FORM OF ORDER SHEET

Form-A

Court of

up there on 02

Case No.-

Date of order

proceedings

5208 12020

Order or other proceedings with signature of judge

1 2 1- 26/11/2020

S.No.

2-

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.

3

••

REGISTRAR

MEMBER(I)

This case is entrusted to S. Bench for preliminary hearing to be put

02.03.2021

Due to general strike on the call of Khyber Pakhtunkhwa Bar Counsel, learned counsel for appellant 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.

> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.____

Mrs Zeenat Khatoon SST(BPS-16), GGHSS Ouch Dir Lower.

.....Appellant

<u>Verses</u>

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

INDEX

S.NO	DESCRIPTIONS	ANNEXUR E	PAGES
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

Ŀ

cente thaten Appellant

THROUGH

Arshad Khan Advocate

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. <u>208</u>/2020

Diary No.

Mrs Zeenat Khatoon SST(BPS-16), GGHSS Ouch Dir Lower.

.....Appellant

<u>Verses</u>

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 PakhtunkhwaPeshawar.

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.

Fled. lidy.

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: <u>ON FACTS:</u>

1. That the appellant is serving in the Elementary and Secondary Education Department as SST (BPS-16) 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

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:-

GROUNDS:-

- 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 1989clearly 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 dedication 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 deprived 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 natures 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.

Zeenot Chotom Appellant

Through

Arshad Khan

&

Shahzad Shahid

Advocates Peshawar. 0345 6030980

<u>Affidavit</u>

Mrs Zeenat Khatoon SST(BPS-16), GGHSS Ouch Dir Lower.

, 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.

Deponent Abbooton

FINANCE DEPARTMENT (REGUALTION 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.

1. All administrative Secretaries to Govt: of Khyber Pakhtunkhwa.

2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

3. The Secretary to Governor, Khyber Pakhiunkhwa.

The Secretary to Chief Minister, Khyber Pakhtunkhwa. 4

The Secretary, Provincial Assembly, Khyber Pakhumkhwa. 5.

6. All Heads of attached Departments in Khyber Pakhtunkhwa.

All District Coordination Officers of Khyber Pakhtunkhwa 7.

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 GOVERNMENT BPS-1-19

Dear Sir.

The Government of Khyber Pakhumkhwa 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 1st 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/-

