

EP 215/2021

19.01.2022 Petitioner in person and Mr. Noor Zaman, District Attorney for the respondents present.

Vide our detailed order of today in Execution Petition No. 84/2020, titled "Muhammad Bashir Vs. the Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar and others", this Petition stands disposed of as per Para-4 of the order. There is no order as to costs. File be consigned to the record room.


(AHMAD SULTAN TAREEN)
Chairman

ANNOUNCED
19.01.2022

01.12.2021

Counsel for the petitioner, Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Sohail Ahmad Zaib, Litigation Officer, Amanatullah Qureshi, Deputy Secretary (Litigation) Finance department, Gul Moveed, Accounts Officer, Sabir Sultan, Senior Auditor for the respondents present.

Case to come up further arguments alongwith EP No. 84/2020 on 27.12.2021 before S.B at camp court, Abbottabad.



Chairman

Camp Court, A/Abad

27.12.2021

Counsel for the Petitioner and Mr. Muhammad Rasheed, DDA alongwith Sohail Ahmad Zaib, Litigation Officer, Naseeb Khan, S.O (Litigation), Farhad Durrani, AAO, Gul Moeed, DAO and Sabir Sultan, Senior Auditor for the respondents present.

Case to come up for further arguments alongwith EP No. 84/2020 on 29.12.2021 before S.B at camp court, Abbottabad.



Chairman

Camp Court, A/Abad

29.12.2021

Counsel for the petitioner and Mr. Noor Zaman Khattak, District Attorney alongwith Sohail Ahmad Zaib, Litigation Officer, Naseeb Khan, S.O (Litigation), Farhad Durrani, AAO, Gul Moeed, DAO and Sabir Sultan, Senior Auditor for the respondents. present.

Further arguments have been heard. Case to come up for order alongwith EP No. 84/2020 on 19.01.2022 before S.B at Peshawar.



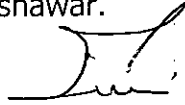
Chairman

Camp Court, A/Abad

14.10.2021

Counsel for the appellant and Mr. Muhammad Rasheed, DDA alongwith Sohail Ahmad Zaib, Litigation Officer and Muhammad Ashfaq, Senior Auditor for the respondents present.

File to come up alongwith Execution Petition No. 84/2020 and other involving similar questions on 17.11.2021 before the S.B at Peshawar.



(Salah-ud-Din)
Member(J)



Chairman
Camp Court, A/Abad

17.11.2021

Counsel for the petitioner and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Naseeb Khan, S.O and Sohail Ahmad Zaib, Litigation Officer for the respondents present.

To come up for arguments alongwith Execution Petition No. 84/2020 on 29.11.2021 before S.B at Camp Court, Abbottabad.



Chairman
Camp Court, A/Abad

29.11.2021

Counsel for the petitioner present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Sohail Ahmad Zaib, Litigation Officer, Muhammad Saleem, S.O (Litigation), Naseeb Khan, S.O (Litigation) Sabir Sultan, Senior Auditor for the respondents present.

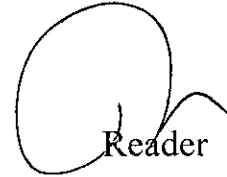
Partial arguments heard. Representatives of the respondents are directed to produce record pertaining to execution petition at hands. To come up for record and further arguments on 01.12.2021 alongwith E.P No. 84/2020 before S.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

19.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 11.08.2021 for the same as before.


Reader

11.08.2021

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

According to factual account in memorandum of appeal, the appellant had previously approached this Tribunal and his appeal alongwith other appeals involving similar matter was disposed of by consolidated judgment dated 15.12.2009 in main Service Appeal No.1276/2007. The said judgment got finality as the same was not challenged before the Apex Court. The appellant further maintains that according to the judgment dated 12.05.2009, four advance increments were granted with arrears. The position remained intact until the respondents started to deduct partial increments from the already granted increments. Being aggrieved, the appellant has again approached this Tribunal through service appeal at hand. Needless to say that the increments were granted to the appellant on the basis of judgment of this Tribunal cited above and their deduction subsequently makes a question relating to the execution of said judgment. By virtue of Subsection-(2) of Section-7 of the Service Tribunal Act, 1974, this Tribunal in all respect is deemed as a civil court to be regulated by the procedure of Civil Procedure Code, 1908. Subsection-(1) of Section-47 C.P.C provides that all questions relating to the execution of a decree shall be determined by the executing court and not by separate suit. On this analogy, this appeal is converted into execution petition. The office is directed to delete its number from the register of appeals and register the same in the register of execution petitions. The respondents would be at liberty to submit their written comments in relation to the points raised in the appeal now converted into execution petition, if they have got any objection that the deduction of increments have no relation with question as to execution of previous judgment dated 15.12.2009 of this Tribunal. To come up on 06.10.2021 before D.B.



(Rozina Rehman)
Member (J)

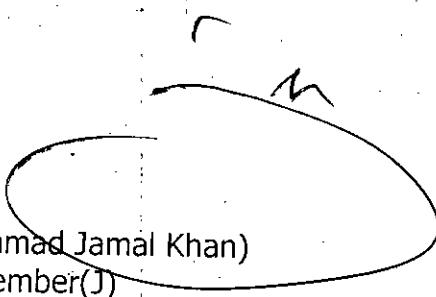

Chairman

09.02.2021

Counsel for the appellant and Addl. AG for the respondents present.

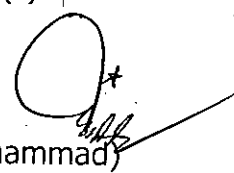
Former has submitted an application for conversion of instant appeal into implementation petition in the light of judgment/order dated 28.11.2019 by the Apex Court.

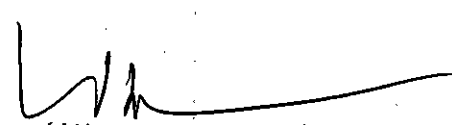
Learned AAG requests for time to submit a reply to the application. To come up for the purpose on 23.02.2021 before the ^{Division} ~~Larger~~ Bench.


(Muhammad Jamal Khan)
Member(J)


Chairman

(Rozina Rehman)
Member(J)


(Mian Muhammad)
Member (E)

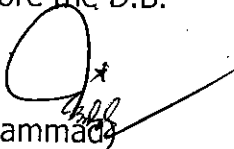

(Atiq-ur-Rehman Wazir)
Member(E)

23.02.2021

Mr. Sultan Khan, (appellant in connected appeal) for appellant and Mr. Muhammad Rashid, DDA for respondents present.

Learned DDA states that the respondents have serious reservations regarding the application for conversion. He, therefore, requests for time to submit a reply to the same.

Respondents are allowed to do the needful within one month, where-after, the matter shall come up for hearing on 19.04.2021 before the D.B.


(Mian Muhammad)
Member(E)


Chairman

20.08.2020

Due to summer vacation case to come up for the same on 10.11.2020 before Larger Bench.

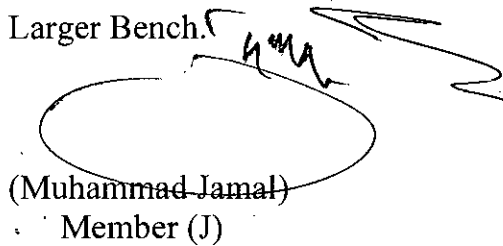


Reader

09.11.2020

Nemo for the appellant present. Mr. Usman Ghani, District Attorney for respondents present.

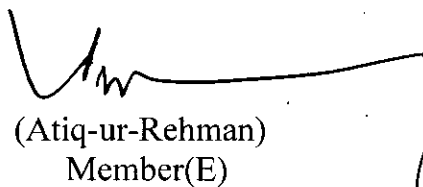
The Bar is observing general strike, therefore, the matter is adjourned to 09.02.2021 for hearing before the Larger Bench.



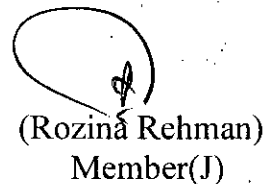
(Muhammad Jamal)
Member (J)



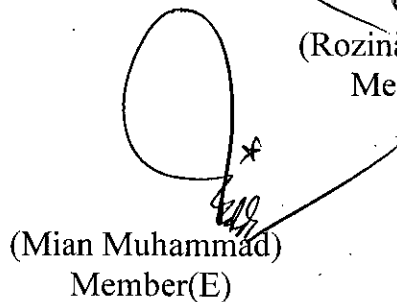
Chairman



(Atiq-ur-Rehman)
Member(E)



(Rozina Rehman)
Member(J)




(Mian Muhammad)
Member(E)

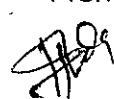
12.03.2020

Appellant in person and Mr. Ziaullah, DDA for the respondents present.

The Worthy Chairman is on leave, therefore, the bench is incomplete and the matter is adjourned to 11.06.2020 for arguments before the Larger Bench.


(M. Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member



(Hussain Shah)
Member


(Mian Muhammad)
Member

11.06.2020

Appellant in person present. Mr. Kabirullah Khattak Addl. AG for the respondents present.

Due to incomplete Bench, the matter is adjourned to 20.08.2020 for arguments before the Larger Bench.


(M. Amin Khan Kundi)
Member


(Mian Muhammad)
Member


Chairman

14.11.2019

Counsel for the appellant and Mr. Ziaullah, DDA alongwith M/S Zakiullah, Senior Auditor and Hajjad Shah, ADO for the respondents present.


Representative of respondents states that the cases involving similar proposition are pending before the Apex Court through CPLAs No. 5128 & 5130 of 2019 and are likely be decided in the month of December, 2019. He, therefore, requests for adjournment.


Adjourned to 13.01.2020 before the Larger Bench.


(M. Hamid Mughal)
Member


Chairman


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member


(Hussain Shah)
Member

13.01.2020

Nemo for appellant. Mr. Ziaullah, Deputy District Attorney for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 12.03.2020 for arguments before Larger Bench.


(M. Hamid Mughal)
Member


Chairman


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member


(Hussain Shah)
Member

Above all the issue of interpretation of notification dated 11.08.1991 and entitlement of the petition for grant of advance increments on higher qualification is of paramount importance in the appeals in hand. Correct appreciation/interpretation of the referred to above and proper form in whom jurisdiction is vested needs to be deliberated/decided.

In these circumstances this Tribunal is left with the only option to refer the matter to a larger bench for adjudication. This case alongwith connected appeals may be fixed for hearing before the Larger Bench at principal seat Peshawar on 14.11.2019.


Member


Chairman


12.09.2019

The instant case alongwith connected appeals was heard on 20.06.2019. After hearing the arguments of both the parties, the same was fixed for order on 19.08.2019 and further extended to 16.09.2016 vide order sheet dated 19.08.2019. We have thread-barely examined this case in the light of facts highlighted in the present service appeals and judgments rendered by the Hon'able Supreme Court of Pakistan and this Tribunal which were also presented during the course of arguments by both the parties. Appellants mainly relied on judgments of this Tribunal dated 12.05.2009 and judgments of august Supreme Court of Pakistan passed in CPLA no. 525 and 526 dated 19.07.2007 and 29.01.2008. Similarly vide judgment dated 14.12.2017 and 15.12.2018 passed in service appeal no. 263 and 1816/2011 the appeals were rejected on the ground of jurisdiction. On the other hand service appeal no. 312/15 dated 10.01.2018 was accepted by this Tribunal. In addition to this service appeal no. 1245/2014 decided on 10.10.2017 was dismissed on the strength of judgment of august Supreme Court of Pakistan in civil petition no. 1245/2011 decided on 08.09.2011. Furthermore, appeal no. 407/2012 was accepted vide judgment dated 16.04.2009. It has been observed that pro & contra judgments on the issue in hand were rendered by the Superior Courts and this Tribunal. Therefore, it was not possible to reach to a just logical conclusion in the matter.

19.08.2019


Appellant in person present. Mr. Bilal learned DDA alongwith Mr. M. Shamim, SO for respondents. The D.B which heard the instant service appeal at camp court Abbottabad is not available today, therefore, the case is adjourned to 16.09.2019 for order before D.B at Camp Court Abbottabad.


Member


Member
Camp Court A/Abad


20.02.2019

Appellant in person present. Mr. Muhammad Bilal, DDA alongwith Mr. Shamim, PA for respondent no.3 present. None for respondents no. 1,2 and 4 present. Again notices be issued to respondents no. 1,2 and 4 for submission of written reply/comments on 18.04.2019 before S.B at camp court Abbottabad.


(M. Amin Khan Kundi)
Member
Camp Court Abbottabad

18.04.2019

Appellant in person present. Mr. Muhammad Bilal, DDA for respondents present. Written reply/comments on behalf of respondent no.1,2 and 4 not submitted despite numerous opportunities, hence, right of defense of respondents no. 1,2 and 4 is struck off. Case to come up for arguments on 20.06.2019 before S.B at camp court Abbottabad.



(Ahmad Hassan)
Member
Camp Court A/Abad

20.06.2019

Appellant alongwith Mr. Muhammad Liaqat Advocate and Mr. Muhammad Bilal, DDA alongwith M/S Shamim S.O and Sohail Ahmad Zeb, ADO for the respondents present. Wakalatnama in respect of learned counsel for the appellant submitted which is placed on record.

Learned counsel for the appellant as well as learned DDA concluded their respective arguments. To come up for order on 19.08.2019 before this D.B at camp court, Abbottabad.


Member

Chairman
Camp court, A/Abad 


18.10.2018

Appellant in person present. Mr. Sohail Ahmad Zaib, Assistant alongwith Mr. Usman Ghani, District Attorney for respondent No. 3 present. Written reply on behalf of respondent No. 3 submitted. Representative of respondents No. 1, 2 and 4 is not in attendance, therefore, notices be issued to the respondents No. 1, 2 and 4 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 1, 2 and 4 on 20.12.2018 before S.B at camp court, Abbottabad.


Member
Camp Court, A/Abad

20.12.2018

Appellant with counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Shamim, PA for respondent no. 3 present. None for respondents 1,2 and 4 present. Fresh notice be issued to respondent no.1,2 and 4 for submission of written reply/comments on 20.02.2019 before S.B at camp court, Abbottabad.


Member
Camp court A/Abad

26.06.2018

Neither appellant nor his counsel present. Mr. Muhammad Irshad, S.O on behalf of respondent No. 3 alongwith Mr. Usman Ghani District Attorney for the remaining respondents present. The above named representatives and learned District Attorney made a request for adjournment. Granted but as a last chance. To come up for written reply/comments on 18.07.2018 before S.B at camp court, Abbottabad.


Chairman

Camp court, A/Abad

18.07.2018

Appellant Shujjah Ali in person present. Mr. Muhammad Irshad, Section Officer (Litigation) on behalf of respondents No. 3 alongwith Mr. Usman Ghani, District Attorney present and again made a request for adjournment. Granted but as a last chance. To come up for written reply/comments on 19.09.2018 before S.B at Camp Court Abbottabad.


Chairman

Camp Court, A/Abad

19.09.2018


Appellant in person present. Mr. Usman Ghani learned District Attorney alongwith Mr. Muhammad Irshad S.O for respondents present. Written reply not submitted. Adjournment requested. Adjourned. To come up for written reply/comments on 18.10.2018 before S.B at camp court A/Abad.


Member

Camp Court A/Abad


16.01.2018

Junior to counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for respondents present. Written reply not submitted. Representative of the respondents not present. Fresh notices be issued to the respondents. To come up for written reply/comments on 21.2.2018 before S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad.


21.02.2018

Appellant in person and Addl. AG for the respondents present. Written reply not submitted. Learned AAG seeks adjournment to file written reply/comments. Adjourned. To come up for written reply/comments on 17.04.2018 before S.B


Member
Camp court, Abbottabad

17.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. The learned D.A seeks adjournment. To come up for written reply on 26.06.2018 before the S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

19.10.2017

Counsel for the appellant present. Preliminary arguments heard. Learned counsel for the appellant argued that some increments deducted from the appellant against the rules in February, 2016, against which he filed departmental appeal on 17.3.2017.

The grounds of appeal as argued by the learned counsel for the appellant are that the appellant was entitled for the increments as per notification issued in the year, 1991 and thereafter vide different judgments, the appellant is entitled for increments.

The points raised need consideration. The appeal is admitted to full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents. This case be clubbed with with the similar nature of appeals fixed for 21.11.2017 for submission of written reply before S.B at camp court, Abbottabad


Chairman

Camp court, A/Abad.

21.11.2017

Appellant in person and Mr. Kabeerullah Khattak; Addl. AG for respondents present. Security and Process fee has not been deposited. Appellant is directed to deposit security and process fee within 7 days, thereafter notices be issued to the respondents for submission of written reply/comments. To come up for written reply on 16.01.2018 before S.B at camp court A/Abad.

Appellant Deposited
Security & Process Fee


Chairman

Camp court, Abbottabad.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 768/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/07/2017	<p>The appeal of Mr. Shujjah Ali received today by post, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p><i>[Signature]</i> REGISTRAR</p>
2	24-7-2017	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19-10-2017</u>.</p> <p><i>[Signature]</i> CHAIRMAN</p> <p><i>[Large diagonal line]</i></p>

BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL
PESHAWAR *Execution Petition No. 215/2021*

Service appeal No *768* of 2017

SHUJAH ALI S/O SHAH ZAMAN SST TEACHER GHS Hari Khaiter Abbottabad
R/O VILL HAVELIAN MOHALA ASTAM ABAD TEHSIL HAVELIAN DISTRICT
ABBOTTABAD

APPELLANT

VERSUS

1. Accountant General KPK Peshawar
2. District Comptroller of Accounts Abbottabad
3. Government of K{PK through Secretary Finance Department Peshawar
4. Government of kpk Through secretary (Elementary & Secondary Education), Department Peshawar

Respondents

SERVICE APPEAL

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4	Copy of pay roll register for month jan to june 2017 (BPS-16)	C	18 TO 23
5	Copy of judgment of the supreme court	D	24 TO 28
6	Copy of letters No (1) 7-Aug -1991 NO 2 11- Aug- 1991	E	29 TO 34
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Shujah Ali
SHUJAH ALI
APPELLANT

DATED: 10-7-2017

03319099923

BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL
PESHAWAR *Execution Petition No. 215/2021*

Service appeal No *160* of 2017

SHUJJAH ALI S/O SHAH ZAMAN SST TEACHER GHS Hari Khaiteer Abbottabad
R/O VILL HAVELIAN MOHALA ASTAM ABAD TEHSIL HAVELIAN DISTRICT
ABBOTTABAD

APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Diary No. *815*

Dated *17-7-2017*

VERSUS

1. Accountant General KPK Peshawar
2. District Comptroller of Accounts Abbottabad
3. Government of KPK through Secretary Finance Department Peshawar
4. Government of KPK Through secretary (Elementary & Secondary Education), Department Peshawar

Respondents

*Appeal is converted into
Execution Petition vide
order dt. 11-8-2021.*

APPEAL

Under section 4 of KPK service tribunal ACT 1974, AGAINST the impugned action of respondent no 2 which is also without issuance/passing of any official order passed by any competent authority nor given any notice to appellant, in respect of deduction /recovery/merge of one advance increment out of 3, one was merged in scale of revised step and 5000/ deducting as arrear out of 66110 arrear per month from the salary of the appellant with effect 1-2-2017, these increments were granted in pursuance of the judgment dated 12-5-2009 pronounced by KPK serviced tribunal Peshawar in appellants individual service appeal which attained its finality too. The impugned deduction recovery/merge is unconstitutional, contempt of court, without law full authority arbitrary, perverse, discriminatory, against the principal of natural justice and ineffective upon the appellants rights of advance increments, granted by competent court of law and acceptance of department appeal which is still pending without response

PRAYER

On acceptance of instant service appeal, impugned ~~order~~ in respect of recovery / deduction /merging 1 advance increment out of 3, one increment was merged in pay scale revised, recovery of the arrear may

Filed to day
17/7/17
Registrar

please be set aside and in case amount recovered /deducted from the salary of appellant, may be ordered the refund of same and continue recovery /deduction /merging if any may also be suspended till the final disposal of titled service appeal and may please be imposed heavy cost against the responsible respondents.

