

29.11.2022

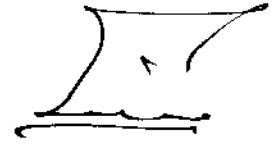
Learned counsel for the appellant present. Mr. Asif Masoo Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments on 24.01.2023 before D.B.

SCANNED
KPST
Peshawar.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

24.01.2023

Proper D.B is not available, therefore the case is adjourned to 03.05.2023 for the same as before.

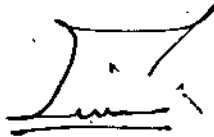


Reader

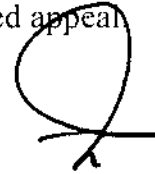
27th July, 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply not submitted despite last opportunity. Requested for further adjournment. Adjournment granted subject to payment of cost of Rs. 10000/- which shall be deposited by the respondents alongwith written reply/comment. Learned counsel for the appellant submitted that similar nature of appeal No. 750/2019 titled "Rayat Khan and 7 others" have been fixed for arguments on 14.09.2022, therefore, the instant may also be clubbed with the said appeal. To come up for written reply/comments as well as arguments on 14.09.2022 before the D.B alongwith the connected appeal



(Salah Ud Din)
Member(Judicial)



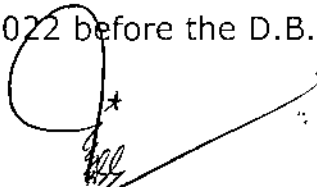
(Kalim Arshad Khan)
Chairman

14.09.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Section Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and again sought adjournment for submission of reply/comments.

Respondents have failed to submit reply/comments despite several opportunities being given to them. On previous date, adjournment was granted to the respondents for submission of reply/comments on payment of cost of Rs. 10000/-, however representative of the respondents is again requesting that time may be granted for submission of reply/comments as well as depositing of cost. .

In this view of the matter, the right of submission of reply/comments stand struck of. To come up for arguments on 29.11.2022 before the D.B.



(Mian Muhammad)
Member (Executive)

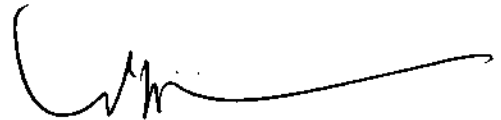


(Salah-Ud-Din)
Member (Judicial)

17.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, AAG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned AAG sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 12.05.2022.



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

12-5-22

*Proper DB not available the case is
adjourned on 27-7-22*

Atiq-Ur-Rehman Wazir
Member (E)


12.10.2021

Counsel for the appellant present. Preliminary arguments heard.

Arguments of the learned counsel for the appellant on application for restoration of his service appeal heard. The service appeal bearing No. 914/2019 was dismissed in default vide order sheet dated 14.07.2021. It was contended that the case fixed for 14.07.2021 was ^{mistakenly} recorded in the dairy as 19.07.2021 which is attributed to human error. Application for restoration has been submitted on 26.07.2021 which is within the prescribed time limit. The service appeal is therefore, restored to its original number and be fixed for its previous proceedings. Adjoined. To come up for ~~written reply/comments~~ before the S.B on 08.12.2021.

Appellant Deposited
Security Process Fee

3/18/21

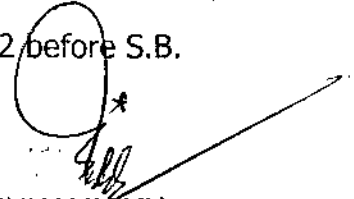


(MIAN MUHAMMAD)
MEMBER (E)

08.12.2021

Counsel for the appellant present. Mr. Muhammad Adeel, Addl: AG for respondents present.

Written reply/comments on behalf of respondents has not been submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. To come up for written reply/comments on 17/01/2022 before S.B.






(MIAN MUHAMMAD)
MEMBER (E)

Form-A

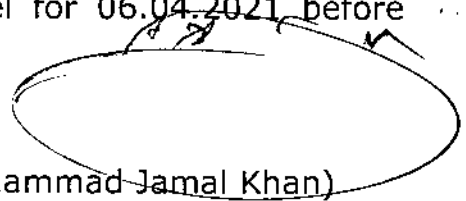
FORM OF ORDER SHEET

Court of _____
 Appeal's Restoration Application No. 135 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.07.2021	<p>The application for restoration of appeal No. 914/2021 submitted by Mr. Ashraf Ali Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This restoration application is entrusted to S. Bench to be put up there on <u>13/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	13.08.2021	<p>Counsel for the appellant present. Notices be issued to the respondents. To come up for reply and arguments on restoration application on 12.10.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

22.02.2021

Neither appellant nor anyone else representing him is present at the moment i.e 02:20 P.M. Security and process fee also not deposited by the appellant, therefore, notice be issued to appellant and his respective counsel for 06.04.2021 before S.B.


(Muhammad Jamal Khan)
Member

06.04.2021

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

14.07.2021

Neme for the appellant.

Security and process fee have not been deposited since admission of the appeal on 26.11.2020 nor the appellant is present with application for extension of time with sufficient reason.

In view of the above, the appeal is dismissed in default. File be consigned to the record room.