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

Endst No. FD/SO(SR-II)8-52/2012 Dated Peshawar the 20th December. 2012



$H^{-}(5)$
\sim
- WEHWA
GOVERNMENT OF KHYBER PARTMENT
FINANCE DEPARTMENT
FINANCE UFF ART
(REGULATION WING)
NO. FD/SC/SR-1078-52/2012
NO. FDISO(SR-1140-2017) Dated Pechawar the: 20-12-2012
JIEU COMPANY
From The Secretary to Gove of Knyder Pathonitrya.
The Society Constraints
Pertianear.
To: All Administrative Service ins in Give of Kington Patherines. The Service Lember, Good of Reverse, Popper Patherines. The Service Lember, Good of Reverse, Popper Patherines.
דיים ליבורגים גופוויגים אייייים איייייייים אייייייייייייייי
The Soundary to Chail Marsher Kurter Paking Andrews
The Section Generative Kings Particulations. The Section of Chail Minster Kings Particulations The Sected of Chail Minster Kings Particulations The Sected of Chail Minster Kings Particulations The Sected of Chail Minster Particulations
The Bester 10 Chail of Andrew Kingher Parking
Al Policial Agents, Uranill Victor, Dishawa The Registry Perhaber Hyll Court Bishawa The Charmen Public Service Constructions The Charmen Service Televill Kapper Fachlocking The Charmer Service Televill Kapper Fachlocking
The Constrant Streeter Internet Internet ALLOWANCE FOR THE
BATE OF CONVEYANCE PROVINCE
The Charmer Public General Lu Koper Fakhlucking. The Charman General Tobucal Koper Fakhlucking. The Charman General Tobucal Koper Fakhlucking. The Charman General Koper Fakhlucking. The Charman General Koper Fakhlucking. The Charman General Koper Fakhlucking. Subject REVISION IN THE PATE OF CONVEYANCE ALLOWANCE FOR THE Subject REVISION IN THE PATE OF CONVEYANCE ALLOWANCE FOR THE CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA, PROVINCIAL CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA.
FIVIL EMPLOYEES OF THE
COVERNMENT BPS 1:12 GOVERNMENT BPS 1:12
Dear St.
Dear St. The Government of Knyber Pathtastrue has been present to entrong I The Government of Knyber Pathtastrue has been present to entrong for
is the second conversion algorithm is the second in the second second in the second seco
is the second conversion algorithm is the second in the second second in the second seco
is the second conversion algorithm is the second in the second second in the second seco
is the second conversion algorithm is the second in the second second in the second seco
revise the rate of Conveyance Alexande of a kinyber Peshankhare (WORKING & EPS-1 (DEPS-15) W.e.Mirom 12 Sectement, second of a d kinyber Peshankhare (WORKING & EPS-1 (DEPS-15) W.e.Mirom 12 Sectement, second of a distribution rates. However, the conveyance allowance for employees in Starts a pro-
revise the rate of Conveyorice Alexande of of Whyter Peshtunishing (Working in BPS-1 (b EPS-15) W.e.t from 1° Sectement, and of Whyter Peshtunishing (Working in BPS-1 (b EPS-15) W.e.t from 1° Sectement, and the islighting rates. However, the conveyorice allowance for employees in Statistic (Composition the islighting rates. However, the conveyorice allowance for employees in Statistic (Composition)
revise the rate of Conveyorice Alexands of a wayber Pershankhold (Working in BPS+1 (b EPS-15) what from 1° Sectomeration is in Steris in Steris in in the internation of the conveyorice allowance for employees in Steris in Ster
Texise the rate of Conveyonce Alexands of at Knyber Pershankhwa (Working in EP3-1 (D EP3-15) W.a.t from 1° Sectember and the isligwing rates. However, the conveyonce allowance for employees in Sign (S & & C) will remain unknanged Host (EXISTING RATE (PM)). REVISED RATE (PM)
revise the rate of Conveyorice Alexands of at knyber Pethemistry (violaing in EP3+1 (b EP3-15) w.e.t from 1° Sectember and the following rates. However, the conveyorice allowance for employees in Stef15 is of 2 will remain unchanged S.NO BP5 (EXISTING RATE (PM)) REVISED PATE (PM)] RS.1.700/- RS.1.640/-
revise the rate of Conveyorice Alexands of al kinyber Pashtinghwa (Working in BPS+1 (b ENS-15) W.a.t from 1° Sectands, each al kinyber Pashtinghwa (Working in BPS+1 (b ENS-15) W.a.t from 1° Sectors in Sterts with the following rates. However, the conveyonce allowance for employees in Sterts with will remain unknonged. S.NO BPS [EXISTING RATE (PM)] ReviseD RATE (PM)] S.NO BPS [EXISTING RATE (PM)] RS.1.700/- 1.1.1.1.2.2.2.2.20/- RS.1.840/ RS.2.720/-
