06	
2.	Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012	05 to 07 [REDACTED]	"A"
3.	Copy of the Judgment dated 02-06-2021 of August Supreme Court of Pakistan	08 - 11 [REDACTED]	"B"


DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA
(RESPONDENT NO. 4)

(1)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

Appeal No. 14129/2020

Abdul WaheedAppellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:-

Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the applicant has no cause of action and locus standi to file the instant appeal.
2. That the instant service appeal is hit by Rule 23 of KP Service Tribunal Rules, 1974.
3. That the judgment of Honorable Tribunal has lost its efficacy for the purpose of implementation by clear intendment through sections 1 & 2 of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification on Act No. IX of 2012.
4. The Act was passed by the Provincial Assembly and assented by the Governor Khyber Pakhtunkhwa. The answering respondents are bound to obey the will of the legislature & cannot deviate from any provision of enactment.
5. That the instant appeal is time barred. Hence liable to be dismissed.
6. **That the instant appeal is against the notification dated 27-10-2001 whereby, the basis of the claim of applicant stood erased. In the year 2012 the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012 was promulgated which was made retrospective from 2001. Hence, the instant appeal is liable to be dismissed on this score alone.**
7. That the instant service Appeal is also not maintainable in view of the apex court judgment dated 02.06.2021 in Civil Appeal Nos. 2139-2143 of 2019 and 986 of 2020 and CP No. 2-P/2020.

8. That the appellant has not come to this Honorable Tribunal with clean hands.
9. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary and proper parties.
10. That the instant appeal is barred by law and against the rules and policy of the Government.

FACTUAL OBJECTIONS:-

1. That Para No. 1, of the service appeal relates to the service record of the appellant.
2. That Para No. 2, of the service appeal relates to record.
3. That Para No. 3, of the service appeal relates to record.
4. That Para No. 4, of the service appeal relates to record.
5. In reply to Para No. 5 of the service appeal, it is submitted that appellant filed appeal No. 19/2011 before this Honourable Tribunal having the same subject matter and same was dismissed on 15-12-2017 and appellant did not challenge the said judgment before the Honourable Supreme Court of Pakistan. (Copy of the judgment of this Honourable Tribunal dated 15-12-2017 has already been annexed with appeal as Annexure "F" page 20 to 23).
6. In reply to Para No. 6 of the appeal, appellant did not challenge the judgment of this Honourable Tribunal before the Apex Court, hence the judgment of this Honourable Tribunal attained finality moreover, after the decision of Service Tribunal, the appellant filed writ petition before Peshawar High Court Abbottabad Bench which was also dismissed being not maintainable. (Copy of the judgment of Peshawar High Court Abbottabad Bench dated 21-03-2018 has already been annexed with appeal as Annexure "G" at page No. 24-25).
7. In reply to Para No. 7, of the service appeal it is submitted that Honourable Supreme Court of Pakistan dismissed the Civil Petition No. 1927 of 2018 and leave was refused vide order dated 24-01-2020 (Copy of the judgment of Supreme Court of Pakistan has already been annexed with the appeal as Annexure "H" at page no. 26-27).
8. That the instant service appeal is barred by law.

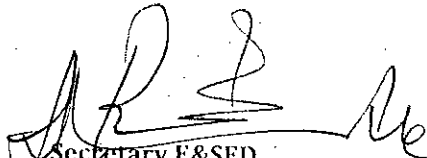
RELPLY ON GROUNDS:-


- a. That ground a, as composed is incorrect, hence denied. Further submitted that the instant appeal is against the notification dated 27-10-2001 whereby,

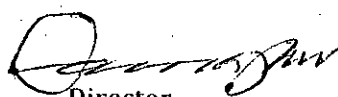
the basis of the claim of applicant stood erased. In the year 2012 the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012 (Annexure-A) was promulgated which was made retrospective from 2001.