Chairman

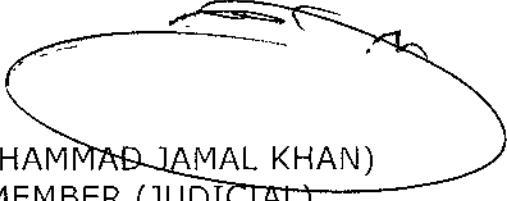
ANNOUNCED
14.07.2021

26.11.2020

Mr. Ashraf Ali Khattak, Advocate, for appellant is present.

It was contended by the learned counsel representing appellant that on 29.01.2001 appellant was granted Selection Grade in BPS-15 with effect from 01.04.2000 later on the post of PET alongwith other posts were upgraded to BPS-15. Since appellant has served for more than 10 years as PET prior to the factum of up-gradation, therefore, the appellant was a senior teacher of his cadre. Senior SST Teachers who are performing their duties in BPS-17 are promoted to the post of Subject Specialist or Headmaster having the same scale however, on promotion two increments are granted, one advance and the other pre-mature. Previously one step up-gradation in BPS-16 was bestowed on all Elementary School Teachers rendering their duties in BPS-15 who have five years service at their credit and all Elementary School Teachers possessing five years service were up-graded to BPS-16 by granting them two increments. Appellant submitted that he and his colleagues are serving in BPS-15 prior to the issuance of the notification dated 01.10.2007 are entitled to be treated in the like manner by granting either promotion in the next stage or two increments. The writ petition moved was converted into departmental appeal but the same remained un-decided so far hence, the instant appeal.

The points raised by the learned counsel for appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 22.02.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

20.07.2020

Petitioner has not forth come. Call was made at 11:55 A.M whereas Mr. Kabirullah Khattak, Additional AG for the respondents is present. Notices be issued to petitioner as well as his counsel for 29.09.2020. File to come up for reply and arguments on the restoration application before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER

29.09.2020

Counsel for the petitioner and Addl. AG alongwith Sajid Superintendent for the respondents present.

The restoration application in hand was submitted on 13.12.2019 while the appeal No. 914/2019 was dismissed for non-prosecution on 21.11.2019.

Learned counsel for petitioner frankly conceded the delay in submission of application. He, however, contended that on the date of hearing he was engaged in a family bereavement/death of his cousin. He further stated that the appeal was still at preliminary hearing stage on 21.11.2019.

Learned AAG, on the other hand, argued that there was formidable delay in submission of restoration application, therefore, the same may be dismissed.

The contents of application suggest that the grounds taken therein are relatable to the learned counsel while he has provided an affidavit alongwith application. It is also claimed by learned counsel that the incidence of dismissal of appeal came in the knowledge of appellant one day before the submission of application. It could not be refuted from other side.

In the circumstances the application is allowed and appeal No. 914/2019 is restored in its original number. To come up for preliminary hearing on 26.11.2020 before S.B.


Chairman

14.02.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sher Nawab, Superintendent for the respondents present. Reply of restoration application not submitted. Representative of the department requested for further time to file reply of restoration application. To come up for reply of restoration application on 12.03.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.03.2020

Nemo for the petitioner. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Muhammad Khalid Assistant present and submitted reply. Adjourn. To come up for further proceedings on 20.04.2020 before S.B. Petitioner be put to notice for the date fixed.


Member

20.04.2020




Due to COVID19, the case is adjourned to 20.07.2020 for the same as before.


Reader

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 456/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.12.2019	<p>The application for restoration of appeal No.914/2019 submitted by Mr. Ashraf Ali Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 13/12/19</p>
2	18/12/19	<p>This restoration application is entrusted to S. Bench to be put up there on <u>17/01/20</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	17.01.2020	<p>Nemo for petitioner.</p> <p>Notices be issued to petitioner as well as respondents. To come up for reply of restoration application on 14.02.2020 before S.B. Learned Addl. A.G shall also be served for the next date.</p> <p style="text-align: right;"> Chairman</p>

20.11.2019

Appellant also did not present
any further document
the object of which is to support the relevance of the
the appellant.

Appeal No. 914/2019.

Dismissed

21.11.2019

Nemo for appellant.

Despite repeated calls no one is in attendance on behalf of
the appellant today till 2.30 PM.

Dismissed for non-prosecution. File be consigned to the
record.

Chairman



Announced:
21.11.2019

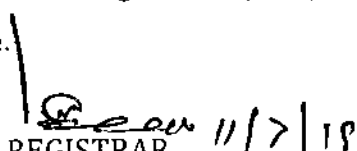

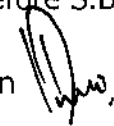

Form- A

FORM OF ORDER SHEET


Court of _____

Case No.- _____

01/11/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1-	11/07/2019	<p>The appeal of Mr. Sher Abbas resubmitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 11/7/19</p>
2-	18/07/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/08/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	28.08.2019	<p>Mrs. Robina Advocate is present on behalf of learned counsel for the appellant.</p> <p>A request for adjournment is made on the ground that learned counsel for the appellant is engaged in many cases before the Honourable High Court today.</p> <p>Adjourned to 09.10.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;">Chairman </p>
	09.10.2019	<p>Counsel for the appellant present.</p> <p>Learned counsel requests for adjournment as he is engaged in many cases before the Honourable High Court today.</p> <p>Adjourned to 21.11.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

Chairman

The appeal of Mr. Sher Abbas PET  GCMHS Chokara District karak received today i.e. on 08.05.2019 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal mentioned in para-11 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of notification of Selection grade dated 11.9.1997 in respect of appellatant mentioned in para-2 of the memo of appeal (Annexure-B) is not attached with the appeal.
- 3- Copy of up-gradation notification dated 1-10-2007 and 26.01.2008 mentioned in para-3 of the memo of appeal (Annexure-C) is not attached with the appeal which may be placed on it.
- 4- ~~Copy of departmental appeal mentioned in para-11 of the memo of appeal is not attached with the appeal which may be placed on it.~~

No. 932 /S.T,

Dt. 10/5 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ashraf Ali Khattak Adv. Pesh.