revise the rate of Conveyorice Alexandre de al knyber Pashtanishing (violiting in EP3+1 (b EP3-15) w.e.t from 1° Sectarized and the following rates. However, the conveyorice allowance for employees in Steats is bit will remain unchanged <u>S.NO BP5 (EXISTING RATE (PM))</u> REVISED PATE (PM)] <u>1.1-4</u> <u>2.5-12</u> <u>3.500/-</u> <u>2.5-12</u> <u>3.500/-</u> <u>2.5-12</u> <u>3.500/-</u> <u>7.500/-</u> <u>8.5,000/-</u> <u>8.5,000/-</u>
revise the rate of Conveyorice Alexandre de al knyber Pashtanishing (violiting in EP3+1 (b EP3-15) w.e.t from 1° Sectarized and the following rates. However, the conveyorice allowance for employees in Steats is bit will remain unchanged <u>S.NO BP5 (EXISTING RATE (PM))</u> REVISED PATE (PM)] <u>1.1-4</u> <u>2.5-12</u> <u>3.500/-</u> <u>2.5-12</u> <u>3.500/-</u> <u>2.5-12</u> <u>3.500/-</u> <u>7.500/-</u> <u>8.5,000/-</u> <u>8.5,000/-</u>
revise the rate of Conveyonce Alexandres of al whyter Peichtunishing in EPS-L (D EPS-LS) what from 1° Sectements, each al whyter Peichtunishing in EPS-L (D EPS-LS) what from 1° Sectors in SPEALS without the following rates. However, the conveyonce allowance for employees in SPEALS without will remain unchanged $\frac{1}{12}$ $\frac{1}{12}$ $\frac{1}{2}$ $\frac{1}{$
revise the rate of Conveyonce Alexandres of al whyter Peichtunishing in EPS-L (D EPS-LS) what from 1° Sectements, each al whyter Peichtunishing in EPS-L (D EPS-LS) what from 1° Sectors in SPEALS without the following rates. However, the conveyonce allowance for employees in SPEALS without will remain unchanged $\frac{1}{12}$ $\frac{1}{12}$ $\frac{1}{2}$ $\frac{1}{$
revise the rate of Conveyonce Alexandres of al whyter Peichtunishing in EPS-L (D EPS-LS) what from 1° Sectements, each al whyter Peichtunishing in EPS-L (D EPS-LS) what from 1° Sectors in SPEALS without the following rates. However, the conveyonce allowance for employees in SPEALS without will remain unchanged $\frac{1}{12}$ $\frac{1}{12}$ $\frac{1}{2}$ $\frac{1}{$
revise the rate of Conveyonce Alexandres of al whyter Peichtunishing in EPS-L (D EPS-LS) what from 1° Sectements, each al whyter Peichtunishing in EPS-L (D EPS-LS) what from 1° Sectors in SPEALS without the following rates. However, the conveyonce allowance for employees in SPEALS without will remain unchanged $\frac{1}{12}$ $\frac{1}{12}$ $\frac{1}{2}$ $\frac{1}{$
revise the rate of Conveyorice Alexandre de al knyber Pashtanishing (violiting in EP3+1 (b EP3-15) w.e.t from 1° Sectarized and the following rates. However, the conveyorice allowance for employees in Steats is bit will remain unchanged <u>S.NO BP5 (EXISTING RATE (PM))</u> REVISED PATE (PM)] <u>1.1-4</u> <u>2.5-12</u> <u>3.500/-</u> <u>2.5-12</u> <u>3.500/-</u> <u>2.5-12</u> <u>3.500/-</u> <u>7.500/-</u> <u>8.5,000/-</u> <u>8.5,000/-</u>
Invite the rate of Conversional Augustude Set () EPS-1() W.E.F. from 1° Sentember. Invite Pashtinghua (Working & ES-1 () EPS-1()) W.E.F. from 1° Sentember. Invite Pashting Steel. However, the conversion allowance allowance for employees in SPS-1(5 w Britter and the conversion allowance for employees in SPS-1(5 w Britter and the conversion allowance for employees in SPS-1(5 w Britter and the conversion allowance for employees in SPS-1(5 w Britter and the conversion allowance for employees in SPS-1(5 w Britter and the conversion allowance for employees in SPS-1(5 w Britter allowance allowance for employees in SPS-1(5 w Britter allowance allowance for employees in SPS-1(5 w Britter)). Image: Sentember allowance allow
Image: Sector Pashtanishing (Working & ES-L (0 EPS-L)) W.S.M. (rom 14 Sectorsis, each of whyter Pashtanishing (Working & ES-L (0 EPS-L)) W.S.M. (rom 14 Sectorsis, each of whyter Pashtanishing (Working & ES-L (0 EPS-L)) W.S.M. (rom 15 Sectors) in SPS-L (0 EPS-L)) W.S.M. (rom 14 Sectors) in SPS-L (0 EPS-L)) W.S.M. (rom 15 Sectors) in SPS-L (0 EPS-L)) W.S.M. (rom 15 Sectors) in SPS-L (0 EPS-L)) W.S.M. (rom 15 Sectors) who have not interval elficial websites.
Image: Sector Pashtanishing (Working & ES-L (0 EPS-L)) W.S.M. (rom 14 Sectorsis, each of whyter Pashtanishing (Working & ES-L (0 EPS-L)) W.S.M. (rom 14 Sectorsis, each of whyter Pashtanishing (Working & ES-L (0 EPS-L)) W.S.M. (rom 15 Sectors) in SPS-L (0 EPS-L)) W.S.M. (rom 14 Sectors) in SPS-L (0 EPS-L)) W.S.M. (rom 15 Sectors) in SPS-L (0 EPS-L)) W.S.M. (rom 15 Sectors) in SPS-L (0 EPS-L)) W.S.M. (rom 15 Sectors) who have not interval elficial websites.