- b. That ground b, is incorrect, hence denied. It is stated that on 02-06-2021 the Honourable Supreme Court of Pakistan accepted the Civil Appeal Nos. 2139-2143. of 2019 and 986 of 2020 and CP No. 2-P/2020 against the judgments dated 08-06-2017, 20-06-2019, 29-10-2019 & 23-10-2019 passed by the Peshawar High Court Peshawar in WP Nos. 2053 of 2014, 913-P/2014, 1418/2014, 3081-P/2012, 1182-P/2018, 2326-P/2019 and 4713-P/2018 and set aside the impugned judgment of Honourable Peshawar High Court Peshawar and the matters are remanded to the High Court for deciding the writ petitions afresh, after issuing of notice under Order XXVII-A CPC to the Advocate General, Khyber Pakhtunkhwa, in accordance with Law. Moreover, the instant appeal is barred by law / rules and liable to be dismissed without any further proceedings. (Copy of the judgment dated 02-06-2021 of August Supreme Court of Pakistan is annexed herewith as Annexure "B").
- c. Para C is incorrect, hence denied. Detail reply already given in Paras Ibid.
- d. That ground "d" is incorrect, hence denied. Comprehensive reply has already been given in ground a & b.
- e. That ground e, as composed is incorrect hence, denied. The respondents also seek leave of this Honorable Tribunal to raise additional points at the time of arguments.

Keeping in view of the above facts and circumstances, it is very humbly prayed that the instant appeal may please be dismissed with cost.


Secretary E&SED
Khyber Pakhtunkhwa
Peshawar
(Respondent No.1)


Secretary Finance
Khyber Pakhtunkhwa
Peshawar
(Respondent No.2)


Director
Khyber Pakhtunkhwa
Peshawar
(Respondent No.3)


District Education Officer (M)
Mansehra
(Respondent No.4)

4

-BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD

Appeal No. 14129/2020

Abdul WaheedAppellant

VERSUS

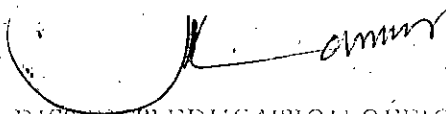
Govt. of Khyber Pakhtunkhwa & Others Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. : Muhammad Tanveer, District Education Officer (M) Mansehra, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

DEPONENT



DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Amx = A²

(5)

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

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, application and commencement.
2. Cessation of payment of arrears on advance increments on higher educational qualification.
3. Removal of difficulties.
4. Repeal.

C

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

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)

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

AN
ACT

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

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

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

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

It is hereby enacted as follows:

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

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

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

2. **Cessation of payment of arrears on advance increments on higher educational qualification.**---(1) Notwithstanding anything contained in any decision, judgment and order of any Tribunal or Court including High Court or Supreme Court of Pakistan, for the purpose of any claim for payment of arrears on account of advance increments on higher educational qualification sanctioned in

pursuance of any order, letter, office memoranda, notification, instructions and other instruments issued before 1.12.2001, such orders, letters, office memoranda, notifications, instructions and other instruments shall be deemed to be non-existent, ceased or revoked and no further claim whatsoever on the basis of these instruments shall be entertained and all cases in respect of such claims pending in any Court or Tribunal including High Court and Supreme Court of Pakistan shall stand abated.

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

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

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

Annexure B

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Khyber Alam Khan, Islamabad
Mr. Justice Sayyed Mazhar Ali Akbar Noor

CIVIL APPEALS NO. 2139 TO 2143 OF 2019 AND 986 OF 2020

AND

CIVIL PETITION NO. 2-P OF 2020

[Against the judgments dated 8.6.2017, 20.6.2019, 29.10.2019 and 23.10.2019, passed by the Peshawar High Court, Peshawar, in W.P. No. 2053 of 2014, 913-P of 2014, 1418 of 2014, 3001-P of 2012, 1182-P of 2018, 2326-P of 2019 and 4713-P of 2018, respectively]

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

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

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

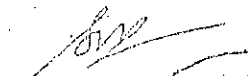
CA.2142 of 2019 Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others Vs. Anyal Ullah Khan and others

