

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 3220

Dated 30-1-2023

Service Appeal No-1550/2022

Muhammad Rehman PMS BS-19 & Other

..... Appellants

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
2. The Chief Secretary Khyber Pakhtunkhwa, Civil secretariat Peshawar.
3. The Secretary, Establishment Khyber Pakhtunkhwa, Civil secretariat Peshawar.
4. The Secretary, Finance Khyber Pakhtunkhwa, Civil secretariat Peshawar.

..... Respondents

INDEX

S#.	Subject	Annexure	Page No.
01	Parawise Comments	-----	01-02
02	Notification dated 02-02-2018	A	03
03	Notification dated 05-07-2022	B	04
04	Affidavit		05


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In re: - Appeal No-1550/2022

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..... Appellants

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4. The Secretary, Finance Khyber Pakhtunkhwa, Civil secretariat Peshawar.

..... Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1-4

PRELIMINARY OBJECTIONS

- 1) That the appellant has got no cause of action to file present appeal.
- 2) That the appeal is barred by law and limitation.
- 3) That the appellant has not come to this Honorable tribunal with clean hands.

ON FACTS

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Correct to the extent that as per Finance Department's Notification dated 02.02.2018 at para-5, Executive Allowance will not be admissible to OSD posts and officers who are on leave reserve posts. Notification is at **Annex-A**.
6. Correct to the extent that departmental appeal of the appellants along with other officers was received.
7. Incorrect

GROUND

- A. Incorrect.
- B. Incorrect.

- C. Incorrect.
D. Incorrect.
E. Correct to the extent that Executive Allowance to Muhammad Arshad for the period he remained OSD was allowed vide Finance Department's Notification dated 05.07.2022 in pursuance of the decision of provincial cabinet and upon the Service Tribunal judgment dated 09.06.2021 specific to the appellant and which shall not be treated/quoted as precedent. Notification is at **Annex-B**.
F. Pertain to record.
G. Incorrect.
H. That the respondents also seek permission to raise further grounds at the time of arguments.

PRAYER

It is therefore most humbly prayed that the appeal of the appellant may kindly be dismissed.



Chief Secretary,
Govt: of Khyber Pakhtunkhwa
(Respondent No.2)



Secretary Establishment
Govt: of Khyber Pakhtunkhwa
(Respondent No.3)



Finance Secretary
Govt: of Khyber Pakhtunkhwa
(Respondent No.1)
~~Secretary Finance~~
Govt: of Khyber Pakhtunkhwa
Finance Department



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 02/02/2018

NOTIFICATION

No.FD(SOSR-II)8-7/2016-17. The Government of Khyber Pakhtunkhwa has been pleased to sanction Executive Allowance to the tune of 1.5 Initial Basic Pay per month as per Pay Scale 2017 to PAS, PCS and PMS officers working against scheduled posts of Establishment and Administration Department as per rates mentioned against each in the following table with immediate effect:-

S #	Pay Scale	Initial Basic Pay	Rate of Executive Allowance Per Month
01.	PAS/PCS/PMS officers in BS-21	Rs.76,720/-	Rs.1,15,080 /-
02.	PAS/PCS/PMS officers in BS-20	Rs.69,090/-	Rs.1,03,635 /-
03.	PAS/PCS/PMS officers in BPS-19	Rs.59,210/-	Rs.88,815/-
04.	PAS/PCS/PMS officers in BS-18	Rs.38,350/-	Rs.57,525/-
05.	PAS/PCS/PMS officers in BS-17	Rs.30,370/-	Rs.45,550/-

The above allowance will be admissible subject to the following conditions:-

1. It will be admissible to PAS, PCS and PMS officers working against scheduled posts only.
2. Officers of other cadres working against scheduled posts are not entitled to the above allowance.
3. PAS, PCS and PMS officers posted against scheduled post and are in receipt of such allowances other than regular allowances shall be entitled to one of the allowances, whichever is more beneficial.
4. Executive Allowance shall not be counted towards pension and gratuity.
5. Executive Allowance will not be admissible to OSD posts and officers who are on leave reserve posts.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

ENDST: NO. & DATE EVEN.

