
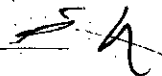



Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 15197 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/11/2020	<p>The appeal presented today by Mr. Arshad Khan Advocate may be entered in the Institution Register and put to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/03/21</u></p> <p style="text-align: right;"> MEMBER(J)</p>
02.03.2021		<p>Due to general strike on the call of Khyber Pakhtunkhwa Bar Counsel, learned counsel for appellatant is not available today, therefore, the appeal is adjourned to 27.07.2021 on which date file to come up for preliminary arguments before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)</p>

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

Service Appeal No. \_\_\_\_\_

<sup>GPS</sup>  
Abdul Aziz PSHT( BPS-15), Beesak Gadoon Swabi.

.....Appellant

**Verses**

The Government of Khyber Pakhtunkhwa through Chief Secretary,  
Khyber Pakhtunkhwa Peshawar & Others.....Respondents

**INDEX**

<b>S.NO</b>	<b>DESCRIPTIONS</b>	<b>ANNEXUR E</b>	<b>PAGES</b>
1-	Memo of Appeal and Affidavit		1-3
2-	Copy of Notification dated 20-12-2012	A	4-5
3-	Copy of Salary Slips of working /Serving month and Vacation (Deduction period)	B & C	6-7
4-	Copy of Judgement dated 11-11-2019	D	8-9
5-	Copy of Departmental Appeal	E	10
6-	WakalatNama	F	11

Dated: /11/2020

  
**Appellant**

THROUGH



Arshad Khan  
Advocate

Note : Other Spare Copies will be provided after regular hearing.

(1)

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 15197/2020

Abdul Aziz PSHT( BPS-15), Beesak Gadoon Swabi.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15771

Dated 26/11/2020

.....Appellant

**Verses**

- 1-The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2-The secretary (E&SE), Department Khyber Pakhtunkhwa Peshawar.
- 3-The secretary Finance Department Khyber Pakhtunkhwa Peshawar.
- 4-The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 5- The Director (E&SE), Department Khyber Pakhtunkhwa Peshawar.

.....Respondents

**APPEAL UNDER SECTION -4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS BY ILLEGAL AND UNLAWFUL DEDUCTING THE CONVEYANCE ALLOWANCE OF THE APPELLANT DURING WINTER & SUMMER VACATION AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER.**

That on acceptance of this appeal the respondents may kindly be directed not to make deduction of conveyance allowance during the winter & summer vacations and make the payment of all outstanding amount of conveyance allowance which have been dedicated previously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

**RESPECTFULLY SHEWETH:**

**ON FACTS:**

1. That the appellant is serving in the Elementary and Secondary Education Department as PSHT (BPS-15) quite efficiency and up to the entire satisfaction of the superiors.
2. That the Conveyance Allowance is admissible to all the Civil Servants and to this effect a Notification NO. FD (PRC) 1-1/2011 dated 20/12/2012 whereby the Conveyance Allowance for employees working in BPs 1 to 15 were enhance / revised while employees from BPS-16 to 19 have been treated under the previous Notification by not

Filed to - Registrar  
26/11/20

enhancing their conveyance allowance. Copy of Notification dated 20/12/2012 are attached as annexure .....A.

3. That appellant was receiving the Conveyance allowance as admissible under the law and rules but the respondents without any valid and justifiable reason stopped /deducted the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed for the leave period. Copy of the Salary Slips of working /Serving month and vacation deduction period are attached as annexure.....B&C.

4. That the similar nature cases with regard to conveyance allowance have been accepted by this Honourable Service Tribunal vide S.A No. 1452/2019 dated 11/11/2019 and many other cases. Copy of the judgment dated 11/11/2019 is attached as annexure.....D.

5. That the appellant filed departmental appeal against the illegal action of deduction of Conveyance allowance, but the same has not been responded by the respondents within statutory period of ninety days.....E.

6. That appellant feeling aggrieved from the action of the respondents regarding deduction of Conveyance allowance in Vacation period/months filled Department appeal but no reply has been received so far. That feeling aggrieved and having no other remedy file the instant service appeal on the following grounds:-

**GROUND:-**

A. That an action of the respondents regarding deduction of the conveyance allowance for vacations period / months is illegal against the law, facts and norms of natural justice.

B. That the appellant have not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C. That the action of the respondent is without any legal authority discriminatory and clear violation of fundamental rights duly conferred by the Constitution and is liable to declared is null and void.