Re-submitted after attending objection

10/5/19
AKK

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 914 /2019

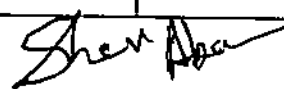
Sher Abbas,
PET GCMHS, Chokara,
Karrak.....Appellant.

Versus


The Secretary Education (E&SE),
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.....Respondent.

INDEX

S.N	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal alongwith application for condonation.			1-8
2.	Copy of Service Record.		A	0-9
3.	Copy of abstract from service book wherein Notification Endst: 1687-95/ PET/ I-A/ Kohat has been mentioned.	29-01-2001	B	10-12
4.	Copy of Notification .	01-09-1993	C	13-14
5.	Copy of Notification dated 23-05-2006 alongwith Notification No. <u>FD (SOSR-1)2-123/2014</u> Dated Peshawar the 21 st February, 2014.		D	15-16
6.	Copy of W.P No.413 / 2016 alongwith order of the Hon'ble Peshawar High Court, Bannu bench dated 03-092018		E	17-23
7.	Copy of Departmental Appeal		F	24-30
8.	Wakalat nama			


Appellant

Through


Ashraf Ali Khattak,
Advocate,
High Court, Peshawar.
9-B, Haroon Mansion,
Khyber Bazar, Peshawar.
Cell # 091-2213445

Dated: ___/___/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 914 /2019

Sher Abbas,
PET GCMHS, Chokara,
Karrak.....Appellant.

Versus

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 728

Dated 08/5/2019

1. The Secretary Education (E&SE),
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
2. The Director Education (E&SE),
G.T Road, Firdous Peshawar.
3. The District Education Officer (Male),
District Karak.
4. The Secretary Finance,
Govt: of Khyber Pakhtunkhwa,
Peshawar
5. The Secretary Establishment,
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.....Respondents.

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974.**

Filed to-day

Registrar Respectfully Sheweth,

Facts giving rise to the present appeal are as under:

1. That appellant has been serving against the post of Senior PET. He has long standing service with unblemished and clean sheeted conduct record (**Annexure-A**).
2. That vide Notification Endst: 1687-95/ PET/ I-A/ Kohat dated 29-01-2001 (**Annexure-B**) selection grade in BPS-15 was awarded to the appellant w.e.f 01-04-2000. The salary of the appellant was fixed accordingly.

Registered to-day
and filed.

REGISTRAR
20/11/19

3. That vide Govt of Khyber Pakhtunkhwa Finance Department Notification No. SO(FR) 10-22(B)/2005 dated 01-10-2007, and Notification No. FD/SO(FR)10-22/2007 dated 26-01-2008 (**Annexure-C**) the post of PET alongwith other posts were upgraded to BPS-15.
4. That it is pertinent to mention here that the appellant was serving as PET BPS-15 about more than 10 years prior to the upgradation of the post. Meaning thereby that the appellant was Senior Teacher of the Cadre.
5. That it is also pertinent to bring into the notice of this Hon'ble Tribunal that Senior SST Teachers working against BPS-17 are promoted to the post of SS or Head Master in the same scale (BPS-17) but on promotion in the same basic pay scale they are allowed two increments in the shape of one advance increment as next stage and one another as premature increment (**Annexure-D**).
6. That it is also worthy to bring into the notice of this Hon'ble Tribunal that during the previous Khyber Pakhtunkhwa PTI Government one time upgradation in BPS-16 was awarded to all Elementary School Teacher working against the post carrying basic pay scale 15, who had five years service at their credit. All the Elementary School Teachers possessing five year service were upgraded to BPS-16 accordingly. They were also two increment in shape of one next stage and one premature.
7. That it is also essential to bring into the notice of this Hon'ble Tribunal that whenever Elementary School Teacher is promoted in the same grade (basic pay scale 16) to the Senior post of SDM, SPET, SCT, SAT and STT; all of them are awarded with further two increments in the shape of next stage and premature.

8. That it is also pertinent to explain that the same incumbents who have been awarded four increments in case of their promotion primarily from BPS-15 to BPS-16 and thereupon on their promotion to Senior post of SDM, SPET, SCT, SAT and STT in the same scale i.e BPS-16 are further granted / allowed two increments on their promotion to the post of SST in the same scale BPS-16. It means that they are granted six increments in the same pay scale.
9. That appellant and his other colleagues who have been brought on the strength of basic pay 15 much prior to the Notification dated 01-10-2007 (i.e before the upgradation of the post to basic pay 15) were deserved / entitled to be treated alike with others staff members either in the shape of promotion to the next stage or in shape of two increments as discussed above.
10. That being aggrieved from the unfair and discriminatory treatment the appellant alongwith his other aggrieved fallows invoked the Constitutional Jurisdiction of the Hon'ble Peshawar High Court Bannu Bench in W.P No. 413-B/2016 which was disposed of in the following words.