Respectfully Sheweth

FACTS

1. That appellant is a school teacher ,he is now working as SST teacher (BPS-16), IN THE YEAR2010 he was granted 4 advance increments and arrears of (MA/MSC) AGAINST CT, post in which I attained 3 increments out of 4, one was merged in step of scale revised ,on the basis of acceptance of his service appeal by this honourable tribunal and passed consolidated judgment of 267 cases on 12-5-2009 in main service appeal no 1276/2007 on where upon respondents did not file their appeal before supreme court yet, and now it attained its finality . Copy of consolidated passed in main service appeal no-1276/2007 on 12/5/2009 is annexed as Annexure"A".
2. That according to the judgment of service tribunal dated 12-5-2009 respondents not only granted 04 advance increments of (MA/MSC) and revised the pay of Appellant, but also paid the entire arrears to the appellant .After that respondent no 3 issued a letter dated 15/12/2010 for recovery of to advance increments contrary to the judgment of Apex court as well as service tribunal copy of letter dated 15/12/2010 is annexed as Annexure"B"
3. That appellant was being given /granted his salary without any deduction / disturbance from the respondents up to 30/1/2017. When the appellant was promoted on SST from BPS-16 TO BPS16 and in the fixation of pay respondent no 2 without any notice given to the appellant or without formal/ official; written order and under any legal reason deducted/ recovered/ merged one advance increment is replaced in pre mature from BPS-14 TO BPS-15 which have to award 30/5/2014 but cannot granted in light one advance increment deducted and 5000 is recovering as arrears

per month out of 66110 arrears which had been paid on judgment service tribunal in the light of supreme court with effect from 1/2/2017 to till now. Copy of pay role register for the of February 2017 BPS 16 TO JUNE 2017 Is annexed as annexure "C", "D" & "F".

4. That the deduction came into knowledge of appellant on 5/3/2017, under the severe illegal action of respondent no2, submitted his department appeal dated 17/3/2017 through registered post to respondent no 1 which is still pending without any response after passing the statutory period of 90 days, copy of departmental appeal and receipt of registered is annexed as annexure "G" Hence this appeal inters - alia on the following ground and appellants appeal is within 120
5. days from the submission of his departmental appeal.

GROUNDS

- a. that appellant under the law was entitled to 3 advance increment out of 4 advance one was merged in scale revised and arrears, respondents , no2 was not at all have power to deduct / recover / merge one advance increments out of 3 increment and recover the arrears, which were granted to the appellant by a competent court of law (service tribunal) while all concerned respondents amongst other were not only arrayed as party in service appeal but they contested the case and they were not filed their CPLA against the judgment of service tribunal dated 12/5/2009 apex court yet thus it attained finality.
- b. that if respondents have any objection / reservation on the judgment of service tribunal in respect of no of increments , it was incumbent upon respondents to have approached Supreme Court by filing petition against the judgment of service tribunal dated 12/5/2009 but they cannot be changed the nature of judgment as deducted by apex court 20411OPLC (C.S)590 .

- c. That the order dated 12/5/2009 passed by service tribunal was implemented by the respondents in letter and spirit and under the doctrine of *locus poenitentiae* the respondents were not entitled to withdraw benefits once it was implemented (PLD 1991 SUPREME COURT 973).
- d. THAT the appellant while contesting for his right of 4 advance increments before the service tribunal never ever suppressed any fact from the learned tribunal and respondents.
- e. That before passing the impugned ~~order~~ of respondents no notice whatsoever was given to the appellant and the and the appellant is consequently unheard.
- f. That judicial system will be ruined if respondents would be left free to act upon against the judgment of learned service tribunal, thus respondents are bound not to change the spirit of the judgment creating any kinds of self made illegal complication and letter dated 15/12/2010 (annexure D) issued by respondent no 3 is lying under question mark.
- g. That ~~order~~ ^{of} respondents is apparent activity of serious contempt of the judgment of honourable tribunal and tried to reopen the same matter which are finally decided by the supreme court of Pakistan.
- h. That the ~~order~~ of respondents is admittedly arbitrary capricious unjust and against all norms of justice and against tribunal judgment and order.
- i. That the involved matters in the instant appeal is relating to pay and under law limitation did not run in such matters.
- j. That it is an admitted fact that under question illegal action is the matter of great public importance.

k. That appellant, is once again dragged into litigation, his claim of advance increments have been solved completely, the conduct of the respondents is contemptuous and as such requires indulgence of this honourable court by awarding appropriate cost to the respondents as decided in the judgment dated 12/5/2009 by honourable tribunal at para 07.

It is therefore respectfully prayed that on acceptance of instant service appeal, impugned action in respect of recovery / deduction / merged of one advance increment out of 3 advance increment in replace of one pre mature increment of upgradation BPS14 TO BPS-15 on 30/5/2014 be granted with arrears and 5000 recovering as arrears per month out of 66110 arrears may please be set-aside and in case amount recovered / deducted from the salary of appellant, may be ordered the refund of same and continue recovery/ deduction if any may also be suspended till the final disposal of titled service appeal and may please be imposed heavy cost against the responsible respondents. Any other relief for which the appellant is entitled, and the same is not asked / prayed specifically, may very kindly be granted in favour of appellant

Dated 10-7-2017


SHUJJAH ALI
APPELLANT

In person

AN INTERIM RELIEF

it is therefore prayed that deduction of recovery of one advance increment of MA/MSA 5000 recovering as arrears per month out of the 66110 arrears may also be suspended till the final disposal of titled service appeal

DATED 10-7-2017

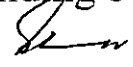

SHUJJAH ALI
APPELLANT

In person

AFFIDAVIT

**I, SHUJJAH ALI S/O SHAH ZAMAN SST teacher GHS HARI
KHAITER ABBOTTABAD R/O VILL HAVELIAN MOHALA
ASTAM ABAD TEHSIL HAVELIAN DISTRICT ABBOTTABAD**

Do here by affirm on oath that contents of instant appeal is correct and true according to my best knowledge and belief and nothing has been suppressed from this honourable tribunal; and this instant appeal is first appeal & same nature of any other appeal is not pending before honourable tribunal.



SHUJJAH ALI
APPELLANT IN PERSON
DEPONENT

DATED 10-7-2017

Annexure (A)

7

BEFORE THE NWFP SERVICE TRIBUNAL CAMP COURT ABBOTTABAD

Appeal No. 1276/2007

Date of institution - 27.12.2007

Date of decision - 12.05.2009

Muhammad Akram, S/O Sikandar Khan, C.T. Teacher, Government High School,
Kuthwal, Abbottabad.....(Appellant)

VERSUS

1. District Coordination Officer, Abbottabad.
2. Executive District officer (S &L) Abbottabad.
3. District Accounts Officer, Abbottabad.
4. Director (S&L) Department, Peshawar.
5. Secretary to Government of NWFP (S&L) Department Peshawar.
6. Accountant General NWFP Peshawar.
7. Secretary to Government of NWFP Finance Department, Peshawar.

Appellant in person present.
Arshad Alam, A.G.P.....

For respondents.

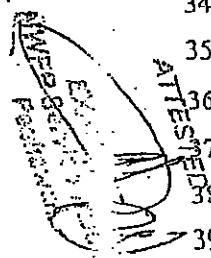
MR. ABDUL JALIL.....MEMBER.
MR. BISMILLAH SHAH.....MEMBER.

JUDGMENT.

ABDUL JALIL, MEMBER ; This judgment/order will dispose of this Service Appeal No. 1276 of 2007, by Muhammad Akram and the following Service Appeals. The reason is that the broad facts and the legal issues in all the below mentioned appeals are the same, and need consolidated judgment and joint disposal.

<u>Sr. No.</u>	<u>Appeal No.</u>	<u>Name of appellant.</u>
1.	1277/2007	Saidur Rahman,
2.	1278/2007	Munibur Rahman,
3.	1279/2007	Muhammad Siddique,
4.	01/2008	Maroof Khan
5.	02/2008	Amjad Hussain Awan

- 6. 03/2008 Muhammad Sarwar Khan,
- 7. 04/2008 Syed Arif Hussain Shah,
- 8. 09/2008 Sultan Khan,
- 9. 10/2008 Shafqat Hussain,
- 10. 17/2008 Muhammad Sabir Hussain,
- 11. 18/2008 Tanveer Hussain Awan,
- 12. 19/2008 Shafqat Samdani,
- 13. 20/2008 Arshad Khan,
- 14. 21/2008 Shahid Iqbal,
- 15. 22/2008 Muhammad Saleem Raza,
- 16. 28/2008 Ifkhar Ahmad Shah,
- 17. 29/2008 Shah Zaman,
- 18. 30/2008 Muhammad Tahir,
- 19. 34/2008 Muhammad Younis,
- 20. 35/2008 Abdul Wadood,
- 21. 150/2008 Rizwana Kousar,
- 22. 266/2008 Mamoon-ur-Rasheed,
- 23. 267/2008 Haroon-ur-Rasheed,
- 24. 268/2008 Fazal-e-Qadir,
- 25. 327/2008 Dilawar Khan,
- 26. 338/2008 Abdul Wahab,
- 27. 440/2008 Liaqat Ali,
- 28. 502/2008 Ali Asghar,
- 29. 541/2008 Liaqat Ali,
- 30. 542/2008 Abdul Quddus,
- 31. 570/2008 Shahzad Ahmad,
- 32. 571/2008 Chan Zeb,
- 33. 572/2008 Abdul Hakeem,
- 34. 573/2008 Muhammad Siddique,
- 35. 574/2008 Sarfaraz
- 36. 575/2008 Muhammad Ajmal,
- 37. 576/2008 Gul Faraz,
- 38. 577/2008 Muhammad Yousaf,
- 39. 578/2008 Aitaf Hussain,
- 40. 579/2008 Ahjaz Ahmad,
- 41. 580/2008 Muhammad Safdar,


 A circular stamp with the text "ATTESTED" and "M. N. M." is visible over the signature.

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- | | | |
|-----|-----------|-----------------------|
| 42. | 595/2008 | Abdur Razzaq, |
| 43. | 596/2008 | Abdur Razzaq, |
| 44. | 597/2008 | Shaukat Ali Abbasi, |
| 45. | 598/2008 | Abdul Hamid Lodhi, |
| 46. | 599/2008 | Umar Khatab, |
| 47. | 680/2008 | Abdul Majid |
| 48. | 681/2008 | Muhammad Saleem, |
| 49. | 682/2008 | Bashir Ahmad, |
| 50. | 714/2008 | Mazhar Khan, |
| 51. | 715/2008 | Muhammad Saeed, |
| 52. | 716/2008 | Manzoor Ahmad, |
| 53. | 717/2008, | Zulfiqar, |
| 54. | 718/2008 | Sardar Iqbal Ali, |
| 55. | 739/2008 | Khurshheed Ahmad, |
| 56. | 759/2008, | Muhammad Daud Qureshi |
| 57. | 760/2008 | Muhammad Fayaz Awan |
| 58. | 798/2008 | Naheem Akhtar, |
| 59. | 812/2008 | Muhammad Siddique, |
| 60. | 813/2008 | Sajjad Ahmad, |
| 61. | 814/2008 | Abdul Hamced, |
| 62. | 815/2008 | Raza Hussain Shah, |
| 63. | 816/2008 | Shakeel Ahmad, |
| 64. | 817/2008 | Muhammad Majid Mirza, |
| 65. | 819/2008 | Rab Nawaz |
| 66. | 820/2008 | Aftar, |
| 67. | 821/2008 | Niaz Hussain, |
| 68. | 822/2008 | Muhammad Iqbal, |
| 69. | 823/2008 | Jamshed Khan, |
| 70. | 824/2008 | Muhammad Shafi, |
| 71. | 825/2008 | Muhammad Qasim, |
| 72. | 826/2008 | Sajjad Ahmad, |
| 73. | 827/2008 | Gul Siraj, |
| 74. | 828/2008 | Muhammad Khurshheed, |
| 75. | 829/2008 | Mst. Zakia Sultana, |
| 76. | 853/2008 | Mst. Shahnaz, |
| 77. | 854/2008 | Mushtaq Hussain, |

NOTIFIED
MUSHTAQ HUSSAIN
FERNWAT

(10)

- 78. 399/2008 Muhammad Hanif,
- 79. 906/2008 Noor Elahi,
- 80. 907/2008 Muhammad Irshad,
- 81. 950/2008 Abdul Haleem Lodhi,
- 82. 951/2008 Jahangir Iqbal,
- 83. 952/2008 Gul Hameed,
- 84. 953/2008 Muhammad Imran,
- 85. 954/2008 Muhammad Ishtiaq,
- 86. 955/2008 Muhammad Ashraf,
- 87. 956/2008 Asif Ali,
- 88. 957/2008 Abdul Hamid,
- 89. 958/2008 Muhammad Hanif,
- 90. 959/2008 Muhammad Kabria Khan,
- 91. 960/2008 Rashed Latif,
- 92. 961/2008 Syed Amjad Hussain Shah,
- 93. 962/2008 Muhammad Shoaib,
- 94. 963/2008 Muhammad Bashir,
- 95. 964/2008 Miaz Ahmad,
- 96. 965/2008 Syed Iftikhar Hussain Shah,
- 97. 967/2008 Muhammad Siddique,
- 98. 981/2008 Mst. Robina Awan,
- 99. 982/2008 Sadaqat Khan,
- 100. 983/2008 Mst. Tahseen Bibi,
- 101. 984/2008 Tariq Mahmood,
- 102. 985/2008 Mst. Saeeda Banc
- 103. 1025/2008 Miss Tanveer Akhtar,
- 104. 1026/2008 Mst. Imtiaz Kiani,
- 105. 1027/2008 Naveed Ahmad,
- 106. 1032/2008 Mst. Sajida Bibi,
- 107. 1049/2008 Banaras Khan,
- 108. 1050/2008 Javed Iqbal,
- 109. 1051/2008 Muhammad Haroon,
- 110. 1110/2008 Raja Waheed Murad (Health)
- 111. 1111/2008 Aurangzeb Khan,
- 112. 1112/2008 Qazi Saeed-ur-Rahman,
- 113. 1113/2008 Muhammad Imtiaz,

ANUP
EXAMINER
11/11/2008

ATTESTED



- 114. 1135/2003 Muhammad Hamayun,
- 115. 1136/2008 Shahid Farooq
- 116. 1137/2008 Abdul Waheed,
- 117. 1206/2008 Naseem Akhtar,
- 118. 1207/2008 Syed Arshad Hussain Shah,
- 119. 1208/2008 Naveed,
- 120. 1209/2008 Sadaqat Ali,
- 121. 1234/2008 Saeed Akhtar,
- 122. 1235/2008 Anwar-ul-Haq,
- 123. 1236/2008 Syed Husnain Ali Shah,
- 124. 1242/2008 Muhammad Niaz,
- 125. 1243/2008 Muhammad Anwar,
- 126. 1268/2008 Syed Sadaqat Hussain Shah,
- 127. 1274/2008 Shah Jehan,
- 128. 1355/2008 Ahmad Farooq,
- 129. 1356/2008 Muhammad Younas,
- 130. 1357/2008 Muhammad Shafique,
- 131. 1379/2008 Tariq Mehmood,
- 132. 1380/2008 Muhammad Younas,
- 133. 1381/2008 Waqar Ahmad,
- 134. 1382/2008 Muhammad Azbar,
- 135. 1383/2008 Muhammad Aftaz Aziz,
- 136. 1384/2008 Muhammad Assad,
- 137. 1385/2008 Rashid Khan,
- 138. 1386/2008 Mirza Yasir Jamil Baig,
- 139. 1387/2008 Javed Ibrahim,
- 140. 1388/2008 Muhammad Nawaz,
- 141. 1402/2008 Fida Muhammad,
- 142. 1403/2008 Shah Faisal Khan,
- 143. 1404/2008 Nasir Bakhtiar Khan,
- 144. 1405/2008 Tahir Mahmood,
- 145. 1405/2008 Ajmal Nazir,
- 1407/2008 Uzair Jadoon,
- 147. 1425/2008 Muhammad Adnan Khan,
- 148. 1425/2008 Zahoor Khan,
- 149. 1427/2008 Wajid Ali Shah,

EXAMINER
NWFP Service Tribunal

ATTENDED


(12)

- | | | |
|------|------------|------------------------|
| 150. | 1428/2008 | Mahmood Ali, |
| 151. | 1429/2008 | Bibi Rizwana, |
| 152. | 1430/2008 | Kousar Shaheen, |
| 153. | 1441/2008 | Amanullah, |
| 154. | 1442/2008 | Gul Khitab Ahmad Turk, |
| 155. | 1443/2008 | Muhammed Saeed, |
| 156. | 1444/2008 | Muhammad Aslam, |
| 157. | 1445/2008 | Mubashar Hassan, |
| 158. | 1446/2008 | Wajid Khan, |
| 159. | 1452/2008 | Bibi-Gul-E-Shahwar, |
| 160. | 1453/2008 | Abdur Razzaq, |
| 161. | 1454/2008 | Mebrban Khan, |
| 162. | 1455/2008 | Ajaz Ahmad Khan, |
| 163. | 1456/2008 | Shujjah Ali, |
| 164. | 1457/2008 | Muhammad Nawaz, |
| 165. | 1458/2008 | Gul Khitab, |
| 166. | 1459/2008 | Mst. Isma Shaheen, |
| 167. | 1562/2008 | Mazhar-UI-Haq, |
| 168. | 1563/2008 | Muhammad Razaqat, |
| 169. | 1599/2008 | Qazi Masood-ur-Rahman, |
| 170. | 1600/2008 | Shakeel Ahmad, |
| 171. | 1601/2008 | Abid Shah, |
| 172. | 1602/2008 | Ghulam Farooq, |
| 173. | 1603/2008 | Abdur Rashid, |
| 174. | 1641/2008 | Haider Zaman, |
| 175. | 1686/2008 | Muhammad Rafique, |
| 176. | 1687/2008 | Faqir-ud-Din, |
| 177. | 1688/2008 | Azhar Ali Khan, |
| 178. | 1689/2008 | Fida Muhammad, |
| 179. | 1690/2008 | Zafar Iqbal, |
| 180. | 1691/2008 | Muhammad Riaz, |
| 181. | 1697/2008, | Sher Afzal, |
| 182. | 1998/2008 | Shabir Ahmad, |
| 183. | 1699/2008 | Ishtiaq Ahmad, |
| 184. | 1700/2008 | Mst. Robina Shaheen, |
| 185. | 1701/2008 | Mst. Nasim Akhtar, |

EXAMINED
ATTESSED
Z. KHAN

186. 1702/2008 Muhammad Ajmal,
 187. 1703/2008 Muhammad Anwar Adil,
 188. 1704/2008 Syed Abbas Ali Shah,
 189. 1746/2008 Tanveer Ahmad,
 190. 1747/2008, Aurangzeb,
 191. 1748/2008 Rasheed Ahmad,
 192. 1749/2008 Muhammad Daud,
 193. 1750/2008 Sajjad Ahmad,
 194. 1751/2008 Ayyaz UR Rehman,
 195. 1752/2008 Syed Zakir Hussain Shah,
 196. 1753/2008 Abdul Rashid,
 197. 1754/2008 Rizwan Khan,
 198. 1755/2008 Hasrat Saeed,
 199. 1784/2004 Muhammad Saif ur Rehman,
 200. 1785/2008 Shah Ali Mardan,
 201. 1786/2008 Abdul Qayum Shah,
 202. 1822/2008 Nisar Ahmad Shakir,
 203. 13/2009 Khalid Khan,
 204. 18/2009 Saeed Alam,
 205. 31/2009 Muhammad Ashfaq,
 206. 32/2009 Sajawal Khan,
 207. 33/2009 Muzaffar Ali,
 208. 34/2008 Muhammad Zia-ul-Haque,
 209. 68/2009 Sagheer Ahmad,
 210. 77/2008 Samina Mir Alam,
 211. 78/2009 Tasleem Bibi,
 212. 79/2009 Farkhanda Sadiq,
 213. 138/2009 Abdus-Salam Khan,
 214. 139/2009 Hafiz Muhammad Iqbal Khan Qureshi,
 215. 140/2009 Hafeez Khan,
 216. 141/2009 Muhammad Abid,
 217. 142/2009 Abdul Ghafoor,
 218. 226/2009 Muhammad Ilyas,
 219. 227/2009 Muhammad Iqbal,
 220. 228/2009 Qadir Ahmad,

EXAMINER
 T. H. S. S. S.

