

DS (Gt-I) i.e. SO (Gt-II)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.5239/2021

MST TALHAT JABEEN.....Appellant

VERSUS

**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, &
OTHERS.....(Respondents)**

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENT NO.1 to 4.

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Dated 10-2021

**District Education Officer,
(Female) Abbottabad**

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No.5239/2021

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***VERSUS
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**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, &
OTHERS.....(Respondents)**

PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENT NO.1 to 4.

Respectfully Sheweth:

1. That the appellant has no locus standi/cause of action to file instant appeal.
2. That the appellant is estopped to agitate the instant matter before this Honorable Tribunal.
3. That the appellant has not approached this Honorable Tribunal with clean hands.
4. That the appellant has filed instant appeal with malafide intention for wrongful gain and suppressing the original facts from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the appeal is hopelessly time barred.
6. That the appellant is treated as per rules law and policy. Therefore, appellant is not entitled for any relief.
7. That the instant appeal is against the law/service rules, hence not maintainable in the eye of law and liable to be dismissed.
8. That the the appellant was appointed vide order 1860-67 dated 06-05-2014, and she is not entitled for any relief.
9. That the present appeal is not maintainable due to non-joinder and mis-joinder of necessary and proper parties.
10. That the appellant has concealed the material facts from this Honorable Tribunal, hence appeal is liable to be dismissed without any further proceeding.


Factual Objections:

1. Para No.1 pertains to record.
2. Para No. 2 pertains to record.
3. Para No.3 of the appeal is relates to record.
4. In reply to Reply of Para No. 4, it is stated that respondent No. 2 issued Notification No. FD/SO (FR) 7-20/2015 dated 30-06-2015 (Annexure "A") for one pay scale upgradation for Provincial Government Employees. Appellant did not come with in the ambit of this notification, hence, not entitled for one pay scale upgrading, because appellant was appointed vide order 1860-67 dated 06-05-2014. ~~_____~~ This notification is for those employees who have not received an upgradation prior to this notification. Respondent No. 2 has already clarified the notification in this regard in another notification No. FD/SO (FR) 7-20/2015 dated 30-06-2015 dated (Annexure "B").
5. Para No. 5 of the appeal is incorrect. Appellant is not entitled for one pay scale upgradation Detail reply has already been given in Para No. 4.
6. Para No 6. of the appeal is incorrect. Appellant is not aggrieved Person and was treated in accordance with rules and law. The appellant's Departmental appeal was not entertained as she does not come under this notification. Detail reply has already been given in Para 4 ibid.

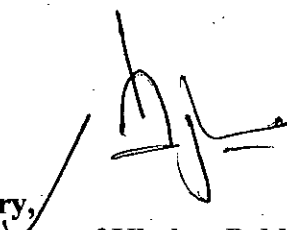
GROUNDS.

- A. Para No. "A" of the ground is incorrect strongly denied. The appellant has been treated in accordance with law. Detail reply already given in Para 4 ibid.
- B. Para No. "B" of the ground is incorrect; the appellant was treated as per rules and law.
- C. Para No. "C" of the ground is incorrect and strongly denied. The appellant is not entitled for one pay scale & the respondent act is in accordance with law and rules.
- D. Para "D" of the ground is incorrect, strongly denied. Detail reply already given above and appeal is liable to be dismissed.

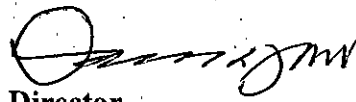
In view of the above submissions, this Honorable Tribunal may very graciously be requested to dismiss the instant appeal in favor of the Respondents in the interest of equity and justice.


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

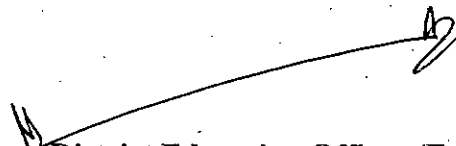
(Respondent No.1)


Secretary,
Government of Khyber Pakhtunkhwa,
Finance Department Peshawar.

(Respondent No.2)


Director,
Elementary & Secondary Education
Peshawar.

(Respondent No.3)


District Education Officer (Female)
Abbottabad.

(Respondent No.4)

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Amended Appeal No.5239/2021

MST TALHAT JABEEN,..... Appellant

VERSUS

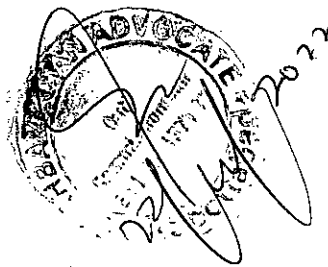
1. Secretary to Government KPK Elementary Secondary Education Peshawar.
2. Secretary to Government KPK Finance Department, Peshawar.
3. Director Elementary & Secondary Education KPK Peshawar
4. District Education Officer (Female) Abbottabad.