“At the very out-set, learned counsel for the petitioner states that his client will be satisfied if the instant writ petition is sent to the concerned department for its treatment as departmental appeal.

Therefore, in the light of above, the instant writ petition is sent to the concerned department / authorities with the direction to treat the same as departmental appeal and decide the same with one (01) month positively, but, strictly in accordance with law.

Disposed of accordingly.” (Annexure-E)

11. That in the light of the order of the Hon'ble Peshawar High Court Peshawar dated 03-09-2018 appellant also preferred

departmental appeal (**Annexure-F**) through proper channel but the respondents paid no heed to the legitimate rights of the appellant and the same is still pending without disposal, hence the present appeal enter alias on the following **grounds**;

- A. That the respondents has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution, 1973. Appellant and likewise his other colleague Teachers who have been granted upgradation and selection grade prior to the Notification dated 01-10-2007 and Notification dated 26-01-2008 were entitled for financial benefits in shape of increment / allowance so that they could be equally treated with the promotees / upgraded Teachers, who have been promoted / upgraded in the light of Notification and who being benefited with two increments in the shape of one next stage and one premature.
- B. That appellant has highly been discriminated as the respondent has not treated him at par with his other colleague Teachers. Appellant has been upgraded to BPS-14 in the year 1991 and selection grade of BPS-15 awarded him in the year 1997, thus being the senior employee of the respondent's department was entitled to enjoy financial benefits in shape of increment / allowance which were granted to his other colleagues. The denial of the respondents to benefit the appellant and to treat him at par with his other colleagues is the violation of Article 25 & 27 of the Constitution of Pakistan, 1973, therefore the action / omission of the respondents is not tenable in the eyes of law.
- C. That, appellant made hectic efforts to bring his agonies and grievances before the High Ups in shape of departmental representation and in shape of Constitutional Petition. The Hon'ble Peshawar High Court, Bannu Bench while disposing the Writ petition clearly directed the respondents to redress the grievances of the appellant and his other colleagues within the


period of one month positively in accordance with law, but the respondents failed to comply with the direction / order of the Hon'ble Court.

- D. That the benefit of one next stage increment and one another premature increment has been extended in favour of other staff members of the same department and whereas appellant and likewise other senior colleague Teachers who were promoted / upgraded in the year 1991 and 1997 deprived. Appellant and like wise other senior Teachers of the cadre were entitled to the same benefit, but they have been deprived. This act / omission on the part of respondents is highly undesirable and unwarranted.
- E. That similarly other employees in the Ministerial Staff of the same department have been benefited with increments.
- F. That appellant would like to seek the permission of this Hon'ble Tribunal to advance more grounds at the time of hearing.

In view of the above submission and on acceptance of the instant appeal, this Hon'ble Tribunal may graciously be pleased to

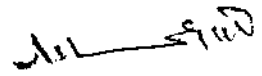
1. Declare the act / omission of the respondents by depriving the appellant from the financial benefits of one next stage increment and one another premature increment or denial of the promotion to the next stage of higher pay scale is against law / rules, natural justice, equity, fair play and discriminatory, therefore unlawful and without lawful authority.
2. Direct the respondents to extend financial benefits in shape of one next stage increment and one another premature increment to the appellant accordingly or promote him to the next higher pay scale.

3. Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.



Appellant

Through



Ashraf Ali Khattak,
Advocate,
High Court, Peshawar

Dated: 03/05 /2019

Service Appeal No. _____/2019

Sher Abbas,
PET GCMHS, Chokara,
Karrak.....Appellant.

Versus

The Secretary Education (E&SE),
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar and others.....Respondents.

APPLICATION FOR CONDONATION OF DELAY.

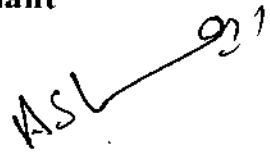
Respectfully Sheweth

1. That appellant has filed the accompanying appeal which is yet to be fix for hearing.
2. That appellant alongwith others filed W.P No. 413-B of 2016 before the Hon'ble Peshawar High Court Bannu Bench which was disposed vide order dated 03-09-2018 with the directions to the respondents to treat the writ petition as departmental appeal and decide the same within one month.
3. That the respondent failed to comply with the order of Hon'ble Peshawar High Court Bannu Bench cited ibid therefore, appellant preferred another departmental representation.
4. That delay in filing the accompanying appeal was not intentional but due to the reason that respondent either by one pretext or other had assured the appellant for redressal of their grievances.
5. That it is settled law that no limitation runs in case of financial benefits.

It is, therefore, humbly prayed that on acceptance of this application, the delay if any in filing the accompanying appeal may graciously be condoned in the interest of justice.


Appellant

Through


Ashraf Ali Khattak,
Advocate,
High Court, Peshawar.

Dated: 03/08/2019

Affidavit

I, Sher Abbas, PET GCMHS, Chokara, Karrak, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and nothing has been concealed.


Deponent



OFFICE OF THE P
SELECTION GR

9

3. No. Name & Designat

1. Mukhtiar Ali S.
2. Muhammad Iqbal S.
3. Ghani Rehman S.
4. Pto Khan S.
5. Reyat Khan S.
6. Muhammad Kazal S.
7. Nasser Ullah S.
8. Sher Abbas S.