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

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

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

TESTED


Associate Advocate General
Supreme Court of Pakistan

For the Appellants
and Petitioners

Mr. Zahid Yousof Qureshi,
Additional Advocate General,

(In all cases)

Khyber Pakhtunkhwa
Fazale Khaliq,
Lit. Officer/DEO Swabi
Iftikhar Ghani, DEO (M) Buner
Shakir Ullah, S.O. (Lit),
T. Department, KPK

For Respondents
No 1, 2, 4 to 9, 12 to
14, 16 to 32 in
CA.2139 of 2019

Mr. Muhammad Isa Khan Khalil,
ASC

Respondents in
CA.2140 of 2019

: Nemo

For Respondents
No.2 to 3 in CA.2141
of 2019 and 29, 32
and 33 in CA.2142 of
2019

: Mr. Amjad Ali, ASC.a/w
Mr. Anis Muhammad Shahzad,
AOR

For Respondent No.1
in CA.2143 of 2019

: Mr. Muhammad Amir Malik, ASC
Syed Rifaqat Hussain Shah, AOR

Sole respondent in
CA.986 of 2020

: Mr. Misbah Ullah Khan, ASC

Respondent in CP.2-
P of 2020

: N.R.

Remaining
Respondents in all
C.As.

: Nemo

Date of Hearing:

: 02.06.2021

ORDER

GULZAR AHMED, CJ. The learned Additional Advocate General, Khyber Pakhtunkhwa (AAG), contends that in the very writ petitions filed before the Peshawar High Court, Peshawar (the High Court), the respondents have challenged the vires of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act (Act No.IX) of 2012 (the Act of 2012), but no notice under Order

XXVII-A CPC was issued to the Advocate General, Khyber

ATTESTED
Justice (Civil) Judge
Jahangir Khan

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

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

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

Pakhtunkhwa, in accordance with law.

TESTED

For Court Appellate
High Court of Pakistan

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

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

Sd/-HCJ

Sd/-J.

Sd/-J.

Certified to be true copy



Senior Court Associate
High Court of Pakistan
Islamabad

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12/06/12

Supreme Court
Islamabad

12/06/12
CIVIL PETITION
12/06/12
12
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12/06/12
Date of Completion

BEFORE THE KHYBER PAKHTUNKHAWA, SERVICE TRIBUNA PESHAWAR,
CAMP COURT, ABBOTTABAD.

Service Appeal No.14129 of 2020

M/S Abdul Waheed (Appellant)

Versus

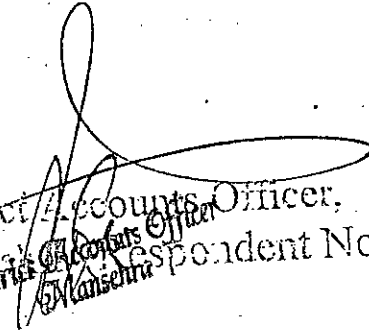
Government of Khyber Pakhtunkhawa... (Respondent).

Through

1. The Secretary to Government of Khyber Pakhtunkhawa Elementary & Secondary Education Department, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhawa Finance Department, Peshawar.
3. Director, Elementary & Secondary Education, KPK, Peshawar.
4. District Education Officer (Male) Mansehra.
5. District Accounts Officer, Mansehra,
- 6.

INDEX

S. No	Description of document	Annexure	Page
01	BPS Scheme 1983	A	1-5
02	Service Statement showing drawl of 3 advance increments son M.Ed	B	6-6
03	Notification dated 11.08.1991	C	7-8
04	Finance Department dated 31.01.1988	D	9-9


District Accounts Officer,
Mansehra (Respondent No.05)
District Accounts Officer,
Mansehra

BEFORE THE KHYBER PAKHTUNKHAWA, SERVICE TRIBUNA PESHAWAR,
CAMP COURT, ABBOTTABAD.