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. The Senior Member Board of Revenue.
5. The Additional Chief Secretary FATA.
6. The Additional Chief Secretary P&D Department.
7. The Secretary KP-Public Service Commission, Peshawar.
8. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
9. All the Divisional Commissioners in Khyber Pakhtunkhwa.
10. All the Deputy Commissioners in Khyber Pakhtunkhwa.
11. All the District Account Officers in Khyber Pakhtunkhwa.
12. Director, FMIU Finance Department.
13. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
14. Budget Officer-IV, Finance Department.
15. The PS to Secretary Finance Department.
16. The PS to Special Secretary Finance Department.
17. The PA to Additional Secretary (Regulations), Finance Department.
18. Master File.

SECTION OFFICER (SR.II)

Master File

SECTION OFFICER (SR.III)

SECTION OFFICER (SR.III)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 5th July, 2022

NOTIFICATION

NO. SO(SR-IV)/FD/1-1/Executive Allowance (Muhammad Arshad)/2022: In pursuance of judgment of Services Tribunal Khyber Pakhtunkhwa on 09-06-2021 in execution petition No- 166/22 in service appeal No- 1132/19 case titled Mr. Muhammad Arshad v/s Govt. of Khyber Pakhtunkhwa and upon decision of Provincial Cabinet in its meeting held on 13-06-2022, the Government of Khyber Pakhtunkhwa has been pleased to allow Executive Allowance to the officer i.e. Muhammad Arshad for the period he remained OSD with effect from 19.11.2018 to 19.03.2019.

- 2- The said benefits shall, however, be specific to the petitioner and shall not be treated/quoted as precedent.

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Ends: No & date even

Copy of the above is forwarded the:-

- 1- The Accountant General, Khyber Pakhtunkhwa.
- 2- Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
- 3- The Director FMIU, Finance Department with the request to upload the same on Finance Department website.
- 4- The Director, Staff Training Institute (STI) E&A Department.
- 5- The Principal Secretary to Chief Minister Khyber Pakhtunkhwa
- 6- PSO to Chief Secretary Khyber Pakhtunkhwa.
- 7- Registrar, Services Tribunal Khyber Pakhtunkhwa Peshawar.
- 1- The Section Officer (Cabinet) Government of Khyber Pakhtunkhwa Establishment & Administration Department with reference to his letter No- SOC (E&AD: 9-74/2022 dated 20th June, 2022.
- 8- PS to Secretary to Government of Khyber Pakhtunkhwa Finance Department.
- 1- PS to Special Secretary (A & R), Finance Department.
- 0- PS to Special Secretary (Budget), Finance Department.
- 1- PA to Additional Secretary (Reg) Finance Department.
- 2- PA to Deputy Secretary (Reg-I) Finance Department.
- 13- Master File.

1 of 1

(MAQSOOD KHAN)
SECTION OFFICER (SR. IV)

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No-1550/2022
Muhammad Rehman PMS BS-19 & Other

..... Appellants

VERSUS

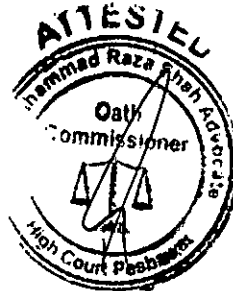
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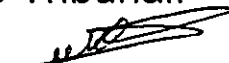
..... Respondents

Reply /Parawise Comments on Behalf of Respondent No.01-04.

AFFIDVAIT

I Syed Hamid Hussain Shah, Section Officer Govt. of Khyber Pakhtunkhwa Finance Department do hereby solemnly affirm and declare on oath that the contents of Para-wise Comments in Service Appeal No.1550/2022 on behalf of Respondents 01-04 is true and correct to the best of my knowledge and belief and that nothing has been concealed from the Honorable Tribunal.




Deponent

30 JAN 2023