

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

**Execution Petition No. 84/2020**

**In Service Appeal No. 1276/2007**

Date of Institution... 22.04.2020

Date of Decision. ... 19.01.2022

Muhammad Bashir S/O Muhammad Yousaf, CT Teacher Government Higher Secondary School Bandi Dhundan Abbottabad R/O village Tarhana (Zafar Market) Branch Post office, Tehsil and District Abbottabad.

... (Petitioner)

Versus

1. The Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar and four others.

... (Respondents)

Sardar Muhammad Ghazi,  
Advocate

... For petitioner.

Mr. Noor Zaman Khattak,  
District Attorney

... For respondents.

ORDER

AHMAD SULTAN TAREEN, CHAIRMAN.

This order is meant to

dispose of Execution Petition as described above in the heading and connected Execution Petitions as listed below:-

- |                                     |                 |
|-------------------------------------|-----------------|
| 1. Execution Petition No. 85/2020,  | Abdul Majid,    |
| 2. Execution Petition No. 86/2020   | Wajid Ali Shah. |
| 3. Execution Petition No. 212/2021, | Sultan Khan,    |

- |                                      |                         |
|--------------------------------------|-------------------------|
| 4. Execution Petition No. 213/2021,  | Khalida Bibi            |
| 5. Execution Petition No. 214/2021,  | Abida Bibi,             |
| 6. Execution Petition No. 215/2021,  | Shujjah Ali,            |
| 7. Execution Petition No. 216/2021,  | Maroof Khan,            |
| 8. Execution Petition No. 240/2021,  | Mazhar-UI-Haq,          |
| 9. Execution Petition No. 248/2021,  | Syed Arif Hussain Shah, |
| 10. Execution Petition No. 267/2021, | Muhammad Sarwar Khan,   |
| 11. Execution Petition No. 40/2022,  | Aftar,                  |
| 12. Execution Petition No. 46/2022,  | Akmal Hussain,          |
| 13. Execution Petition No. 47/2022,  | Jahangir Iqbal, and     |
| 14. Execution Petition No. 51/2022   | Muhammad Riaz Khan      |

2. The Execution Petitions enumerated above have arisen from different judgments but as far as the executable relief is concerned, the same is common for all of them. Therefore, this order shall stand to dispose of all the Execution Petitions listed above in the terms and findings as follow herein after. The very scope of the controversy having arisen in relation to the Execution Petition has already been captured in order dated 05.08.2021 which for the purpose of this order is reproduced herein below:-

***"Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG for the respondents present.***

***Having heard the parties and going through the record, the controversy related to the present Execution Petition revolves around the factual account that there was judgment of August Supreme Court of Pakistan in Civil Appeals No. 1504-1505/2007 dated 19.07.2007 titled "Rashid Iqbal Khan Vs. District Coordination Officer Abbottabad and others" and***

*"Muhammad Haroon Qureshi Vs. District Coordination Officer, Abbottabad and others" respectively, whereby a consolidated direction was given. Accordingly, it was observed that circular letter dated 07.08.1991 exclusively deals with the scales of pay of school teachers in different categories, circular letter dated 11.08.1991 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). Consequently, it was directed and declared that the petitioners would be entitled to four advance increments with effect from the date of qualifying of M.A/M.Sc examination.*

*The Service Appeals filed by a large number of teachers and enumerated in a consolidated judgment of this Tribunal in Service Appeal No. 1276/2007 titled "Muhammad Akram Vs. District Coordination Officer, Abbottabad and others" were disposed of by the said judgment. For relevancy with the issue at hand paragraphs 6, 7 and 8 of the judgment are reproduced below:-*

*"6. In the above circumstances, and in view of the judgment in rhyme (rem) 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 persons 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."*



*The judgment of this Tribunal dated 12.05.2009 as Para 3 of the Execution Petition reveals, was implemented. It was after implementation of the said judgment that the department suddenly withheld two increments out of four increments w.e.f. 01.04.2016. The petitioner challenged the said order of departmental authority firstly in departmental appeal and then by Service Appeals No. 826/2016 and 827/2016 but their appeals were dismissed and where-against they filed CPLAs which were converted into Civil Petitions No. 5128-5130 of 2017. The August Supreme Court of Pakistan also*

*dismissed the same on 28.11.2019 with particular observations copied herein below:-*

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

*With the above mentioned factual positions in view, the following questions are apt to arise:-*

1. *Whether the department after having implemented the judgment dated 12.05.2009 of this Tribunal in Service Appeal No. 1276/2007, how and under what lawful authority was competent to withhold 02 increments out of four increments previously granted to the petitioner?*
2. *Whether the Service Appeals No. 826/2016 and 827/2016 including other of similar nature were maintainable within the meaning of Rule 23 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 and Section 47(1) CPC r/w Section 7(2)(d) of the Khyber Pakhtunkhwa Service Tribunal Act, 1974; and if not, has the judgment of this Tribunal in said appeal got any adverse effect in relation to the present Execution Petition?*
3. *Whether the stoppage of two increments out of four increments previously granted in pursuance to the judgment of this Tribunal dated 12.05.2009 in Service Appeal No.*



*1276/2007 was a question relating to execution of said judgment requiring determination by the Tribunal as an executing court under sub-section (1) of Section 47 CPC r/w Section 7(2)(d) of Khyber Pakhtunkhwa Service Tribunal Act, 1974?*

4. *Whether the present Execution Petitions No. 84/2020, titled "Muhammad Bashir Vs. Accountant General Khyber Pakhtunkhwa Peshawar and others", No. 85/2020 titled "Abdul Majid Vs. Accountant General Khyber Pakhtunkhwa, Peshawar and others" and No. 86/2020 titled "Wajid Ali Shah Vs. Accountant General Khyber Pakhtunkhwa Peshawar and others" are maintainable for execution of judgment dated 12.05.2009.*

*It is deemed appropriate to afford the parties with an opportunity of hearing before passing any order as to determination of the above questions. Case to come up on 08.09.2021 before S.B."*

3. The questions as formulated vide order dated 05.08.2021 were further narrated merit down in view of the discussion made vide order dated 01.12.2021 and in order to avoid the repetition, the same is copied herein below:-

*"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.*

Partial arguments were heard on previous date. Today, the parties have exhaustively presented their viewpoints although without any reference to the questions formulated vide order dated 05.08.2021 but their submission revolved around the same questions. The submission of the parties have worked usefully to enable this Tribunal to narrow down the issue having regard to the conclusive stand of the parties dug out from today's arguments. The stand of the petitioner moves around the judgment of august Supreme Court of Pakistan passed on 19.07.2007 in C.Ps No. 1504 - 1505/2007. The judgment of this Tribunal passed in Service Appeal No. 498/2006 was in question in said C.Ps. The Honourable Supreme Court noted the grievance of the petitioners with observations that after induction in BPS-14 as Elementary School Teachers in terms of NWFP Government Circular dated 07.08.1991 they were entitled to four advance increments in terms of NWFP Government circular letter No. FD(PRC)1-1/89, dated 11.08.1991 on acquiring higher qualification of MA/M.Sc. The Honourable Supreme Court while thrashing out the arguments of the parties vide Para 2 of the judgment dated 19.07.2007, referred to Para-5 clause(e) of the circular meant for grant of four increments on attaining M.A/M.Sc where prescribed qualification is FA/F.Sc. However, it was simultaneously noted there in the same para that it would be seen that the petitioners were placed in BS-14 by reason of having acquiring the qualifications of BA/B.Sc Second Division which is the prescribed qualification for the post of Elementary School Teacher. In the operative part of the judgment vide Para-4, Honourable Supreme Court on converting the petitions into appeals and on their



*acceptance, declared that the petitioners would be entitled to four advance increments with effect from the date of qualifying M.A/M.Sc. examination. However, there is no direction/declaration in the operative part about the point noted by the august Supreme Court of Pakistan with reference to the petitioners who were placed in BPS-14 by reason of having acquired the qualification of B.A/B.Sc second division as the prescribed qualification for the post of Elementary Schools Teacher. The petitioner are still firm with their stand that notwithstanding the fact that those who were granted BPS-14 on account of acquiring B.A/B.Sc qualification were/are entitled to four increments by virtue of their qualification being the holders of the degree of M.A/M.Sc, on the basis of ibid judgment of august Supreme Court of Pakistan. On the other hand, the respondents have elaborated their view point that those teachers who were granted BPS-14 on acquiring B.A/B.Sc second division were not entitled for four increments rather they were entitled for two increments as they had already availed the benefit of higher qualification of B.A/B.Sc in term of availing higher grade in BPS-14. Let the parties come up for further arguments on the narrowed down controversy, on 27.12.2021 before S.B at camp court, Abbottabad."*

4. With the given position herein above, the only question for determination remain whether the recovery of the payment of advance increments as directed vide Para-3(4) of the letter circular bearing No. FD(SR-I)2-123/2010 dated 15.12.2010 is doable or not. The answer to the said question is negative. This is for the reason that the advance increments (if availed) by the petitioners over and above their



entitlement on academic qualification was not the result of any fraud or wrong doing on their part. They availed the benefit of advance increments, at the most, because of miscomprehension of the Notification of the Government by the Department. The advance increments so availed, albeit over and above the entitlement have become part of emoluments of the petitioners. Therefore, the respondents are estopped by their conduct to give effect to Para-3(4) of the Notification dated 15.12.2010 to the extent of petitioners. Thus, they are restrained from recovery of the increments having already become part of emoluments of the petitioners being a past and closed transaction. If any of the petitioners has not availed the benefit of two advance increments after having been granted higher grade in BPS-14, this order shall not be operative in his favour seeking the grant of such increments. All the Execution Petitions enumerated herein above stand disposed of accordingly. There is no order as to cost. File be consigned to the record room.


ANNOUNCED  
19.01.2022

  
(AHMAD SULTAN TAREEN)  
Chairman

EP 84/2020  
27.12.2021

Petitioner in person 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.

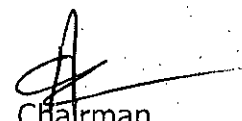
Petitioner submitted application for adjournment due to non-available of his learned counsel. Request is accorded. To come up for record and further arguments on 29.12.2021 before S.B at camp court, Abbottabad.

  
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.

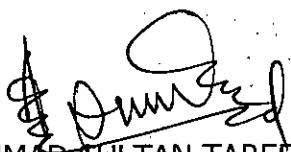
Further arguments have been heard. Case to come up for order on 19.01.2022 before S.B at Peshawar.

  
Chairman  
Camp Court, A/Abad

19.01.2022

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

Vide our detailed order of today, 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


EP 84/2020

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.

Partial arguments were heard on previous date. Today, the parties have exhaustively presented their viewpoints although without any reference to the questions formulated vide order dated 05.08.2021 but their submission revolved around the same questions. The submission of the parties have worked usefully to enable this Tribunal to narrow down the issue having regard to the conclusive stand of the parties dug out from today's arguments. The stand of the petitioner moves around the judgment of august Supreme Court of Pakistan passed on 19.07.2007 in C.Ps No. 1504 - 1505/2007. The judgment of this Tribunal passed in Service Appeal No. 498/2006 was in question in said C.Ps. <sup>525-526</sup> The Honourable Supreme Court noted the grievance of the petitioners with observations that after induction in BPS-14 as Elementary School Teachers in terms of NWFP Government Circular dated 07.08.1991 they were entitled to four advance increments in terms of NWFP Government circular letter No. FD(PRC)1-1/89, dated 11.08.1991 on acquiring higher qualification of MA/M.Sc. The Honourable Supreme Court while thrashing out the arguments of the parties vide Para 2 of the judgment dated 19.07.2007, referred to Para-5 clause(e) of the circular meant for grant of four increments on attaining M.A/M.Sc where prescribed qualification is FA/F.Sc. However, it was simultaneously noted there in the same para that it would be seen that the petitioners were placed in BS-14 by reason of having acquiring the qualifications of BA/B.Sc Second Division which is

the prescribed qualification for the post of Elementary School Teacher. In the operative part of the judgment vide <sup>525-526 of 2007</sup> Para-4, Honourable Supreme Court on converting the petitions) into appeals) and on their acceptance, <sup>No. 1504-1505/2007</sup> declared that the petitioners would be entitled to four advance increments with effect from the date of qualifying M.A/M.Sc. examination. However, there is no direction/declaration in the operative part about the point noted by the august Supreme Court of Pakistan with reference to the petitioners who were placed in BPS-14 by reason of having acquired the qualification of B.A/B.Sc second division as the prescribed qualification for the post of Elementary Schools Teacher. The petitioner are still firm with their stand that notwithstanding the fact that those who were granted BPS-14 on account of acquiring B.A/B.Sc qualification were/are entitled to four increments by virtue of their qualification being the holders of the degree of M.A/M.Sc, on the basis of ibid judgment of august Supreme Court of Pakistan. On the other hand, the respondents have elaborated their view point that those teachers who were granted BPS-14 on acquiring B.A/B.Sc second division were not entitled for four increments rather they were entitled for two increments as they had already availed the benefit of higher qualification of B.A/B.Sc in term of availing higher grade in BPS-14. Let the parties come up for further arguments on the narrowed down controversy, on 27.12.2021 before S.B at camp court, Abbottabad.