Invise the rate of Conversioned Alexandre of EPS-15) W.e.t. from 14 Sentember. of Knybur Peshtunishing (Working & EPS+1 to EPS-15) W.e.t. from 14 Sentember. the following roles. However, the conversione allowance let employees in SPE+15 is pro- the internation Will remain Unchanged. Image: Since the conversion of th
revision the rate of Conversion of Augustation of BPS-15) by 2.1 from 1° Sentember and of Knyber Pashturishive (Wolking & EPS-16) By 2.1 from 1° Sentember of the following seles. However, the conversions allowance for employees in Strats (Six Gra- ter following) seles. However, the conversions allowance for employees in Strats (PM) (SiNO BPS (EXISTING RATE (PM)) REVISED RATE (PM)) (SiNO BPS (EXISTING RATE (PM)) (Sino BPS (EXISTING RATE (PM)) (Sino BPS (EXISTING RATE (PM)) (Sino BPS (EXISTING RATE (PM))) (Sino BPS (EXISTING RATE (PM)) (Sino BPS (EXISTING RATE (PM))) (Sino BPS (EXISTIN
Privide the refe of Conversionale Alignature of EPS-15) w.e.t from 1° Sectember, and of Knyber Peshtumkhyle (Wolking in EPS-16) by e.t from 1° Sectember of Conversion States in
Provide the refe of Conversion to Alexandre Devide to EPS-LE) which from 1° Sentences and the sentences of the sentences in Strain to the sentence in Strain to the sent
Provide the refe of Conversion to Alexandre Devide to EPS-LE) which from 1° Sentences and the sentences of the sentences in Strain to the sentence in Strain to the sent
Provide the refe of Conversion to Alexandre Devide to EPS-LE) which from 1° Sentences and the sentences of the sentences in Strain to the sentence in Strain to the sent
Provide the refe of Conversion to Alexandre Devide to EPS-LE) which from 1° Sentences and the sentences of the sentences in Strain to the sentence in Strain to the sent
Provide the refe of Conversion to Alexandre Devide to EPS-LE) which from 1° Sentences and the sentences of the sentences in Strain to the sentence in Strain to the sent
Invision of the reference of Conversion of Sector Passion Provided Adjuster of Sector Passion Provided Adjuster of the Conversion of Sector Passion Provided Adjuster of the Conversion of Sector Passion Provided Adjuster of the Conversion of Provided Adjuster of Provided A
Invision of the reference of Conversion of Sector Passion Provided Adjuster of Sector Passion Provided Adjuster of the Conversion of Sector Passion Provided Adjuster of the Conversion of Sector Passion Provided Adjuster of the Conversion of Provided Adjuster of Provided A
Invise the reference of Conversion of Conversion Conversion of Conver
Provide the rate of Conversance Alexandre (Working & ESAL (0 EPS-LS) U.2.1 from 14 Sectormed, and the following rates However, the conversance allowance for employees in SEALS with the following rates. However, the conversance allowance for employees in SEALS with the following rates in the following ra
Provide the rate of Conversance Alexandre (Working & ESAL (0 EPS-LS) U.2.1 from 14 Sectormed, and the following rates However, the conversance allowance for employees in SEALS with the following rates. However, the conversance allowance for employees in SEALS with the following rates in the following ra
Provide the rate of Conversance Alexandre (Working & ESAL (0 EPS-LS) U.2.1 from 14 Sectormed, and the following rates However, the conversance allowance for employees in SEALS with the following rates. However, the conversance allowance for employees in SEALS with the following rates in the following ra
Instant wild refer all Conversioned Allevations Ind Knober Pashtumishing (Working & EDG+1 to ERG-12) built from 1° Sectomed and the following relation of the conversioned allowances for employees in SPS-15 upper the conversion allowance is employees in SPS-15 upper the conversion allowance is employees in SPS-15 upper the conversion of the conversion allowance is the conversion of the conversio
Provide the rate of Conversance Alexandre (Working & ESAL (0 EPS-LS) U.2.1 from 14 Sectormed, and the following rates However, the conversance allowance for employees in SEALS with the following rates. However, the conversance allowance for employees in SEALS with the following rates in the following ra