Middle Finger.

Fore Finger

Thumb.

9. Signature of Government servant.

1. Date of Enrolment: 28/4/1973
2. Date of discharge: 28/7/1971

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

Headmaster
Govt: High School
Chandigarh, Gul Sahib

Attestation

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8
PET RHS Chamba (Hony)	Gul		B-9 @ 1185-72-2215	Rs. 1185/- P.M.		30/92 (F.M.)	7u	Govt. Chamba Gul
do			B.P. 114 (Rs. 1530)	119/-		3315	7u	
do				1530/- P.M.		30/92	7u	Director High School Chamba
do				1649		12/92	7u	Minister
do								Account
do								
do								
do								
GHS No 1 Kohat				@ RS 1649/- P.M.		12/92	7u	M.A. Master S Chamba Gul
GHS No 1 Kohat				1649/- P.M.		25/92 (F.M.)	7u	Gul Kohat
GHS No 1 Kohat				1649/- P.M.			7u	
GHS No 1 Kohat				1768/- P.M.		1-12-93	7u	Chamba Gul

I Attest

7

7	8	9	10	11	12	13	14	15
						Leave		
						Allocation of period of leave on average pay upto four months for which leave salary is - debitabe to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
						Period		
Date of appointment	Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken		
12/08		District Officer (M) (Schools & Literacy) Kohat		12/2006	Transfer			Service verified from 9-9-2000 to 30-11-2000 from the accounts roll & other office record.
Understanding							(11)	
Counter signed M.A. Bangal						I Sher Abbas Khan. P.E.T C.H.S. No. 4 Kohat hereby given undertaking to the effect that if any overpayment is made to me as a result of incorrect award of selection grade and detected later on it will be made good by recovery from my pay/pension/gratuity and may be forfeited by Govt. Department S.No. 8/25		
Counter signed 						Attested by Sher Abbas P.E.T C.H.S. No. 4 Kohat		
Counter signed M.A. Bangal DPO Attested 						Awarded Selection grade in B.P. 8-15 w.e. 01-04-2000 Sanction vide D.F.O. (M) Secy Kohat Endst. No. 1687-95/P.E.T I-A/Kohat Dated 29/1/2001 S.No. 8/25 DPO 		

13
~~28~~

Government of N.W.F.P.
Finance Department
No. SO(FR)10-22(B)/2005
Dated: 01-10-2007

To
The Secretary to Govt. of NWFP
Schools & Literacy Department

Subject: UP-GRADATION OF VARIOUS POSTS OF
TEACHERS/CAREER STRUCTURE IN SCHOOLS &
LITERACY DEPARTMENT GOVERNMENT OF N.W.F.P.

Annex-C
P-14

I am directed to refer to your letter No. SO(G)S&L/1-47/2007 dated 01-10-2007 on the subject noted above and to inform that the Chief Minister NWFP has been pleased to up-grade various posts of teachers in Schools & Literacy Department N-W.F.P. as per details given below in respect of those incumbents who acquire or possess the qualification and experience mentioned against each with immediate effect.

S.#	Designation/Existing Pay Scale	Qualification	Revised Pay Scale
1.	Primary School Teacher (PST) BPS-07	F. A/F. Sc. at least 2 nd Division with PTC/Diploma in Education	09
2.	PST with requisite experience renamed as Head Teacher/Head Mistress of Primary School BPS-07	On the basis of 10 years service/experience as Primary School Teacher in BPS-09	12
3.	C.T BPS-09	B. A/B. Sc. at least 2 nd Division with Diploma in Education/CT	15
4.	A.W.I.C.T. (Technical)/Industrial Arts/Home Economics BPS-09	B. A/B. Sc. at least 2 nd Division with Diploma in Education/ Certificate from Directorate of Curriculum & Teachers Education NWFP Abbottabad in Agro. Tech./ Industrial Arts/Home Economics	15
5.	D.M. BPS-09	B. A/B. Sc. at least 2 nd Division with Drawing Master Course	15
6.	PET BPS-09	B. A/B. Sc. at least 2 nd Division with JDPE	15
7.	Qari/Qaria BPS-07	Hafiz-e-Qur'an with SSC at least 2 nd Division and Sanad in Qir'at	12
8.	SSTs/SST Tech./Agri. with requisite experience renamed as Sr. SST/Sr. SST Tech./Sr. SST Agri. BPS-16	M.A/M. Sc. at least 2 nd Division with B. Ed./M. Ed./MA Edu. or equivalent qualification	17
9.	DPE BPS-16	M. Sc. at least 2 nd Division in (HPE)	17
10.	Librarian BPS-16	Master degree in Library Science at least 2 nd Division	17

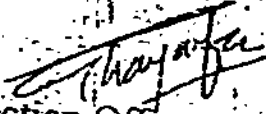
The Promotion/Direct Recruitment against the upgraded posts shall be made as per laid down procedure and in accordance with the Service Rules to be framed pursuant to the relevant provisions of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules 1989 read with the NWFP Civil Servants Act, 1973 in the light of the

[Handwritten signature]

[Handwritten signature]

meeting held on 26-09-2007. of the committee constituted vide Schools & Literacy
Department Notification No.SO(GYS&L/1-47/2007 dated 01-08-2007.