- 221. 229/2009 Nasir Ali,
- 222. 230/2009 Ali Nawaz,
- 223. 291/2009 Wajid Hussain,
- 224. 232/2009 Waheed Khan,
- 225. 233/2009 Muhammad Saleem,
- 226. 234/2009 Mujtaba Ahmad Hashmi,
- 227. 235/2009 Khalid Muhammad,
- 228. 246/2009 Abid Saeed Khan,
- 229. 237/2009 Imran Jalani,
- 230. 238/2009 Asif Awan,
- 231. 239/2009 Aurangzeb
- 232. 240/2009 Khalid Mahmood,
- 233. 241/2009 Muhammad Naeem,
- 234. 242/2009 Khurshid Qamar,
- 235. 243/2009 Nawazish Hussain
- 236. 244/2009 Syed Zafar Ali Shah,
- 237. 245/2009 Muhammad Ishaq,
- 238. 246/2009 Muhammad Pervez,
- 239. 247/2009 Masroor Hussain
- 240. 248/2009 Muhammad Sadique
- 241. 249/2009 Muhammad Younas
- 242. 250/2009 Muhammad Imtiaz
- 243. 251/2009 Maqbool Shah
- 244. 252/2009 Moazzam Khan
- 245. 414/2009 Tahir Usman
- 246. 415/2009 Mir Muhammad
- 247. 416/2009 Naheem Kausar
- 248. 246/2009 Khalida Bibi
- 249. 418/2009 Abida Bibi
- 250. 419/2009 Azim Shah
- 251. 433/2009 Ghazala Bibi
- 252. 434/2009 Riaz Khan
- 253. 500/2009 Mumtaz Khan
- 254. 501/2009 Lal Afsar
- 255. 502/2009 Badri Zaman
- 256. 503/2009 Liaquat

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257.	504/2009	Muhammad Shamraiz
258.	505/2009	Ali Bahadur
259.	506/2009	Muhammad Haroon
260.	523/2009	Naureen Maqsood
261.	524/2009	Yasmeen Akhtar
262.	525/2009	Shabana Nazir
263.	681/2009	Nighat Bibi
264.	682/2009	Waseem Sultan
265.	683/2009	Bibi Hajra
266.	684/2009	Abdul Razaq
267.	685/2009	Fatiha Gul

2. The appellant of Service Appeal No. 1276 of 2007, contended that he was appointed as untrained P.E.T. Teacher in Education Department on 27.6.1990. The appellant being C.T trained, was adjusted against the C.T post on 06.05.1996 on regular basis. He acquired higher qualification of M.A on 25.08.1999. The appellant was entitled to advance increments in the light of the Finance Department notification dated 11.8.1991. The same was not given to him. Some of the teachers came to this Tribunal whose Service Appeals were dismissed in Service Appeal No. 498 of 2006 decided on 24.4.2007. The August Supreme Court of Pakistan, while deciding C.P.L.A No. 525 of 2007 and CPLA No. 526 of 2007 decided that all the teachers were entitled to the advance increments like all other civil servants. On the request of the appellant, the same benefit was not given to him. Hence, he filed the present Service Appeal. As already mentioned, the broad facts and the legal issues in all other appeals are almost on the same lines.

3. The respondents contested the appeal and contended that either the appellants had not submitted applications or their applications were time-barred. And there was no judgment in favour of the appellants.

4. We heard the arguments and perused the record.

The judgment in CPLA Nos. 525 of 2007 and 526 of 2007 is as under:-

3. Learned Additional Advocate General attempted to argue that in view of the higher scale granted to Elementary School Teachers in

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(15a)

(15)

pursuance of the circular letter dated 07.8.1991, which was personal to them, the petitioners would not be entitled to the incentive of advance increments contemplated by circular letter dated 11.8.1991 but he is unable to cite any principle of law or authority for placing this interpretation. We find that, while circular letter dated 7.8.1991 exclusively deals with the scales of pay of school teachers in different categories, circular letter dated 11.8.1991, provides for the revision of basic pay scales and grant of annual increments and advance increments for all Provincial civil servants in NWFP without any exception. Since the teachers or the employees in Education Department have never been expressly or impliedly excluded from the operation of the circular letter, view taken by the Tribunal being erroneous cannot be sustained at law. In fact, it suffers from clear misconception of law and misconstruction of the circular letter (supra)."

While disposing of the C.R.P No. 216 and 217 of 2007 in C.P Nos. 525 and 526 of 2007, the August Supreme Court of Pakistan held:-

"The learned Addl. Advocate General has contended that this Court while interpreting the circulars in question has taken a view contrary to the correct legal position, according to which private respondents were not entitled to the benefit of advance increments. We are afraid, the learned Addl. A.G instead of pointing out any mistake of law and fact in the judgment made an attempt to re-open the case on merits. The scale of review is very limited and the points already considered in the judgment under review cannot be allowed to be re-agitated in review jurisdiction. These review petitions being without any substance are accordingly dismissed."

While disposing of Crl. O.P. No. 66 & 67 of 2007, it was held by the August Supreme Court of Pakistan:-

"The learned Addl. A.G. has given an undertaking for implementation of the judgment of this Court within a period of two weeks and in view thereof, this criminal original is disposed of with the direction that the

NWFP
SARAWAR

EXAMINER
Tribunal

ATTESTED

judgment should be implemented in letter and spirit within two weeks under intimation to the Registrar of this Court."

6. In the above circumstances, and in view of the judgment in rhyme by the August Supreme Court of Pakistan, and keeping in view the provisions of Article 189 of the Constitution of Islamic Republic of Pakistan, we have no other alternative but to declare that all the appellants, after ascertainment that they are the persons similarly placed with the appellants who had previously litigated and in whose favour the judgment mentioned above was given by the August Supreme Court of Pakistan, are entitled to the same benefits as have been given to the appellants of the judgments quoted above. The appeals of such similarly placed persons; after such ascertainment, stands accepted without costs. Each party will bear the cost of the litigation.

7. The official respondents in the above mentioned appeals as well as the other concerned officers/officials in the province are directed to follow the above quoted judgments in their true letter and spirit and without compelling the respective right holders to enter into litigation with the respective official respondents, otherwise the costs of their litigation shall be recovered from the pay and pension as well as person and property of the defaulting concerned officer, though after fixation of responsibility on them as a result of proper enquiry.

8. The remaining similarly placed persons may submit applications/representations to their concerned authorities directly, who shall have to decide their cases as above within a reasonable time.

ANNOUNCED
12.05.2009.

[Signature]

sd/- Abdul Jaleel member
sd/- Bismit Kati Ghadi member

Date of presentation
Date of receipt
Date of delivery

4400 2-6-09
24
24
9-6-09
9-6-09

Annexure (B)

(17)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

No. FD (SR-1) 2-123/2010
Dated Peshawar the: 15-12-2010

To
The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

Subject: GRANT OF ADVANCE INCREMENTS ON THE BASIS OF ACQUIRING HIGHER QUALIFICATION.

Dear Sir,

I am directed to refer to your letter No.H-24(74)/Peshawar/Vol-III/2009-10/88 dated 12/01/2010, on the subject noted above and to say that the matter has thoroughly been examined in consultation with concerned Departments during the meetings held on 10-08-2010, 14-10-2010, 18-10-2010, 15-11-2010, 28-11-2010 and 09-12-2010 towards the queries raised by your office, which are clarified as under-

2. The Supreme Court of Pakistan in its Judgement dated 19-07-2007 vide para No.2 has observed in the following words:-

"It would be seen that the petitioners were placed in BPS-14 by reason of having acquired the qualification of BA / BSc, 2nd division which is the prescribed qualification for the post of Elementary School Teacher".

3. In light of the said observations of the honourable Apex Court, the record of the concerned teacher was gone through, which revealed that the said teacher had already availed the benefit of B-14 from B-9 which is the prescribed qualification for appointment as CT School Teacher. As such in the light of the Judgement of the Apex Court referred to above the said petitioner is entitled to get two increments on the basis of acquiring higher qualification of Master Degree.

- i) Those C.T teachers who are in BPS-9 and possessing higher qualification of MA/MSc but have not been placed in BPS-14, are entitled to 4 advance increments while those who have availed BPS-14 are entitled to 2 advance increments on MA/MSc.
- ii) Advance increments will be allowed from the date of obtaining higher qualification or from the date of appointment which ever is later in term of para 5(ii) of Pay Revision Rules 1991, issued vide Finance Department's letter No.FD(PRC)1-1/89, dated 11th August, 1991.
- iii) Those teachers who had secured their appointment or acquired higher qualification after 01-12-2001 are not entitled for the facility of the advance increments on higher qualification in view of the Pay Revision introduced vide Finance Department's letter No.FD(PRC)1-1/2001, dated October 27, 2001.
- iv) Recovery may be made from those teachers/employees who have availed more advance increments over and above their entitlement on academic qualifications as prescribed in para-5(a,b,c & d) of Revision of Basic Scale 1991.

Yours Faithfully,


(KHURSHID ALAM)
Section Officer (SR-1)

12.8

1377

Abbotabad

S#: 1

P Sec:003 Month:January 2017
AD6051 -GHS NO2 HAVELIAN

Pers #: 00007379 Buckle: 0

HEAD MASTER GHS NO2 HAVELIAN

Name: SHUJAH ALI.

NTN: 0

CERTIFICATED TEACHER

GPF #: EDU 018268

CNIC No. 130010115163

Old #: 9999078455

GPF Interest Applied

16 Active Permanent

AD6051 -0

PAYS AND ALLOWANCES:

0001-Basic Pay	38,920.00
1000-House Rent Allowance	1,818.00
1210-Cohv Allowance 2005	5,000.00
1947-Medical Allow 15% (16-22)	2,239.00
1948-Adhoc Allowance 2010@ 50%	5,760.00
2148-15% Adhoc Relief All-2013	1,090.00
2199-Adhoc Relief Allow @10%	762.00
2211-Adhoc Relief All 2016 10%	3,892.00

Gross Pay and Allowances 59,481.00

DEDUCTIONS:

IT Payable	0.00	Deducted	0.00	TAX: (3609)	635.00
GPF Balance	495,154.00			Subro	2,425.00
3501-Benevolent Fund					250.00
3990-Emp Edu. Fund KPK					150.00
4004-R. Benefits & Death Comp:					650.00

Total Deductions 4,110.00

Attended
[Signature]

55,371.00

D.O.B 02.02.1972
22 Years 03 Months 023 Days

LFP Quota:
THE BANK OF KHYBER HAVELIAN.
516-00-8

**Dist. Govt. NWFP-Provincial District Accounts Office Abbotabad
Monthly Salary Statement (February-2017)**



Personal Information of Mr SHUJAH ALI. d/w/s of SHAH ZAMAN.

Personnel Number: 00007379 CNIC: 1310103515163
Date of Birth: 02.02.1972 Entry into Govt. Service: 10.10.1994

Length of Service: 22 Years 04 Months 020 Days

Employment Category: Active Temporary

Designation: SECONDARY SCHOOL TEACHER Vendor Number:
DDO Code: AD6257-HEAD MASTER GHS HARI KHATER 80346379-DISTRICT GOVERNMENT KHYBE
GPF A/C No: EDU 018268 Interest Applied: Yes GPF Balance: 500,385.00

Pay and Allowances: Pay scale: BPS For - 2016 Pay Scale Type: Civil BPS: 16 Pay Stage: 19

Wage type		Amount	Wage type		Amount
0001	Basic Pay	40,200.00	1000	House Rent Allowance	1,818.00
1947	Medical Allow 15% (16-22)	2,239.00	1948	Adhoc Allowance 2010@ 50%	5,760.00 ✓
2148	15% Adhoc Relief All-2013	1,090.00	2199	Adhoc Relief Allow @10%	762.00
2211	Adhoc Relief All 2016 10%	4,020.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2806	-2,806.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-527.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principle amount	Deduction	Balance
6506	Recovery loan Pri. Instal	66,110.00	-5,000.00	61,110.00

Tax Payable: Recovered till February-2017: 4,610.00 Exempted: Recoverable: 2,104.12
Gross Pay (Rs.): 55,889.00 Deductions (Rs.): -9,933.00 Net Pay (Rs.): 45,956.00
Account Number: 516-00-8 Bank Details: THE BANK OF KHYBER, 080088 HAV BRANCH

C.T.C
[Signature]
Headmaster
G.H.S Hari Khater
Abbotabad

(13/06.03.2017/12:12:40) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

Dist. Govt. NWFP-Provincial
District Accounts Office Abbotabad
Monthly Salary Statement (March-2017)



Personal Information of Mr SHUJAH ALI. d/w/s of SHAH ZAMAN.

Personnel Number: 00007379 CNIC: 1310103515163 NTN: 0
Date of Birth: 02.02.1972 Entry into Govt. Service: 10.10.1994 Length of Service: 22 Years 05 Months 023 Days

Employment Category: Active Temporary

Designation: SECONDARY SCHOOL TEACHER 80346379-DISTRICT GOVERNMENT KHYBE
DDO Code: AD6257-HEAD MASTER GHS HARI KHATER ABBOTTABAD
Payroll Section: 003 GPF Section: 001 Cash Center: 0
GPF A/C No: EDU 018268 Interest Applied: Yes GPF Balance: 284,441.00
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2016 Pay Scale Type: Civil BPS: 16 Pay Stage: 19

Wage type		Amount	Wage type		Amount
0001	Basic Pay	40,200.00	1000	House Rent Allowance	1,818.00
1947	Medical Allow 15% (16-22)	2,239.00	1948	Adhoc Allowance 2010@ 50%	5,760.00
2148	15% Adhoc Relief All-2013	1,090.00	2199	Adhoc Relief Allow @10%	762.00
2211	Adhoc Relief All 2016 10%	4,020.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2806	-2,806.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-526.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	225,000.00	-6,250.00	218,750.00
6506	Recovery loan Pri. Instal	66,110.00	-5,000.00	56,110.00

Deductions - Income Tax

Payable: 11,188.63 Recovered till March-2017: 5,136.00 Exempted: 4475.26 Recoverable: 1,577.37

Gross Pay (Rs.): 55,889.00 Deductions: (Rs.): -16,182.00 Net Pay: (Rs.): 39,707.00

Payee Name: SHUJAH ALI.
Account Number: 516-00-8
Bank Details: THE BANK OF KHYBER, 080088 HAV BRANCH HAVELIAN. (HAV) ABBOTTABAD

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: ATD Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email: shujjahali7379@gmail.com

Dist. Govt. NWFP-Provincial
District Accounts Office-Abbotabad
Monthly Salary Statement (April-2017)



Personal Information of Mr SHUJAH ALI. d/w/s of SHAH ZAMAN.

Personnel Number: 00007379 CNIC: 1310103515163 NTN: 0
Date of Birth: 02.02.1972 Entry into Govt. Service: 10.10.1994 Length of Service: 22 Years 06 Months 022 Days

Employment Category: Active Temporary

Designation: SECONDARY SCHOOL TEACHER 80346379-DISTRICT GOVERNMENT KHYBE
DDO Code: AD6257-HEAD MASTER GHS HARI KHATER ABBOTTABAD
Payroll Section: 003 GPF Section: 001 Cash Center: 0
GPF A/C No: EDU 018268 Interest Applied: Yes GPF Balance: 293,497.00
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2016 Pay Scale Type: Civil BPS: 16 Pay Stage: 20

Wage type		Amount	Wage type		Amount
0001	Basic Pay	41,480.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1947	Medical Allow 15% (16-22)	2,239.00
1948	Adhoc Allowance 2010@ 50%	5,760.00	2148	15% Adhoc Relief All-2013	1,090.00
2199	Adhoc Relief Allow @10%	762.00	2211	Adhoc Relief All 2016 10%	4,148.00
5801	Adj Basic Pay	2,560.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2806	-2,806.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-744.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00	4200	Professional Tax	-200.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	225,000.00	-6,250.00	212,500.00
6506	Recovery loan Pri. Instal	66,110.00	-5,000.00	51,110.00

Deductions - Income Tax

Payable: 12,277.80 Recovered till April-2017: 5,880.00 Exempted: 4910.68 Recoverable: 1,487.12

Gross Pay (Rs.): 64,857.00 Deductions: (Rs.): -16,600.00 Net Pay: (Rs.): 48,257.00

Payee Name: SHUJAH ALI.
Account Number: 516-00-8
Bank Details: THE BANK OF KHYBER, 080088 HAV BRANCH HAVELIAN, (HAV) ABBOTTABAD

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:
City: ATD Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address:
City: Email: shujjahali7379@gmail.com

22

Dist. Govt. NWFP-Provincial
District Accounts Office Abbotabad
Monthly Salary Statement (May-2017)



Personal Information of Mr **SHUJAH ALI** d/w/s of **SHAH ZAMAN**.

Personnel Number: 00007379 CNIC: 1310103515163 NTN: 0
Date of Birth: 02.02.1972 Entry into Govt. Service: 10.10.1994 Length of Service: 22 Years 07 Months 023 Days

Employment Category: Active Temporary

Designation: SECONDARY SCHOOL TEACHER 80346379-DISTRICT GOVERNMENT KHYBE
DDO Code: AD6257-HEAD MASTER GHS HARI KHATER ABBOTTABAD
Payroll Section: 003 GPF Section: 001 Cash Center: 0
GPF A/C No: EDU 018268 Interest Applied: Yes GPF Balance: 302,553.00
Vendor Number: 30311787 - TABESUM REHMAN S/O GOHAR REHMAN PENSION
Pay and Allowances: Pay scale: BPS For - 2016 Pay Scale Type: Civil BPS: 16 Pay Stage: 20

Wage type		Amount	Wage type		Amount
0001	Basic Pay	41,480.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1947	Medical Allow 15% (16-22)	2,239.00
1948	Adhoc Allowance 2010 @ 50%	5,760.00	2148	15% Adhoc Relief All-2013	1,090.00
2199	Adhoc Relief Allow @10%	762.00	2211	Adhoc Relief All 2016 10%	4,148.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2806	-2,806.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-744.00	3990	Emp.Edu. Fund KPK	-150.00
3004	R. Benefits & Death Comp.	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	225,000.00	-6,250.00	206,250.00
6506	Recovery loan Pri. instal	66,110.00	-5,000.00	46,110.00

Deductions - Income Tax

Payable: 12,277.78 Recovered till May-2017: 6,624.00 Exempted: 4910.44 Recoverable: 743.34

Gross Pay (Rs.): 62,297.00 Deductions: (Rs.): -16,400.00 Net Pay: (Rs.): 45,897.00

Payee Name: SHUJAH ALI
Account Number: 516-00-8
Bank Details: THE BANK OF KHYBER, 080088 HAV BRANCH HAVELIAN, (HAV) ABBOTTABAD

Leaves: Opening Balance: Aailed: Eamed: Balance:

Permanent Address:

City: ATD Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address: City: Email: shujjahali7379@gmail.com

Dist. Govt. NWFP-Provincial
District Accounts Office Abbotabad
Monthly Salary Statement (June-2017)



Personal Information of Mr SHUJAH ALI. d/w/s of SHAH ZAMAN.