  
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.

This execution petition alongwith other clubbed execution petitions were fixed at Peshawar for arguments for settlement of the questions formulated vide order dated 05.08.2021. However, all the clubbed Execution Petitions have been requisitioned for today from Peshawar for hearing in the Camp Court today. However, learned AAG is of the view that due to sudden fixation of the matter for today, he is not ready to argue the cases and seeks adjournment. Request is accorded. To come up for arguments in relation to formulated questions 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 before S.B at camp court, Abbottabad.



Chairman  
Camp Court, A/Abad

08.09.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Syed Naseerud Din, Assistant for the respondents present.

Petitioner seeks adjournment as his counsel is not in attendance due to family bereavement. Request is accepted. Case to come up for arguments on the questions formulated <sup>vide</sup> order of this Tribunal dated 05.08.2021, on 13.10.2021 before S.B.

  
Chairman

13.10.2021

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present..

Learned counsel for the petitioner contended that arguments in execution petition have already been heard by the S.B presided by the Hon'ble Chairman vide order sheet dated 05.08.2021. He therefore, requested that the execution petition may be placed before the same S.B. It would be in fitness of the case to post the instant execution petition before the same S.B. To come up for further proceedings before the S.B on 17.11.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

**EP No. 84/2020**

05.08.2021

Counsel for the petitioner and Mr. Kabirullah Khattak,  
Addl. AG for the respondents present.

Having heard the parties and going through the record, the controversy related to the present Execution Petition revolves around the factual account that there was judgment of August Supreme Court of Pakistan in Civil Appeals No. 1504-1505/2007 dated 19.07.2007 titled "Rashid Iqbal Khan Vs. District Coordination Officer Abbottabad and others" and "Muhammad Haroon Qureshi Vs. District Coordination Officer, Abbottabad and others" respectively, whereby a consolidated direction was given. Accordingly, it was observed that circular letter dated 07.08.1991 exclusively deals with the scales of pay of school teachers in different categories, circular letter dated 11.08.1991 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). Consequently, it was directed and declared that the petitioners would be entitled to

four advance increments with effect from the date of qualifying of M.A/M.Sc examination.

The Service Appeals filed by a large number of teachers and enumerated in a consolidated judgment of this Tribunal in Service Appeal No. 1276/2007 titled "Muhammad Akram Vs. District Coordination Officer, Abbottabad and others" were disposed of by the said judgment. For relevancy with the issue at hand paragraphs 6, 7 and 8 of the judgment are reproduced below:-

*"6. In the above circumstances, and in view of the judgment in rhyme (rem) 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 persons 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."*

The judgment of this Tribunal dated 12.05.2009 as Para 3 of the Execution Petition reveals, was implemented. It was after implementation of the said judgment that the department suddenly withheld two increments out of four increments w.e.f. 01.04.2016. The petitioner challenged the said order of departmental authority firstly in departmental appeal and then by Service Appeals No. 826/2016 and 827/2016 but their appeals were dismissed and where-against they filed CPLAs which were converted into Civil Petitions No. 5128-5130 of 2017. The August Supreme Court of Pakistan also dismissed the same on 28.11.2019 with particular observations copied herein below:-

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

With the above mentioned factual positions in view, the following questions are apt to arise:-

1. Whether the department after having implemented the judgment dated 12.05.2009 of this Tribunal in Service Appeal No. 1276/2007, how and under what lawful authority was competent to withhold 02 increments out of four increments previously granted to the petitioner?
2. Whether the Service Appeals No. 826/2016 and 827/2016 including other of similar nature were maintainable within the meaning of Rule 23 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 and Section 47(1) CPC r/w Section 7(2)(d) of the Khyber Pakhtunkhwa Service Tribunal Act, 1974; and if not, has the judgment of this Tribunal in said appeal got any adverse effect in relation to the present Execution Petition?
3. Whether the stoppage of two increments out of four increments previously granted in pursuance to the judgment of this Tribunal dated 12.05.2009 in Service Appeal No. 1276/2007 was a question relating to execution of said judgment requiring determination by the Tribunal as an executing court under sub-section (1) of Section 47 CPC r/w Section

7(2)(d) of Khyber Pakhtunkhwa Service Tribunal Act, 1974?

4. Whether the present Execution Petitions No. 84/2020, titled "Muhammad Bashir Vs. Accountant General Khyber Pakhtunkhwa Peshawar and others", No. 85/2020 titled "Abdul Majid Vs. Accountant General Khyber Pakhtunkhwa, Peshawar and others" and No. 86/2020 titled "Wajid Ali Shah Vs. Accountant General Khyber Pakhtunkhwa Peshawar and others" are maintainable for execution of judgment dated 12.05.2009.

It is deemed appropriate to afford the parties with an opportunity of hearing before passing any order as to determination of the above questions. Case to come up on 08.09.2021 before S.B.

Announced  
05.08.2021

  
Chairman

14.07.2021

Petitioner alongwith counsel and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

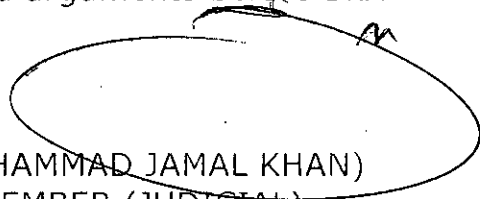
Reply has not been submitted despite last chance. On assurance of learned AAG another chance is given to the respondents to submit reply seven days before the date fixed. To come up for arguments on petition on 05.08.2021 before S.B.

  
Chairman

25.01.2021

Petitioner is present in person. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is also present.

According to the petitioner his counsel is suffering from COVID-19 and is confined to bed and cannot attend this Tribunal today. Requested for adjournment. Adjourned to 24.03.2021 on which date file to come up for reply and arguments before S.B.


  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

24.03.2021

Petitioner with counsel present.

Kabir Ulah Khattak learned Additional Advocate General alongwith Naseeb Khan S.O for respondents present.

Reply has not been submitted by the respondents, therefore, last chance is given for submission of reply. Learned A.A.G and the representative are directed to make sure the submission of reply before 5<sup>th</sup> April, 2021 and case is adjourned to 07.04.2021 for arguments before S.B.

  
(Rozina Rehman)  
Member (J)

07.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 14.07.2021 for the same as before.

  
READER

28.09.2020

Counsel for the petitioner present.

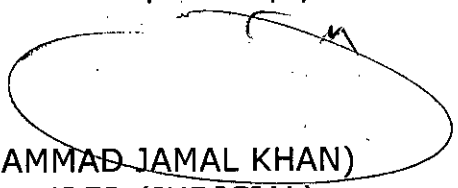
Notices be issued to respondents for submission of reply and arguments on 04.11.2020 before S.B.

  
Chairman

04.11.2020

Petitioner is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for petitioner is not available today. Adjourned to 03.12.2020 on which date to come up for reply and arguments before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

03.12.2020

Nemo for the petitioner. Nasib Khan, SO for respondents No. 3 alongwith Addl. AG for the respondents present.

Adjourned. To come up alongwith C.M No. 86/2020 on 25.01.2021 before S.B.





  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/04/2020	<p>The Misc. application of Mr. Muhammad Bashir presented today by Mr. Sardar Muhammad Ghazi, Advocate, may be entered in the relevant Register and put up to Court for proper order please.</p> <p> REGISTRAR</p>
2-	09.06.2020	<p>This Misc. Application be put up before S. Bench for preliminary hearing to be put up on <u>09/06/2020</u>.</p> <p> MEMBER</p>
	11.08.2020	<p>Nemo for the appellant.</p> <p>Notices be issued to appellant/learned counsel for the next date of hearing.</p> <p>Adjourned to 11.08.2020 before S.B.</p> <p> Chairman</p>
		<p>Nemo for the petitioner.</p> <p>On the last date of hearing notice was ordered to be issued to the petitioner/counsel for today. The record, however, is bereft of copy of such notice. Office shall issue the requisite notice for 28.09.2020 without fail.</p> <p>Adjourned accordingly.</p> <p> Chairman</p>

P-5

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

C.M. No. 84 /2020

in

Service Appeal No. 1276/2007

Muhammad Bashir

.....Applicant

**VERSUS**

Accountant General KPK and others

.....Respondents

**CIVIL MISC. APPLICATION UNDER SECTION                      OF CIVIL  
SERVANT ACT, 1973**

**APPLICATION U/S 151 CPC SEEKING  
DISPENSATION TO FILE CERTIFIED COPIES OF  
CERTAIN DOCUMENTS**

**INDEX**

S.NO.	DESCRIPTION OF DOCUMENTS	PAGES
1	Civil Misc. application along with affidavit	1 - 8
2	Judgment of Supreme Court dated 28-11-2019 passed in CPs No. 5128, 5129 & 5130/2017	9 - 10
3	Judgment of KPK Service Tribunal, Peshawar in Appeal No. 1276/2007 dated 12-05-2009 titled, " Muhammad Akram V/s Distt. Coordination affairs Abbottabad and others	11 - 21
4	Judgment of Supreme Court dated 19-07-2007 in CPLA No. 525/2007	22 - 24
5	<del>Grounds of CPLA No. 5128/2017</del>	
6	<del>Grounds of CPLA No. 5129/2017</del>	
5	Grounds of CPLA No. 5130/2017	25 - 29
6	Application for dispensation with affidavit	30 - 31
7	Vakalatnama	

Applicant

through :-



**(Sardar Muhammad Ghazi)**

Advocate Supreme Court of Pakistan  
office No.12, First Floor ,  
Mall Plaza , Saddar Rawalpindi  
Cell No. 0300-8562850

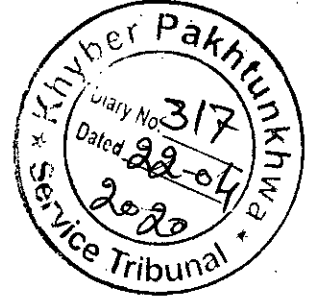
Dated:- 12-03-2020



- 1 -

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

C.M. No. 84 /2020  
in  
Service Appeal No. 1276/2007



Muhammad Bashir, S/o Muhammad Yousof, CT. Teacher  
Government High Secondary School Bandi Dhundan Abbottabad,  
R/o Village Tarhana ( Zafar Market) Branch Post office, Tehsil  
and Distt. Abbottabad.

.....Applicant

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.

**CIVIL MISC. APPLICATION UNDER SECTION \_\_\_\_\_ OF CIVIL  
SERVANT ACT, 1973**

Respectfully Sheweth:-

1. Based on the judgment, delivered by Hon'ble Supreme Court of  
Pakistan in CPLA No. 525/2007 (RASHID IQBAL KHAN V/S  
DISTRICT Coordination officer, Abbottabad and others) , this  
Hon'ble Service Tribunal of KPK was pleased to allow Appeal No.  
1276/2007, "tilted Muhammad Akram V/s District Co-Ordination

Officer , Abbottabad and others" vide judgment dated 12-05-2009 along with 267 appeals (including the applicant ) whereby benefit of four (4) advance increments for obtaining MA/ MSc qualification was extended to all the appellants (267 in number) including the applicant.