Service Appeal No.14129 of 2020

M/S Abdul Waheed (Appellant)

Versus

Government of Khyber Pakhtunkhawa... (Respondent).

Through

1. The Secretary to Government of Khyber Pakhtunkhawa Elementary & Secondary Education Department, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhawa Finance Department, Peshawar.
3. Director, Elementary & Secondary Education, KPK, Peshawar.
4. District Education Officer (Male) Mansehra.
5. District Accounts Officer, Mansehra,

**PARA-WISE COMMENTS/ WRITTEN REPLY ON BEHALF OF
RESPONDENT NO.(02 & 05)**

PRELIMINARY OBJECTION:

1. That, the Appellant has got no cause of action and *locus standi*.
2. That Appellant has concealed material facts from this Honorable Tribunal.
3. The instant Service Appeal is based on *malafide* intentions.
4. That Appellant has come to this honorable Tribunal with no clean hands.
5. That Appellant is not entitled for any relief from this honorable Tribunal.
6. That instant service Appeal is against the prevailing law and rules.
7. That Appeal is on *malafid* intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
8. That instant service Appeal is time barred hence not maintainable.

FACTUAL OBJECTIONS:

1- Para-1 pertains to record.

2- Para-2 pertains to record.

3- Para-3 is incorrect as under ;

(a)- The Appellant joined service as Senior English Teacher (*untrained*) on 31.07.1985. The Appellant, after acquiring degree of B.Ed on 29.04.1993 become trained High School Teacher in terms of the Government of NWFP, (now KPK) Finance Department. Notification dated 24.08.1983 (*herein after referred to as BPS 1983*).
(Annexure-A).

(b)- The Appellant, further, obtained a professional degree of M.Ed on 01.03.2001. The Appellant was granted 3 advance increments for higher qualification of M.Ed from 01.03.2001 under Para-9(iii) of the BPS 1983, which benefit, is part of the basic pay of the Appellant up till now. (Annexure- B).

(c) - The Government allowed annual increments to all those un-trained teachers who acquired professional qualification during service prescribed for the post(s) held vide Notification dated 01.03.2009 (*exhibit*). The Appellant could not avail the dividend of Notification, *ibid*, with regard to his un-trained period of service, hypothetically and assuming that while getting revision under said Notification, his pay would reach the ceiling of BPS-16 on 01.12.2000 and amount of 3 advance increments (*already drawn on 01.03.2001*) would not become part of basic pay due to closing of maximum ceiling of BPS-16. In the Scheme of Basic Pay Scale & Fringe benefits 1983 (BPS /1983) there exists no concept of allowing any amount of Advance Increments as Personal Pay beyond the ceiling of a Pay Scale of the post held by a government servant. (Annexure-A)

(d)- The government through a Notification 11.08.1991 (*exhibit*) further revised the pay scales of the government savants (BPS 1-15) from 1st June, of respective year. In the scheme provision regarding grant of advance increments for higher educational qualification was made therein. (Annexure-C)

(e)- The Para-5(i) Notification dated 11.08.1991 (*exhibit*) prescribes two (2) advance increments on each degree of higher educational qualification. i.e. for Matric, FA,BA & MA but no provision for grant of advance increments, on Professional qualification like B.Ed or M.Ed, made in the said schemes as was admissible under BPS,1983. (Annexure-C).

(f)- Contrary to scheme of BPS, 1983, the Para 5(ii) of Notification dated 11.08.1991 (*exhibit*), allows the amount of Advance Increments on higher qualification as Personal Pay to a government servant beyond the ceiling of a Pay Scale of the post held by him if he reached the ceiling of Pay Scale before the date of accrual of said advance increments. (Annexure-C).

(g) The Provisions of Para 5(ii), un-doubtly, covers the Advance Increments mentioned in Para 5(i) thereof only because advance increments prescribed in the said Para of Notification dated 11.08.1991 differs from those given in BPS,1983 in numbers, as well as, in purpose. (Annexure -A & C).