Audit copy may please be prepared and sent to this Department for
authentication/signature.


Section Officer (FR)

Enclst: of even No. & Date

Copy for information & necessary action to:

1. Accountant General NWFP
2. Director Schools & Literacy NWFP Peshawar
3. Director of Education FATA NWFP Peshawar
4. PSO to Chief Minister NWFP
5. PSO to Chief Secretary NWFP
6. PS to Secretary Finance Department NWFP
7. All District/Agency Accounts Officers in NWFP


Section Officer (FR)



GOVERNMENT OF NWFP
 FINANCE DEPARTMENT

(REGULATION WINGS)

Date of Peshawar, the 28th January, 2008.

Handwritten signature

NOTIFICATION

NO.FD/SO(FR)10-22/2007. In supersession of this Department's letter No.SO(FR)10-22(B)2005 dated 01-10-2007 and in pursuance of the decisions of the meeting held under the Chairmanship of Secretary Establishment on 2-1-2008, the Competent Authority is pleased to allow upgradation for the incumbents of the posts as per details given below w.e.f. 1-10-2007:-

S.NO	Existing Designation and Pay Scale	Qualification	Upgraded Scale
1	Primary School Teacher (PST) (BPS-07)	FATS and are trained teachers	BPS-09 (one time only)
2	Primary School Teacher (PST) with requisite experience remained as Head Teacher/Head Mistress of Primary Schools (BPS-07)	Having 10 years service	BPS-12 (one time only)
3	CT (BPS-09)	BA/BSc and are trained teachers	BPS-15 (one time only)
4	SEI (BPS 16)	With at least ten years service. Upgradation to the post shall be made through DPC as per laid down procedure.	BPS-17
5	Jan Jari (BPS-07)	High Quran with SSC	BPS-12

SECRETARY TO GOVT. OF NWFP
 FINANCE DEPARTMENT

Enclst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

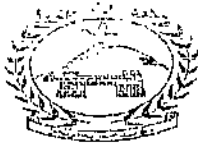
- 1) All the Secretaries in NWFP, Peshawar.
- 2) All the DCOs/EDOs Schools & Literacy Department, NWFP.
- 3) Accountant General, NWFP, Peshawar.
- 4) Director Schools & Literacy NWFP, Peshawar.
- 5) Director of Education FATA NWFP, Peshawar.
- 6) PSO to Chief Minister, NWFP.
- 7) PSO to Chief Secretary, NWFP.
- 8) PSO to Secretary Finance Department, NWFP.
- 9) All District/Agency Accounts Officers in NWFP.

Handwritten notes and signatures in Urdu

Handwritten signature
 (NAIB KHAN)
 SECTION OFFICER (FR)

Large handwritten signature in Urdu

Handwritten signature and initials



BA 15
GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Annex-D

BA 15

NO. FD (SOSR-1) 2-123/2014
Dated Peshawar the 21st February, 2014

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Grievance Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject: GRANT OF PREMATURE INCREMENT ON PROMOTION
WITHIN THE SAME SCALE.

Dear Sir,

I am directed to refer to the subject noted above and to say that under Rule 10 (2) of the Khyber Pakhtunkhwa Civil Services Pay Revision Rules - 1978, one advance increment is admissible to the Civil Servants, at the time of their promotion to higher posts, who are already drawing pay in the basic pay scales of the higher post.

2. Now, in pursuance to the Government of Pakistan, Finance Division, Islamabad Office Memorandum No.F.11(30)R-2/2010-1150 dated 5th November, 2012 (copy enclosed), the competent authority is pleased to allow one premature increment in the pay scales of the higher post in fixation of pay on promotion within the same pay scale in all cases of promotion to higher posts carrying the same basic pay scales, meaning thereby that one advance increment as next stage and another as a premature increment will be admissible in such cases of promotion.

3. These orders will be effective from the date of its issuance.

Yours faithfully,

Razaullah Khan
(RAZAULLAH KHAN)
Addl: Secretary (Regulation)

Endst: No. FD (SOSR-1) 2-123 /2014

Dated 21st Feb, 2014

Copy for information & necessary action to the:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMG, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
8. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
9. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.

Masood Khan
(MASOOD KHAN)
Deputy Secretary (Reg-II)

P.T.O

ATTACHED

23

16

~~PTE~~

Endst: No. & Date Even

Copy for information is forwarded to:-

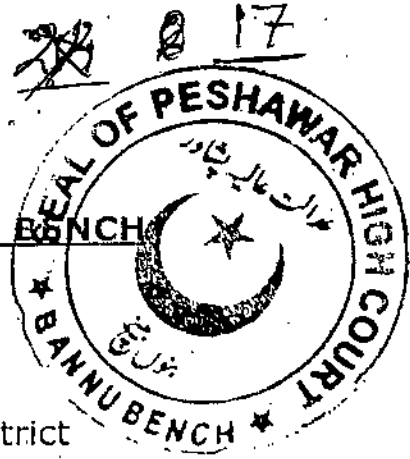
1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt:

[Handwritten Signature]

Section Officer (S-1)

ATTESTED
[Handwritten Signature]