- 2. Operative paragraphs of Supreme Court judgment dated 19-07-2007 and Service Tribunal, KPK ,dated 12-05-2009 (A&B), are reproduced hereunder:-

**JUDGMENT OF SUPREME COURT DATED 19-07-2007**

*"3. Learned Additional Advocate General attempted to argue in view of the higher scale granted to Elementary School Teachers in pursuance of the circular letter dated 07-08-1991, which was personal to them, the petitioners would not be entitled to the incentive of advance increments contemplated by circular letter dated 11-08-1991 but he is unable to cite any principle of law or authority for placing this interpretation. we find that , while circular letter dated 07-08-1991 exclusively deals with the scales of pay of school teachers in different categories, circular letter dated 11-08-1991 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 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)"

4. 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"

**SERVICE TRIBUNAL KPK JUDGMENT DATED 12-05-2009 PARA NO.7 & 8 REPRODUCED:**

"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, through 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."*

3. That in view of above judgment of KPK Service Tribunal the respondents granted four (4) advance increments of MA/ MSC, revised the pay of the applicant and paid entire arrears of 4 increments . The respondents continued to pay the salary including 4 increments until March, 2016
4. That the respondent No.2 without any notice given to applicant erroneously deducted 02 advance increments out of four (4) increments w.e.f. 01-04-2016
5. That the applicant, under the legal advice of his advocate, instead of filing contempt application filed Service Appeal No. 827/2016, titled " Abdul Majid V/o Advocate General KPK Peshawar and others." with following prayer:-

*" It is ,therefore, respectfully prayed that on acceptance of instant service appeal , impugned action in respect of recovery / deduction of 02 advance increments out of 04 may please be set-aside and in case amount refunded / 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"*

That a learned Bench of KPK Service Tribunal, unfortunately while dismissing another service appeal No. 826/2016 titled "Muhammad Saleem Abbasi V/s Accountant General KPK Peshawar also dismissed applicant's appeal No. 827/2016.

6. That the applicant filed CPLA No. 5128/2017 before Supreme Court of Pakistan who was pleased to pass the following order:-

*" **Gulzar Ahmed, J.**:- The grievance of the petitioner is that on attaining the Master's Degree , the petitioners were granted four increments and subsequently, the respondents have tried to reduce that 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 grievances of the petitioners having been redressed by the Tribunal*

6

*and there being no further claim by the "petitioner"  
side, the petitions, thus fail and are dismissed"*

7. That the Hon'ble Supreme Court had clearly observed that the Service Tribunal KPK had granted 4 Increments to applicants through judgment dated 12-05-2009 which was not challenged and had attained finality . The observation thus holds that the respondent No.2 could not deduct 2 increments out of 4 increments for MA/ MSc Qualification allowed by Hon'ble Supreme Court and followed by service Tribunal KPK in its judgment dated 12-05-2009

8. that order of Supreme Court passed in CPLA No. 5128 to 5130/2007 is manifestly clear and un-ambiguous and holds that the respondents could not deduct 2 advance increments from 4 advance increments already allowed by Supreme Court and followed by Service Tribunal KPK . Respondents act of deduction of 2 increments is not only illegal, arbitrary and without legal justification but is clear violation of the above judgments.

#### PRAYER

It is therefore, prayed that this Hon'ble Tribunal may implements its earlier judgment dated 12-05-2009 passed in Service Appeal No. 1276/2007 titled " Muhammad Akram V/s District Co-Ordination Officer, Abbottabad and along with other 267 appeals" including the

-7-

applicant , having attained finality , in letter and spirit and in compliance of latest judgment of Supreme Court of Pakistan dated 28-11-2019

2. It is further prayed that respondents act of illegal deduction of two increments w.e.f. 01-04-2016 may be declared as unlawful and in violation of this Hon'ble Tribunal earlier judgment dated 12-05-2009

3. The respondents be directed to refund the amount so deducted w.e.f. 01-06-2016.

4. Any other relief deemed appropriate may be granted to applicant

  
Applicant

through :-



**(Sardar Muhammad Ghazi)**

Advocate Supreme Court of Pakistan  
office No.12, First Floor ,  
Mall Plaza , Saddar Rawalpindi  
Cell No. 0300-8562850

Dated:- 12-03-2020

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

C.M. No. \_\_\_\_\_/2020

in

Service Appeal No. 1276/2007

Muhammad Bashir

.....Applicant

**VERSUS**

Accountant General KPK and others

.....Respondents

**CIVIL MISC. APPLICATION UNDER SECTION \_\_\_\_\_ OF CIVIL  
SERVANT ACT, 1973**

**AFFIDAVIT**

I, Muhammad Bashir, S/o Muhammad Yousaf, CT. Teacher Government High Secondary School Bandi Dhundan Abbottabad, R/o Village Tarhana ( Zafar Market) Branch Post office, Tehsil and Distt. Abbottabad, do hereby solemnly declare and affirm that the contents of the accompanying MP are true and correct to the best of my knowledge, information and belief and nothing material has been concealed therefrom.



*Muhammad Bashir*  
DEPONENT

Dated: 12.03.2020



105/19  
9

**SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**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)

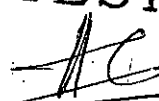
For the Respondent(s) : Mr. Muhammad Atif, Addl.A.G. KP  
Shahid Pervaiz Bhatti, District  
Controller of Accounts, Abbottabad  
Javed Khan, Addl.Secretary,  
Finance, KP

Date of Hearing : 28.11.2019

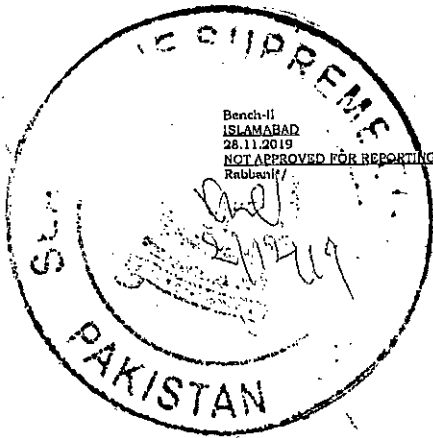
**ORDER**

**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

*[Signature]*  
26/2/20  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

GR No: 4416/20 Civil/Criminal

Date of Presentation: 25-02-20

No of Words: 600

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Court Fee Stamps: 8.72

Date of Completion of Copy: 26-2-20

Date of delivery of Copy: 27-2-20

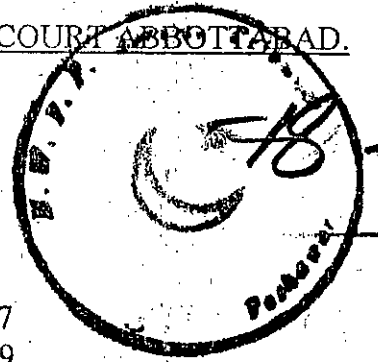
Compared by/Prepared by: *[Signature]*

Received by: M. A. Sheikh Adil

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

EXAMINER  
NWFP SERVICE TRIBUNAL  
PESHAWAR  
ATTESTED

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	Iftikhar 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	Altaf Hussain,
40.	579/2008	Ahjaz Ahmad,
41.	580/2008	Muhammad Safdar,

~~19~~

2

ATTENDED  
EXAMINER  
WFP Services Tribunal  
Punjab

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 Irshad Ali,
55. 739/2008 Khursheed 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 Hameed,
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 Khursheed,
75. 829/2008 Mst. Zakia Sultana,
76. 853/2008 Mst. Shahnaz,
77. 854/2008 Mushtaq Hussain,

~~82-~~

8

ATTESSED

EXAMINED

40/11/2008

78. 899/2008 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 Niaz 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 Bano
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,

~~21~~

**ATTESTED**  
**EXAMINER**  
NWFP Service Tribunal  
Peshawar

~~22~~

- 114. 1135/2008 Muhammad Hamayun,
- 115. 1136/2008 Shahid Farooq
- 116. 1137/2008 Abdul Waheed,
- 117. 1206/2008 Nascem 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 Yousaf,
- 133. 1381/2008 Waqar Ahmad,
- 134. 1382/2008 Muhammad Azhar,
- 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. 1406/2008 Ajmal Nazir,
- 146. 1407/2008 Uzair Jadoon,
- 147. 1425/2008 Muhammad Adnan Khan,
- 148. 1426/2008 Zahoor Khan,
- 149. 1427/2008 Wajid Ali Shah,

EXAMINER  
NWFR Service Tribunal  
Peshawar

ATTESTED

*[Signature]*

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150.	1428/2008	Mahmoob 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	Muhammad 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	Mehrban 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 Rifaqat,
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,

EXAMINER  
NWFP Service Tribunal  
Peshawar

ATTESTED



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,

WFP  
EXAMINER  
SARFAT  
PESHAWAR

ATTESTED

221.	229/2009	Nasir Ali,
222.	230/2009	Ali Nawaz,
223.	231/2009	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	Liaqat

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NWFP Service Tribunal  
Peshawar  
EXAMINER  
ATTES

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257.	504/2009	Muhammad Shamraiz
258.	505/2009	Ali Bahadur
259.	506/2009	Muhammad Haroon
260.	523/2009	Naureena 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

- 26 - 19 -

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.

5. 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*

EXAMINER  
 AWFP Service Tribunal  
 Peshawar

ATTESTED  


*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  
Petitioners

ATTEN

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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.

*Jd*

(BISMILIAH SHAH)  
MEMBER.

*Jd*

(ABDUL JALIL)  
MEMBER.

CAMP COURT ABBOTTABAD.

Copy of presentation of	02/7/09
Number of cases	24-00
Posting fee	24-00
Stamp	24-00
Total	72-00
Name of cashier	13/7/09
Date of completion of	13/7/09
Date of delivery of	13/7/09

verified to be true copy

*[Signature]*

Registrar

19-7-2007 D 22-12  
Page 3

**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** OP. 1504-1505/07

(On appeal from judgment of NWFP Service Tribunal, Peshawar dated 24.4.2007 passed in Service Appeal No.458 of 2006)

Rashid Iqbal Khan

Petitioner

Versus

District Coordination Officer, Abbottabad & others

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

Petitioner

Versus

District Coordination Officer, Abbottabad & others

Respondents

Petitioner:

Muhammad Haroon Qureshi, in person

For the respondents:

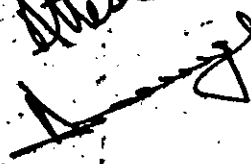
Sardar Shaukat Hayat Khan,  
Additional Advocate General, NWFP.

Date of hearing:


19.7.2007

**Judgment**

Rana Bhagwandas, ACJ – Sole grievance of the petitioners 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/MSc. They have been non-suited by the Tribunal vide judgment dated

*Attested*  


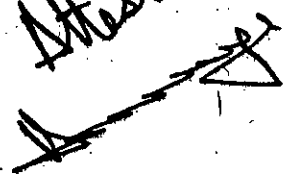
**ATTESTED**

  
Superintendent  
Supreme Court of Pakistan  
ISLAMABAD


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.

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

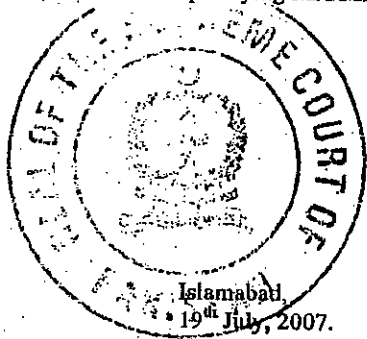
*Attested*  


**ATTESTED**

  
Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

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).

4 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.



Islamabad  
19<sup>th</sup> July, 2007.  
Not approved for reporting.