(h)- Regarding the grant of advance increments to the teachers, the Government vide Finance Department letter dated 31.01.1988 clarified that teachers would be governed by BPS 1983. (Annexure-D).

(i)- The Appellant, for availing benefits of Notification dated 01.03.2009 (exhibit) is seeking relief from the learned Tribunal of Advance Increments, as Personal Pay, through intervention of two different but conflicting schemes i.e. three (3) Advance increments on professional degree of M.Ed under BPS 1983 and Personal Pay, through BPS, 1991, respectively, instead of following single scheme of BPS-1983 in its totality.

4- Para-4 is not maintainable as Notification 11.8.1991 is not attracted in the matter under Appeal. The case is required to be dealt with under BPS Scheme 1983 entirely.

5- Para-5. The Respondent No.3 may reply the Para-5, being departmental authority of the Appellant.

6- Para-6 pertains to record.

7- Para-7 pertains to record.

8- Para-8 pertains to record.

9- Para-9, needs no comments.

GROUNDS:

- A. Para-a, is not covered by the standing law, hence, denied.
- B. The Notification dated 11.08.1991 keeps no relevance in the matter under adjudication.
- C. Para-c, is not according to BPS Scheme 1983.
- D. Para-d, needs to be proved.
- E. Para-e, is incorrect.

PARYER:

It is humbly been prayed that instant Appeal may kindly be dismissed with cost.

1. The Secretary, Government of Khyber Pakhtunkhawa,
Finance Department, Peshawar (Respondent No.2)

2. District Accounts Officer,
Muzaffargarh (Respondent No.05)

BEFORE THE KHYBER PAKHTUNKHAWA, SERVICE TRIBUNA PESHAWAR,
CAMP COURT, ABBOTTABAD.

Service Appeal No.14129 of 2020

M/S Abdul Waheed

(Appellant)

Versus

Government of Khyber Pakhtunkhawa

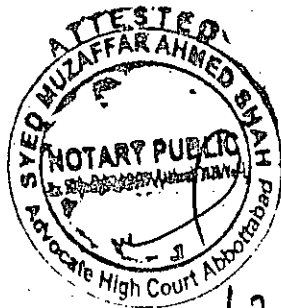
(Respondent).

Through

1. The Secretary to Government of Khyber Pakhtunkhawa Elementary & Secondary Education Department, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhawa Finance Department, Peshawar.
3. Director, Elementary & Secondary Education, KPK, Peshawar.
4. District Education Officer (Male) Mansehra.
5. District Accounts Officer, Mansehra

AFFIDAVIT:

I, Mushtaq Ahmad Khan, District Accounts Officer Mansehra (Respondent) do hereby solemnly affirm and declare on oath that contents of fore-going written reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



15/06/22

Deponent

Accounts Officer
District Mansehra
District Accounts Officer,
Mansehra (Respondent No.05)

44-1-10
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NO. PD(SR-I)1-67/82

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

Dated, Peshawar, the 24th August, 1983.

From

The Secretary to Government (NWFP),
Finance Department.

To

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

SUBJECT:-

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

Sir,

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

PART-I-BASIC SCALES AND ALLIED MATTERS.

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

3. Initial Fixation of Pay:- (i) The initial pay of an existing employee, i.e. an employee, who has been in Government Service since before the 1st of July, 1983, shall be fixed at the stage in the relevant Basic Pay Scales which is as many stages above the minimum 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 emolument 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 the fixation formula, "emolument" would mean the sum of pay, Dearness Allowance and Local Compensatory Allowance, if any.

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

II. Middle School.

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

III. High School.

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

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

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Annexure-II to Circular letter
No. FD(SR-I)1-67/82
Dated 24th August, 1983.