Personnel Number: 00007379 CNIC: 1310103515163 NTN: 0
 Date of Birth: 02.02.1972 Entry into Govt. Service: 10.10.1994 Length of Service: 22 Years 08 Months 022 Days

Employment Category: Active Temporary

Designation: SECONDARY SCHOOL TEACHER 80346379-DISTRICT GOVERNMENT KHYBE
 DDO Code: AD6257-HEAD MASTER GHS HARI KHATER ABBOTTABAD
 Payroll Section: 003 GPF Section: 001 Cash Center: 0
 GPF A/C No: EDU 018268 Interest Applied: Yes **GPF Balance:** 311,609.00
 Vendor Number: 30311787 - TABESUM REHMAN S/O GOHAR REHMAN PENSION
Pay and Allowances: Pay scale: BPS For - 2016 Pay Scale Type: Civil BPS: 16 Pay Stage: 20

Wage type		Amount	Wage type		Amount
0001	Basic Pay	41,480.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1947	Medical Allow 15% (16-22)	2,239.00
1948	Adhoc Allowance 2010@ 50%	5,760.00	2148	15% Adhoc Relief All-2013	1,090.00
2199	Adhoc Relief Allow @10%	762.00	2211	Adhoc Relief All 2016 10%	4,148.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2806	-2,806.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-743.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	225,000.00	-6,250.00	200,000.00
6506	Recovery loan Pri. Instal	66,110.00	-5,000.00	41,110.00

Deductions - Income Tax

Payable: 12,277.75 Recovered till June-2017: 7,367.00 Exempted: 4910.75 Recoverable: 0.00

Gross Pay (Rs.): 62,297.00 Deductions: (Rs.): -16,399.00 Net Pay: (Rs.): 45,898.00

Payee Name: SHUJAH ALI.
 Account Number: 516-00-8
 Bank Details: THE BANK OF KHYBER, 080088 HAV BRANCH HAVELIAN, (HAV) ABBOTTABAD

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: City: ATD Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address: City: Email: shujjahali7379@gmail.com

For Further Assistance PP,

0333-5025002 Rashid Iqbal Khan Jadera,
0306-8102808

In the Supreme Court of Pakistan
(Appellate Jurisdiction)

Present:

Mr. Justice Rana Bhagwandas, ACJ
Mr. Justice Sardar Muhammad Raza Khan

C.P.L.A No.525 of 2007

(On appeal from judgment of NWFP Service Tribunal, Peshawar dated 24.4.2007 passed in Service Appeal No.498 of 2006)

Rashid Iqbal Khan
District Coordination Officer, Abbottabad & others
Petitioner
Versus
Respondents
Petitioner: Rashid Iqbal Khan, in person
For the respondents: Sardar Shaukat Hayat Khan,
Additional Advocate General, NWFP

C.P.L.A No.526 of 2007

(On appeal from judgment of NWFP Service Tribunal, Peshawar dated 24.4.2007 passed in Service Appeal No.499 of 2006)

Muhammad Haroon Qureshi
District Coordination Officer, Abbottabad & others
Petitioner
Versus
Respondents
Petitioner: Muhammad Haroon Qureshi, in person
For the respondents: Sardar Shaukat Hayat Khan,
Additional Advocate General, NWFP

Date of hearing: 19.7.2007

Judgment

Rana Bhagwandas, ACJ - Sole grievance of the petitioners

ATTESTED


Superintendent
Supreme Court of Pakistan
ISLAMABAD

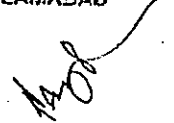
before the NWFP Service Tribunal (hereinafter referred to as the Tribunal) appears to be that after induction in BPS-14 as Elementary School Teachers, in terms of NWFP Government Circular dated 7.8.1991 they are entitled to four advance increments in terms of NWFP Government circular letter No.FD(PRC)1-1/89 dated 11.8.1991 on acquiring higher qualification MA/M.Sc. They have been non-suited by the Tribunal vide judgment dated

24.4.2007 on the premise that they had been placed in higher grade i.e. BPS-14 on acquiring BA/BSc Second Division in terms of Finance Division circular letter No.FD(PRC)1-1/89 dated 7.8.1991, therefore, the provisions of circular letter dated 11.8.1991 issued by the Finance Department would not be applicable to teachers. Tribunal has expressed the view that this circular would be applicable only to ministerial staff, as such, the petitioners were not entitled to the relief claimed by them. Petitioners being aggrieved seek leave to appeal.

2. We have heard the petitioners, who argued their case in person whereas learned Additional Advocate General, NWFP has appeared on Court notice issued to the respondents. With the assistance of learned Additional Advocate General, we have examined both the circulars, which do not exclude the teachers in the Education Department from the benefits accruing out of circular letter dated 11.8.1991, as on its plain reading it applies to all civil servants in BPS 1 to 15 serving under the Provincial Government. Para 5 of the said circular provides mechanism for grant of advance increments to officials for possessing/attaining higher educational qualification. Para 5, clause (c) caters for the grant of four advance increments on attaining MA/MSc where prescribed qualification is FA/FSc. It would be seen that the petitioners were placed in BS-14 by reason of having acquired the qualification of BA/BSc, Second Division which is the prescribed qualification for the post of Elementary School Teacher. It is not the case of respondent-Government that the petitioners have already drawn advance increments on acquiring higher qualification of MA/MSc.

ATTESTED


Superintendent
Suo Court of Pakistan
ISLAMABAD

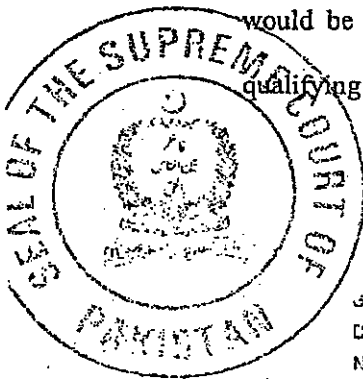


3. Learned Additional Advocate General attempted to argue that in view of the higher scale granted to Elementary School Teachers in pursuance of the circular letter dated 7.8.1991, which was personal to them, the

petitioners would not be entitled to the incentive of advance increments contemplated by circular letter dated 11.8.1991 but he is unable to cite any principle of law or authority for placing this interpretation. We find that, while circular letter dated 7.8.1991 exclusively deals with the scales of pay of school teachers in different categories, circular letter dated 11.8.1991 provides for the revision of basic pay scales and grant of annual increments and advance increments for all Provincial civil servants in NWFP without any exception. Since the teachers or the employees in Education Department have never been expressly or impliedly excluded from the operation of the circular letter, view taken by the Tribunal being erroneous cannot be sustained at law. In fact, it suffers from clear misconstruction of law and misconstruction of the circular letter (supra).

3. For the aforesaid facts, circumstances and reasons, we are of the considered view that the Tribunal committed a serious error of law, therefore, the impugned judgment is liable to be set aside. Consequently, we convert these petitions into appeals and, on acceptance, declare that the petitioners

would be entitled to four advance increments with effect from the date of qualifying MA/MSc exam.



Sd. Iqbal Begwader, A.C.J
Sd. Justice Muhammad Nazeem Khan, J

Certified to be true copy

M. J. Khan
 Superintendent
 Supreme Court of Pakistan
 ISLAMABAD
 15/8/2007

4733/07

Sl. No. _____
 Date of Presentation 19-7-07
 No. of Words 9
 No. of Pages 9
 Islamabad, Registration Fee Paid _____
 19th July, 2007 Fee In _____
 Not approved for reporting. 10/8/07
 Date of Copying _____
 Date of Copying _____
 Copy: _____

IN THE SUPREME COURT OF PAKISTAN
(REVIEW/ORIGINAL JURISDICTION)

Present:

MR. JUSTICE MUHAMMAD NAWAZ ABBASI
MR. JUSTICE MUHAMMAD QAIM JAN KHAN
MR. JUSTICE MUHAMMAD MOUSA K. LEGHARI

C.R.P. NOS. 216 & 217/2007 in C.P. NOS. 525 & 526/2007
(On review from the judgment dated 19.7.2007 passed in C.A. Nos. 1504 & 1505/2007)

Secretary to Govt. of N.W.F.P. Finance Department, Peshawar
...Petitioner (in both cases)

Versus

Rashid Iqbal Khan and others ... Respondents (in C.R.P. No. 216/07)
Muhammad Haroon Qureshi and others ... Respondents (in C.R.P. No. 217/07)

CR.O.P. NOS. 66 & 67/2007 IN C.A. NOS. 1504 & 1505/2007

Rashid Iqbal Khan ... Petitioner (in Cr.O.P. No. 66/07)
Muhammad Haroon Qureshi ... Petitioner (in Cr.O.P. No. 67/07)

Versus

District Coordination Officer, Abbottabad and others
... Respondents (in both cases)

For the Petitioner : Sardar Shaukat Hayat, Addl.A.G. N.W.F.P.
(in C.R.P. Nos. 216 & 217/07)

For the Petitioners : In Person
(in Cr.O.P. 66 & 67/07)

For the Respondents : N.R.
(in C.R.P. Nos. 216 & 217/07)

For the Respondents : Sardar Shaukat Hayat, Addl.A.G. N.W.F.P.
(in Cr.O.P. 66 & 67/07)

Date of hearing : 29.1.2008

ORDER

✓
MUHAMMAD NAWAZ ABBASI, J:- The learned Addl. Advocate General has contended that this Court while interpreting the circulars in question has taken a view contrary to the correct legal position according to which private respondents were not entitled to the benefit of advance increments. We are afraid, the learned Addl.A.G. instead of pointing out any mistake of law and fact in the judgment made an attempt to re-open the case on merits. The scope of

ATTESTED
[Signature]

Secretary
Supreme Court of Pakistan
(Secy)

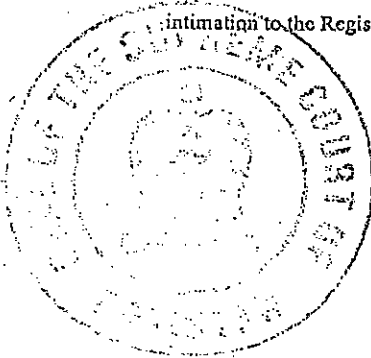
Attested
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16

review is very limited and the points already considered in the judgment under review cannot be allowed to be re-agitated in review jurisdiction. These review petitions being without any substance are accordingly dismissed.

Cri.O.P. Nos. 56 & 67/2007

The learned Addl.A.G. has given an undertaking for implementation of the judgment of this Court within a period of two weeks and in view thereof, this criminal original is disposed of with the direction that the judgment should be implemented in letter and spirit within two weeks under intimation to the Registrar of this Court. —



Jud. Muhammad Nawaz Akhbari, J.
Jud. Muhammad Qasim Javed, J.
Jud. Muhammad Masood-ul-Hasan, J.

Certified to be true copy

[Signature]
13/02/08
Superintendent
Supreme Court for Pakistan
(General Dept)

Islamabad
29.1.2008
(Ejaz Goraya)

17/1/08

562/08

...	28-1-08
...	600
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...	3-25
...	8-25
...	13-02-2008
...	25-02-2008
...	<i>[Signature]</i>

*Attested
Ejaz Goraya*

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
FINANCE DEPARTMENT

NOTIFICATION

Peshawar, dated the 7th August, 1991

No. FD(PRC)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 (PTG/JV)	<p>All the present and future Primary school Teachers who hold the qualification of FA/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
[Signature]

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.

4. Secondary school teachers.

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.

Enclst No: FD(PRC) 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.

Enclst No: FD(PRC) 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

Attested
[Signature]

sd/ x x x

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

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

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, 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(FC)1-3/85 dated 4-8-1988.

- 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/ F. 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

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.

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/-

10. a) MESSIN /DIET ALLOWANCE.

The existing rate of messing/diet allowance for Nursing Cadre(below EPS-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 AKH)
DEPUTY SECRETARY(REG:)
FINANCE DEPARTMENT.

To,

**THE ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA PESHAWAR.**

SUBJECT

DEPARTEMENTAL APPEAL AGAINST THE DEDUCTION / RECOVERY OF TWO (02) ADVANCE INCREMENT OUT OF FOUR (04) ADVANCE INCREMENTS FROM THE SALERIES OF THE APPELLANT WITH EFFECT FROM 01/02/2017, THESE (04) FOUR ADVANCE INCREMENTS OF M.A/M.SC WERE GRANTED IN PURSUANCE OF THE JUDGEMENT DATE 12/05/2009 PRONOUNCED BY KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR IN APPELLANT'S INDIVIDUAL SERVICE APPEAL IN THE LIGHT OF JUDGMENT OF APEX COURT DATED 19/07/2007, BOTH JUDGEMENT HAD ATTAINED FINALITY, AND SAME IS IMPLEMENTED IN LETTER AND SPIRIT.

attached

SIR,

The submissions of the appellant are as under:

- 1) That the appellant is a school teacher in Elementary and Secondary Education Department Abbottabad and presently working in the capacity of S.S.T Teacher in BPS NO 16.
- 2) That appellant was granted 04 Advance increments of M.A/M.SC at C.T post (in which I attained three increments out of four , one is merged in step of scale revised and arrear) in pursuance of the judgment date 12/05/2009 pronounced by Khyber Pakhtunkhwa Service Tribunal Peshawar in the appellant's individual service appeal , the said judgment was not only attained its finality but implemented letter and spirit in the year 2010, and since then appellant was being granted /taken these Advance Increments regularly.
- 3) That in the meanwhile I was promoted at S.S.T post dated 30/01/2017, appellant was entitled ^{two} premature increments BPS #16 TO BPS #16 and under the law my pay was to be fixed as (From Rs 38920/-PM BPS 16 in Rs 41100/-PM BPS 16) but utmost surprisingly, District Comptroller of account of Abbottabad without any notice given to the appellant or without formal/official written order or in legal and factual reason , my pay was fixed illegally Rs 40200/-PM and deducted one advance increments and Rs 66110 arrears.
- 4) That in above circumstances, when law point already decided by KPK Service Tribunal and supreme court of Pakistan that is final too , and implemented letter and spirit, later on it cannot be changed/ disturbed /reversed by specially those respondents (District comptroller of account Abbottabad) who were partially in decided settled previous final litigation.
- 5) That it is also submitted and well pertinent to mentioned here ,the very legal position that the letter NO.FD (SR-1)2-123/2010 DATED 15/12/2010 issued by Secretary Finance Department Khyber Pakhtunkhwa Peshawar is directly against the clearly decided case of supreme court of Pakistan as referred portion taken from the para no 2 of the judgment dated 19/07/2007 is not observations of supreme court, it is the arguments of additional advocate general KPK and next relevant portion of the same Para no 2 of the judgment is left and not taken /mentioned in the under question letter and this situation creates confusion which is not only against the operative part of the judgment dated 19/07/2007 but against the letter and spirit of the supreme court judgment, and admittedly contempt of court.

In the light of above mentioned very serious circumstances and law , it is therefore, requested that on acceptance of this departmental appeal the impugned action deduction/recovery of 01 advanced increment in respect of M.A M.Sc and Rs 66110 arrears taken by district comptroller of account Abbottabad with effect from

MAA

P.T.O

01-02-2017 be set-aside/ cancelled and all amount which is refunded or the amount is deducted from the salary of the appellant may be ordered the refund of same



SHUJJAH ALI
SST TEACHER, GOVERNMENT HIGH HARI KHAITER
ABBOTTABAD
DATE 01/03/2017

(For use in Police Department only).

1. Passed S.S.C. Exam: 1987 (A) B.I.S.E Peshawar NWFP, under Roll No 21742 obtained 863/850 marks in Grade (B) The result Declaration dated 31-8-1987.
2. Passed F.A. Exam: 1990(A) B.I.S.E, NWFP, Peshawar under Roll: No: 16476 obtained 475/1100 marks in grade (D) the result Declaration dated Jan 1991

Verification Roll No. <u>2</u> <u>Passed MA BA Exam: 1993(A)</u> dated <u>17/3/94</u> received back	<u>Passed C.T long course Examination</u> under Roll no 2906 obtaining 704 marks in the 2nd Division conducted by the Registrar Departmental Examination NWFP Peshawar in the Session 1997. Result declared on 27-2-98.
<u>University of Peshawar under Roll No: 16610 obtained 273/550 marks in grade II the result Declaration dated 17/3/94</u>	<u>Left thumb-impression:</u>
<u>Passed MA Urdu (Final) Examination</u> from University of Peshawar under Roll No 7458 obtaining 527/1100 marks in the Session 1996 (A)	<u>Principal Govt Higher Secondary School Rich Behn Abbottabad. Date</u>
<u>English</u> has been placed <u>Result declared on</u>	<u>First Arts in the 2nd Division Result declared on 18-10-1997.</u>
<u>Pashtu</u> Passed MA Islamiat (Final) from University of Peshawar	<u>Govt. Higher Secondary School Rich Behn Abbottabad</u>
<u>Urdu</u> Roll No 17139 obtaining 552 marks in the Session 1998 (A) and	<u>Pledership examination has been placed</u>
<u>Plan-drawing</u> in the 2nd Division Result declaration on 13th Sep-1999.	<u>Training School Final examination</u>
<u>Finger print</u>	<u>Other qualifications-</u>
<u>Drill instructing</u>	<u>Passed B.Ed Exam 2002 University of Peshawar under R. No 1170 obtained marks 463/1000 in 2nd division result Declaration Date: 22-12-2002.</u>
<u>Court duties</u>	
<u>Reserve duties</u> Passed L.L.O from University of Peshawar under Roll No 2304 in the Session 2003(A) Marks obtained 993/2000	
<u>Result declared on Sep-9-2004 place in Grade/Division Second.</u>	

N. B-Line to be drawn under the qualification possessed.

HEAD MASTER
Govt. High School
Ghora Bazaran A.C.

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name *Shujah Ali*

2. Race *Awan*

3. Residence *Village and P.O. Mundra Rich Bhen
Tehsil and Distt: Abbotabad*



4. Father's name and residence *Shah Zaman*



5. Date of birth by Christian era as nearly as can be ascertained *2.2.1972*


6. Exact height by measurement *5-8*

7. Personal marks for identification ..

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger.  Ring Finger 

Middle Finger  Fore Finger 

Thumb. 

Entries attached

9. Signature of Government servant. *Shujah Ali*

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Prepared by Demandor Asslt

Shujah Ali
Dy. Secy
Abbotabad

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other encumbrment falling under the term "Pay"	Date of appointment	Signature of Government servant
PET							
Govt. Middle School, Tarori	Off/Temp		Rs 1605/Pm Fixed			10/11/94	[Signature]
② PET Giris Ekori	-do-		Rs 1605/Pm - Pms			12/1/95	[Signature]
③ PET Giris Tarori	-do-		Rs 1605/Pm Fixed			17/5/96	[Signature]
CT. CHSS			Rs 1605/Pm - do -			12/1/96	[Signature]
Richmishwari	-do-		Rs 1605/Pm - do -			12/1/97	[Signature]
-do-	-do-		Rs 1605/Pm - do -			12/1/98	[Signature]
-do-	-do-		Rs 1605/Pm - do -			12/1/98	[Signature]
-do-	-do-		Rs 1605/Pm - do -			12/1/98	[Signature]
<u>GRS 9 (1605-97-3260) Fixed</u>							
Govt. Middle School, Tarori	Off/Temp		Rs 1605/Pm Fixed			10/11/94	[Signature]
Govt. Middle School, Ekori	-do-		Rs 1605/Pm Fixed			12/1/95	[Signature]
-do-	-do-		Rs 1605/Pm Fixed			12/1/95	[Signature]
Govt. Middle School, Tarori	-do-		Rs 1605/Pm Fixed			15/1/96	[Signature]
-do-	-do-		Rs 1605/Pm Fixed			12/1/96	[Signature]
-do-	-do-		Rs 1605/Pm Fixed			12/1/96	[Signature]
-do-	-do-		Rs 1605/Pm Fixed			12/1/96	[Signature]
-do-	-do-		Rs 1605/Pm Fixed			12/1/96	[Signature]

Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
	11/30/95	Fixed Pay	By DEO (Secy) Abbottabad				Appointment against vacant PET Post vide Di. Director of Edu (S) Hazara Division Abbottabad No. 200/AE-IV Dated 7.11.1994 and Endst No 18774-863/AE IV Dated 7.11.1994.
	16/5/96	Transfer	By DEO (Secy) Abbottabad				
	30/11/96	Fixed Pay	By DEO (Secy) Abbottabad				
	30/11/97	Fixed Pay	By DEO (Secy) Abbottabad				Sanction Grant of Leave w-e t 30.4.95 to 5.5.95 (6 days) on full pay on P/ Affairs
	30/11/98	Fixed Pay	By DEO (Secy) Abbottabad				2.6.5.95 to 8.2.95 (3 days on EOL without pay P/ Affairs vide Di. Director of Edu (S) Hazara Division Abbottabad Endst No. 18318-25/AE-IV Dated 25.7.1995.
	20/95	Transfer	By DEO (M) Abbottabad				
	30/4/95	Transfer	By DEO (M) Abbottabad				
	14/96	Transfer	By DEO (M) Abbottabad				
	16/96	Transfer	By DEO (M) Abbottabad				
	12/95	Transfer	By DEO (M) Abbottabad				Services verified w.e. from 10.11.94 to 30.11.95 from the Acknittance Rolls & other office record.
	16.5.96	Transfer	By DEO (M) Abbottabad				Services verified w.e. from 12.95 to 16.5.96 from the Ackn. Roll and other office record.
	30/11/97	Transfer	By DEO (Secy) Abbottabad				
	30/11/97	Transfer	By DEO (Secy) Abbottabad				Services from 12.95 to 30.11.97 are Verified from the Ackn. Roll and other office record.