10/8/07

10/7/07

Attested  
*[Signature]*

*Off. Rana Shaukat Ali  
Off. Asst. Muhammad Bilal Khan*

Certified to be true copy

*[Signature]* 28/11/2007  
Superintendent  
Supreme Court of Pakistan  
ISLAMABAD  
57811/07

Date of Preparation: 20-11-07  
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No. of Lines: 3  
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Court Fee Stamp: 10.58  
Date of Completion of: 28-11-2007  
Copy: 8-12-2007  
Compared by: *[Signature]*  
Received by: *[Signature]*



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**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

C.P.L.A. No. 5129/2017

Muhammad Bashir son of Muhammad Younis, C.T.  
Teacher, Government Higher Secondary School Bandi  
Dhundan, Abbottabad, resident of Village Tarhana  
(Zaffar Market), Branch Post Office Zaffar Market, Tehsil  
and District Abbottabad

.....Petitioner

**VERSUS**

1. Account General Khyber Pakhtunkhwa, Peshawar
2. District Controller of Accounts, Abbottabad
3. Government of Khyber Pakhtunkhwa through  
Secretary Finance Department, Peshawar
4. Government of Khyber Pakhtunkhwa through  
Secretary Elementary and School Education  
Department, Peshawar

.....Respondents

**CIVIL PETITION FOR LEAVE TO APPEAL UNDER  
ARTICLE 212(3) OF CONSTITUTION OF THE  
ISLAMIC REPUBLIC OF PAKISTAN, 1973**

**FROM THE JUDGMENT DATED 19.10.2017 PASSED  
BY THE LEARNED KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR IN SERVICE  
APPEAL NO. 430/2015**

Respectfully Sheweth:

**LAW POINTS:-**

1. The important questions of law involved in the  
instant petition for leave to appeal for determination  
of this August Court are as under:-

**ATTESTED**

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

- i). Whether the impugned judgment of Service Tribunal Peshawar dated 19.10.2017 upholding the illegal deduction of 02 advance increments out of 04 increments, earlier allowed by the Honourable Supreme Court of Pakistan through its judgment dated 19.07.2007 in CPLA No. 525/2007, is sustainable in law?
- ii). Whether, after implementation of judgment of the Supreme Court dated 19.07.2007 in letter and spirit, respondent No. 2 had any authority to deprive the petitioner of benefits of two advance increments on the principle of locus-poenitentiae and that too without giving any notice to the petitioner?
- iii). Whether the action of respondent No. 2 does not tantamount to committing gross contempt of the judgment of Supreme Court?
- iv). Whether the respondents were not obliged in law to give notice of recovery of amount so deducted illegally?

**BRIEF FACTS:-**

- 2. The brief facts forming background of this petition for leave to appeal are as under:-
  - i). That the petitioner is working as C.T. Teacher (BPS-16). His service appeal for grant of four advance increments of higher qualifications

**ATTESTED**  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

(MA/MSc) over and above prescribed qualification of the post held, was accepted on 12.05.2009. The respondents did not file appeal before this Honourable Court against the order dated 12.05.2009 and it attained finality. Later, the respondents implemented it in its letter and spirit.

- ii). That the petitioner was being given his salary without any deduction by the respondents upto 31.10.2014. In the meanwhile, the petitioner was entitled for one pre-mature increment on the up-gradation of CT post from the year 2007 on the basis of Notification No. FD(SO SR-I)2-123/2014 dated Peshawar, the 30<sup>th</sup> May, 2014 and the petitioner was taking his present basic Pay @ Rs. 24,600/- and his basic pay was to be fixed in next stage @ Rs. 25,300/-.
- iii). That according to above notification his case for grant of one premature increment was submitted, whereupon respondent No. 2 without any notice given to the petitioner or without formal / official written order and under any legal justification deducted 02 advance increments out of 04 advance increments w.e.f 01.11.2014 and imposed recovery of Rs. 54,060/- and started recovery @ Rs. 3000/- per month. In this respect the whole position is shown through table for better understanding:-

**ATTESTED**  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

Pay in Oct '14)	Pay after one premature increment	Fixed by respondent No. 3 after deducting 2 increments
Rs. 24,600/-	Rs. 25,300/-	Rs. 24,600/-

iv). That on coming to the know about this illegal action of respondent No. 2, the petitioner submitted his departmental appeal dated 16.01.2015 to respondent No. 1 which remained pending without any response. The petitioner then filed Service Appeal No. 430/2015 before the Khyber Pakhtunkhwa Service Tribunal, Peshawar, which has been dismissed vide judgment dated 19.10.2017.

**GROUND:-**

3. The petitioner assails the impugned judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar, inter-alia on the following grounds:-

i). That the judgment of Apex Court dated 19.07.2007 was implemented by respondents in letter and spirit. Review against it was also dismissed. Respondents, thus, could not take away the benefit of 02 advance increments out of 04 granted by the Apex Court under any law / notification. Hence the deduction of two (02) advance increments from basic pay of petitioner in violation of judgment of Apex Court dated 19.07.2007 is patently illegal. The impugned judgment suffers from grave legal error and thus it is liable to be set aside.

**ATTESTED**

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

- ii). That on the principle of locus poenitentiae respondent could not deprive the petitioner of the benefits being enjoyed by the petitioner.
- iii). That illegal act of deduction of two increments was taken against the petitioner without giving him a notice which is against principle of natural justice, hence, liable to be set aside.
- iv). That recovery of arrears of 02 increments so deducted is illegal and without sanction of law.

**PRAYER:-**

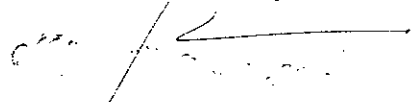
It is, therefore, respectfully prayed that leave to appeal may kindly be granted from the impugned judgment dated 19.10.2017 passed by Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 430/2015.

Filed by



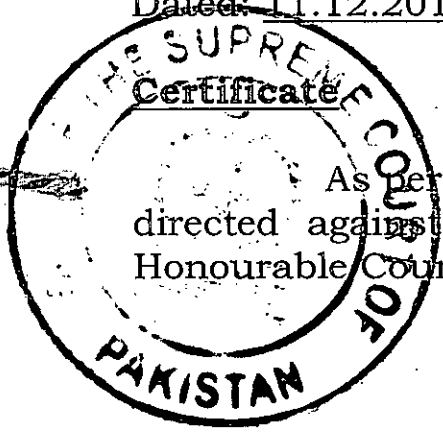
**Sardar Muhammad Ghazi**  
Advocate  
Supreme Court of Pakistan  
Mall Plaza, Rawalpindi Cantt.

Filed by



Advocate-on-Record  
Supreme Court of Pakistan  
Islamabad

Dated: 11.12.2017



As per instructions from the client, this is first CPLA directed against the impugned judgment, filed before this Honourable Court.

Advocate-on-Record

**Certified to be True Copy**

Senior Counsel Associate  
Supreme Court of Pakistan  
Islamabad

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

C.M. No. \_\_\_\_\_/2020  
in  
Service Appeal No. 1276/2007

Muhammad Bashir .....Applicant

**VERSUS**

Accountant General KPK and others .....Respondents

**CIVIL MISC. APPLICATION UNDER SECTION \_\_\_\_\_ OF CIVIL  
SERVANT ACT, 1973**

**APPLICATION U/S 151 CPC SEEKING  
DISPENSATION TO FILE CERTIFIED COPIES OF  
CERTAIN DOCUMENTS**


Respectfully Sheweth:

1. That the applicant has filed the above captioned petition before this Honorable Court in which the applicant has filed uncertified copies of certain documents, certified to which are not available to the applicant at this moment.
2. That the applicant undertakes to file certified copies of certain documents as soon as these are made available.
3. That in case production of certified copies of certain documents is not dispensed-with, the applicant shall suffer irreparable loss.

IN THE CIRCUMSTANCES, IT IS, THEREFORE, VERY HUMBLY, PRAYED THAT ON ACCEPTANCE OF INSTANCE APPLICATION, PRODUCTION OF CERTIFIED COPIES OF CERTAIN DOCUMENTS MAY GRACIOUSLY BE DISPENSED WITH MEANWHILE AND THE WRIT PETITION BE HEARD ON MERITS IN THE INTEREST OF JUSTICE.

  
Applicant

through :-

  
**(Sardar Muhammad Ghazi)**  
Advocate Supreme Court of Pakistan  
office No.12, First Floor,  
Mall Plaza, Saddar Rawalpindi  
Cell No. 0300-8562850

Dated:- 12-03-2020

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

C.M. No. \_\_\_\_\_/2020

in

Service Appeal No. 1276/2007

Muhammad Bashir

.....Applicant

**VERSUS**

Accountant General KPK and others

.....Respondents

**CIVIL MISC. APPLICATION UNDER SECTION OF CIVIL SERVANT ACT, 1973**

**APPLICATION U/S 151 CPC SEEKING DISPENSATION TO FILE CERTIFIED COPIES OF CERTAIN DOCUMENTS**

**AFFIDAVIT**

I, Muhammad Bashir, S/o Muhammad Yousaf, CT. Teacher Government High Secondary School Bandi Dhundan Abbottabad , R/o Village Tarhana ( Zafar Market) Branch Post office, Tehsil and Distt. Abbottabad do hereby solemnly affirm and declare that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Dated: .02.2020.



*[Signature]*  
Deponent:

**VERIFICATION**

Verified on Oath at Islamabad that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

*[Signature]*  
Deponent:

(WAKALATNAMA)

IN THE Service Tribunal, KPK, Peshawar,  
Muhammad Bashir

Plaintiff  
Petitioner  
Applicant

VERSUS

Accountant General UPK Peshawar & others

Defendant  
Respondent

Subject matter Service Petition (Implementation)

On behalf of Muhammad Bashir

KNOW ALL TO WHOM PRESENT shall come that I/ we, the undersigned hereby appoint and continue

**Sardar Muhammad Ghazi**

Senior Advocate Supreme Court of Pakistan  
Cell No.0300.8562850

(Here matter called the advocate) to be above for the in the above-mentioned case to do all the following acts deeds and things or any of them, that is to say: -

1. To act, appear and plead in the above-mentioned case in this Court.
2. To present pleadings, appeals, cross-objections or petition for executions, review, revision, withdraw, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable by him/ them for the said case at its all stages.
3. And I/ we hereby confirm and ratify all present and future acts and proceedings taken by the said Advocate in this case.
4. I/ we authorize the said Advocates to withdraw/ receive on my/ our behalf all sums and amounts deposited on my/ our account in the above noted matter
5. And I/ we hereby agrees no to hold the Advocates or his substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearing.
6. And I/ we hereby that in the event of the whole or any part of the fee agreed to me/ us to be paid to the Advocates remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid and fee paid partially/ wholly is non-refundable in any case whatsoever.
7. I/we have hereunto set my/ or and to the presents the contents of which have been explained to and understood by me/ us. This 12 day of March 20120.

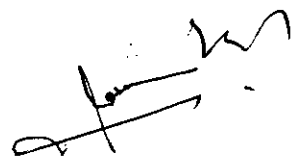
Accepted subject to the terms and condition mentioned above

Accepted



**Sardar Muhammad Ghazi**

Senior Advocate Supreme Court of Pakistan



Signature or thumb impression

**Muhammad Bashir**



08/09

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

CM No 84, 85, 86/2020  
Service Appeal No.1276/2007

Muhammad Bashir

PETITIONER

VERSUS

01. Accountant General Khyber Pakhtunkhwa Peshawar.
02. District Comptroller of Accounts Abbottabad

**INDUX**

Sr.No	Description of document	Annexure	Page No
1.	Comments		1 to 2
2.	Suspension Order Supreme Court		3
3.	cessation of arrear Act-2012		4
4.			

  
District Accounts Officer  
Abbottabad

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

CM No. 84, 85, 86/2020

Service Appeal No. 1276/2007

Muhammad Bashir.....Petitioner.

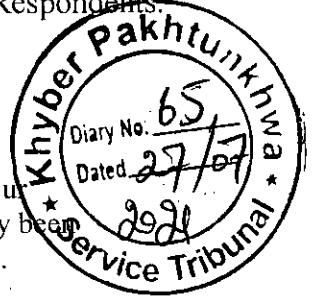
V/S

Accountant General Khyber Pakhtunkhwa,  
Peshawar and others.....Respondents.

**(Para wise reply on behalf of Defendant No.1 & 2)**

**Preliminary Objections:-**

- 1) That the identical Execution Petitions No.141/2018, titled Qazi Masaood ur Rehman Vs Government having same question of Law/Facts have already been adjourned Sine-die on 21.10.2020 by this Honorable Tribunal. (Annex-A).
- 2) That the Petitioner has got no cause of action/locus standi to file the instant Petition.
- 3) That the identical Civil Petition No. 172-P & 173-P/2013 has already been dismissed by the supreme Court of Pakistan vide its judgment dated: 07.12.2018. (Annex-B).
- 4) That the Petition is badly time barred.