OF POST	EXISTING SCALE	BASIC SCALE
---------	----------------	-------------

EDUCATION DEPARTMENT:

Primary School Teacher (Metric With JV/PTC)	RNPS-6 Rs. 315-12-399/14-525-16-605 <u>B-8</u>	B-7 Rs. 560-23-1020 with selection grade equal to 1/3rd posts in B-10. (Rs. 660-32-1300).
Middle School Teacher (F.A./F.Sc with CT or equivalent)	RNPS-8 (Rs. 370-16-514-18-640-22-750)	Physical Training Instructor in Primary Schools may be treated at par with Primary School Teacher in the matter of Pay Scale & Selection Grade. B-9 Rs. 620-29-1200 with selection grade equal to 1/3rd posts in B-12. (Rs. 750-40-1500).
Physical Training Instructor (Middle Schools) F.A. with diploma in Physical Education or equivalent.	-do-	-do-
Drawing Master (Middle School) F.A. with one year training in Drawing or equivalent Professional qualification.	-do-	
High School Teacher (B.A./B.Sc. B.Ed.)	RNPS-14 Rs. 520-30-730/35-1010-40-1210	B-15 (Rs. 900-53-2000) with selection grade equal to 1/3rd posts in B-17 (Rs. 1600-120-3040).
Physical Training Instructor (High Schools/Comprehensive Schools) B.A. with Senior Diploma in Physical Education	-do- RNPS-8 (Rs. 370-16-514-18-640-22-750)	-do- Rs. 900-53-2000
Librarian (High Schools) B.A. with Diploma in Library Science	-do- Rs. 370-16-514-18-640-22-750	-do- Rs. 1500-120-3040
Head Masters/Head Mistress High Schools.	RNPS-17 Rs. 900-50-1150/60-1750-100-2250	B-17 (Rs. 1600-120-3040) with 1/3rd posts as selection grade in B-18 (Rs. 2100-150-3600) minus promotion posts.
Laboratory Assistant	RNPS-5 Rs. 290-10-350/12-470-14-540	B-7 (Rs. 560-23-1020) with 1/3rd posts as Selection Grade in B-10 (Rs. 660-32-1300).
Junior Instructor Polytechnic	RNPS-14 Rs. 520-30-730/35-1010-40-1210	B-14 Rs. 850-50-1850 with Selection Grade in B-16 (Rs. 1050-80-2250) equal to 1/3rd posts. B-7 (Rs. 560-23-1020) with 1/3rd posts as selection grade in B-10 (Rs. 660-32-1300).
<i>Sanitary Inspector</i>	RNPS-6 Rs. 315-12-399/14-525-16-605	B-7 (Rs. 560-23-1020) with 1/3rd posts as selection grade in B-10 (Rs. 660-32-1300).
<u>HEALTH SERVICES:</u>		
Nurse-Dai	RNPS-3 Rs. 270-7-326/8-390-9-435	B-4 Rs. 500-16-820.

Corrigendum
vide PD (PNC)
5-11-83 dt 9/6/84

Existing Scale

Rs. 16
-do-
Rs. 30-730/35-1010

Rs. 9
(50-29-1200)

Rs. 15 (900-53-2000)

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

Copy forwarded for information to:-

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

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

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

Copy forwarded for information to:-

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

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

'S:All'

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(6)

P-6

**OFFICE OF THE
DISTRICT ACCOUNT OFFICER ABBOTTABAD**

No. DAO/Man/2021-22/6791
To

Dated 27-05-2022.

The District Account Officer,
Mansehra.

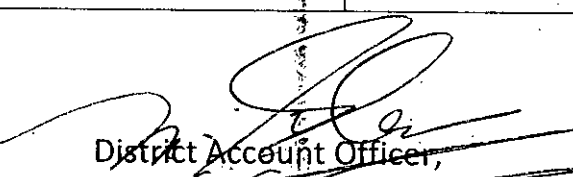
Subject: - COMPLETE SERVICE STATEMENT SHOWING BASIC PAY
Memo,

Reference your letter No DAO/Man/2021-22/ Dated 26-05-2022, complete service statement Showing Basic pay of Gazetted Period in respect of Mr. Abdul Waheed SST (M,Ph) GHS No 03 Abbottabad presently Head Master GHS Baidra Mansehra is as under.