Services verified w.e. from 10.11.94 to 30.11.95 from the Acknittance Rolls & other office record.

D (M) A.B.

Services verified w.e. from 12.95 to 16.5.96 from the Ackn. Roll and other office record.

DEO (Secy) Abbottabad

Services from 12.95 to 30.11.97 are Verified from the Ackn. Roll and other office record.

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
C.T. GSS, Kichlaban	Temp		Rs. 1905/- PM			1/1/78	[Signature]
do	do	Pay scale Revised in BPS-14 (2065-16-4900)	Rs. 2065/- PM			27/1/78	[Signature]
do	do		Rs. 2226/- PM	✓		1/1/78	[Signature]
do	do		Rs. 2227/- PM	✓		1/1/78	[Signature]
do	do		Rs. 2548/- PM			1/1/78	[Signature]
do	do		Rs. 2709/- PM			1/12/2001	[Signature]
C.T Post		Pay scale Revised in BPS No-14 (3100-240-10300)					
GSS Rich Blon	Temps		Rs. 4060/-			1/12/2001	[Signature]
G. H. S. Ghora Bagan	"		Rs. 4060/-			2/6/2002	[Signature]
GHS Ghora Bagan	"	Remarks	Rs. 4300/-			1/12/2002	[Signature]
Office of the Accountant General		3100-240-10300 (14)	4060/-				
	with next increment on						

Govt. Htg
Sch 1

Office of the Accountant General
3100-240-10300 (14)
4060/-
with next increment on

~~Handwritten notes and signatures, possibly crossed out.~~

B

[Signature]

9	10	11	12	13	13	
				Leave		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government etc.	Signature of the head of the office or other attesting officer Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Period	Government to which debitable	
Principal Higher Secondary School Rich Baco Abbottabad	26/2/1998	Promoted in BPS-14	Principal GHSS Rich Baco Abbottabad	Appointed	Charge of Cadet, P&T to C.T Post, on his own pay and BDS, vide D.O. (S) Hazi Division Abbottabad 90 NO-66/AE-III	Principal Govt. Higher Secondary School Rich Baco Abbottabad
Principal GHSS Rich Baco Abbottabad	30/11/98	Annual Inc.	Principal GHSS Rich Baco Abbottabad		Encls: No-7771-76/AE-III AAT C.T (M) F. No-12 Dated 14.4.1996	
Principal GHSS Rich Baco Abbottabad	30/11/99	Annual Inc.	Principal GHSS Rich Baco Abbottabad			
Principal GHSS Rich Baco Abbottabad	31/10/2001	Promoted in BPS-14	Principal GHSS Rich Baco Abbottabad		Promoted Pay allowed in BPS-14 (265-16-485) vide D.O. (M) Hazi Secondary Abbottabad Encls: No- 19708-84/AE-II/9-Pay/6-7 dated 22-12-99 with the date of declaration of C.T. result on 27-2-1998.	
Principal GHSS Rich Baco Abbottabad	30/11/2001	Annual Increment	Principal GHSS Rich Baco Abbottabad			
Principal GHSS Rich Baco Abbottabad						
Principal GHSS Rich Baco Abbottabad						
Principal GHSS Rich Baco Abbottabad	1/6/2002 (A.N)	Transferred to GHS Chora Bazar Gyan Vide F.D. (A.N) 8-146-433 dated 7-6-2002.	Principal GHSS Rich Baco Abbottabad		Service from 1-12-97 to 30-11-99 are verified from the A/Roll and other office record	
Principal GHSS Rich Baco Abbottabad	30/11/2002	Annual Increment	Principal GHSS Rich Baco Abbottabad			
Principal Govt. High School Chora Bazar			Principal Govt. High School Chora Bazar			
Principal Govt. High School Chora Bazar						
Principal Govt. High School Chora Bazar						
Principal Govt. High School Chora Bazar						
Principal Govt. High School Chora Bazar						
Principal Govt. High School Chora Bazar						
Principal Govt. High School Chora Bazar						

Drawn off from pay due to
awarded BPS 14 in-84 2727
9/2002
D = 16638/150

Service from 29-10-2002
or. Verified from the A/Roll and
other office record

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
CT GHS G.B. Grewal	off/perm		Rs. 4500/PM			12/2003	[Signature]
— Do —	— do —		Rs. 4780/PM			12/2004	[Signature]
Revised scale BPS (14)			(3565-275-11815)				
CT GHS G.B. Grewal	off/perm		Rs. 5490/PM			7/2005	[Signature]
CT GHS G.B. Grewal	— do —		Rs. 5765/PM			12/2005	[Signature]
— do —	— do —		Rs. 6040/PM			12/2006	[Signature]
<div data-bbox="846 1209 1285 1568" data-label="Text"> <p>(2005) Office of the Accountant General N.W.F.P Peshawar Pay in the revised basic pay scale 2005 of Rs. 3565-275-11815 at Rs. 5490/PM on 07-2005 with effect from 12-2005 Account Officer Pay Fixation Peshawar</p> </div>							
6935/14	off		Rs. 5490/PM				
9000/15							
Scale Revised BPS-14 (4100-315-13550)							
HS G.B. Grewal			Rs. 7250/PM (6935/14)			7/2007	[Signature]
— do —			Rs. 7250/PM			12/2007	[Signature]
Revised Entries							

55/14/6

44

Paid active = 2/02

9	10	11	12	13	14	15	
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		Signature of the head of the office or other attesting officer	Record of any punishment or censure, or reward or praise of the Government Servant.
				Period	Government to which debit		
<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl	30-11-2004	Am Lacra	<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl			<i>[Signature]</i> Municipal Govt. High School Chera Bazar, Aizawl	Service from 1-12-2002 to 30-11-2004 are verified from the A/Roll and other office record
<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl	30-6-2005	scale Revised	<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl			<i>[Signature]</i> Municipal Govt. High School Chera Bazar, Aizawl	Service from 1-12-2001 to 7-6-2002 are verified from the A/Roll and other office record
<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl	30-11-2005	Am Lacra	<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl			<i>[Signature]</i> Municipal Govt. High School Chera Bazar, Aizawl	Service from 8-6-2002 to 30-11-2002 are verified from the A/Roll and other office records
<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl	30-11-2006	Am Lacra	<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl			<i>[Signature]</i> Municipal Govt. High School Chera Bazar, Aizawl	Service from 1-12-2002 to 30-11-2003 are verified from the A/Roll and other office records
<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl	30-11-2007	Am Lacra	<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl			<i>[Signature]</i> Municipal Govt. High School Chera Bazar, Aizawl	Service verified 11 wgs 1-12-2002 to 30-11-2003 from the A/Roll & other office record.
<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl	30-11-2007	Am Lacra	<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl			<i>[Signature]</i> Municipal Govt. High School Chera Bazar, Aizawl	
<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl	30-9-2007	Entire Revised due transfer of BPS-15 vide FD/50 (FR) 20-22/2007 dated 26-1-2008 duly Endst. by the EDO (S&A) Aizawl under Endst. No 12905-14/2007 EDO (S&A) Aizawl	<i>[Signature]</i> Govt. High School Chera Bazar, Aizawl			<i>[Signature]</i> Municipal Govt. High School Chera Bazar, Aizawl	Service verified 12-2004 to 12-2005 from the A/Roll and other office records

T/4631
19/11
T/5402
17/06/05 Drawn Pay List

DAO

Granted Annual Increment ²⁰ ~~pay to untrained teachers in the light of Supreme Court judgement & no more shall however be admissible for the date of issue of this circular vide Govt. No. FD/15/1985~~

Name of post	Whether substantive or officiating and whether permanent or temporary	Officially state (i) substantive appointment, or (ii) subject service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Assignment Pay for officiating	Other emoluments falling under the term "Pay"	Date of appointment	Signature of Government servant
CT		BPS 15 (4350-350-14850)					
GHS Ghora Bazar	off/Temp		Rs. 7150/pm			10/2007	J. An
—do—	—do—		Rs. 7500/pm			12/2007	J. An
CT		BPS 15 (5220-420-17820)					
GHS Ghora Bazar	—do—		Rs. 9000/-			12/2006	J. An
—do—	—do—		Rs. 9420/-			12/2008	J. An
—do—		Grade B. 1605-971-3060 BPS-9					
—do—			Rs. 1605.00			10/11/94	J. An
—do—			Rs. 1605.00			01/12/94	J. An
—do—			1605			01/12/95	J. An
—do—			1702			01/12/96	J. An
—do—			1799			01/12/97	J. An
—do—		Grade B. 2065-161-448 BPS-14					
—do—			Rs. 2065/0			27/12/98	J. An
—do—			Rs. 2226/0			01/12/98	J. An
—do—			Rs. 2387/0			01/12/99	J. An
—do—			Rs. 2548/0			01/12/2000	J. An
—do—			Rs. 2709/0			01/12/01	J. An

9	10	11	12	13		14	15
				Leave			
				Period	Government to which debitable		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
Headmaster Govt. High School Ghora Bagran And	30/11/07	Annual	Headmaster Govt. High School Ghora Bagran And				Service verified from A.G. Rull and other office
Headmaster Govt. High School Ghora Bagran And	30/11/08	Pay Release	Headmaster Govt. High School Ghora Bagran And				Record W.C.F. 1-12-2006 to 30-11-2008.
Headmaster Govt. High School Ghora Bagran And	30/11/08	Annual	Headmaster Govt. High School Ghora Bagran And				Headmaster Govt. High School Ghora Bagran And
Headmaster Govt. High School Ghora Bagran And	30/03/09	Approved	Headmaster Govt. High School Ghora Bagran And				Service verified from the A.G. Rull and other office success w.c.f. 1-12-2006 to 30-11-2007
Headmaster Govt. High School Ghora Bagran And	30/11/94	No job	Headmaster Govt. High School Ghora Bagran And				
Headmaster Govt. High School Ghora Bagran And	30/11/95	A/G	Headmaster Govt. High School Ghora Bagran And				
Headmaster Govt. High School Ghora Bagran And	30/11/96	A/G	Headmaster Govt. High School Ghora Bagran And		5.132		
Headmaster Govt. High School Ghora Bagran And	30/11/97	A/G	Headmaster Govt. High School Ghora Bagran And		15-7-08		Pay allowed in BPS-15
Headmaster Govt. High School Ghora Bagran And	26/02/98	Approved	Headmaster Govt. High School Ghora Bagran And				upto 1.7.08 @ 7500/Annex 28-55
Headmaster Govt. High School Ghora Bagran And	30/11/98	A/G	Headmaster Govt. High School Ghora Bagran And				attached
Headmaster Govt. High School Ghora Bagran And	30/11/99	A/G	Headmaster Govt. High School Ghora Bagran And				Service verified w.c.f. 1-12-2007 to 30-11-2008 from A.G. Rull and other office
Headmaster Govt. High School Ghora Bagran And	30/11/2000	A/G	Headmaster Govt. High School Ghora Bagran And				
Headmaster Govt. High School Ghora Bagran And	30/11/2001	A/G	Headmaster Govt. High School Ghora Bagran And				Service verified W.C.F. 1-12-2008 to 30-11-2009 from A.G. Rull and other office
Headmaster Govt. High School Ghora Bagran And	31/12/01	Bed	Headmaster Govt. High School Ghora Bagran And				Record
Headmaster Govt. High School Ghora Bagran And			Headmaster Govt. High School Ghora Bagran And				HEADMASTER

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
De Gatti		Grade G-3100-240-10350					
Ghera Baggan			G.4060-			01/12/01	Jm
---			G.4300-			01/12/02	Jm
---			G.4540-			01/12/03	Jm
---			G.4780-			01/12/04	Jm
---		Grade G-3565-275-11815					
---			G.5490-			01/07/05	Jm
---			G.5765-			01/12/05	Jm
---			G.6040-			01/12/06	Jm
---		Grade G-4100-315-13550					
---			G.6935-			01/07/07	Jm
---		Grade G-4350-350-14850					
---			G.7150-			01/12/07	Jm
---			G.7500-			01/12/07	Jm
---		Grade G-5220-920-17820					
---			G.9000-			01/07/08	Jm
---			G.9420-			01/12/08	Jm
---			G.9840/-			22 13009	Jm

9	10	11	12	13		14	15	
				Leave				
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government.		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period	Government to which debitable		
Headmaster Govt. High School Ghora Bazgran Atd	30/11/02	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd		G.P.F. Advance Separation vide EDO ESB Atd			
Headmaster Govt. High School Ghora Bazgran Atd	30/11/03	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd		Endst NO: 12159 dt 15-10-2009 Amounting Rs. 25000/- (G.P.F. Advance)			
Headmaster Govt. High School Ghora Bazgran Atd	30/11/04	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd		629 2/01/07/0			
Headmaster Govt. High School Ghora Bazgran Atd	30/06/05	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd		withdraw a sum of Rs 28000 vide T.No 4543 and 4544			
Headmaster Govt. High School Ghora Bazgran Atd	30/11/05	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd		@ 2335 0/07			
Headmaster Govt. High School Ghora Bazgran Atd	30/11/06	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd		J.S. AHC			
Headmaster Govt. High School Ghora Bazgran Atd	30/06/07	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd					
Headmaster Govt. High School Ghora Bazgran Atd	30/09/07	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd					
Headmaster Govt. High School Ghora Bazgran Atd	30/11/07	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd					
Headmaster Govt. High School Ghora Bazgran Atd	30/06/08	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd					
Headmaster Govt. High School Ghora Bazgran Atd	30/11/08	A/gmc	Headmaster Govt. High School Ghora Bazgran Atd					
Headmaster Govt. High School Ghora Bazgran Atd	30/11/2009	A/gmc	HEAD MASTER Govt. High School Ghora Bazgran Atd					
HEAD MASTER Govt. High School Ghora Bazgran Atd								

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
				2008			
2007				OFFICE OF THE ACCOUNTANT GENERAL			
OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR. PAY FIXED IN THE REVISED BASIC PAY SCALES				OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES 1			
OF RS.	4100-315-13550	(14)		OF RS.	5220-420-17820 B15		
AT RS.	69357	M.W.E.F. 1-07-2007		AT RS.	9000	M.W.E.F. 1-07-2008	
With Next increment on		1-12-2007		With Next increment on		1-12-2008	
	Accounts Officer Pay Fixation Party N.W.F.P. Peshawar			Accounts Officer Pay Fixation Party N.W.F.P. Peshawar			
<p>REVISED ENTRIES DUE TO THE 4-ADVANCE- INCREMENTS OF MA AGAINST THE POST OF CT NWP 97-OR-1998 IN THE PURSUANCE OF JUDGEMENT OF THE HONOURABLE SUPREME COURT IN PARTIAL-DECLAMARAD IN C.P.L.A. NO. 8254 OF 2007</p>							
	RA. BAZ	CP/PPRM	Rs. 2709/PPM	Two MA 1998	2709	01-12-1998	J.L.M.
"	"	"	Rs. 2870/PPM - 2548	2337	2870	01-12-1998	J.L.M.
4	4	"	Rs. 3031/PPM - 2709	2709	3031	01-12-1999	J.L.M.
4	4	"	Rs. 3790/PPM - 2870	2870	3790	01-12-2000	J.L.M.
4	4	Scale Revised BPS 14 (3100-240-10300)	3531		3531	01-12-2001	J.L.M.
4	4	"	Rs. 5020/PPM - 4540		5020	01-12-2002	J.L.M.
4	4	"	Rs. 5260/PPM - 4780		5260	01-12-2002	J.L.M.
4	4	"	Rs. 5500/PPM - 5020		5500	01-12-2003	J.L.M.
4	4	"	Rs. 5740/PPM - 5260		5740	01-12-2004	J.L.M.
4	4	Scale Revised BPS 14 (3565-275-11015)	6640		6640	01-07-2005	J.L.M.
4	4	"	Rs. 6550/PPM		6550		J.L.M.

9	10	11	12	13		14	15	
				Leave				
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period	Government to which debitable		
					ALLIED ALL-ADVANCE-2 INCREMENTS OF PIA W/P 27-02-1998 against the Post of [unclear] with all back benefits, in pursuance of the Judgement dtd 19-07-2007 by the honourable Supreme court of Pakistan Islamabad and Judgement dtd 2-5-2008 based in service of the bases of Para 5(c) of the notification NO-FDCPRC) 1-1-189 dtd 11-08-1991 issued by the ED NWFP Peshawar the same is granted/sanctioned by notification NO 50(PE) I & SED/ADV INCR, 2009. issued by the govt of NWFP dtd 28-7-2009. Further Enclosed by the EDO (E+SE) Abbottabad. issued under Sndst NO 1780618090 dtd 19-9-2009 and issued by section officer NO (SR) [unclear] Peshawar notification NO FD (SR-1)/2-123/2010 dtd 27-4-2010 and sanctioned/ granted by the DCO ATD Accounts No 6749-50 dated Abbottabad 7-6-2010			
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/98	Alone	HEAD MASTER Govt. High School Ghora Bazgran Atd.					
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/99	Alone	HEAD MASTER Govt. High School Ghora Bazgran Atd.					
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/2000	Alone	HEAD MASTER Govt. High School Ghora Bazgran Atd.					
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/2001	SR	HEAD MASTER Govt. High School Ghora Bazgran Atd.					
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/2002	Alone	HEAD MASTER Govt. High School Ghora Bazgran Atd.					HEAD MASTER Govt. High School Ghora Bazgran Atd.
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/2003	Alone	HEAD MASTER Govt. High School Ghora Bazgran Atd.					
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/2004	Alone	HEAD MASTER Govt. High School Ghora Bazgran Atd.					
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/6/2005	Scale Revised	HEAD MASTER Govt. High School Ghora Bazgran Atd.					
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/2005	Alone	HEAD MASTER Govt. High School Ghora Bazgran Atd.					