**Respectfully Sheweth:-**

- 1) Pertains to record.
- 2) Pertains to record.
- 3) The provincial Assembly KP enacted law regarding cessation of arrears on advance increments on higher qualification published as an Act-2012 wherein all notifications, instructions and other instruments whatsoever issued before 01/12/2001 has been ceased or revoked and payment on account of advance increments so made before commencement of this Act shall be deem to have been validly paid and shall not be recoverable from the recipient Government Servant. Moreover, identical Petition No.141/2018 having same questions of law/facts have already been Adjourned Sine-die on 21.10.2021 by this Honorable Tribunal. Copy enclosed (Annexure A & C).
- 4) That action of this office was in line with the Act then passed by the Provincial Assembly.
- 5) Reply already given Para No.4.
- 6) That there are two increments for every stage of qualification in the Pay Revision Rule 1991.

**GROUND:**

- i. It was a judgment of Service Tribunal of 19.10.2017 whereby, the instant cases have been set aside.
- ii. No Comments
- iii. It has already been stated that action of this office was merely in line with the Act 2012 of cessation of arrears on advance increments.
- iv. Comprehensive reply has already been given in the above Para.

It is therefor, respectfully prayed that the honorable Supreme Court of Pakistan has suspended such cases sine-die and the instant case may kindly be suspended, till final verdict by the apex court.

  
**Dy. Accountant General**  
**Khyber Pakhtunkhwa Peshawar**

  
**District Account officer**  
**Abbottabad**

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Mr. Justice Qazi Faez Isa  
Mr. Justice Syed Mansoor Ali Shah

**Civil Petition No.172-P & 173-P of 2013.**

(on appeal from the judgment of KPK Service Tribunal, Peshawar dated 06.02.2013, passed in Appeals No. 523 & 524 of 2010)

Manzoor Ahmad (in C.P. 172-P/2013)  
Yasmeen Akhtar (in C.P. 173-P/2013)

.....Petitioners

***Versus***

The Secretary Education, Government of KPK, etc. (in both cases)

...Respondents

Petitioners: In person (in both cases)

For the respondents: Mr. Mujahid Ali Khan, Addl. A.G. KPK

Date of hearing: 07.12.2018

**JUDGMENT**

**Syed Mansoor Ali Shah, J.** - The facts of the case are that petitioners in both the petitions were appointed as Primary School Teachers ("PST"). Manzoor Ahmad, petitioner in Civil Petition No.172-P/2013 ("Petitioner No.1"), however, retired from service on 01.02.2016, while Yasmeen Akhtar, petitioner in Civil Petition No.173-P/2013 ("Petitioner No.2") is still in service.

ATTESTED

These petitions pertain to their claim regarding *advance*

*increments* on the basis of acquiring higher educational qualification while in

service. Petitioner No.1 was given five *advance increments* under Notification

dated 24.08.1983 while petitioner No.2 was given three *advance increments*

under the same Notification plus a move-over to BPS-09. Petitioners claim that

as per subsequent Notification dated 11.08.1991 issued by the Finance

Department, Government of KPK, petitioner No.1 ought to have been given 12

*advance increments* for obtaining higher educational qualification of F.A, B.A

and M.A, while petitioner No.2 be given six *advance increments*, as per the

same Notification for obtaining the qualification of F.A and B.A. It is submitted

that the petitioners were appointed as PSTs when the qualification for the said post was matriculation.

3. Arguing the case for himself and for petitioner No.2, Mr. Manzoor Ahmad submitted that they were initially granted *advance increments* vide Notification dated 24.08.1983, however, subsequently through the Notification dated 11.08.1991, the number of *advance increments* were increased, inasmuch as, it was also granted for obtaining higher educational qualification of M.A. He submits that the said notification is applicable to PSTs and placed reliance on an unreported judgment of this Court dated 09.07.2007, passed in Civil Petition No.525/2007, as well as, the subsequent notification issued in the light of the said judgment i.e. Notification dated 13.05.2009, issued by the Elementary and Secondary Education Department, Government of KPK. The above cited judgment extends the benefit of

Notification dated 11.08.1991 to teachers.

Learned Additional Advocate General, KPK representing the

Government, submits that the case of the petitioners is governed by Notification dated 24.08.1983, issued by the Finance Department, Government of KPK and as per clause 9 of the said notification, petitioner No.1 is entitled to five advance increments for obtaining F.A. and B.A., whereas, petitioner No.2 is entitled to three advance increments as she has already been granted the benefit of move-over to higher pay scale as per Notification dated 07.08.1991, issued by the Finance Department, Government of KPK. Learned law officer has placed reliance on an unreported judgment of this Court dated 08.9.2011, passed in Civil Petition No.1425/2011, which discusses the mode of calculation of *advance increment* granted for higher educational qualification. In this case, it was held that *advance increment* can only be granted for the highest educational qualification obtained, as *advance increments* for the degrees leading up to the final degree stand merged into *advance increment* prescribed for the highest qualification. In other words, *advance increments* for obtaining F.A (two advance increments) and B.A (four advance increments including two

ATTESTED

  
Assistant Registrar

High Court of Pakistan

Dushanbe

advance increments granted for F.A) stand merged into *advance increments* granted for obtaining M.A (six advance increments), therefore, providing two *advance increment* for each higher educational qualification.

5. He further submits that at this stage the claim of the petitioners cannot be entertained in the light of section 2 of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 ("Act of 2012"), by virtue of which the instant petitions cannot proceed and stand abated. He placed reliance on an unreported judgment of this Court dated 29.8.2013, passed in Civil Petition No.360/2013.

6. We have heard the parties at some length and have gone through the record of the case. While the argument of the petitioners might have some merit with regard to grant of one advance increment in the case of petitioner No.1 and four advance increments in case of petitioner No.2 in the light of Notification dated 11.08.1991, read with the unreported judgments of this Court dated 09.7.2007 passed in Civil Petition No.525/2007 and dated 08.9.2011 passed in Civil Petition No.1425/2011. However, before going into the merits of the case, we need to first examine the justiciability of the claims in the light of Act of 2012. The preamble of Act of 2012 provides as under:-

"The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Bill 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 8th May, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 11th May, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

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 prescribed educational qualification from time to time;

And whereas the Provincial Government vide Notification No.(PRC)-1/2001, dated 27-10-2001, had already discontinued the scheme of advance increments on higher educational qualification;

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;

ATTESTED

*[Signature]*  
Assistant Registrar  
Supreme Court of Pakistan

It is hereby enacted as follows:--" (emphasis supplied)


While section-2 reads as under:-

"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 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."

(emphasis supplied)

ATTESTED

  
Assistant Registrar  
Supreme Court of Pakistan  
Peshawar.

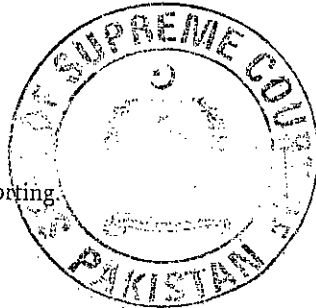
7. Plain reading of the above provisions show that the claim of advance increments on obtaining higher educational qualification was discontinued by the Provincial Government on 27.10.2001. Section-2 of the Act of 2012 provides that claim for payment of arrears of advance increments shall be deemed non-existent 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 shall stand abated. Sub-section 2 provides that any amount of advance increment or arrears thereof already paid before the commencement of the Act of 2012 shall be deemed to have been validly paid and shall not be recoverable from the recipient government employees.

8. The scope of Act of 2012 is that after the promulgation of the Act i.e. w.e.f. 11.05.2012, no government employee can claim arrears on account of advance increments for higher educational qualification and *advance*

increments and arrears already paid shall not be recoverable from the recipient government employee. "Arrears" includes payment of a debt or the discharge of an obligation<sup>1</sup>. In this case, claim of the petitioners for *advance increment* under Notification dated 11.8.1991 is an outstanding arrear. Reference to the deeming commencement date under section-1(3) of the Act is simply to identify the cutoff date for the purposes of tabulating arrears as mentioned in section-2, which, if outstanding on 11.5.2012, will not be payable and no claim relating to the same can be entertained.

9. In the instant case petitioners are seeking arrears on the basis of Notification dated 11.08.1991 and in the light of section-2 of the Act of 2012, their claim cannot be entertained and is not justiciable. Reliance is placed on unreported judgment of this Court dated 29.08.2013 passed in Civil Petition No.360/2013. The petitioners have not challenged the *vires* of the Act, therefore, these petitions stand abated under Act of 2012, as a result leave to appeal is declined and these petitions are dismissed.

Sd/- Qazi Faez Isa, J.  
Sd/- Syed Mansoor Ali Shah, J.



Peshawar,  
07<sup>th</sup> December, 2018.  
Not approved for reporting  
Sadaqat

Certified to be true copy  
Assistant Registrar 12/12/18  
Supreme Court of Pakistan  
Peshawar

<sup>1</sup> Black's Law Dictionary 9<sup>th</sup> Edition, page-124.



Annexure

In the Supreme Court of Pakistan  
(Appellate Jurisdiction)

Present:  
Mr. Justice Anwar Zaheer Jamali  
Mr. Justice Khilji Arif Hussain  
Mr. Justice Ijaz Ahmed Chaudhry

Civil Petition No. 360 of 2013  
(on appeal from judgment of KPK Service Tribunal, Peshawar  
dated 30.1.2013, passed in Implementation Petition No.49/2012)

Muhammad Haroon

...Petitioner

Versus

Executive District Officer, Elementary & Secondary Education Dept. Haripur, etc

... Respondents

Petitioner. in person.

For official respondents: Mr. Naveed Akhtar Khan, Addl.A.G. KPK.  
Mr. Saeed-ur-Rehman, ADO (Edu.), Haripur.

Date of hearing: 29.8.2013

JUDGMENT

Anwar Zaheer Jamali, J.- By this petition under Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973, leave to appeal is sought by petitioner Muhammad Haroon against the order dated 30.1.2013, passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar (in short "the Tribunal"), whereby his implementation application No.49/2012. In service Appeal No.506/2009, was dismissed in view of sections-1 & 2 of Khyber Pakhtunkhwa Cessation of Payment of Benefits on Advance Increments on Higher Educational Qualification Act, 2012 (Khyber Pakhtunkhwa Act No.IX of 2012).

2. We have heard the arguments of petitioner. He has placed reliance on the earlier judgment of the Tribunal dated 12.5.2009, whereby he was held entitled for the benefit of advance increments on the basis of higher qualification. For this purpose, he has also placed reliance upon the judgment of this Court, reported as PtA Corporation v. Aitz-ur-Rehman Chaudhry (2011 SCMR 219).

3. As against it, learned Additional Advocate General KPK, Mr. Naveed Akhtar Khan, strongly contends that benefit of earlier judgment dated 12.5.2009,

ATTESTED

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

M. M. [Signature]

through implementation application No.49/2012 filed before the Tribunal, cannot be allowed to the petitioner in view of the clear language of section-1 of Khyber Pakhtunkhwa Act No.IX of 2012, which has made its section-2 applicable with retrospective effect from 01.12.2001 and, thus, made the said judgment unimplementable.

4. We have considered the above noted submissions made before us by the petitioner and the learned Addl. A.G KPK and seen that indeed as per judgment of the Tribunal dated 12.5.2009, the petitioner was held entitled for the benefit of advance increments on the basis of his higher qualification, but such judgment has lost its efficacy for the purpose of implementation by clear intendment through sections 1 and 2 of Khyber Pakhtunkhwa Act No.IX of 2012, which read as under:-

1. Short title, application and commencement. - (1) This Act may be called the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 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 1<sup>st</sup> 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.

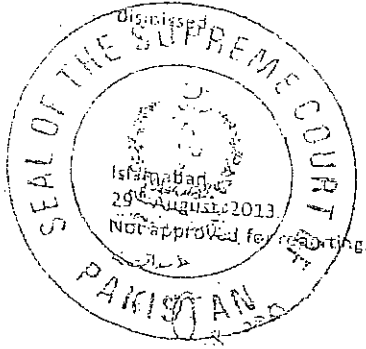
(2) Any order made, instruction issued, decision, judgment or order of any Court or Tribunal including a High Court or the Supreme Court, implemented immediately before the commencement of this Act, shall be deemed to have been validly made, issued and implemented by the date of commencement of this 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."

ATTESTED

Supreme Court  
ISLAMABAD

5 A bare reading of the above sections from Khyber Pakhtunkhwa Act No. IX of 2012 makes it crystal clear that whatever benefit the petitioner was claiming through the judgment dated 12.5.2009, has been nullified by the legislature through clear intendment in unequivocal terms, while vires of the said Act have not been challenged before any forum.