As per Notification No. FD (PFC)5-9/85 dated Peshawar 08-10-1997 Gazetted Period Start from 08-10-1997.

S.No	Period	Basic pay Drawn	Remarks
1	01-12-1997	3520/✓	
2	02-02-1998	4111/✓	Three adv: Inc: of MA
3	01-12-1998	4308/✓	
4	01-12-1999	4505/✓	
5	01-12-2000	4702/✓	
6	01-03-2001	5293/✓	Three adv: Inc: M.Ed.✓
7	01-12-2001	8230/✓	
8	01-12-2002	8525/✓	
9	01-12-2003	8820/✓	
10	01-12-2004	9115/✓	
11	01-07-2005	10495/✓	S/R 4375-340-14575
12	01-12-2005	10835/✓	
13	01-12-2006	11175/✓	
14	01-07-2007	12850/✓	S/R 5250-390-18750
15	01-12-2007	13240/✓	
16	01-07-2008	15930/✓	S/R 6060-470-20160
17	01-12-2008	16400/✓	
18	01-12-2009	16870/✓	
19	20-01-2010	17990/✓	Allowed personal B-17
20	01-12-2010	18460/✓	
21	01-07-2011	29200/✓	S/R 16000-1200-40000
22	01-12-2011	30400/✓	
23	01-12-2012	31600/✓	
24	01-12-2013	32800/✓	
25	01-12-2014	34000/✓	
26	01-12-2014	35200/✓	(pre-mature)
27	01-07-2015	45560/✓	S/R 20600-1555-51780
28	01-12-2015	47115/✓	
29	16-3-2016	50225/✓	Promotion as HM-17
30	01-07-2016	62110/✓	
31	01-12-2016	64040/✓	Transfer to District Mansehra

Pay 12/2016 Rs = 64040/
Verified


District Account Officer,
Abbottabad
Distt. Account Officer
Abbottabad

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⑦
GOVERNMENT OF NWFP,
FINANCE DEPARTMENT.
(PAY REVISION CELL).
NO. FD(PRC)1-1/BF

Dated Peshawar, the 11th August 1991.

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

To:

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

Subject:-

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

Sir,

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

2. BASIC PAY SCALES :-

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

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.
- (ii) In the case of those employees whose pay is fixed in the revised scale at a stage which gives less than Rs.100/- increase in pay of May, 1991 a minimum increase of Rs.100/- in pay over May, 1991 level, would be allowed and thereafter pay fixed at the corresponding stage equal to this pay or if there is no such stage, at the next higher stage. The pay fixation formula has been illustrated through examples I, II & III in Appendix.
- (iii) The annual increment shall continue to be admissible subject to the existing conditions on the 1st of December each year.
- (iv) The increases allowed since 1-7-1988, as detailed below shall cease to be admissible from 1-6-1991:-
 - (a) Indexed pay sanctioned vide Finance Department circular No.FD(PRC)1-3/85, dated 4-8-1988.
 - (b) Ad-hoc increase of 5% of pay sanctioned vide circular No.FD(PRC)1-3/85, dated 13-1-1990.
 - (c) Ad-hoc increase of 10% sanctioned vide Finance Department circular No.FD(PRC)1-3/89 dated 21-7-1990.
 - (d) Dearness Allowance of Rs.200/- p.m. sanctioned vide Finance Department circular No.FD(PRC)1-3 dated 20-1-1991.

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F.Sc.

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4.

FIXATION OF PAY ON PROMOTION

- i) In cases of promotion from a lower to higher post/scale before the introduction of these scales, the pay of the employee concerned in the revised scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if the promotion to the higher 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.

Para-8(a)
dated 22-7

1-6-1991

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

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

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

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

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

MOVE-OVER

The concession of Move-over shall be available from

1-6-1991 onwards to those who are enjoying selection grade.

7.