Respondents

AFFIDAVIT

I, Mst Rehana Yasmeen Abbassi DEO (Female) Abbottabad do hereby solemnly affirm and declare that the contents of amended reply in the above titled Case are true and correct to the best of my knowledge and belief, and that nothing, material has been suppressed from this Honorable Tribunal/court.


DEPONENT





Annexure A (5)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

Dated Peshawar, the 30-06-2015.

NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to the upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
 - b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15.
 - c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
 - d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
 - e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
 - f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.
2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
 3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.
 4. The above upgradation scheme shall not be applicable to employees of Autonomous Bodies, Semi Autonomous Bodies and Public Sector Companies.
 5. Explanatory note and subsidiary instructions on the subject will be issued separately.

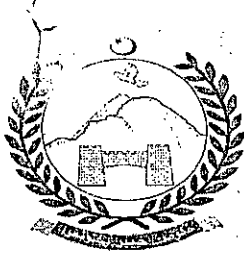
**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the: -

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13) Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.

(MURAD AHMED)
SECTION OFFICER (FR)



M. A. Khan *B* (7)

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)
NO. KC/FD/SO(FR)/7-20/2015
Dated Peshawar, the 17-08-2015

To,

The all Administrative Secretaries
Govt of Khyber Pakhtunkhwa.

Subject: - **CLARIFICATION ON BENEFICIARIES OF PARA-1 OF THE NOTIFICATION DATED 30-06-2015 TO ALL EMPLOYEES FROM BS-01 TO BS-16 IN THE KHYBER PAKHTUNKHWA GOVERNMENT.**

Dear Sir,

I am directed to refer to this department notification bearing No. KC/FD/SO(FR)/7-20/2015 dated 30-06-2015 and to state that a question has been arisen about beneficiaries of para-1 of notification ibid. It is clarified that: -

- i. Two pay scales upgradation will be allowed to all provincial government employees from BS-01 to BS-05 and One pay scale upgradation from BS-06 to BS-15 will be allowed to those employees who have been appointed under Khyber Pakhtunkhwa Civil Servants Act 1973.
- ii. One pre-mature increment will be allowed to all the upgraded employees as defined in Finance Department letter No. SO(PRC)/1-21/77 dated 30-05-2014.
- iii. Fresh appointment including Technical and Non Technical staff will be made in new pay scale instead of existing pay scale as already mentioned in para-1(a) of this department notification bearing No. SO(FR)/FD/7-20/2015 dated 30-06-2015.

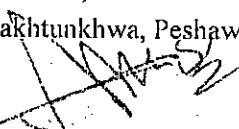
SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst No. & Date even.

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5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.

- 8
11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
 12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
 13. Secretary to Govt; of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Q.
 14. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
 15. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
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 24. Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
 25. Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
 26. Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.


(MURAD AHMAD)
SECTION OFFICER (FR)
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20/6/15



K/A 9

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 30th May, 2014

Notification:-

No.FD (SO SR-1) 2-123/2014. In pursuance of Government of Pakistan, Finance Division O.M No.11(4)R-2/2011-1153/2013 dated 31-05-2013, the competent authority has been pleased to approve amendment in Rule 9 of Pay Revision Rules 1978 and sanction premature increment on up-gradation of posts w.e.f 28th January, 2002 onward, it would take effect from the actual date of up-gradation of each post or charge assumption of concerned employee whichever is later. Furthermore, Rule 9 of Pay Revision Rules 1978 shall stand amended with effect from the date and to extent indicated in Notification No.FD. S.O. (PRC)/1-2/77 dated 30-05-2014.

2. The employees already availed the benefit of one special advance increment granted vide this Department Notification No.SO (SR-1) 2-4/2008 dated 04-04-2009 and SO (SR-1) 2-123/2013 dated 31-03-2014 shall not be entitled for premature increment on their upgradation under Notification No.SO (FR) 7-2/2007 dated 28-07-2007.

3. The pay of the concerned employee shall be fixed in accordance with premature increment and he shall not be entitled to any arrear in this behalf.

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Endst: No. & Date Even

Copy is forwarded for information & necessary action to the:-

1. PS to Addl: Chief Secretary, FATA.
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3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.
5. Accountant General, Khyber Pakhtunkhwa.
6. Secretary to Governor, Khyber Pakhtunkhwa.
7. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
8. Secretary provincial Assembly, Khyber Pakhtunkhwa.
9. All Heads of Attached Departments in Khyber Pakhtunkhwa.
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21. PSO to Chief Secretary, Khyber Pakhtunkhwa.
22. Director, Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
23. PS to Finance Secretary.
24. PAs to All Addl: Secretaries / Deputy Secretaries in Finance Department.
25. Director, FMIU with the request to upload the same Notification on website.
26. All Section Officers / Budget Officers in Finance Department.


(WAZIR MUHAMMAD AIFGAR)
Section Officer (SR-1)