6. This being the position, leave to appeal is refused and this petition is



Sd/- Anwar Zaheer Jamali, J  
Sd/- Khilji Arif Hussain, J  
Sd/- Ijaz Ahmed Chaudhry, J  
Certified to be True Copy  
Appointer  
Supreme Court of Pakistan  
ISLAMABAD

10565/13

C.P. No. \_\_\_\_\_ Civil/Criminal \_\_\_\_\_

Date of Presentation \_\_\_\_\_ 29/8/13 \_\_\_\_\_

No. of Writs \_\_\_\_\_ 1/900 \_\_\_\_\_

No. of Pages \_\_\_\_\_ \_\_\_\_\_

Petitioner Fee Rs. \_\_\_\_\_ 5.00 \_\_\_\_\_

Copy Fee Rs. \_\_\_\_\_ 5.00 \_\_\_\_\_

Court Fee Rs. \_\_\_\_\_ 10.00 \_\_\_\_\_

Date of Court Order \_\_\_\_\_ 29/8/13 \_\_\_\_\_

Date of Judgment \_\_\_\_\_ 29/8/13 \_\_\_\_\_

Received by \_\_\_\_\_

STATE OF PUNJAB  
IN THE COURT OF THE JUDGE  
IN THE COURT OF THE JUDGE  
IN THE COURT OF THE JUDGE

Government of N.P. through Secretary Establishment Department  
Petitioner(s)

PARTIES

Sachindran and others	(in C.P. 397-P/2017)
Muhammad Iqbal and others	(in C.P. 409-P/2017)
Mohd. Muhammad and others	(in C.P. 423-P/2017)
Aayat Ullah Khan and others	(in C.P. 732-P/2019)
Muhammad Sultan and others	(in C.P. 733-P/2019)

Respondent(s)

For the petitioner(s) Barrister Qasim Wadood, Addl AG

For the respondent(s) N.R.

Date of Hearing 13.12.2019

ORDERS

UMAR ATA BANDIAL, J.— Learned Additional Advocate General submits that the entitlement to additional increments on account of higher qualifications were granted to employees of the Provincial Government vide Notification dated 11.08.1991. That entitlement was revoked by a Notification dated 27.10.2001. This withdrawal of entitlement

**TESTED**  
Associate

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25  
was reiterated in a Notification dated 03.01.2009. Thereafter,  
in 2012 the Khyber Pakhtunkhwa Cessation of Payment of  
Arrears on Advance Increments on Higher Educational  
Qualification Act, 2012 ("Act") was promulgated which was  
made retrospective from 2001. In the present cases, the  
impugned judgment by the learned High Court has ignored  
firstly, the fact that the petitions for the claimed increments  
were filed two years after the afore-noted law was  
promulgated. Secondly, it has ignored the Notification dated  
27.10.2001 whereby the basis of the claim stood erased and,  
accordingly, the Act was effective in its retrospective  
application.

2. The points raised have some weight, therefore,  
leave is granted, *inter alia*, to consider the same. In the  
meantime, the impugned judgment shall remain suspended.

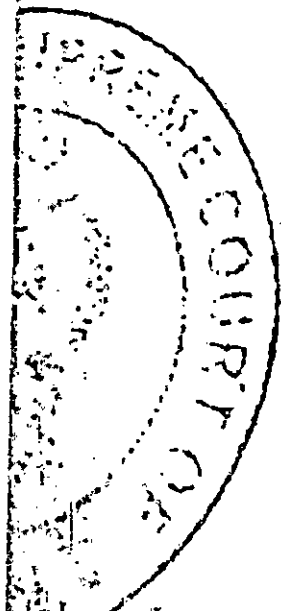
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Sd/-J

Sd/-J

Certified to be true Copy

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad



Islamabad  
18/12/2019

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

**(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)**

**CONTENTS**

**PREAMBLE**

**SECTIONS**

1. Short title, application and commencement.
2. Cessation of payment of arrears on advance increments on higher educational qualification.
3. Removal of difficulties.
4. Repeal.

**THE KHYBER PAKHTUN  
ARREARS ON ADVANCE INCR  
QUALIFIC**

**(KHYBER PAKHTUN**

*[first published after having re  
the Khyber Pakhtunkhwa in t  
(Extraordinary), da*

*to cease the payment of arr  
advance increments on highe*

WHEREAS advance increments ha  
Government employees on the basis of acqu  
qualification over and above the prescribe  
time;

AND WHEREAS the Provincial Government vide Notification No. (PRC)1-  
1/2001, dated 27.10.2001, had already discontinued the scheme of advance  
increments on higher educational qualification;

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;

It is hereby enacted as follows:

**1. Short title, application and commencement.**---(1) This Act may be called  
the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments  
on Higher Educational Qualification Act, 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 1<sup>st</sup> 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 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.

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

4. **Repeal.**---The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Ordinance, 2012 (Khyber Pakhtunkhwa Ordinance NO. I of 2012), is hereby repealed.



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

CM No. 85/2020  
IN  
Appeal No. 1276/2007

Muhammad Bashir.....Applicant

**VERSUS**

Accountant General and 3 others .....Respondents

**SERVICE APPEAL**

**INDEX**

<b>Sr.#</b>	<b>Description</b>	<b>Page No's</b>	<b>Annexure</b>
1	Comments/Reply	01 to 03	
2	Copies of Khyber Pakhtunkhwa Cessation of Payment Arrears on Advance Increments on Higher Education Qualification Act No. IX of 2012	04 to 06	"A"
3	Copy of order of Honourable Tribunal dated 30-01-2013	07 to 08	"B"
4	Judgment of August Supreme Court of Pakistan dated 29-08-2013	09 to 11	"C"
4	Copy of the order dated 18-12-2019 of August Supreme Court of Pakistan	12 to 13	"D"

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

CM No. 85/2020

IN

Appeal No. 1276/2007

Muhammad Bashir.....Applicant

**VERSUS**

Accountant General and 03 others .....Respondents

**SERVICE APPEAL**

**REPLY TO APPLICATION DATED 09-02-2021 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 ON BEHALF OF RESPONDENTS NOS. 3 & 4**

**Respectfully Sheweth:-**

Reply to Application on behalf of respondents are submitted as under:-

**Preliminary Objections:-**

1. That the applicant has no cause of action to file the instant application.
2. That the judgment of Honorable Tribunal has lost its efficacy for the purpose of implementation by clear intendment through sections 1 & 2 of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012.
3. The Act was passed by the Provincial Assembly and assented by the Governor Khyber Pakhtunkhwa. The answering respondents are bound to obey the will of the legislature & cannot deviate from any provision of enactment.
4. That the instant application is time barred. Hence liable to be dismissed.
5. **That the instant application is against the notification dated 27-10-2001 whereby, the basis of the claim of applicant stood erased. In the year 2012 the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012 was promulgated which was made retrospective from 2001. Hence, the instant application is liable to be dismissed on this score alone.**

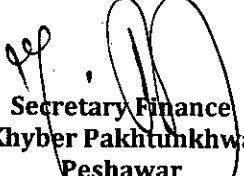
6. That the instant application is not maintainable in its present form.
7. That the applicant has filed the present application just to pressurize the respondents.
8. **That the Honourable Supreme Court of Pakistan suspended the impugned judgment on 18-12-2019 regarding the Advance Increments on account of higher qualification in CP No. 397-P/2017, 409-P/2017, 420-P/2017, 72-P/2019 & 733-P/2019.**
9. That the applicant has not come to this Honorable Tribunal with clean hands.
10. That the applicant is estopped to sue due to his own conduct.
11. That the instant application is not maintainable due to non-joinder and mis-joinder of necessary parties.
12. That the instant application is against the rules and policy of the Government.
13. That the respondents seek leave of this Honorable Tribunal to raise additional points at the time of arguments.

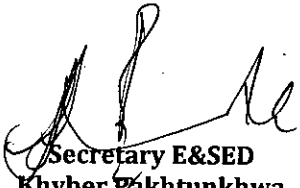
**Factual Objections:-**

1. That Para No. 1, of the application relates to record.
2. In reply to Para No. 2, of the application it is submitted that the judgment of Honorable Tribunal has lost its efficacy for the purpose of implementation by clear intendment through sections 1 & 2 of Khyber Pakhtunkhwa cessation of payment of arrears on advance increments on higher education qualification Act No. IX of 2012. Further, submitted that due to the promulgation of Khyber Pakhtunkhwa cessation of payment of arrears on advance increments on higher educational qualification Act No. IX of 2012, and the implementation application No. 49 of 2012 in Service Appeal No. 506 of 2009 titled Muhammad Haroon was dismissed in view of sections 1 & 2 of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 on 30-01-2013 by this Honorable Tribunal and Mr. Muhammad Haroon had filed Civil Petition No 360 of 2013 before the August Supreme Court of Pakistan against the order dated 30-01-2013, passed by this Honorable tribunal and leave to appeal was refused and petition was dismissed on 29/08/2013. (Copies of the Act of 2012, order of this Honourable Tribunal dated 30-01-2013 & Judgment of August Supreme Court of Pakistan dated 29-08-2013 are annexed as Annexure "A", "B" & "C" respectively).

3. In reply to Para No. 3, of the application it is submitted that the Honourable Supreme Court of Pakistan suspended the impugned judgment on 18-12-2019 regarding the Advance Increments on account of higher qualification in CP No. 397-P/2017, 409-P/2017, 420-P/2017, 72-P/2019 & 733-P/2019. Hence, the instant application may please be sin die adjourned till the final decision of Honourable Supreme Court of Pakistan. (Copy of the order dated 18-12-2019 is annexed herewith as Annexure "D").

**Keeping in view of the above facts and circumstances it is very humbly prayed that the instant application may please be dismissed.**

  
**Secretary Finance  
Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No.3)**

  
**Secretary E&SED  
Khyber Pakhtunkhwa  
Peshawar  
(Respondent No.4)**

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PII  
GAZETTE

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, TUESDAY, 15TH MAY, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA

**NOTIFICATION**

Dated Peshawar, the 15th May, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/20711.—The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 8<sup>th</sup> May, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 11<sup>th</sup> May, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

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

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)

*(first published after having received the assent of the Governor of the Khyber  
Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa  
(Extraordinary), dated the 15<sup>th</sup> May, 2012).*

AN  
ACT

*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 No. (PRC)1-1/2001, dated 27.10.2001, had already discontinued the scheme of advance increments on higher educational qualification;

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;

It is hereby enacted as follows:-

1. **Short title, application and commencement.**— (1) This Act may be called the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 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 1<sup>st</sup> 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 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.

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

4. **Repeal.**— The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Ordinance, 2012 (Khyber Pakhtunkhwa Ordinance NO. I of 2012), is hereby repealed.

BY ORDER OF MR. SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(AMANULLAH)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa

*Attended  
H. M.*

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**



Implementation Application No 49 of 2012.

IN

*Q. No. 1775*  
*Case No. 1775*  
*Date: 23-02-2012*  
Service Appeal No 506 of 2009.

Muhammad Haroon S/O Haider Khan, (Ex PTC teacher), C.T Government High School Sirikot, Tehsil Ghazi District Haripur. R/O Village Billah, Post Office Sirikot, Tehsil Ghazi District Haripur.

Petitioner

VERSUS

1. Executive District Officer, Elementary & Secondary Education Department District Haripur.
2. District Coordination Officer, Haripur.
3. District Accounts Officer, Haripur.
4. Director of (Elementary & Secondary Education) Department, Khyber Pakhtunkhwa Peshawar.
5. Secretary to Government of (Elementary & Secondary Education), Department Peshawar.
6. Secretary to Government of Khyber Pakhtunkhwa through Secretary Finance Department Peshawar.