Ι

Dist. Govt. NWFP-Provincial	В	-
District Accounts Office Dir at Timargar		
Monthly Salary Statement (December-2019)		



Personal Information of Mr ZEENAT KHATOON d/w/s of NASEER AHMAD

Personnel Number: 00865962		CNIC: 1530766969238			NTN:		
Date of Birth: 15.08.1984		Entry into Govt. Service: 23.		05.2017 Length of Servic		ce: 02 Years 07 Months 010 Days	
Emple	oyment Category: Active	Temporary			· · ·		
Desig	nation: SECONDARY SC	HOOL TEACH	ER	800014	91-DISTRICT GOVERNMEN	Г КНҮВЕ	
DDO	Code: DA6101-GGHS KU	JMBAR					
Payroll Section: 001GPF Section: 001Cash Center:							
GPF A/C No: 865962 Interest Applied: Yes		GPF Balance: 802.00					
	or Number: - nd Allowances:	Pay scale: B	PS For - 2017	Pay S	cale Type: Civil BPS: 16	Pay Stage: 3	
<u> </u>	Wage type	``	Amount		Wage type	Amount	
0001			23,470.00	1000	House Rent Allowance	2,727.00	
			5,000.00	1560	Science Teaching Allowan	200.00	
1924 UAA-OTHER 20%(16 G/NG) 1,500.00		1974	Medical Allowance 2011	1,136.00			
1924	TUAA-OTHER 20%(16 G						
	Adhoc Relief All 2016 1		1,588.00		Adhoc Relief All 2017 10%	2,347.00	

Deductions - General

17

Wage type		Amount	t Wage type			Amount
3501	Benevolent Fund	-800.00	3534	R. Ben & Death Comp Fresh		650.00
3990	Emp.Edu. Fund KPK	-150.00				0.00

Deductions - Loans and Advances

Deductions - Income Tax Payable:0.00Exempted: 0.00Gross Pay (Rs.):42,662.00Deductions: (Rs.):-1,600.00Net Pay: (RsPayee Name:ZEENAT KHATOON Account Number:027800335291030278003352910302780033529103	Recoverable: 0.00
Payee Name: ZEENAT KHATOON	.): 41,062.00
Payee Name: ZEENAT KHATOON	
Bank Details: HABIB BANK LIMITED, 220278 CHAKADARA, MKD AGENCY. CHAKADARA MALAKAND	A, MKD AGENCY.,
Leaves: Opening Balance: Availed: Earned: Ba	lance:

City: OUCH ADINZAIDomicile: NW - Khyber PakhtunkhwaHousing Status: No OfficialTemp. Address:Email: imansiddiqui335@gmail.com

2



	Dist. Govt. N District Accounts Monthly Salary S	Office Dir at 7 tatement (Janu	Fimargar Jary-2020)	2 - (F)	
Personal Information of Mi		OON d/w/s of]	NASEER AHMA	D	
Personnel Number: 00865962				NTN:	
Date of Birth: 15.08.1984	Entry into Gov	vt. Service: 23.	05.2017	Length of Service: 02 Year	s 08 Months 010 Days
Employment Category: Acti					
Designation: SECONDARY		ER	80001491-DIST	RICT GOVERNMENT KH	YBE .
DDO Code: DA6101-GGHS	GPF Section: (· ·
Payroll Section: 001		Cash Center:	1 000		
GPF A/C No: 865962	d: Yes	GPF Ba	alance: 802	2.00	
Vendor Number: - Pay and Allowances:	Pay scale: BP	S For - 2017	Pay Scale Type	: Civil BPS: 16	Pay Stage: 3
Wage type	9	Amount	-	Wage type	Amount
0001 Basic Pay		23,470.00	1000 House R		2,727.00
1924 UAA-OTHER 20%(10	6 G/NG)	1,500.00		Allowance 2011	1,136.00
2211 Adhoc Relief All 2016		1,588.00		elief All 2017 10%	2,347.00
2247 Adhoc Relief All 2018		2,347.00		elief All 2019 10%	2,347.00
Deductions - General			ł		
3501 Benevolent Fund	e	Amount -800.00	2524 D Dom 9	Wage type & Death Comp Fresh	Amount (50.00
3301Benevolent Fund3990Emp.Edu, Fund KPK		-150.00	5334 K. Dell Ø	e Death Comp Flesh	-650.00
Deductions - Loans and Adv				· · ·	· · ·
Loan	Description		Principal amou	nt Deduction	Balance
Deductions - Income TaxPayable:0:00FGross Pay (Rs.):37,462Payee Name: ZEENAT KHAAccount Number: 02780033:Bank Details: HABIB BANKMALAKAND	TOON 529103	ons: (Rs.):	-1,600.00		\$862.00
Construction Data			· 17 1.		
Leaves: Opening Bala	nce: Avai	iea:	Earned:	Balance:	
		·		•••	
Permanent Address: City: OUCH ADINZAI Temp. Address: City:		ile: NW - Khyb imansiddiqui3:	er Pakhtunkhwa	Housing Statu	s: No Official
City.	Eman.	mansiouiquis.	5 legman.com		
· ·					
•					
					*