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
CT EHS EHERA			6065/-	6315/-		1 ¹² / ₂₀₀₈	
BAZERAN (AID) OFF/P&M	Scale Revised	BPS 14 (4100-315-13550)	Rs. 7140/-	7590/-		01 ¹² / ₂₀₀₆	Jm
"	"	B-15 (4350-350-14850)	Rs. 8197/-	7565/-		01 ⁰⁷ / ₂₀₀₇	Jm
"	"		Rs. 8200/-	7850/-		01 ¹⁰ / ₂₀₀₇	Jm
"	"	SCALE REVISED	Rs. 8550/-	8200/-		01 ¹² / ₂₀₀₇	Jm
"	"	IN-BPS-15 (5220-420-17820)	Rs. 10260/-	9840/-		01 ⁰⁷ / ₂₀₀₈	Jm
"	"		Rs. 10680/-	10260/-		01 ¹² / ₂₀₀₈	Jm
CT Jm	"		Rs. 11100/-	10680/-		01 ¹² / ₂₀₀₉	Jm
JMS, Banda Said Khan			Rs. 11100/-			22 ¹¹ / ₂₀₁₀	Jm
A. Abad			Rs. 11520/-	11100/-		1 ¹² / ₂₀₁₀	Jm
"		Grade B-8 (500-700-29500)	Rs. 14500/-			01 ⁰⁷ / ₂₀₁₁	Jm
"			Rs. 18300/-				
			Rs. 19700/-			1 ¹² / ₂₀₁₁	Jm
			Rs. 20900/-			7 ¹² / ₂₀₁₂	Jm
			Rs. 21100/-			1 ¹² / ₂₀₁₃	Jm
			Rs. 27400/-				

of 27/2/98
KBS 52
2011

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8				Leave		Reference to any recorded punishment or censure, or other praise of the Government Servant.	
Date of termination of appointment				Allocation of period of pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	
Reason of termination (such as promotion, transfer, dismissal, etc).				Nature and duration of leave taken		Period to which debitable	
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/2006	A/Inc	HEAD MASTER Govt. High School Ghora Bazgran Atd.	S-210 9-6-10	173 S/P		
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/06/2007	A/Inc	HEAD MASTER Govt. High School Ghora Bazgran Atd.	Pay allowed in PDS-15 due to Four months interval 2 MA			
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/09/2007	A/Inc	HEAD MASTER Govt. High School Ghora Bazgran Atd.	any 1/2 = 11100/-			
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/04/2007	A/Inc	HEAD MASTER Govt. High School Ghora Bazgran Atd.		District Comptroller of Accounts Abbottabad		
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/06/2008	S.R	HEAD MASTER Govt. High School Ghora Bazgran Atd.				
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/2008	A/Inc	HEAD MASTER Govt. High School Ghora Bazgran Atd.				
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/2009	A/Inc	HEAD MASTER Govt. High School Ghora Bazgran Atd.				
HEAD MASTER Govt. High School Ghora Bazgran Atd.	30/11/2010	Transf to 4155 Band 9 South West	HEAD MASTER Govt. High School Ghora Bazgran Atd.	TUR	18/10/10		
District Officer (Male) Elementary Education Abbottabad	30/11/2010	A/D	District Officer (Male) Elementary Education Abbottabad	Drawn Rs. 10000/- vide			
District Officer (Male) Elementary Education Abbottabad	30/06/2011	P/R	District Officer (Male) Elementary Education Abbottabad	T 349A-93			
District Officer (Male) Elementary Education Abbottabad	30/11/2011	A/Inc	District Officer (Male) Elementary Education Abbottabad	alt: 15/10/10 as GPF fund advance.			
District Officer (Male) Elementary Education Abbottabad	30/11/2012	A/Inc	District Officer (Male) Elementary Education Abbottabad				
District Officer (Male) Elementary Education Abbottabad	30/11/2012	S 107	District Officer (Male) Elementary Education Abbottabad				
District Officer (Male) Elementary Education Abbottabad	30/11/2013	A/Inc	District Officer (Male) Elementary Education Abbottabad	Service verified w.r.f. 1-12-2009 to 06-11-2010 from Regi Roll and other school records.			
District Officer (Male) Elementary Education Abbottabad	30/11/2013	A/Inc	District Officer (Male) Elementary Education Abbottabad	Pay Action w.r.f. 1-12-2011 580 5028			
District Officer (Male) Elementary Education Abbottabad	30/11/2013	A/Inc	District Officer (Male) Elementary Education Abbottabad				
District Officer (Male) Elementary Education Abbottabad	30/11/2013	A/Inc	District Officer (Male) Elementary Education Abbottabad				
District Officer (Male) Elementary Education Abbottabad	30/11/2013	A/Inc	District Officer (Male) Elementary Education Abbottabad				
District Officer (Male) Elementary Education Abbottabad	30/11/2013	A/Inc	District Officer (Male) Elementary Education Abbottabad				

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
2007 OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR PAY FIXED IN THE R.B.P.S 2007					2008		
OF RS. 4120-315-13550 AT RS. 7565/- W.F.F. 1-07-2007 With Next Increment on 1-12-2007							
OF RS. 8220-420-17820 AT RS. 9840/- W.F.F. 1-07-2008 With Next Increment on 1-12-2008							
Maulana Accounts Officer Pay Fixation Party, K. Pakhtunkhwa Peshawar							13.X.011
							13.X.011

Basic Pay Scales 2011
Office of The Accountant General
Khyber Pakhtun Khwa Peshawar
Pay Fixed in R.B.P.S. 2011

of Rs. 8520-200-26500
A.T.R. 18300/- W.F.F. 07-2011
With Next Increment on 1-12-2011

Revised
2 MA

Maulana
Accounts Officer
Pay Fixation Party, K. Pakhtun Khwa
Peshawar

Dates Revised due to Premature
met: 30.5.14

7565/14	SPS 15-B 4350-350-14850	8200/-	1-10-2007
	DPS 2-5220-420-17820	8550/-	1-12-2007
	Alloc.	10260/-	1-07-2008
9840/15		10680/-	1-12-2008
	of payment	11100/-	1-12-2009
	Alloc. 8520-200-29500	11520/-	1-12-2010
18300/15		19000/-	1-7-2009
	3224-3198 to 4101 Rs. 14490/- 19750/-		1-12-2011
	4807-12101 to 6105 Rs. 90640/- 104000/-		1-12-2012
	5507-7105 to 607 Rs. 13800/- 21100/-		1-12-2013
	6307-7107 to 4107 Rs. 3150/-		
	7507-12107 to 608 Rs. 2450/-		
	4201-7108 to 6011 Rs. 15120/-		
	7001-71201 to 1072011 Rs. 2800/-		
	Total Rs. 218500/-		

Maulana
Accounts Officer
13.X.011

Granted L/PF Advance Rs = 15000/- Refundable
 in 10 install @ Rs = 1500/- vide EDO (ESSE) No
 No. 9013 D 24/8/2011 (19)

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8				Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		District Officer (Male) Ele & Sec. Education Abbottabad Signature of the head of the office or other attesting officer	
Date of termination of appointment		Reason of termination (such as promotion, transfer, dismissal, etc).		Nature and duration of leave taken		Reference to any punishment or censure, or reward or praise of the Government Servant.	
				Period		Government to which debitable	
				15 months advance salary		amounting to Rs 4256/-	
						in Chief Post Office Havelian Branch. A/c No. 11/10 is 516 rec-8.	
						District Officer (Male) Elementary & Secondary Education, Abbottabad.	
TWR 1284 (NRA) 5/8/11				5108 12/1/2011			
Drawn order of Rs 15000/- vide T-NO 3056/25/8				Drawn pay for 12/10		for amounting to Rs 23779/-	
Jr DAO						District Officer (Male) Controller of Accounts Abbottabad 18/1/2011	
						Sanctioned of GPF advt amounting to Rs, 8000/- vide	
						by EDO (M) A/Abad No. 3468/F.125 dt: 20.5.2014 (copy attached).	
						District Officer (Male) Abbottabad	

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
G.M.S. Malhan			Rs 21800/-			1 ¹² / ₂₀₁₄	
		B-15 (10985-905-38135)	Rs 28180/-			01 ⁷ / ₁₅	
			Rs 29085/-			1 ¹² / ₁₅	
		B-16 (12910-1035-43910)	Rs 29470/- + 1035/-	Rs 30805/-		02 ¹² / ₁₅	
			28435 + 1035 P.M.S. = 29470/-			01 ⁷ / ₁₅	
			Rs 30505/PM			1 ¹² / ₁₅	
<p>Entries Reversal Awarded one promotion each by the Govt. of KP Finance Deptt. Reg. No. FOLSOR/2-123 dt-30-05-2014</p>							
		B-15 R. 5220-420-17820	8200 ✓	8900 ✓		1 ¹⁰ / ₂₀₀₇	
		10267	10880 ✓			1 ⁷ / ₂₀₀₈	
		15680	11100 ✓			1 ¹² / ₂₀₀₈	
		11100	11520 ✓			1-12-2008	
		11520	11940			1-12-2010	
		B-15 R. 3500-700-27500	19760	19700 ✓		1-7-2011 ✓	
		B-15 R. 10985-905-38135	20400	19700		1-12-2011	
			21100	20400		1-12-2013	
			22550	21100 ✓		1-12-2013	
			23200	21800 ✓		1-12-2014	
			29990	28180 ✓		1-7-2015	
			30875/-			1-12-2015	

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Nature and duration of leave taken	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government	14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period	Government to which debitable	
	30/6/15	Leaving service	TWR 31/1/14				Some new period was 01-12-2010 to 30-11-2014 from the A/c Ball and after official record was...
			Drew a series of Rs-8000/- vide D.O. 20/5/14				
	30/5/16	Promoted					
							Allowed one step upgradation vide Home Dept. Notification No. KY/FD/50(FR) 7-20/2015 dated 30-06-2015.
	30/5/15	Elected as Retiree					
	30/11/15	A/R					

B-15 $\frac{0}{15}$ (A) 28/80 57

B-16
 $\frac{0}{15}$ (12820 1035 - 4886)

$\frac{12}{15}$ 3058

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 27TH MARCH, 2012.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

NOTIFICATION

Dated Peshawar, the 27th March, 2012.

No. Legis:1(11)2011-4867.—The following Ordinance by the Governor of the Khyber Pakhtunkhwa is hereby published for general information:

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

(KHYBER PAKHTUNKHWA ORDINANCE NO. I OF 2012)

AN

ORDINANCE

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 N. (PRC)1-1/2001, dated 27.10.2001, had already discontinued the scheme of advance increments on higher educational qualification;

701 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 27th MARCH, 2012

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;

AND WHEREAS the Provincial Assembly is not in session and the Governor of the Khyber Pakhtunkhwa Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Khyber Pakhtunkhwa is pleased to make and promulgate the following Ordinance:-

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

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

Peshawar,
Dated 22-03-2012

(BARRISTER SYED MASOOD KAUSAR)
Governor, Khyber Pakhtunkhwa

(MUHAMMAD ARIFTEEN)
Secretary,
Government of the Khyber Pakhtunkhwa
Law, Parliamentary Affairs and
Human Rights Department.

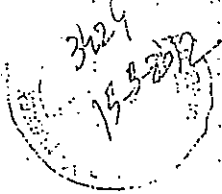


KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SOE&AII-16/09/Advance Increment
 Dated Peshawar, 02.05.2012

To

1. The Director,
Elementary and Secondary Education,
Khyber Pakhtunkhwa.
2. The Director,
Curriculum and Teachers Education
Khyber Pakhtunkhwa, Abbottabad.
3. The Director,
Provincial Institute for Teachers Education
Khyber Pakhtunkhwa, Peshawar.
4. The Director Education FATA,
Warsak Road, Peshawar.
5. All EDCs
Elementary and Secondary Education,
Khyber Pakhtunkhwa.



At Peshawar

Subject:- THE KHYBER PAKHTUNKHWA CESSATION OF PAYMENT OF ARREARS ON ADVANCE INCREMENTS ON HIGHER EDUCATIONAL QUALIFICATION ORDINANCE 2012 (KHYBER PAKHTUNKHWA ORDINANCE NO.1 OF 2012).

I am directed to refer to the subject cited above and to enclose herewith a copy of the Ordinance duly approved by the competent authority for further necessary action please.

Encl: As above.

(NOOR ALAM IQBAL WAZIR)
 SECTION OFFICER (B&A)

Encls of even No. & date:

Copy to:

1. PA to Deputy Secretary-II, E&SE Department Khyber Pakhtunkhwa.
2. Master File.

B&A
Discard
14/5/12

Discard
is related to E&S branch
 SECTION OFFICER (B&A)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

23

NO. FD (SR-1)2-123/2012
Dated Peshawar the 18-04-2012

To: ✓ The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department,
Peshawar.

Subject: - THE KHYBER PAKHTUNKHWA CESSATION OF PAYMENT OF
ARREARS ON ADVANCE INCREMENTS ON HIGHER EDUCATIONAL
QUALIFICATION ORDINANCE, 2012 (KHYBER PAKHTUNKHWA
ORDINANCE NO.1 OF 2012.

Dear Sir,

I am directed to refer to the subject noted above and to enclose
herewith a copy of the ordinance duly approved by the competent authority for
favour of further necessary action please.

Yours Faithfully,

(SHAUKAT ULLAH)
Section Officer (SR-1)

So (SR-1)
Peshawar

ISA
29/4/12
29/4/12

Copy forwarded to the Accountant General, Khyber
Pakhtunkhwa alongwith a copy of the subject ordinance for information
& further necessary action please.

29/4/12

Section Officer (SR-1)

Elementary & Secondary
Education Department
D.E. (A) Dity No. 1395
Date: 27/4/12

Govt. of Khyber Pakhtunkhwa
Elementary & Secondary
Education Department
D.E. Dity No. 1395
29/4/12

945
27/4/12

وکالت نامہ

کورٹ فیس

بعدالت سروس ٹریڈنگ کمپنی کورٹ ایبٹ آباد

عنوان: سجاعت علی بنام اکاونٹنٹس پزل پستان اور دیگر

منجانب: ایبٹ آباد

نوعیت مقدمہ: سروس ٹریڈنگ باعث تحریر آنکے

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب وہی کل کاروائی متعلقہ آن مقام ایبٹ آباد کے لیے پیروی عبدالکرم و مولانا ایبٹ آباد کورٹ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراء استجارت ناشر ایضاً مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 20/11/17

بمقام: ایبٹ آباد 0333-5089075

Accepted

03473146975

السید عبدالکرم

السید عبدالکرم

سجاعت علی و دیگر شاکر زمان سروس ٹریڈنگ کمپنی کورٹ ایبٹ آباد
Ch: Abdur Rauf Chohan
Advocate High Court
Office 28, Lawyer's Plaza

0034-3400A
Office 281, Bayshore Plaza I
Admission High Court
Mr. Abdul Raza Chohan

1950
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.768/2017

Shujjah Ali, SST Teacher, Govt: High School,
Hari Khaiteer, Abbottabad.

... **Appellant**

VERSUS

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Comptroller of Accounts, Abbottabad.
3. Government of Khyber Pakhtunkhwa through Secretary,
Finance Department, Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Department, Peshawar.

... **Respondents**

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.03

Respectfully Sheweth

Preliminary Objections:

- a) That the appellant has no cause of action.
- b) That the appellant has no locus standi.
- c) That the appeal in hand having no merits is not maintainable.
- d) That appeal is time barred.
- e) That Honorable Tribunal has already adjudicated upon similar appeals.
- f) That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- g) That under the cessation of advance increment on higher educational qualification Act No.IX of 2012, claim of the Appellant stood abated.
- h) That all similar nature appeals have been dismissed by this Honorable Tribunal vide judgment dated 19.10.2017 at Camp Court, Abbottabad.

Facts:

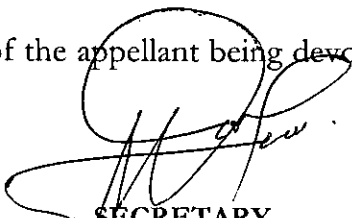
- 1) Relates to Service/Court record, hence need not comments.
- 2) Incorrect. It came into the knowledge of Respondents that some teachers have availed invalid extra Advance Increments over & above their entitlement. Hence the issue was agitated and examined thoroughly by the Accountant General Office (Pay Fixation Party) vide letter No. PFP/ R.B.S.2011/DIK/2014-15/248 dated 10.12.2014 (**Annex-I**). The position emerged therein was also shared with Law Department vide Finance Department letter No. FD(SOSR-I)2-123/2015 dated 01.09.2015(**Annex-II**) with the request for their views on legal position of the case. Thereafter, Law Department vide letter No.SO(OP-II)/LD/5-7/2012-Vol-II/21708-09 dated 16.09.2015 (**Annex-III**) has confirmed that Finance Department letter dated 15.12.2010 with regard to the recovery of extra advance increments/invalid implementation is correct and such implementation was declared invalid. Hence recovery was ordered to be effected from those teachers/employees who have availed more advance increments over and above their entitlement on academic qualification (**Annex-IV**).
- 3) Incorrect. As explained vide Para-02 above.
- 4) Do not relate to Respondent No.03.

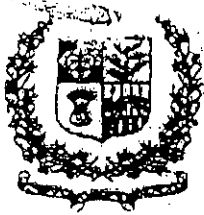
Cont'd Next Page-2

Grounds:

- a) Incorrect. In light of Finance Department letter dated 15.12.2010; Respondent No.2 has rightly deducted/recovered 01 advance increments out of 04 erroneously allowed to the appellant. The appellant has also availed the benefit of BPS-14 on qualification of BA/BSc.
- b) Incorrect: The increments were invalidly/erroneously allowed. All the same nature appeals including Appeal No.1302/14 titled Maroof Khan & 04 others versus Government of Khyber Pakhtunkhwa, Secretary, Elementary & Secondary Education Department and others have been dismissed by this Honorable Tribunal vide Judgment dated 19.10.2017.
- c) Incorrect. The increments were invalidly allowed in violation of rules and Supreme Court Judgement.
- d) Incorrect: As explained vide Para-02 of "Facts".
- e) Incorrect: As explained in preceding Paras.
- f) Incorrect: As explained vide Para-02 of "Facts".
- g) Incorrect: As explained in preceding paras. Respondent No.3 can even not think of contempt of any court.
- h) Incorrect: Action taken by Respondent No.3 is not against the Judgement of any Court/Service Tribunal, but as per Judgement of august Supreme Court of Pakistan and in the interest of justice & public exchequer.
- i) Incorrect: Appeal of the appellant is time barred.
- j) Incorrect: Action taken by the Respondents is legal and in accordance with the Judgement of august Supreme Court of Pakistan.
- k) Incorrect: Acton taken by Respondent No.3 is not against the Judgement of any Court/Service Tribunal, but as per Judgement of august Supreme Court of Pakistan and in the interest of justice & public exchequer.

It is therefore, humbly prayed that appeal of the appellant being devoid of merit may be dismissed.


SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA,
FINANCE DEPARTMENT
(RESPONDENT NO.3)



Office of the
Accountant General

Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-53

No. PFP/R.B.S. 2011/DIK/2014-15/248

Dated 10.12.2014

To,

The Accounts Officer,
HAD Section.

Subject: **STOPPAGE OF RECOVERY AS WELL AS ALLOWING ADVANCE INCREMENTS ON MA/MSC.** P-239C

Please refer to your Memo No.HAD-24(76)Swat/Vol-X/2014-15 dated 16.1.2015 on the subject noted above.

2. As you are aware of the facts that appointment to the post of CT made through different method of recruitment (i) from PTC (Now PST) being FA/FSc/D.com and (ii) directly on the basis of FA/ FSc/D.com qualification in BPS-09. Before 1.6.1991 those PST teachers whose appointment were made on the basis of Metric Plus existing professional qualification granted 02 and 03 advance increments on possessing or acquiring higher qualification i.e. FA, FSc/ I Com and BA/BSc/B.com respectively while in the case of CT whose appointment were made on basis of FA plus prescribed professional qualification granted 03 advance increments on possessing or acquiring BA/BSc/B.com vide Finance Deptt: letter No.FD(SR-I)1-67/82 dated 24.8.1983.

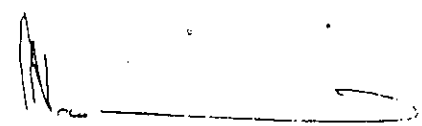
3. After introduction of RBPS-1/6/1991, those PTC teachers who have passed FA/FSc/ D.com in the Second Division were allowed BPS-09 and BPS-14 and those CT teachers who have passed BA/BSc/B.com in the Second Division. In this way the CT teachers who joined the Education Deptt: in the capacity of PTC and later on appointed to the post of CT already drawn 05 advance increments on basis of FA/FSc/D.com plus BA/BSc.B.com and CT, teacher whose appointment made on the basis of FA/FSc/D.com achieved 03 advance increments (on basis BA/BSc.B.com) in light of Finance Deptt: letter dated 24.08.1983 therefore, the CT teachers who have already availed 05 increments (as PST) and 03 increments

are entitled only for one increment on possessing or acquiring ~~MA/MSc~~ /M.com qualification as regards those employees whose appointment ~~was~~ made on the basis of BA/BSc.B.com in BPS-14 and not availed any advance increments are entitled only for 02 advance increments on MA in light of Finance Deptt: letter No. (PRC)1-1/89 dated 07.08.1991.