Respondents

**ATTESTED**  
SECRETARY  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

PETITION FOR IMPLEMENTATION OF JUDGMENT DATED 12/05/2009 PASSED IN SERVICE APPEAL NO 506 OF 2009 BY THIS HONOURABLE TRIBUNAL WHEREBY PETITINER HAS GRANTED SIX (06) ADVANCE INCREMENTS OF M.A WITH EFFECT FROM 18/10/1994 ALONGWITH ALL BACK BENEFITS



WFO/2013

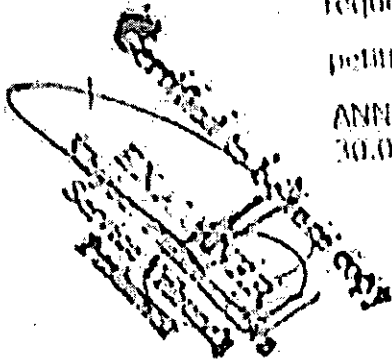
Petitioner in person, Mr. Khairud Ah, Ad and Syed Bahjah, ABO with AAO for the present. Petitioner stated that the matter pertains limitation envisaged such matter be ruled on 2011, SC148, 218. The learned AAO stated that arrears on advance increment has already been withdrawn on promulgation of Khapra Pakitunkhya Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 and requested for rejection of the petition. In view of the above the petition is filed, file be consigned to the record.



ANNOUNCED  
30.01.2013

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Date of Presentation of Application 2-5-2013  
 Number of 800  
 Copies 6  
 Urgent 2  
 Total 8  
 Name of [Signature]  
 Date of 2-5-2013  
 Date of 2-5-2013

Anx. "C"

(10)

CS

9

In the Supreme Court of Pakistan  
(Appellate Jurisdiction)

Present:  
Mr. Justice Anwar Zaheer Jamali  
Mr. Justice Khilji Arif Hussain  
Mr. Justice Ijaz Ahmed Chaudhry

Civil Petition No. 360 of 2013:  
(on appeal from judgment of KPK Service Tribunal, Peshawar dated 30.1.2013, passed in Implementation Petition No.49/2012)

Muhammad Haroon ...Petitioner

Versus

Executive District Officer, Elementary & Secondary Education Dept. Haripur, etc  
... Respondents

Petitioner: In person.

For official respondents: Mr. Naveed Akhtar Khan, Addl.A.G. KPK.  
Mr. Saeed-ur-Rehman, ADO (Edu.), Haripur.

Date of hearing: 29.8.2013


JUDGMENT

Anwar Zaheer Jamali, J.- By this petition under Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973, leave to appeal is sought by petitioner Muhammad Haroon against the order dated 30.1.2013, passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar (in short "the Tribunal"), whereby his implementation application No.49/2012, in service Appeal No.506/2009, was dismissed in view of sections-1 & 2 of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 (Khyber Pakhtunkhwa Act No.IX of 2012).

2. We have heard the arguments of petitioner. He has placed reliance on the earlier judgment of the Tribunal dated 12.5.2009, whereby he was held entitled for the benefit of advance increments on the basis of higher qualification. For this purpose, he has also placed reliance upon the judgment of this Court, reported as PIA Corporation v. Aziz-ur-Rehman Chaudhry (2011 SCMR 219).

3. As against it, learned Additional Advocate General KPK, Mr. Naveed Akhtar Khan, strongly contends that benefit of earlier judgment dated 12.5.2009,

**ATTESTED**

  
Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

(H)

through implementation application No.49/2012 filed before the Tribunal, cannot be allowed to the petitioner in view of the clear language of section-1 of Khyber Pakhtunkhwa Act No.IX of 2012, which has made its section-2 applicable with retrospective effect from 01.12.2001 and, thus, made the said judgment unimplementable.

4. We have considered the above noted submissions made before us by the petitioner and the learned Addl. A.G KPK and seen that indeed as per judgment of the Tribunal dated 12.5.2009, the petitioner was held entitled for the benefit of advance increments on the basis of his higher qualification, but such judgment has lost its efficacy for the purpose of implementation by clear intendment through sections 1 and 2 of Khyber Pakhtunkhwa Act No.IX of 2012, which read as under:-

"1. Short title, application and commencement. - (1) This Act may be called the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 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 1<sup>st</sup> 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.

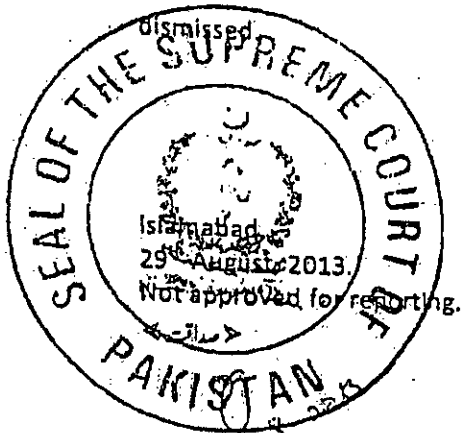
(2) Any order made, instruction issued, decision, judgment or order of any Court or Tribunal including a High Court or the Supreme Court, implemented immediately before the commencement of this Act, shall be deemed to have been validly made, issued and implemented by the date of commencement of this 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."

ATTESTED

Superintendent  
Supreme Court  
ISLAMABAD

5. A bare reading of the above sections from Khyber Pakhtunkhwa Act No.IX. of 2012 makes it crystal clear that whatever benefit the petitioner was claiming through the judgment dated 12.5.2009, has been nullified by the legislature through clear intendment in unequivocal terms, while vires of the said Act have not been challenged before any forum.

6. This being the position, leave to appeal is refused and this petition is



Sd/- Anwar Zaheer Jamali, J  
Sd/- Khilji Arif Hussain, J  
Sd/- Ijaz Ahmed Chaudhry, J  
Certified to be True Copy

*[Handwritten Signature]*  
4/9/13  
Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

10565/13

Case No.	10565/13	Civil/Criminal
Date of Presentation	28.8.13	
No. of Words	910	
No. of Pages	3	
Registration Fee Rs.	5.00	
Copy Fee Rs.	5.00	
Court Fee Rs.	10.00	
Name of Counsel	4/9/13	
Date of entry	5-9-13	
Received by	<i>[Signature]</i>	

Amr D

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Civil Petition Nos. 397-P/2017, 409-P/2017, 420-P/2017, 732-P/2019, 733-P/2019.  
(In appeal from the judgment/order dated 08.01.2017, 22.08.2019 & 07.10.2019 of the Hon'ble High Court, Hyderabad passed in W.P. No. 2000/14,913, 2714, 2422/14, 2291-P/12, 1112 5/14)

Government of N.P through Secretary Establishment Department  
Hyderabad and others

Petitioner(s)

VERSUS

Saeedullah and others  
Muhammad Iqbal and others  
Mohi Muhammad and others  
Ayaz Ullah Khan and others  
Muhammad Rehman and others

(In C.P. 397-P/2017)  
(In C.P. 409-P/2017)  
(In C.P. 420-P/2017)  
(In C.P. 732-P/2019)  
(In C.P. 733-P/2019)

Respondent(s)

For the petitioner(s)  
(In all cases)

Barrister Qasim Wadood, Addl. AG

For the respondent(s)

N.R.

Date of Hearing

13.12.2019

ORDER

UMAR ATA BANDIAL, J.— Learned Additional

Advocate General submits that the entitlement to additional increments on account of higher qualifications were granted to employees of the Provincial Government vide Notification dated 11.08.1991. That entitlement was revoked by a Notification dated 27.10.2001. This withdrawal of entitlement

ATED  
Associate

(17) 13

was reiterated in a Notification dated 03.01.2009. Thereafter, in 2012 the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 ("Act") was promulgated which was made retrospective from 2001. In the present cases, the impugned judgment by the learned High Court has ignored firstly, the fact that the petitions for the claimed increments were filed two years after the afore-noted law was promulgated. Secondly, it has ignored the Notification dated 27.10.2001 whereby the basis of the claim stood erased and, accordingly, the Act was effective in its retrospective application.

2. The points raised have some weight, therefore, leave is granted, *inter alia*, to consider the same. In the meantime, the impugned judgment shall remain suspended.

Sd/-J

Sd/-J

Sd/-J

Verified to be True Copy

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

Islamabad

18/12/2019

Application

(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.

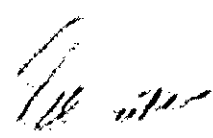
2. That in the light of above mentioned Judgment / Order in which Supreme Court has held that the very grievance of the petitioner having been reddest by this Hon'ble

(3)  
Tribunal. Copy of the Judgment/Order is attached as Annexure "A".


3. That Hon'ble Tribunal can convert the instant appeal into implementation petition in the light of Judgment reported in 2017 BCMR page 66 h. (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: 03/02/2021

  
Petitioner

Through

  
Muhammad Liaqat  
Advocate, High Court  
Abbottabad.



Appeal

**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL  
PESHAWAR**

Service appeal No 768 of 2017  
**SHUJJAH ALI S/O SHAH ZAMAN SST TEACHER GHS Ilari Khaiteer 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**

**INDEX**

S.NO	DESC: OF DOCUMENTS	ANNEXURES	PAGE NO
1	MEMO; of Service Appeal		1 TO 6
2	Copy of Judgment Dated 12/5/2009 passed by KPK Service Tribunal Peshawar	A	7 TO 16
3	Copy of letter Dated 15/12/2010 issued by respondent no03	B	17
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 32
7	Copy of the departmental appeal	F	35
8	Copy of receipt of registered post	G	36
9	Copy of Service book	H	37 To 57
10	Copy of Assembly Act 2012	I	58 To 60

  
SHUJJAH ALI  
APPELLANT

DATED: 10-7-17

**BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL  
PESHAWAR**

Service appeal No -----of 2017

**SHUJJAH 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 KPK through Secretary Finance Department Peshawar
4. Government of KPK Through secretary (Elementary & Secondary Education), Department Peshawar

Respondents

**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

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 on12/5/2009 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

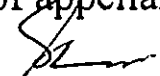
- a. that appellant under the law was entitled to 3 advance increment out of 4 advance one was merged in scale revised and arrears, respondents , no2 was not at all have power to deduct / recover / merge one advance increments out of 3 increment and recover the arrears, which were granted to the appellant 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 is 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 considered 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~~ <sup>of</sup> 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.

The 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 place 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*

Before Service Tribunal KPK Peshawar

Service Appeal No. 1379 of 2014

Bashir Ahmed S/O Abdul Haq SCT GHS Khushala Mansehra R/O  
K-3102 Kunj Kehal Tehsil & District Abbottabad

Appellant

VERSUS

1. Govt of KPK through Secretary Finance Deptt: Peshawar
2. Accountant General KPK Peshawar
3. District Accounts Officer Mansehra
4. District Education Officer (Male) E & S Education Mansehra
5. Govt. of KPK through Secretary Elementary & Secondary Education Deptt: Peshawar

Respondents

Appeal under section 4 of KPK Service Tribunal act 1974.

For fixation of pay with 4 advance increments of M.A in BPS-16.

These increments were awarded to appellant on 14-1-2010 entries were made in service book as per Judgment of Honourable KPK Service Tribunal in Service appeal No. 682 of 2008 dated 12-05-2009 on the basis of Judgment passed by Honourable Supreme Court of Pakistan in CPLA No. 525, 526 of 2007 & CRP No. 216 & 217 of 2007.

Letter No. FD (SR-1)2-123/2010 dated 15-12-2010 written by Respondent No. 01 to Respondent No. 02 for Recovery of two advance increments is absolutely illegal against the Judgment of Honourable Supreme Court of Pakistan passed in CPLA No. 525 & 526 of 2007 dated 19-07-2007.

This letter is against the settled law of Apex Court in Reported Judgment Pakistan International Air lines vs Aziz ur Rehman Chaudhry (2011 SCMR 219)

KPK Act 2012 Para 2(2) makes the said letter ineffective for the purpose of recovery of 2 advance increments from the appellant.

RE-SUBMITTED TO-829  
and filed.

17/11/14  
20/11/14

1376  
17-11-2014

MANSEHRA

S.NO. 49

Before Service Tribunal KPK Peshawar

Service Appeal No 1349 of 2014

Bashir Ahmed S/O Abdul Haq SCT GHS Khushala Mansehra R/O  
K-3102 Kunj Kehal Tehsil & District Abbottabad

Appellant

VERSUS

1. Govt of KPK through Secretary Finance Deptt: Peshawar
2. Accountant General KPK Peshawar
3. District Accounts Officer Mansehra
4. District Education Officer (Male) E & S Education Mansehra
5. Govt. of KPK through Secretary Elementary & Secondary Education  
Deptt: Peshawar

Respondents

Appeal under section 4 of KPK Service Tribunal act 1974.

For fixation of pay with 4 advance increments of M.A in BPS-16.