Annex - E



BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

Writ Petition No. 413 /2016

1. Mukhtiar Ali S.C.T Teacher GCMHS Chokara District Karak
2. Ghani Rahman SGT Teacher GCMHS Chokara District Karak
3. Muhammad Iqbal CT Teacher GCMHS Chokara District Karak
4. Pio Khan SCT Teacher GCMHS Chokara District Karak
5. Riayat Khan SCT Teacher GCMHS Chokara District Karak
6. Muhammad Kamal S.D.M Teacher GCMHS Chokara District Karak
7. ✓ Sher Abbas SPET Teacher GCMHS Chokara District Karak
8. ✓ Naeem Ullah SAT Teacher GCMHS Chokara District Karak
9. Ahmad Wali Shah SCT Teacher GHS Sarki Lawarghar District Karak
10. Saddique Rahman SCT Teacher GHS Garang Siraj Khel District Karak
11. Anwar Ali SCT Teacher GHS Garang Siraj Khel District Karak
12. Hamid Ullah D.M Teacher GHS Zarkhan Killa District Karak
13. Sabar Nawaz D.M Teacher GHS Toopi Killa District Karak
14. Muhammad Ayaz SCT Teacher GHSS Jehangiri District Karak
15. Muhammad Yasin SCT Teacher GHSS Jehangiri District Karak
16. Asmat Ullah Khan SCT Teacher GHSS Jehangiri District Karak

Zarwan

Filed To
25/11/2016
Additional Registrar

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

x 25 18
P.B

17. Rauf Khan SCT Teacher GHSS Jehangiri District Karak
18. Noor Kamal SCT Teacher GHSS Jehangiri District Karak
19. Muhammad Sadique SDM Teacher GHSS Jehangiri District Karak
20. Rasool Khan PET Teacher GHS Gardi Banda District Karak
21. Muhammad Zaman SCT Teacher GHSS Warana District Karak
22. Zaheer Ud Din CT Teacher GHSS Warana District Karak
23. Muhammad Naseer Khan SCT Teacher GHS Latamber District Karak
24. Naimat Ullah SCT Teacher GHSS Bogara District Karak
25. Anayat Ullah SCT Teacher GHS Ahmad Abad District Karak
26. Sher-Aslam SCT Teacher GHSS Kandu Khel District Karak
27. Sher Aslam SAT Teacher GHSS Kandu Khel District Karak
28. Muqabila Khan SCT Teacher GHSS Bogara District Karak
29. Jamil Ur Rehman SCT Teacher GHSS Bogara District Karak
30. Ikram Ullah Khan SPET Teacher GHSS Bogara District Karak Petitioners

Versus

1. Government of K.P Through Secretary of Elementary & Secondary Education K.P, Peshawar
2. Government of K.P Through Director of Elementary & Secondary Education K.P, Peshawar.

Filed To
28 MAY 2016
Additional Registrar

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court
Sanaullah Khan

PJG

19
~~26~~

- 3. Government of K.P Finance Department Regulation Wind, Peshawar.
- 4. District Account Officer Karak. Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

This Writ Petition rising up from the following facts:

- 1. That all the petitioners are working in education department in different cadre and in the year 2003 the posts of the petitioners were up-graded in the basis of seniority through Selection Grade whereby all the petitioner have obtained the up-gradation of posts-cum-one pre-mature increment. (Copy of the Performa of petitioners and Selection Grade is annexed as "A").
- 2. That on 01-09-2007 the Government of K.P Finance department (Regulation Wind) generally up-graded all the posts of different cadre through notification. (Copy of the notification dated 28-07-2007 is annexed as "B").
- 3. That on 04-04-2009 the Government of K.P Finance department (Regulation Wind) have sanctioned one special advance increment to the Assistant Auditor,

Filed To: *[Signature]*
[Signature]
 Additional Registrar

ATTESTED

ATTESTED
[Signature]
 EXAMINER
 Peshawar High Court
 Shikmu Bazar

P.S.O

20
27

Senior Clerk and junior Clerk etc who have obtained the up-gradation through Selection grade.(Copy of the notification dated 04-04-2009 is annexed as "C").

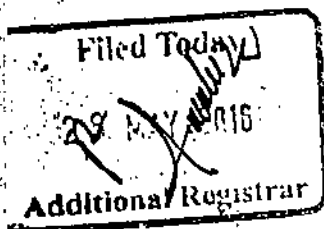
4. That on 31-12-2013 the Government of K.P Finance department (Regulation Wind) have issued a notification the one advance increment of the basis of selection grade and endorsed the earlier letter of the finance department.(Copy of the notification dated ~~31-12-2013~~ 34-02-2013 is annexed as "D").

5. That on 07-02-2014 the Government of K.P Finance department (Regulation Wind) have issued a notification regarding the clarification of the earlier notification that one advance increment be given to those teachers who have obtained selection grade. (Copy of the notification dated 07-02-2014 is annexed as "E").

6. That being aggrieved from the inaction of the respondent No.2,3 being not extended the benefit of the notification dated 31-12-2013, the petitioners approaches this Honourable Court, inter alia, on the following grounds;

G R O U N D S:

A. That the petitioners are related to education department, working in different cadre and have obtained the selection grade by all the petitioners in the



Handwritten signature

ATTESTED

EXAMINER
Bastar High Court
Bastar Bench

Handwritten signature

21
28

P. 21

session 2003 whereby all posts of the petitioners were up-graded-cum-one pre-mature increment but when generally the government of K.P up-graded the posts of different cadre with one increment then all the petitioners are deprived from the benefits of the order because the junior in rank of all posts are equal to the petitioners whom posts have been up-graded through Selection Grade and having not extended the benefit of the notification dated 31.12.2013 by the respondent to the petitioners is appealable to mind and also unwarranted by the law.