4. As regards Arabic teacher whose appointed made on the basis of honor in Arabic and granted BPS-14 on BA/BSc.B.com Second Division are entitled for two advance increments on possessing or acquiring MA/MSc/M.com while those teacher whose appointment made on the basis of MA Arabic or Shahadatul Alamia from the recognized Madaris are not entitled for any advance increments on MA/ MSc/M.com but the Education Deptt: granted 04 advance increments to the CT and Arabic teacher on acquiring MA/MSc/M.com qualification which are over and above of the entitlement in light of the Finance Deptt: letter dated 11.8.1991 as well as judgment made by the honorable Supreme Court of Pakistan in Civil Petition No. 1425 of 2011. (copy enclosed).

5. The subject issue referred to the Pay Fixation Party has been examined and reached to the conclusion that as per contents of Para 2 (2) of the ~~Khyber Pakhtunkhwa, Cessation Of Payment Of Arrears On Advance Increments~~ On Higher Education Qualification Act 2012 clearly indicate that recovery of ~~advance increments paid to the Govt employees on acquiring higher qualification~~ in light of any order made, instruction issued decision, Judgment or orders of any courts or tribunal, including High Court or the Supreme Court, may not be recovered from the recipients Govt: employees as these were paid validly. The Pay Fixation Party is of the view that the advance increments availed over and above their entitlement as explained in the preceding Paras has to be reduced & brought to the actual pay in light of Finance Deptt: letter dated 15.12.2010.

6. It is requested that Finance Deptt: may also be advised to share the view of the Pay Fixation Party with the law Deptt: for their opinion and issue clear instruction so that the doors of litigation closed for ever.


ACCOUNTS OFFICER (PFP)

Annex II

~~Annex~~



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SOSR-1) 2-123/2015
Dated Peshawar the: 01-09-2015

To: The Secretary to Govt. of Khyber Pakhtunkhwa,
Law, Parliamentary Affairs & Human Rights Deptt.
Peshawar.

Subject: APPEAL OF CT TEACHERS FOR STOPPING RECOVERIES BEING
MADE ON ACCOUNT OF ADVANCE INCREMENTS GRANTED ON
HIGHER EDUCATIONAL QUALIFICATION.

Dear Sir,

I am directed to enclose herewith a self-explanatory application alongwith its enclosures received from certain teachers of Khyber Pakhtunkhwa as well as reply / comments of AG Office (communicated through their letter No.HAD-24(76)/Vol-X/Swa/2014-15/3391 dated 07-04-2015) thereon regarding the subject cited above and to state that sub-section (2) of section 2 of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on advance Increments on Higher Educational Qualification Act, 2012, states "Any order made, instructions issued, decision, judgment or order o 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". As against this, the AG Office has opined with reference to the Pay Fixation Party that advance increments availed of over and above the entitlement are to be brought to the actual limit in light of Finance Department's letter dated 15-12-2010 (copy enclosed). The said two point of views are mutually contradictory.

2. In light of above, your valuable comments with regard to legal position between the two opposing views is solicited; please.

of
SECTION OFFICER (SR-I)

*Copy
2/9/15*



GOVERNMENT OF KHYBER PAKHTUNKHWA

LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

No. SO(OP-III)/LD/5-7/2012-VOL-II / 21708-09
DATED: PESHAWAR THE 16 SEPT. 2015.

Annex = III

To

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

Subject: APPEAL OF CT TEACHERS FOR STOPPING RECOVERIES
BEING MADE ON ACCOUNT OF ADVANCE INCREMENTS
GRANTED ON HIGHER EDUCATIONAL QUALIFICATION.

Dear Sir,

I am directed to refer to your Department's letter No. FD(SOSR-1)2-123/2015 dated 01.09.2015 on the subject noted above and to state that Section-2 (2) of Khyber Pakhtunkhwa Cessation of Payment of arrears on advance increments on Higher Educational Qualification Act, 2012 and views of Accountant General with regard to Finance Department letter No. FD(SR-1)2-123/2010 dated 15-12-2010 are not mutually contradictory.

The savings given to the implemented instructions or orders in Section-2(2) of the Act ibid is with regard to valid implementation till or before the commencement of the Act ibid. Finance Department letter dated 15-12-2010 was with regard to the recovery of invalid implementation and such implementation was declared invalid vide para-iv of the said letter. Recovery was ordered to be effected from those teachers/ employees who have availed more advance increments over and above their entitlement on academic qualifications, of the commencement of the Act ibid, therefore it cannot be said that legislature attributed savings to invalid acts.

Hence, this Department is in league with the Pay Fixation Committee on the point that the advance increments availed over and above the entitlement has to be reduced and brought to the actual pay in light of Finance Department letter dated 15-12-2010 mentioned above.

Yours Faithfully,

Section Officer (Opinion-II)

Endst: of even No. & date.

A copy is forwarded to the PS to Secretary Law Department.

Secretary Finance
Khyber Pakhtunkhwa

Diary No. 15519

Date: 16.9.15

Section Officer (Opinion-II)

Amlex-IV



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SOSR-1) 2-123/2015
Dated Peshawar the: 21-09-2015

To:

1. The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Deptt:
Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa,
Peshawar.

Subject: APPEAL OF CT TEACHERS FOR STOPPING RECOVERIES
BEING MADE ON ACCOUNT OF ADVANCE INCREMENTS
GRANTED ON HIGHER EDUCATIONAL QUALIFICATION

Dear Sir,

I am directed to refer to the subject noted above and to state that the matter has been examined in consultation with Law, Parliamentary Affairs & Human Rights Department. Copy of the advice of that Department contained in their letter No.SO (OP-II)/LD/5-7/2012-VOL-II/21708-09 dated 16th Sep. 2015 is sent herewith for further necessary action accordingly, please.

Encl: (As above)

/c SECTION OFFICER (SR-I)

Copy for information is forwarded to the following Teachers with reference to their joint application addressed to the Chief Secretary Khyber Pakhtunkhwa:-

1. Mr. Hidayatullah, CT, Govt. Higher Secondary School, Mingora.
2. Mr. Muhammad Ghafoor, CT, GHSS, Sajban Swat.
3. Mr. Muhammad Nabi, SCT, GHSS, Sajban Swat.

/c SECTION OFFICER (SR-I)

2-123/2015
22-9-15
(1)

وکالت نامہ

کورٹ فیس

بعدالت جناب سر جسٹس بیونیل KPA کیس درمیں کورٹ آف اپیل

عنوان: شیخ اعلیٰ بنام گورنمنٹ ڈپارٹمنٹ

منجانب: اپنی امانت شیخ اعلیٰ

نوعیت مقدمہ: سر جسٹس اپیل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے اسے پیروی و جواب دہی کل کارروائی متعلقہ آں مقام
محمد لیاقت رید و وکیل معاہدہ کورٹ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الرقوم: ۲۲ جون ۲۰۱۲

Accepted

بمقام:

Accepted

Accepted

شیخ اعلیٰ ولد محمد رمضان
SSP گورنمنٹ سکول باہی ایجنٹ ایسٹ

①

BEFORE THE HON'BLE SERVICE
TRIBUNAL, PESHAWAR

C.M No. _____/2021

S.A No. 268/2017

Shuja Ali

Applicant

Versus

Accountant Journal and 3 others

Respondent

APPLICATION FOR CONVERSION OF
INSTANT APPEAL INTO IMPLEMENTATION
PETITION IN THE LIGHT OF JUDGMENT
/ORDER DATED 28/11/2019 PASSED BY
SUPREME COURT OF PAKISTAN IN CP NO-
5128-5130 OF 2017

Respectfully Sheweth,

1. That the petitioner had filed a Service Appeal No. 268/2017 in this Hon'ble Tribunal and is fixed for today i.e. 09/02/2021.
2. That in the light of above mentioned Judgment / Order in which Supreme Court has held that the very grievance of the petitioner having been reddest by this Hon'ble

2

Tribunal.(Copy of the Judgment/Order is attached as Annexure "A").

3. That Hon'ble Tribunal can converted the instant appeal into implementation petition in the light of Judgment reported in 2017 SCMR page 56 b. (Copy of Judgment is attached in annexure "B").


It is therefore, most humbly prayed that on acceptance of this instant Application the appeal may pleased be converted in to implementation petition and proceed the further.

Dated: 09/02/2021



Petitioner

Through



Muhammad Liaqat
Advocate, High Court
Abbottabad .

2

BEFORE THE HON'BLE SERVICE
TRIBUNAL, PESHAWAR

C.M No. _____/2019

S.A No. 86/2019

Shuja Ali

Versus

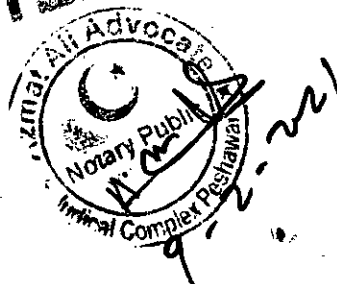
Govt. of KPK

AFFIDAVIT

I, **Shuja Ali**, do hereby solemnly affirm and declare that all the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.


DEPONENT

ATTESTED



4

105/18

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Annex "A"

PRESENT:

Mr. Justice Gulzar Ahmed
Mr. Justice Maqbool Baqar

C.Ps.No.5128-5130 of 2017

[Against the judgment dated 19.10.2017, passed by the Khyber Pakhtunkhwa Service Tribunal, Camp Court, Abbottabad in Appeal No.826 of 2016]

Abdul Majid. (in C.P.No.5128)
Muhammad Bashir. (in CP No.5129)
Wajid Ali Shah. (in CP No.5130)
...Petitioner (s)

Versus

Accountant General KP Peshawar & others. (in all cases)
...Respondent(s)

For the Petitioner (s) : Sardar Muhammad Ghazi, ASC
(in all cases)

For the Respondent(s) : Mr. Muhammad Atif, Addl.A.G. KP
Shahid Pervaiz Bhatti, District
Controller of Accounts, Abbottabad
Javed Khan, Addl.Secretary,
Finance, KP

Date of Hearing : 28.11.2019

ORDER

Gulzar Ahmed, J.: The grievance of the petitioners is that on attaining the Master's Degree, the petitioners were granted four increments and subsequently, the respondents have tried to reduce the four increments to two increments. The Tribunal in the impugned judgment has allowed the petitioners four increments, which judgment of the Tribunal has not been challenged by the respondents before this Court and thus, has attained finality, to the extent of the respondents. The very grievance of the petitioners having been redressed by the Tribunal and there being no further

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

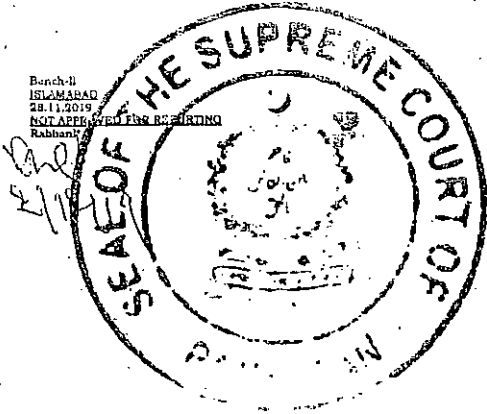
claim by the petitioners' side, the petitions, thus, fail and are dismissed.

Sd/-J

Sd/-J

Certified to be True Copy

Bench-II
ISLAMABAD
28-11-2019
NOT APPROVED FOR REPORTING
Rabbani



Senior Court Associate
Supreme Court of Pakistan
Islamabad

GR No: 241171/19 Civil/Criminal

Date of Presentation: 28-11-19

No of Words: 600

No of Folios: 6

Requisition Fee Rs: 5-00

Copy Fee in: 3-72

Court Fee Stamps: 8-72

Date of Completion of Copy: 28/11/19

Date of delivery of Copy: 03-12-19

Compared by/Prepared by: [Signature]

Received by: [Signature]

prosecution. In the case in hand the prosecution had produced two eye witnesses namely Muhammad Ilyas complainant (PW9) and Muhammad Arshad (PW10) who were chance witnesses and they had failed to bring any evidence on the record establishing the stated reason for their presence close to the deceased at the relevant time. A very important factor in this case was that respondent No. 1 namely Muhammad Abid had also received two incised wounds on his body, including one on his chest which injury was going deep, but the prosecution had completely suppressed the said injuries sustained by respondent No. 1. During the trial respondent No. 1 had produced the relevant doctor as DW 1 who had confirmed medically examining respondent No. 1 for his above mentioned injuries within a matter of three hours of sustaining of such injuries. Suppression of such injuries on the body of respondent No. 1 had exposed the bona fide of the complainant party in narrating the incident in issue. The eye witnesses produced by the prosecution had also seriously contradicted each other on many important aspects of the case. The motive set up by the prosecution had not been established through any independent evidence and the crime empties had been sent to the Forensic Science Laboratory after the arrest of respondents Nos. 1 and 2 and even after recovery of the weapons of offence from their custody. In these circumstances the High Court had concluded that the prosecution had failed to prove its case against respondents Nos. 1 to 3 beyond reasonable doubt which conclusion has not been found by us to be open to any legitimate exception. This petition is, therefore, dismissed and leave to appeal is refused.

MWA/M-61/SC

Petition dismissed.

2017 S C M R 56

[Supreme Court of Pakistan]

Present: Mushir Alam and
Umar Ata Bandial, JJ

MUHAMMAD AKRAM---Petitioner

versus

DCO, RAHIM YAR KHAN and others---Respondents

Civil Petition No. 2411 of 2014, decided on 17th October, 2016.

(Against the order dated 28.10.2014 passed by Punjab Service Tribunal, Lahore in Appeal No.3093 of 2014)

(a) Administration of justice---

5

---Courts were sanctuaries of justice, and in exercise of authority to do ex debito justitiae, they could remedy a wrong and suppress a mischief to which a litigant was entitled. [p. 59] A

(b) Constitution of Pakistan---

---Arts. 184(3) & 199---Constitutional jurisdiction of the Supreme Court/High Court to convert one type of proceedings into another---Scope---No fetters or bar could be placed on the High Court or the Supreme Court to convert and treat one type of proceeding into another and proceed to decide the matter either itself, provided it had jurisdiction over the lis before it in exercise of another jurisdiction vested in the very court, or it may remit the lis to the competent authority/forum or court for decision on merits---Courts do follow the practice of treating and or converting appeal into revisions and vice versa and constitutional petition into appeal or revision and vice versa. [p. 60] B

(c) Punjab Employees Efficiency, Discipline and Accountability Act (XII of 2006)---

---S. 16---Dismissal from service---Appeal filed before wrong forum---Limitation---Scope---Employee instead of filing departmental appeal before appellate authority as provided under S. 16 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, filed constitutional petition before the High Court---High Court sent the constitutional petition to the appellate authority and directed to treat the same as "departmental appeal" and "to decide the same on its own merits after hearing the petitioner"---Constitutional petition converted into departmental appeal, was dismissed on merits by the appellate authority, but at the same time it was observed that "that no departmental appeal under S. 16 of the Act, 2006 has ever been filed by the petitioner"---Appeal filed before the Service Tribunal was simply dismissed as barred by time---Legality---Time consumed pursuing remedy before a wrong forum in appropriate cases could always be condoned---Observation of the appellate authority that "that no departmental appeal under S. 16 of the Act, 2006 has ever been filed by the petitioner" in the facts and circumstances of the case was uncalled for and could not be approved---Apparently it was observation of the appellate authority, which influenced the Service Tribunal to dismiss the service appeal as barred by time---Once the constitutional petition, which was filed within the period of limitation as provided for the departmental appeal, was treated and remitted by the High Court as departmental appeal, Service Tribunal, had fallen in to error to dismiss

Annex - B

the appeal before it on the ground of limitation alone, without advert to the merits of the case as were attended by the appellate authority. Date of filing of the constitutional petition within time should have been reckoned as date of filing departmental appeal and ought to have been treated as departmental appeal for all practical purposes as ordered by the High Court. Supreme Court directed that appeal before the Service Tribunal, shall be deemed to be pending and should be decided on merits after hearing all the parties concerned-- Appeal was allowed accordingly. [pp. 60, 61] C, D & E

Shamsul Haq and others v. Mst. Ghoti and 8 others 1991 SCMR 1135; Muhammad Anis and others v. Abdul Haseeb and others PLC 1994 SC 539; Province of Sindh and another v. Muhammad Ilyas and others 2016 SCMR 189 and Engineer Musharaf Shah v. Government of Khyber Pakhtunkhwa and 2 others 2015 PLC (C.S.) 215 ref.

Muhammad Bashir Khan, Advocate Supreme Court to Petitioner.

Raja Muhammad Arif, Additional A.-G. and Muhammad Akram, DDEO for Respondents.

Date of hearing: 17th October, 2016.

ORDER

MUSHIR ALAM, J. --Muhammad Akram Petitioner Ex-Junior Clerk in the office of the AEO (Women) Markaz Bagh-o-Bahar, Tera Khanpur, District Rahimyarkhan was proceeded departmentally on account of extravagant malpractice and prolonged absence from duty w.e.f. 10.10.2013 and after due proceedings major penalty of dismissal from service under section 4(b)(vi) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2009 (PEEDA Act, 2006) imposed by the Competent Authority/DDEO (Education) Rahimyarkhan vide order dated 04.07.2014 w.e.f. 10.10.2013.

2. Petitioner instead of filing departmental appeal before appellate authority as provided under section 16 of the PEEDA Act, 2006, approached the learned High Court in Writ Petition No. 54 of 2014/BWP. The Petition was heard and on 16.07.2014 following order was passed:-

"As per request of the learned counsel for the petitioner instant writ petition along with all its annexures be allowed respondent No. 1/District Coordination Officer, Rahimyarkhan who shall treat it as departmental appeal of the petitioner and decide the same on its own merits after hearing

(Mushir Alam, J)

the present petitioner within a period of one month from the date of production of attested copy of this order by the present petitioner."

3. Consequently, the writ petition sent to the DCO, Rahimyarkhan, and the appellate authority, to "treat it as departmental appeal" and "to decide the same on its own merits after hearing the petitioner within a period of one month". The writ Petition converted into Departmental Appeal, was dismissed on merits, at the same time it was observed "that no departmental appeal under section 16 of PEEDA Act, 2006 has ever been filed by the Petitioner", vide order dated 5.9.2014, which order was maintained through impugned judgment dated 28.10.14 by the Punjab Service Tribunal (PST).

4. Learned counsel for the petitioner, admitted that indeed appeal is provided against the order of departmental authority in terms of section 16 of the PEEDA Act, 2006, however, he under mistaken belief filed Writ Petition within 30 days from the date of the impugned order of his dismissal from service. It was argued that he approached the wrong forum with promptitude and within the period of limitation, the Writ Petition, filed by him was ordered to be treated as departmental appeal and sent to the Appellate Authority, which was not decided by the Appellate Authority and so also by the PST in accordance with law and he was non suited on technicalities.

5. Learned counsel for the respondents vehemently opposed the averments made by the learned counsel for the petitioner. According to him, the departmental appeal was decided on merits as well as on the point of limitation as no appeal was filed before the competent authority/DCO concerned within 30 days from the date of his dismissal from service, which admittedly was not done, therefore the Appellate authority had not Appeal before it. It was urged that no exception to the impugned order of the DCO Rahimyarkhan, as maintained by the PST could be taken.