These increments were awarded to appellant on 14-1-2010 entries were made in service book as per Judgment of Honourable KPK Service Tribunal in Service appeal No. 682 of 2008 dated 12-05-2009 on the basis of Judgment passed by Honourable Supreme Court of Pakistan in CPLA No. 525, 526 of 2007 & CRP No. 216 & 217 of 2007.

22.4.2015

Appellant in person and Mr.Javed Ahmad, Supdt: alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Written statement submitted by respondents No.2 & 3 wherein the demand of appellant is statedly met with. In view of the afore-stated situation, appellant submitted application for disposal of his appeal.

Since the claim of the appellant has been met with as stated in the written statement as such the appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED

*Chairman*  
*Comptroller Appeal*

22.4.2015  
Certified to be true copy  
EXAMINER  
KPK Service Tribunal  
Peshawar



Before Service Tribunal KPK Peshawar



Service Appeal No. 1376 of 2014

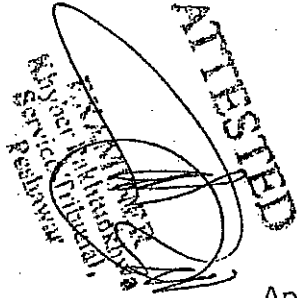
**Bashir Ahmed S/O Abdul Haq SCT GHS Khushala Mansehra R/O  
K-3102 Kunj Kehal Tehsil & District Abbottabad**

**Appellant**

**VERSUS**

1. Govt of KPK through Secretary Finance Deptt: Peshawar
2. Accountant General KPK Peshawar
3. District Accounts Officer Mansehra
4. District Education Officer (Male) E & S Education Mansehra
5. Govt. of KPK through Secretary Elementary & Secondary Education Deptt: Peshawar

**Respondents**



Appeal under section 4 of KPK Service Tribunal act 1974.

For fixation of pay with 4 advance increments of M.A in BPS-16.

These increments were awarded to appellant on 14-1-2010 entries were made in service book as per Judgment of Honourable KPK Service Tribunal in Service appeal No. 682 of 2008 dated 12-05-2009 on the basis of Judgment passed by Honourable Supreme Court of Pakistan in CPLA No. 525, 526 of 2007 & CRP No. 216 & 217 of 2007.

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This letter is against the settled law of Apex Court in Reported Judgment Pakistan International Air lines vs Aziz ur Rehman Chaudhry (2011 SCMR 219)

KPK Act 2012 Para 2(2) makes the said letter ineffective for the purpose of recovery of 2 advance increments from the appellant.

RE-SUBMITTED TO-2014  
and filed.

20/11/14

1376  
17-11-2014

**PRAYER**

On acceptance of INSTANT APPEAL the respondent be graciously directed to fix pay of appellatant in BPS-16 with 4 advance increments of M.A which were awarded to him in BPS-15 on 14-01-2010.

Kindly the Letter No. FD(SR-1) 2-123/2013 dated 15-12-2010 be declared illegal and ineffective upon the rights of 4 advance increments of MA to the appellatant.

Respectfully Sheweth

**FACTS**

1. That Appellant was inducted in service as CT Teacher on 15-10-1985 and is working against SCT post, attained his higher qualification of M.A on 10-07-2000, over and above prescribed qualification of post held and Appellant due to his entitlement of 04 advance increments of his higher qualification of MA, filed Service Appeal No 682 of 2008, before Honourable Khyber Paktunkhwa Service Tribunal Peshawar, which was accepted on 12-05-2009 at Camp Court Abbottabad, whereupon respondents did not approach to the Honourable Supreme Court of Pakistan to file their C.P.L.A against the said Judgment yet, and now it attained its finality. Copies of Service Appeal and relevant pages of Judgment dated 12-05-2009 are annexed as "Annexure A & B".
2. That after completing necessary legal formalities, respondents on 14-01-2010 implemented the judgment of Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar and granted 04 advance increments of MA with effect from 10-07-2000 to the Appellant. copy of implemented arrear bill and relevant pages of S/Book annexure C & D.
3. The Appellant on promotion from CT (BPS-15) to SCT (BPS-16) on 01/03/2013. Submitted the case of Fixation with 4 advance increments of MA to DAO Mansehra.

**ATTESTED**  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

District Accounts Officer is denying and reluctant to do so and insists to recover 2 increments in fixation in BPS-16. The application for this purpose is still pending in D.A.O Mansehra, The appeal against it is submitted to Accountant General KPK Peshawar on 18-08-2014; copy annexed at E & F.

- 4. The appellant was awarded 4 advance increments of MA on 14-01-2010 on the basis of Final Judgment of KPK Service Tribunal in service appeal No 682 of 2008 dated 12-05-2009.
- 5. The appellant was promoted from CT (BPS-15) to SCT (BPS-16) w.e.f. 01-03-2013. Copy annexed as Annexure (G).

Respondents are reluctant to fix pay in BPS-16 keeping the 4 advance increments of MA intact with which Appellant is already drawing his pay in BPS-15.

**GROUND**

- (a) That the learned KPK Service Tribunal has power to implement its Judgment under KPK Service Tribunal Act 1974.
- (b) The Respondents are bound to the Judgment of KPK Service Tribunal in Service appeal No. 682 of 2008 dated 12-05-2009 in letter and spirit. Their denial is against the law, contrary, Capricious and against the judgment of the court.
- (c) Their act of denial is against the judgment of H/ Supreme Court of Pakistan in CPLA No. 525 & 526 of 2007.
- (d) Furthermore the respondents have restored the 4 advance increments of MA of more than 77 Teachers of Mansehra on different occasions under Letter No.
  - (i) ✓ SO (B & A) 1-16/109/ Advance increments dt Peshawar 30-09-2013 (22 Teachers of Mansehra)
  - (ii) ✓ SO (B & A) 1-16/109/ Advance increments dt Peshawar 17-06-2014 (27 Teachers of Mansehra)
  - (iii) SO (B & A) 1-16/109/ Advance increments dt Peshawar 02-09-2014 (28 Teachers of Mansehra)

The pay of these teachers is fixed with 4 advance increment of MA and entries are made in their service books.

- (e) The appellant has same case and being dealt with discrimination and injustice. Respondents be directed to fix the pay of appellant in BPS-16 keeping the 4 advance increments of MA intact i.e without deduction.

*Certified to be true copy*  
 E.M.A. M. J. P. P.  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

*Bashir Ahmed*  
**Bashir Ahmed**  
 Appellant  
 In person

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL  
PESHAWAR.



APPEAL No:

1349 of 2014.

APPELLANT:

Mr. Bashir Ahmad

VERSUS:

Government of Khyber  
Pakhtunkhawa.

REPLY FROM:

RESPONDENT No. 2 & 3.

Respectfully Sheweth:

Para-1

FACTS:

No comments from answering Respondents.

Para-2

Correct.

Para-3

Incorrect. (i) The Appellant submitted his Service Book for the fixation/authentication of his pay inclusive of 4 advance increments on acquiring the qualification of MA before the Pay Fixation Cell of the office of Respondent No2. The Pay Fixation Cell did not agree with the claim of Appellant, at that time, and allowed 2 advance increments on said qualification, apparently, in terms of Finance Department letter dated 15/12/2010 (exhibit), as against the 4 advance increments demanded by the Appellant.

*(Signature)*

ATTESTED

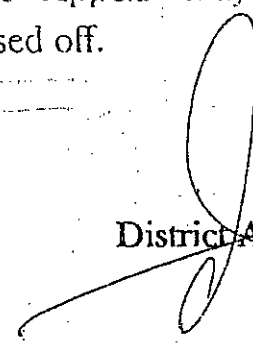
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(ii) This Respondent has, now, issued Pay Slip to the Appellant (inclusive of 4 advance increments) in the light of Honorable Supreme Court of Pakistan Judgment dated 19/07/2007, read with Peshawar High Court Judgment dated 22/11/2012 and Section 2(2) of the KPK Cessation of Payment of Arrears of Advance Increments, Act, 2012

"provisionally" because a case for issuance of clarification on subject matter is lying with Finance Department. (Annexure A & B).

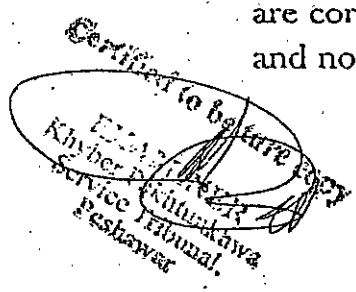
PRAY:

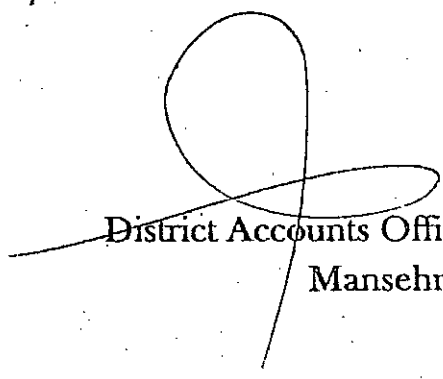
It is prayed that since the demand of Appellant stands met therefore, the instant Appeal may graciously be disposed off.

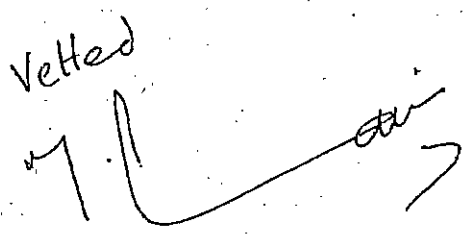
  
District Accounts Officer  
Mansehra

AFFIDAVIT

It is solemnly declared and affirmed that facts disclosed here above are correct to the best of my knowledge and based on official records and nothing has been concealed/manipulated.



  
District Accounts Officer  
Mansehra

Vetted  


Date of Presentation of Application 27.7.2015  
Number of Words 300  
Copying Fee 6  
Urgent 2  
Total 8  
Name of Copyist [Signature]  
Date of Completion of Copy 27.7.2015  
Date of Delivery of Copy 27.7.2015



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.**

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/D 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 to 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 of BA/BSc.B.com) in light of Finance Deptt: letter dated 24.08.1983 therefore, those CT teachers who have already availed 05 increments (as PST) and 03 increments

(as CT) are entitled only for one increment on possessing or acquiring MA/MSc/M.com qualification as regards those employees whose appointment were 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)**



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 16<sup>th</sup> Sep, 2015 is sent herewith for further necessary action accordingly, please.

Encl: (As above)

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.

SECTION OFFICER (SR-I)





GOVERNMENT OF KHYBER PAKHTUNKHWA

LAW, PARLIAMENTARY AFFAIRS &

HUMAN RIGHTS DEPARTMENT

NO. SO(OP-II)/LD/5-7/2012-VOL-II / 21702-09  
GATE, PESHAWAR THE 16 SEPT. 2015.

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)

SR-1-79  
Date-18.9.

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)

APR 15 10 10



**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. F-24(74)/Peshawar/Vol-III/2009-10/68 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, 13-11-2010, 29-11-2010 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, 2<sup>nd</sup> 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 or 3 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 whichever 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 14<sup>th</sup> Aug. 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)

OFFICE OF THE ACCOUNTANT GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR  
NO. F-24(113)R/02S/2010-11  
Copy forwarded to

Dated: 21.12.2010

- 1 All DAOs/AOs.
- 2 All Pay Roll (Main)

Assistant Accounts Officer (HAD),  
Khyber Pakhtunkhwa PESHAWAR.

عزت مآب چیمبرمین صاحب سروس ٹریبونل پشاور

عنوان :- درخواست برائے نئی تاریخ حوالہ 84-86/20 بشیر احمد علی صاحب، واقعہ

خدا با عالی!

موردیہ گزشتہ ہے کہ ہم نے اچھی رہنے وکیل صاحب سے بذریعہ ٹیلی فون

رابطہ کیا جس میں انہوں نے کہا ہے کہ آج وہ اپنی کسی انتہائی مجبوری کے

باعث بخاری تاریخ پر حاضر ہونے سے عاجز ہیں۔

لہذا بذریعہ درخواست ہذا آپ سے التجا ہے کہ ہمیں کوئی اشارت

تاریخ دیگر احسان اور ذراہ نوازہ فرمادیں

12

اعتراف 27/2021

الحارثی  
بشیر احمد  
عبدالغافر  
واحد حسین