D. That there is cleared difference between leave and vacation as leave is applied by the civil servant in the light Government servant revised leave rules 1989 while the vacation are always announced by the Government, therefore under the law and rules the appellant fully entitled for the grant of conveyance during vacation period.

E. That the Government Servant revised leave rules 1989 clearly explained that the civil servant who avail the vacation are allowed only one leave in a month where is the other civil servant may avail 4 days leave in colander months and the same are credit to his account in this way he may avail 48 days earned leave with fully pay, where is government servants to avail vacations such is appellant is allowed one day leave in a month and 12 days in a year and earned leave for 12 days in a year for credit to his account and there is no question of deduction of conveyance allowance lost sight this legal aspect and illegally without any authority started the recovery and deduction of conveyance allowance from the appellant.

F. That is the act of the respondent is illegal, unconstitutional, without any legal authority and not only discriminatory but the result of Malafiede on the part of respondents.

- G. That appellant has vested right of equal treatment before law and the act of the respondents to deprive the appellant on the conveyance allowance is unconstitutional and clear violation of fundamental right.
- H. That according to government servant revised leave rules 1989 vacations or holly days and are leave of any kind, therefore the deduction of conveyance allowance and vacation is against the law and rules.
- I. That according Article 38 (e) of the Constitution of Islamic Republic of Pakistan 1973 the state is bound to reduce disparity in the income and earning of individual including person in the service of federation therefore in the light the said Article the appellant is fully entitled for the grant of fully conveyance allowance during vacations.
- J. Those similar nature cases with regard to conveyance allowance have been accepted by this Honourable Service Tribunal vide S.A No. 1452/2019 and many other cases.
- K. That the appellant seeks permission of this Honourable to raise any other grounds at the time arguments.

*It is therefore, most humbly prayed the appeal of the appellant may be accepted as prayed for.*

*[Signature]*  
Appellant

Through

Dated 22/11/2020

*[Signature]*

Arshad Khan

&

Shahzad Shahid

Advocates Peshawar.

0345 6030980

**Affidavit**

GPS

I Abdul Aziz PSHT( BPS-15), Beesak Gadoon Swabi.

hereby solemnly affirm and declared that contents of this appeal is correct to the best of my knowledge and nothing has been concealed from this Honourable and has not been filed earlier similar nature case before this Honourable Tribunal.

ATTESTED  
MUHAMMAD ALI KHAN  
OAT...  
*[Signature]*

Deponent

A-(4)

FINANCE DEPARTMENT  
(REGULATION WING)

NO.FD/SO(SR-II)/52/2012  
Dated Peshawar the: 20.12.2012

From

The Secretary to Govt. of Khyber Pakhtunkhwa  
Finance Department, Peshawar.

To:

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

Subject: REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA, PROVINCIAL GOVERNMENT BPS-1-19

Dear Sir,

The Government of Khyber Pakhtunkhwa has been pleased to enhance/revise the rate of Conveyance Allowance admissible to all the Provincial Civil Servants Govt. of Khyber Pakhtunkhwa (working in BPS-1 to BPS-15) w.e.f from 1<sup>st</sup> September, 2012 at the following rates. However, the conveyance allowance for employees in BPS-16 to BPS-19 will remain unchanged.

S.No.	BPS	Existing Rate (PM)	Revised Rate (PM)
1.	1-4	Rs. 1,500/-	Rs. 1,700/-
2.	5-10	Rs. 1,500/-	Rs. 1,840/-
3.	11-15	Rs. 2,000/-	Rs. 2,720/-
4.	16-19	Rs. 5,000/-	Rs. 5,000/-

2. Conveyance Allowance at the above rates per month shall be admissible to those BPS-17, 18 and 19 officers who have not been sanctioned official vehicle.

Your Faithfully

(Sahibzada Saeed Ahmad)  
Secretary Finance

Encls No. FD/SO(SR-II)8-52/2012 Dated Peshawar the 20<sup>th</sup> December, 2012

A-5



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO. FD/SO(SR-III)-8-52/2012  
Dated Peshawar the: 20-12-2012

From: The Secretary to Govt. of Khyber Pakhtunkhwa,  
Finance Department,  
Peshawar.