SPECIAL PAYS

The existing Special Pay admissible to various categories of Personal Assistants in BPS-15 shall be revised from 1-6-1991 as under :-

NAME OF POST	EXISTING RS. PER MONTH.	REVISED RS. PER MONTH.
P.A. to Minister.	100	150
P.A. to Chief Secretary/ Addl: Chief Secretary/ Secretaries/Additional Secretaries.	75	120

8.

TEACHING ALLOWANCE

The existing rate of teaching allowances admissible to qualified teachers of High Schools who teach Science subjects of Physics, Chemistry, Biology & Mathematics and Junior Instructors in Poly-Technic shall be enhanced as under :-

- (a) For High School Science Teachers From Rs.100/- PM
To Rs.200/- PM
- (b) For Junior Instructors in Poly-technic who possess Technical Teachers Diploma. From Rs.100/- PM
To Rs.200/- PM

9.

MEDICAL ALLOWANCE.

The existing rate of Medical Allowance of Rs.50/- per month admissible to the employees in BPS-1 -15 shall be enhanced to Rs.60/- P.M.

10.

MESSING/DIET ALLOWANCE.

The existing rate of messing/diet allowance for Nursing Cadre (below BPS-16) shall be enhanced from Rs.300/- to Rs.500/-.

b)

UNIFORM ALLOWANCE

The existing rate of uniform allowance for Nursing Cadre (below BPS-16) shall be enhanced from Rs.125/- P.M. to Rs.150/- P.M.

No. FD(SR-II)2-123/83
Dated Pesh: 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)1-1/37-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 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

schemes of Basic Pay Scale and Fring Benefits of Civil Servants, 1933.

As regards question (b) above it is clarified that the officials who have already drawn advance increments for higher qualifications before 1.7.1937, 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,

Mian Sahib Jan
(MIAN SAHIB JAN)
DEPUTY SECRETARY (REG:)

Endst: No. FD(SR-II)2-123/33 dated 2/2/1933.

Copy forwarded for information to:-

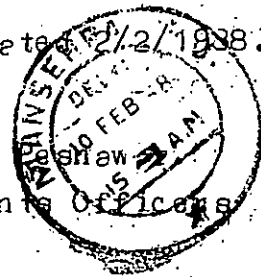
1. All Heads of Autonomous and Semi Autonomous Bodies in N.W.F.P.
2. The Secretary Finance Department, Government of Punjab, Sind & Baluchistan.

Abdul Wahab
(ABDUL WAHAB)
SECTION OFFICER(SR-II).

Endst: No. FD(SR-II)2-123/33 dated 2/2/1933.

Copy forwarded to:-

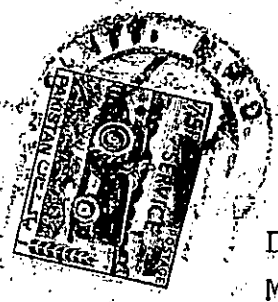
1. Accountant General, NWFP,
2. All District/Agency Accounts Officers in N.W.F.P.
3. The Treasury Officer, Peshawar.
4. P.S. to the Finance Minister, NWFP.
5. P.S. to Secretary Finance, NWFP.
6. P.As to JFS, I, II & III/Dy: Secretaries Finance Department, NWFP.
7. All Section Officers/Budget Officers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



District Accounts Officer,
Mansehra.

Abdul Wahab
(ABDUL WAHAB)
SECTION OFFICER(SR-II).

SUB
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for
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**BEFORE THE KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL,
CAMP COURT , ABOATTABD.**

Appeal NO: 14129 of 2020

M/S Abdul Waheed..... Appellant

Versus

Government of Khyber Pakhtunkhawa... Respondent

COURT ATTENDANCE AUTHORITY

Mr. Abdul Waheed, Senior Auditor, of this Office is hereby authorized to attend the learned KP Services Tribunal, Camp Court, Abbottabad on 15th of June, 2022 in the subject titled Appeal on behalf of this office (Respondent No 05).


District Accounts Officer
Mansehra