AMIOFICA

.

て乳 /2019 APPEAL NO.

Mr. Maqsad Hayat, SCT (BPS-16), GHS Masho Gagar, Peshawar.

VERSUS

APPE

1- The Government of Knyber 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 UDNER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED OF THE RESPONDENTS BY ILLEGALLY UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE SÜMMER WINTER DURING APPELLANT VACATIONS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT тне WITHIN STATUTORY PERIOD OF NINETY DAYS.

That on acceptance of this appeal the respondents may PRAYER: 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 Fledte-daypreviously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant. Registrar

R/SHEWETH: ATTES TON FACTS:

24/10/19

frico Tribanal,

esterway

-1- That the appellant is serving in the elementary and secondary education department as Certified Teacher (BPS-15) quite efficiency 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 ion vide revised Notification dater 20.12.2012 whereby the conveyance allowance for employee

tea

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

D-(9

11.11.2019

Jertified (the ine ture copy

vice Anbuaal

Peshawar

יי ג 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 within a law in case his grievance is not redressed by the respondents within a reasonable time.

File be consigned to the record.

ANNOUNCEE

11.11.2019

Chairmán Attested

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

Subject:

DEPARTMENTALAPPEALAGAINSTTHEIMPUGNEDACTIONOFTHE CONCERNEDAUTHORITY BY THE ILLEGALLY AND UNLAWFULLYDEDUCTION,THECONVEYANCE, ALLOWANCEDURING WINTER & SUMMER VACATIONS

Respected sir,

To,

With due respect it is stated that i am the employee of your good self Department and is serving as SST(BPS 16) 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: 05/08/2020

Aftern

Your obediently zerodehater

Mrs Zeenat Khatoon SST(BPS-16), GGHSS Ouch Dir Lower.

"anex F" page 11 بعدالت ۲۶ سروس الريبون سرقاص Zeenat Khatoon 2 ء منحانر مورخه پنام مقدم دعوكي Edu Dept *7*, باعث تحريراً نكبه مقدمه مندرجه عنوان بالاميس ايني طرف سے داسطے پيروي وجواب دہی وکل کار دائی متعلقہ آن مقام مستياور كيلي روستدخان البروكني مقرر کرکے اقرار کیاجاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کوراضی نامہ کرنے وتقر رثالث وفیصلہ پر حلف دیئے جواب دہی اورا قبال دعویٰ اور 200 with The tow بصورت در گری کرنے اجراءاور وصولی چیک وروی پی ارعرضی دعویٰ اور در خواست ہوشم کی تصدیق زرایں پردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری یکطرفہ یا پیل کی برامدگ اور منسوخی نیز دائر کرنے ایپل تکرانی ونظر تانی و پیروی کرنے کا مختار ہوگا۔از بصورت ضرورت مقدمہ مذکور کے کل یاجزوی کاروائی کے داسطے اوروکیل یا مختار قانونی کواپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔اورصاحب مقرر شدہ کوبھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اوراس کاساختہ پر داختہ منظور وقبول ہوگا دوران مقدمہ میں جوخرچہ ہرجانہ التوائے مقدمہ کے سب ہے دہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہو یا حد سے باہر ہوتو دیک صاحب پابند ہوں گے۔ کہ پیروی ندکور کریں۔ لہٰذا وکالت نامہ کھندیا کہ سندر ہے۔ المرقوم £20 10 Prod. Attested S Accepted infler کے لئے منظور ہے۔ مقام عدنان سٹیشنزی مارب چوک مشتگر کاپشا در شک^نون: 2**22019**3 Mob: 0345-9223239