To: All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa  
The Senior Member, Board of Revenue, Khyber Pakhtunkhwa  
The Secretary to Government Khyber Pakhtunkhwa  
The Secretary to Chief Minister, Khyber Pakhtunkhwa  
The Secretary, Provincial Archives, Khyber Pakhtunkhwa  
All Heads of Attached Departments in Khyber Pakhtunkhwa  
All District Coordination Officers in Khyber Pakhtunkhwa  
All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa  
The Registrar, Peshawar High Court, Peshawar  
The Chairman, Public Service Commission, Khyber Pakhtunkhwa  
The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

20/12/12

REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE  
CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA, PROVINCIAL  
GOVERNMENT BPS 1-19

Dear Sir,

The Government of Khyber Pakhtunkhwa has been pleased to enhance /  
revise the rate of Conveyance Allowance admissible to all the Provincial Civil Servants / Govt  
of Khyber Pakhtunkhwa (working in BPS-1 to BPS-15) w.e.f from 1<sup>st</sup> September, 2012 at  
the following rates. However, the conveyance allowance for employees in BPS-16 to BPS-19  
will remain unchanged.

S.NO	BPS	EXISTING RATE (PK)	REVISED RATE (PK)
1.	1-4	Rs. 1,500/-	Rs. 1,700/-
2.	5-10	Rs. 1,500/-	Rs. 1,840/-
3.	11-15	Rs. 2,000/-	Rs. 2,720/-
4.	16-19	Rs. 5,000/-	Rs. 5,000/-

2. Conveyance Allowance of the above rates per month shall be admissible to  
those BPS-17, 18 and 19 officers who have not been sanctioned official vehicles.

Yours Faithfully,  
  
Sahibzada Saad Ahmad  
Secretary Finance

Encls: NO. FD/SO(SR-III)-8-52/2012

Dated Peshawar the 20<sup>th</sup> December, 2012

A Copy is forwarded for information to the:-

1. Accounts General, Khyber Pakhtunkhwa, Peshawar;
2. Secretaries to Government of Punjab, Sindh & Balochistan Finance Department
3. All Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa

(M. IJAZ AYUB)  
Additional Secretary (Finance)

20/12/12

D-(8)  
 APPEAL NO. 1452 / 2019

APPELLANT

Dist. Govt. NWFP-Provincial  
 District Accounts Office Swabi  
 Monthly Salary Statement (August-2019)

B-(6)



Personal Information of Mr ABDUL AZIZ d/w/s of ALLAH DIN

Personnel Number: 00235525 CNIC: 13089517184 NTN: 0  
 Date of Birth: 18.12.1970 Entry into Govt. Service: 14.01.1993 Length of Service: 26 Years 07 Months 09 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80004531-DISTRICT GOVERNMENT KHYBER  
 DDO Code: SU6236-Government Primary Schools (Male) Topi, Swabi  
 Payroll Section: 003 GPF Section: 001 Cash Center: 30  
 GPF A/C No: Interest Applied: Yes GPF Balance: 124,758.00  
 Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 15 Pay Stage: 15

Wage type		Amount	Wage type		Amount
0001	Basic Pay	36,070.00	1000	House Rent Allowance	2,349.00
1300	Medical Allowance	1,500.00	2148	15% Adhoc Relief All-2013	797.00
2199	Adhoc Relief Allow @10%	535.00	2211	Adhoc Relief All 2016 10%	2,742.00
2224	Adhoc Relief All 2017 10%	3,607.00	2247	Adhoc Relief All 2018 10%	3,607.00
2264	Adhoc Relief All 2019 10%	3,607.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-2,890.00	3501	Benevolent Fund	-600.00
3609	Income Tax	-145.00	3990	Emp. Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-1,052.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	157,500.00	-4,500.00	103,500.00

Deductions - Income Tax

Payable: 2,888.35 Recovered till August-2019: 290.00 Exempted: 1154.65 Recoverable: 1,443.70

Gross Pay (Rs.): 54,814.00 Deductions (Rs.): -9,312.00 Net Pay (Rs.): 45,502.00

Payee Name: ABDUL AZIZ  
 Account Number: 2039-7

Bank Details: NATIONAL BANK OF PAKISTAN, 230503 TOPI BRANCH TOPI BRANCH, SWABI

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILL AND PO SWABI

City: SWABI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

APPELANT



~~Alister~~

2- That the Conveyance Allowance is admissible to all the civil servants and to this effect a Notification No: FD (PRC) 1-1/2011 dated 14.07.2011 was issued. That later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees

1- That the appellant is serving in the elementary and secondary education department as Certified Teacher (BPS-12) quite efficiently and up to the entire satisfaction of the superiors.