6. Heard the arguments and perused the record. Departmental appeal against the dismissal from service order is provided under section 16 of the PEEDA, 2006 before the designated Appellate authority, which in instant case admittedly is the DCO Rahimyarkhan. We have examined the impugned Order dated 5.9.2014, passed by the Appellate Authority on merits with an observation that no Appeal was filed under the PEEDA Act, 2006, as already noted in the narrative above. Learned PST without advert to merits of the case, dismissed the Appeal before it on the ground of limitation only.

The Courts are sanctuaries of justice, and in exercise of their authority to do *ex debito justitiae*, that is to say remedy a wrong and to

suppress a mischief to which a litigant is entitled. No fetters or bar could be placed on the High Court and or this court to convert and treat one type of proceeding into another type into another and proceed to decide the matter either itself provided it has jurisdiction over the *lis* before it in exercise of another jurisdiction vested in the very court or may remit the *lis* to the competent authority/forum or court for decision on merits. Courts have been treating and or converting appeal into revisions and vice versa and Constitution Petitions into appeal or revision and vice versa. Even time consumed pursuing remedy before a wrong forum in appropriate cases could always be condoned (see Shamsul Haq and others v. Mst. Ghoti and 8 others (1991 SCMR 1135)).

8. In a case cited as Muhammad Anis and others v. Abdul Haseeb and others (PLD 1994 Supreme Court 539), eligibility for consideration of promotion; was successfully challenged in writ jurisdiction of the High Court. On appeal, this Court held that such question is amenable to the Jurisdiction of learned Service Tribunal, therefore, writ is not maintainable, impugned judgment passed by the learned Sindh High Court in exercise of writ jurisdiction was set aside. In Paragraph 16 of the judgment supra this court ordered to treat the Writ Petition, as Service Appeal pending before it which will be decided by the Service Tribunal, after notice to the parties concerned in accordance with law. In similar circumstances in a judgment recently reported as Province of Sindh and another v. Muhammad Ilyas and others (2016 SCMR 189) dismissal from service order was challenged before the learned Sindh High Court through Constitution Petition. The Constitutional Petition was treated by the High Court as service appeal and sent to the Service Tribunal; which was decided by the Service Tribunal on merit and this Court declined leave in the matter. Similar course was followed by the learned Division Bench of Peshawar High Court in a case reported as Engineer Musharaf Shah v. Government of Khuber Pakhtunkhwa and 2 others (2015 PLC (C.S.) 215).

9. As noted above the DCO Rahimyarkhan, decided the Writ Petition No. 5412 of 2014 treating it as Departmental Appeal on merits as ordered by the Bahawalpur Bench of the Lahore High Court, but at the same time held "that no departmental appeal under section 16 of PEEDA Act, 2006 has ever been filed by the Petitioner", which observation under given facts and circumstances was uncalled for. Apparently it is last mentioned observation of the Departmental Appellate Authority, which influenced the PST to dismiss the Service Appeal as barred by time. Once the Writ Petition, which was filed within the period of limitation as provided for the departmental appeal, was treated and remitted by the High Court as Departmental Appeal, that too when the limitation by than had not ran out as, noted above. Learned

PST, had fallen in to error to dismiss the Appeal before it on the ground of limitation alone, without adverting to the merits of the case as were attended by the DCO Rahimyarkhan. As noted above date of filing of the writ petition within time should have been reckoned as date of Departmental Appeal and ought to have been treated as Departmental Appeal for all practical purposes as ordered by the High Court.

10. The DCO Rahimyarkhan/Appellate Authority, as noted above decided the Departmental Appeal on merits, as regard observation made in the order dated 5.9.2014 by him "that no departmental appeal under section 16 of PEEDA Act, 2006 has ever been filed by the Petitioner" in view of above discussion, is not in accordance with law to such an extent it cannot be approved. We refrain from commenting on merits of the case, which was not adverted to by the PST, through impugned Decision dated 28.10.2014, which is set aside, Service Appeal No.3093 of 2014, shall be deemed to be pending and be decided on merits after hearing all the parties concerned as expeditiously as possible.

11. In view of the foregoing, Petition is converted into appeal and is allowed in terms setout above.

MWA/M-73/SC

Appeal allowed.

2017 S C M R 61

[Supreme Court of Pakistan]

Present: Asif Saeed Khan Khosa,
Manzoor Ahmad Malik and Sardar Tariq Masood, JJ

FAIZ JALANI alias IMRAN MAMA---Petitioner

versus

The STATE and others---Respondents

Criminal Petition No. 26-L of 2016, decided on 8th March, 2016.

(Against the order dated 7-12-2015 passed by the Lahore High Court Lahore in Criminal Miscellaneous No. 14747-B of 2015)

Criminal Procedure Code (V of 1898)---

---S. 497(2)---Penal Code (XLV of 1860), Ss. 302 & 34---Qatl-i-amd,
common intention---Bail, grant of---Further inquiry---Murder in issue
had remained unwitnessed and although the name of accused had
figured in the FIR yet his name had been mentioned therein not as a
culprit but as a friend of the deceased---Only pieces of evidence being

①

BEFORE THE HON'BLE SERVICE
TRIBUNAL, PESHAWAR

C.M No. _____/2021

S.A No. 268/2017

Shuja Ali

Applicant

Versus

Accountant Journal and 3 others

Respondent

APPLICATION FOR CONVERSATION OF
INSTANT APPEAL INTO IMPLEMENTATION
PETITION IN THE LIGHT OF JUDGMENT
/ORDER DATED 28/11/2019 PASSED BY
SUPREME COURT OF PAKISTAN IN CP NO-
5128-5130 OF 2017

Respectfully Sheweth.

1. That the petitioner had filed a Service Appeal No. 268/2017 in this Hon'ble Tribunal and is fixed for today i.e. 09/02/2021.
2. That in the light of above mentioned Judgment / Order in which Supreme Court has held that the very grievance of the petitioner having been reddest by this Hon'ble

Tribunal.(Copy of the Judgment/Order is attached as Annexure "A").


3. That Hon'ble Tribunal can converted the instant appeal into implementation petition in the light of Judgment reported in 2017 SCMR page 56 b. (Copy of Judgment is attached in annexure "B").

It is therefore, most humbly prayed that on acceptance of this instant Application the appeal may pleased be converted in to implementation petition and proceed the further.

Dated: 09/02/2021


Petitioner

Through


Muhammad Liaqat
Advocate, High Court
Abbottabad .

BEFORE THE HON'BLE SERVICE
TRIBUNAL, PESHAWAR

C.M No. _____/2019

S.A No. 86/2019

Shuja Ali

Versus

Govt. of KPK

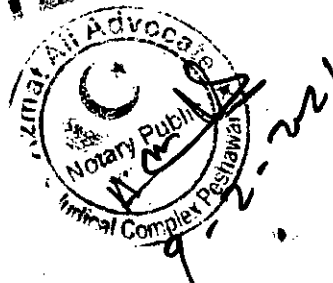
AFFIDAVIT

I, **Shuja Ali**, do hereby solemnly affirm and declare that all the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.



DEPONENT

ATTESTED



4

105/18

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Annex CA

PRESENT:

Mr. Justice Gulzar Ahmed
Mr. Justice Maqbool Baqar

C.Ps.No.5128-5130 of 2017

Against the judgment dated 19.10.2017, passed by the Khyber Pakhtunkhwa Service Tribunal Camp Court, Abbottabad in Appeal No.826 of 2016)

Abdul Majid. (in C.P.No.5128)
Muhammad Bashir. (in CP No.5129)
Wajid Ali Shah. (in CP No.5130)
...Petitioner (s)

Versus

Accountant General KP Peshawar & others. (in all cases)
...Respondent(s)

For the Petitioner (s) : Sardar Muhammad Ghazi, ASC
(in all cases)

For the Respondent(s) : Mr. Muhammad Atif, Addl.A.G. KP
Shahid Pervaiz Bhatti, District
Controller of Accounts, Abbottabad
Javed Khan, Addl.Secretary,
Finance, KP

Date of Hearing : 28.11.2019

ORDER

Gulzar Ahmed, J:- The grievance of the petitioners is that on attaining the Master's Degree, the petitioners were granted four increments and subsequently, the respondents have tried to reduce the four increments to two increments. The Tribunal in the impugned judgment has allowed the petitioners four increments, which judgment of the Tribunal has not been challenged by the respondents before this Court and thus, has attained finality, to the extent of the respondents. The very grievance of the petitioners having been redressed by the Tribunal and there being no further

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

prosecution. In the case in hand the prosecution had produced two witnesses namely Muhammad Ilyas complainant (PW9) and Muhammad Arshad (PW10) who were chance witnesses and they had failed to produce any evidence on the record establishing the stated reason for their presence close to the deceased at the relevant time. A very important factor in this case was that respondent No. 1 namely Muhammad Akram had also received two incised wounds on his body, including one on his chest which injury was going deep, but the prosecution had completely suppressed the said injuries sustained by respondent No. 1. During the trial respondent No. 1 had produced the relevant doctor as DW who had confirmed medically examining respondent No. 1 for his mentioned injuries within a matter of three hours of sustaining of said injuries. Suppression of such injuries on the body of respondent No. 1 had exposed the bona fide of the complainant party in narrating the incident in issue. The eye witnesses produced by the prosecution were also seriously contradicted each other on many important aspects of the case. The motive set up by the prosecution had not been established through any independent evidence and the crime empties had been sent to the Forensic Science Laboratory after the arrest of respondents Nos. 1 and 2 and even after recovery of the weapons of offence from their custody. In these circumstances the High Court had concluded that the prosecution had failed to prove its case against respondents Nos. 1 and 2 beyond reasonable doubt which conclusion has not been found by us to be open to any legitimate exception. This petition is, therefore, dismissed and leave to appeal is refused.

MWA/M-61/SC

Petition dismissed

2017 S C M R 56

[Supreme Court of Pakistan]

Present: Mushir Alam and
Umar Ata Bandial, JJ

MUHAMMAD AKRAM--Petitioner

versus

DCO, RAHIM YAR KHAN and others--Respondents

Civil Petition No. 2411 of 2014, decided on 17th October, 2016.

Against the order dated 28.10.2014 passed by Punjab Service Tribunal, Lahore in Appeal No.3093 of 2014)

(a) Administration of justice---

Courts were sanctuaries of justice, and in exercise of authority to do *re debito justitiae*, they could remedy a wrong and suppress a mischief to which a litigant was entitled. [p. 59] A

(b) Constitution of Pakistan---

Arts. 184(3) & 199--Constitutional jurisdiction of the Supreme Court/High Court to convert one type of proceedings into another--Scope--No fetters or bar could be placed on the High Court or the Supreme Court to convert and treat one type of proceeding into another and proceed to decide the matter either itself, provided it had jurisdiction over the lis before it in exercise of another jurisdiction vested in the very court, or it may remit the lis to the competent authority/forum or court for decision on merits--Courts do follow the practice of treating and or converting appeal into revisions and vice versa and constitutional petition into appeal or revision and vice versa. [p. 60] B

(c) Punjab Employees Efficiency, Discipline and Accountability Act (XII of 2006)---

S. 16--Dismissal from service--Appeal filed before wrong forum--Limitation--Scope--Employee instead of filing departmental appeal before appellate authority as provided under S. 16 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, filed constitutional petition before the High Court--High Court sent the constitutional petition to the appellate authority and directed to treat the same as "departmental appeal" and "to decide the same on its own merits after hearing the petitioner"--Constitutional petition converted into departmental appeal, was dismissed on merits by the appellate authority, but at the same time it was observed that "that no departmental appeal under S. 16 of the Act, 2006 has ever been filed by the petitioner"--Appeal filed before the Service Tribunal was simply dismissed as barred by time--Legality--Time consumed pursuing remedy before a wrong forum in appropriate cases could always be condoned--Observation of the appellate authority that "that no departmental appeal under S. 16 of the Act, 2006 has ever been filed by the petitioner" in the facts and circumstances of the case was uncalled for and could not be approved--Apparently it was observation of the appellate authority, which influenced the Service Tribunal to dismiss the service appeal as barred by time--Once the constitutional petition, which was filed within the period of limitation as provided for the departmental appeal, was treated and remitted by the High Court as departmental appeal, Service Tribunal, had fallen in to error to dismiss

Annex

"B"

the appeal before it on the ground of limitation alone, without advert to the merits of the case as were attended by the appellate authority--Date of filing of the constitutional petition within time should have been reckoned as date of filing departmental appeal and ought to have been treated as departmental appeal for all practical purposes as ordered by the High Court--Supreme Court directed that appeal before the Service Tribunal, shall be deemed to be pending and should be decided on merits after hearing all the parties concerned-- Appeal was allowed accordingly. [pp. 60, 61] C, D & E

Shamsul Haq and others v. Mst. Ghoti and 8 others 1991 SCMR 1135; Muhammad Anis and others v. Abdul Haseeb and others PLD 1994 SC 539; Province of Sindh and another v. Muhammad Ilyas and others 2016 SCMR 189 and Engineer Musharaf Shah v. Government of Khyber Pakhtunkhwa and 2 others 2015 PLC (C.S.) 215 ref.

Muhammad Bashir Khan, Advocate Supreme Court for Petitioner.

Raja Muhammad Arif, Additional A.-G. and Muhammad Akram, DDEO for Respondents.

Date of hearing: 17th October, 2016.

ORDER

MUSHIR ALAM, J.--Muhammad Akram Petitioner Ex-Junior Clerk in the office of the AEO (Women) Markaz Bagh-o-Bahar, Tehsil Khanpur, District Rahimyarkhan was proceeded departmentally on account of extravagant malpractice and prolonged absence from duty w.e.f. 10.10.2013 and after due proceedings major penalty of dismissal from service under section 4(b)(vi) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2009 (PEEDA Act, 2009) was imposed by the Competent Authority/DEO (Education) Rahimyarkhan vide order dated 04.07.2014 w.e.f. 10.10.2013.

2. Petitioner instead of filing departmental appeal before appellate authority as provided under section 16 of the PEEDA Act, 2006 approached the learned High Court in Writ Petition No. 5412 of 2014/BWP. The Petition was heard and on 16.07.2014 following order was passed:-

"As per request of the learned counsel for the petitioner, instant writ petition along with all its annexures be sent to respondent No. 1/District Coordination Officer, Rahimyarkhan, who shall treat it as departmental appeal of the petitioner and decide the same on its own merits after hearing

the present petitioner within a period of one month from the date of production of attested copy of this order by the present petitioner "

3. Consequently, the writ petition sent to the DCO, Rahimyarkhan, and the appellate authority, to "treat it as departmental appeal" and "to decide the same on its own merits after hearing the petitioner within a period of one month". The writ Petition converted into Departmental Appeal, was dismissed on merits, at the same time it was observed "that no departmental appeal under section 16 of PEEDA Act, 2006 has ever been filed by the Petitioner". vide order dated 5.9.2014, which order was maintained through impugned judgment dated 28.10.14 by the Punjab Service Tribunal (PST).

4. Learned counsel for the petitioner, admitted that indeed appeal is provided against the order of departmental authority in terms of section 16 of the PEEDA Act, 2006, however, he under mistaken belief filed Writ Petition within 30 days from the date of the impugned order of his dismissal from service. It was argued that he approached the wrong forum with promptitude and within the period of limitation, the Writ Petition, filed by him was ordered to be treated as departmental appeal and sent to the Appellate Authority, which was not decided by the Appellate Authority and so also by the PST in accordance with law and he was non suited on technicalities.

5. Learned counsel for the respondents vehemently opposed the averments made by the learned counsel for the petitioner. According to him, the departmental appeal was decided on merits as well as on the point of limitation as no appeal was filed before the competent authority DCO concerned within 30 days from the date of his dismissal from service, which admittedly was not done, therefore the Appellate Authority had not Appeal before it. It was urged that no exception to the impugned order of the DCO Rahimyarkhan, as maintained by the PST could be taken.

6. Heard the arguments and perused the record. Departmental Appeal against the dismissal from service order is provided under section 16 of the PEEDA, 2006 before the designated Appellate Authority, which in instant case admittedly is the DCO Rahimyarkhan. We have examined the impugned Order dated 5.9.2014, passed by the Appellate Authority on merits with an observation that no Appeal was filed under the PEEDA Act, 2006, as already noted in the narrative above. Learned PST without advert to merits of the case, dismissed the Appeal before it on the ground of limitation only.

7. The Courts are sanctuaries of justice, and in exercise of authority to do *ex debito justitiae*, that is to say remedy a wrong and to

suppress a mischief to which a litigant is entitled. No fetters or bar could be placed on the High Court and or this court to convert and treat one type of proceeding into another type into another and proceed to decide the matter either itself provided it has jurisdiction over the *lis* before it or exercise of another jurisdiction vested in the very court or may remit the *lis* to the competent authority/forum or court for decision on merits. Courts have been treating and or converting appeal into revisions and vice versa and Constitution Petitions into appeal or revision and vice versa. Even time consumed pursuing remedy before a wrong forum in appropriate cases could always be condoned (see Shamsul Haq and others v. Mst. Ghoti and 8 others (1991 SCMR 1135)).

8. In a case cited as Muhammad Anis and others v. Abdul Haseeb and others (PLD 1994 Supreme Court 539), eligibility for consideration of promotion; was successfully challenged in writ jurisdiction of the High Court. On appeal, this Court held that such question is amenable to the Jurisdiction of learned Service Tribunal, therefore, writ is not maintainable, impugned judgment passed by the learned Sindh High Court in exercise of writ jurisdiction was set aside. In Paragraph 16 of the judgment supra this court ordered to treat the Writ Petition as Service Appeal pending before it which will be decided by the Service Tribunal, after notice to the parties concerned in accordance with law. In similar circumstances in a judgment recently reported as Province of Sindh and another v. Muhammad Ilyas and others (2016 SCMR 189) dismissal from service order was challenged before the learned Sindh High Court through Constitution Petition. The Constitutional Petition was treated by the High Court as service appeal and sent to the Service Tribunal; which was decided by the Service Tribunal on merit and this Court declined leave in the matter. Similar course was followed by the learned Division Bench of Peshawar High Court in a case reported as Engineer Musharaf Shah v. Government of Khuber Pakhtunkhwa and 2 others (2015 PLC (C.S.) 215).

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PST, had fallen in to error to dismiss the Appeal before it on the ground of limitation alone; without adverting to the merits of the case as were attended by the DCO Rahimyarkhan. As noted above date of filing of the writ petition within time should have been reckoned as date of Departmental Appeal and ought to have been treated as Departmental Appeal for all practical purposes as ordered by the High Court.

10. The DCO Rahimyarkhan/Appellate Authority, as noted above decided the Departmental Appeal on merits, as regard observation made in the order dated 5.9.2014 by him "that no departmental appeal under section 16 of PEEDA Act, 2006 has ever been filed by the Petitioner" in view of above discussion, is not in accordance with law to such an extent it cannot be approved. We refrain from commenting on merits of the case, which was not adverted to by the PST, through impugned Decision dated 28.10.2014, which is set aside, Service Appeal No.3093 of 2014, shall be deemed to be pending and be decided on merits after hearing all the parties concerned as expeditiously as possible.

11. In view of the foregoing, Petition is converted into appeal and is allowed in terms setout above.

MWA/M-73/SC

Appeal allowed.

2017 S C M R 61

[Supreme Court of Pakistan]

Present: Asif Saeed Khan Khosa,
Manzoor Ahmad Malik and Sardar Tariq Masood, JJ

FAIZ JALANI alias IMRAN MAMA---Petitioner

versus

The STATE and others---Respondents

Criminal Petition No. 26-L of 2016, decided on 8th March, 2016.

(Against the order dated 7-12-2015 passed by the Lahore High Court Lahore in Criminal Miscellaneous No. 14747-B of 2015)

Criminal Procedure Code (V of 1898)---

S. 497(2)---Penal Code (XLV of 1860), Ss. 302 & 34---Qail-i-amd, common intention---Bail, grant of---Further inquiry---Murder in issue had remained unwitnessed and although the name of accused had figured in the FIR yet his name had been mentioned therein not as a culprit but as a friend of the deceased---Only pieces of evidence being