**ATTENTION FACTS:**

**R/SHEWETH:**

that on acceptance of this appeal the respondents may kindly be directed not to make deduction of conveyance allowance during vacations period (Summer & Winter Vacations) and make the payment of all outstanding amount of conveyance allowance which have been deducted previously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

24/10/19  
Registrar  
1/11/19

**STATUTORY PERIOD OF NINETY DAYS.**

**DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE VACATIONS AND AGAINST NO ACTION TAKEN ON THE OF THE APPELLANT DURING WINTER & SUMMER UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE ACTION OF THE RESPONDENTS BY ILLEGALLY AND SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary (ES&E) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director (ES&E) Department, Khyber Pakhtunkhwa, Peshawar.

VERSUS

Mr. Masood H. ...  
GHS Mashra Gagar, Peshawar

Dist. Govt. NWFP-Provincial  
District Accounts Office Swabi  
Monthly Salary Statement (September-2019)



**Personal Information of Mr ABDUL AZIZ d/w/s of ALLAH DIN**

Personnel Number: 00235525    CNIC: 13089517184    NTN: 0  
Date of Birth: 18.12.1970    Entry into Govt. Service: 14.01.1993    Length of Service: 26 Years 08 Months 018 Days

**Employment Category: Active Permanent**

Designation: PRIMARY SCHOOL HEAD TEACH    80004531-DISTRICT GOVERNMENT KIYBE

DDO Code: SU6236-Government Primary Schools (Male) Topi, Swabi

Payroll Section: 003    GPF Section: 001    Cash Center: 30

GPF A/C No:    Interest Applied: Yes    GPF Balance: 132,148.00

Vendor Number: -

Pay and Allowances:    Pay scale: BPS For - 2017    Pay Scale Type: Civil    BPS: 15    Pay Stage: 15

Wage type		Amount	Wage type		Amount
0001	Basic Pay	36,070.00	1000	House Rent Allowance	2,349.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	797.00	2199	Adhoc Relief Allow @10%	535.00
2211	Adhoc Relief All 2016 10%	2,742.00	2224	Adhoc Relief All 2017 10%	3,607.00
2247	Adhoc Relief All 2018 10%	3,607.00	2264	Adhoc Relief All 2019 10%	3,607.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-2,890.00	3501	Benevolent Fund	-600.00
3609	Income Tax	-231.00	3990	Emp.Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp.	-600.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	157,500.00	-4,500.00	99,000.00

**Deductions - Income Tax**

Payable: 4,316.35    Recovered till September-2019: 521.00    Exempted: 1725.53    Recoverable: 2,069.82

Gross Pay (Rs.): 57,670.00    Deductions: (Rs.): -8,946.00    Net Pay: (Rs.): 48,724.00

Payee Name: ABDUL AZIZ

Account Number: 2039-7

Bank Details: NATIONAL BANK OF PAKISTAN, 230503 TOPI BRANCH TOPI BRANCH, SWABI

Leaves:    Opening Balance:    Availed:    Earned:    Balance:

Permanent Address: VILL AND PO SWABI

City: SWABI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

**Approved**  
*(Signature)*

(232428/25.09.2019/22:35:48) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

D-(8)

APPEAL NO. 1452 / 2019

Diary No. 1527  
Date 21/10/20

Mr. Maqсад Hayat, SCT (BPS-16),  
GHS Masho' Gagor, Peshawar.....

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE OF THE APPELLANT DURING WINTER & SUMMER VACATIONS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed not to make deduction of conveyance allowance during vacations period (Summer & Winter Vacations) and make the payment of all outstanding amount of Conveyance allowance which have been deducted previously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day  
Registrar  
24/10/19

R/SHEWETH:

ATTESTATION FACTS:

- 1- That the appellant is serving in the elementary and secondary education department as Certified Teacher (BPS-15) quite efficiency and up to the entire satisfaction of the superiors.
- 2- That the Conveyance Allowance is admissible to all the civil servant and to this effect a Notification No. FD (PRC) 1-1/2011 dated 14.07.2011 was issued. That later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employee

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
24/10/19

Attested

11.11.2019

D-9

Learned counsel referred to the judgment passed by learned Federal Service Tribunal in Appeal No. 1888(R)CS/2016 which was handed down on 03.12.2018. Through the said judgment the issue of payment of Conveyance Allowance to a civil servant during summer and winter vacations was held to be within his entitlement and the deduction already made from him was to be reimbursed. Similar reference was made to the judgment by Honourable Peshawar High Court passed on 01.10.2019 in the case of appellant.

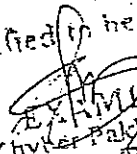
Learned counsel, when confronted with the proposition that the issue, in essence, was dilated upon by the Federal Service Tribunal and, more particularly, by the Honourable Peshawar High Court in the case of appellant, stated that in case the respondents are required to execute the judgment of Peshawar High Court, the appellant will have no cavil about disposal of instant appeal.

The record suggests that while handing down judgment in the Writ Petition preferred by the appellant, the Honourable High Court not only expounded the definition of "Pay" as well as "Salary" but also entitlement of a civil servant for the Conveyance Allowance during the period of vacations. It is important to note that the respondents were represented before the High Court during the proceedings.

In view of the above noted facts and circumstances and in order to protect the appellant from a fresh round of litigation which may protract over a formidable period, the appeal in hand is disposed of with observation that the judgment of Honourable Peshawar High Court passed in Writ Petitions including W.P. No. 3162-P/2019 shall be honoured and implemented by the respondents within shortest possible time. The appellant shall, however, be at liberty to seek remedy in accordance with law in case his grievance is not redressed by the respondents within a reasonable time.


File be consigned to the record.

  
Chairman

Certified to be true copy  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

  
M

ANNOUNCED  
11.11.2019

  
ANNOUNCED

E-(10)

To,

The Secretary (E&SE) Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST THE  
IMPUGNED ACTION OF THE CONCERNED  
AUTHORITY BY THE ILLEGALLY AND UNLAWFULLY  
DEDUCTION, THE CONVEYANCE, ALLOWANCE  
DURING WINTER & SUMMER VACATIONS

Respected sir,


With due respect it is stated that i am the employee of your good self Department and is serving as PSHT(BPS15) quite efficiency and up to the entire Satisfaction of the superiors. It is stated for kind information that conveyance allowance is admissible to all the civil servants and to this effect a Notification No. FD (PRC) 1-1/2011 dated 14/07/2011 was issued. Later on vide revised Notification dated 20/12/2012 whereby the conveyance allowance for the employee working in BPS 1 to 15 were enhance/revised while employee from BPS-16 to 19 have been treated under the previous Notification by not enhancing their Conveyance allowance. Respected Sir, I was receiving the Conveyance allowance as admissible under the law and rues but the concerned authority without any valid and justified reasons stopped/ deducted the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed for leave period. One of the employees of Education Department in Islamabad filed service appeal No 1888 (R) CS/2016 before the federal service Tribunal, Islamabad regarding conveyance allowance which was accepted by the Honourable service Tribunal vide judgment dated 03/12/2018.that i am also the similar employee of Education Department and under the principle of consistency I am also entitled for the similar treatment meted out in the above mentioned service appeal but the concerned authority is not walling to issued/grant the same Conveyance allowance which is granting to other employees. Copy attached. I am feeling aggrieved from the action of the concerned authority regarding deduction of conveyance allowance in vacations period/months preferred this Department appeal before your good self.

**It is therefore, most humbly prayed that on acceptance of this Departmental appeal concerned authority may very kindly be directed the conveyance allowance may not be deducted from my monthly salary during winter & summer vacations.**

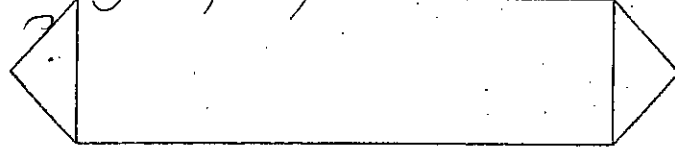
Dated: 30/07/2020

Your obediently

  
Abdul Aziz PSHT( BPS-15),  
Beesak Gadoon Swabi.

  
Respected Sir

بعدالت KP سپرویز ٹریڈ لیونل سینڈور



2ء منجانب  
بنام

MN Abdul Aziz

VS

Education Dept

موزعہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام سیٹاور کیلئے اور سند خان ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضعی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے  
سبب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند رہے۔

20ء

ماہ

المزقوم

العبد العبد العبد

کے لئے منظور ہے۔

مقام سیٹاور

And  
Attested  
Accepted