B. That in year 2007 the posts of education were up-graded by the respondents (government of K.P) through notification but the petitioners senior in teaching have no benefit of the said notification because the remedy in shape of pre-mature increment stopped by the respondents through notifications and letter to deviate the concentrations of the petitioners from one Advance increment which is basic and fundamental right of the petitioner thus, the benefit of the notification dated 31-12-2013 of the respondent intact through spirit and letter so, the inaction of the respondents is not appealable to prudent mind and is against the article 4 and article 25 of the constitution of Pakistan 1973

Rawood

C. That all the petitioners are senior teachers and after Selection grade they are entitled of the benefit of the notification dated 31-12-2013 issued by the respondent (Finance Department) but without any cogent reason and rhyme the respondents have reluctant regarding the extension of benefit of said notification being used

Filed Today
21/12/2016
Additional Registrar

ATTESTED

ATTESTED
EXAMINER
Deputy High Court
District Bahawalpur

colourful exercise of powers, vested in the functionaries of the Government through Constitution of Pakistan, which is against the basic principles of the equality of citizens.

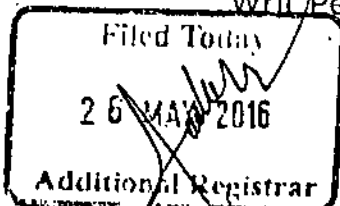
- D. That the said benefit of the one advance pre-mature increment are availing the clerical staff of the audit etc which is clear cut discrimination with the petitioners and action of the respondents is against the principle of equity and also violated the norms of justice.

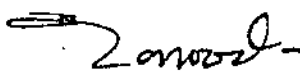
It is, therefore, humbly prayed that on acceptance of this Writ Petition, the respondents may kindly be directed to extend the benefit of the notification dated 31-12-2013, and one pre-mature increment be awarded to the petitioners on the basis of Selection Grade Awarded to others cadre in accordance with law.


Any other efficacious remedy may also be granted in favour of the petitioner.

INTERIM RELIEF:

By way of interim relief, the respondents provisionally be allowed to extent the benefit of the notification dated 31-12-2013 till final disposal of this Writ Petition.



Petitioners
Through 
Masood Iqbal Khattak

ATTESTED

CLERK
Sindh High Court
Sindh High Court

ALIESED

FORM "A"
FORM OF ORDER SHEET

23
30
25

Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
03.9.2018	<p><u>W.P'No. 413-B/2016 with IR.</u></p> <p><u>Present:</u></p> <p>Mr. Masooq Iqbal Khattak advocate for petitioner.</p> <p>*****</p> <p><u>ABDUL SHAKOOR, J.---</u></p> <p>At the very out-set, learned counsel for the petitioner states that his client will be satisfied if the instant writ petition is sent to the concerned department for its treatment as departmental appeal.</p> <p>Therefore, in the light of above, the instant writ petition is sent to the concerned department / authorities with the direction to treat the same as departmental appeal and decide the same within one (01) month positively, but, strictly in accordance with law.</p> <p>Disposed of accordingly.</p> <p><u>Announced.</u> 03.9.2018</p> <p>Sd/- Mr. Justice Abdul Shakoor-J Sd/- Mr. Justice Shakeel Ahmad-J</p> <p>CERTIFIED TO BE TRUE COPY</p> <p>Examiner Peshawar High Court Barou Bench Authorised Under Article 87 of The Qanun-e-Shahadat Order 1988</p> <p>Office 03/9/2018</p>

Imranullah (D.B) Justice Abdul Shakoor and Justice Shakeel Ahmad

SCANNED

ARRESTED

(Better Copy)

24

Amir Razi

32

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No _____/2019

Departmental Appeal

WPN 413-B/2016

Decision dt. 3/9/2018

Petition converted into departmental Appeal.

Mukhtiar Ali Sct GHS & others (As per original petition) **Petitioners:**

Versus

1. Govt of KP through Secretary & Elementary Education Peshawar.
2. Director Elementary & Secondary Education Peshawar.
3. The District Education Officer Karak.

Subject: Grant of one Pre mature Increment to selection graded teachers scale upgraded.

R/Sir,

1. That we the petitioners (as per petition) approached the honorable Peshawar High Court Bannu Bench for extension of the benefits of one special increment to the selection graded / upgraded posts incumbents admissible in light of Govt of KPK Finance department.

Notification No. FD(SOSR-1)2-123/2013 dt. 31-12-2013 duly clarified vide FD even NO dt 7.2.2014.

Copy of the Notification annexed as Annex "A" (Page 03 to 05)

2. That the honorable Peshawar High Court Bannu Bench vide kind decision dt. 3-9-2018 decided the petition as "Departmental Appeal" copy attached Annex "B" Page 6 to 12.

Cause of Action

- (A) That one of our colleague | Petitioners namely Muhammad Kamal SDM Government Centennial Model High School Chokara Karak Placed SNO 06 presented an arrear bill to District Accounts office Karak bearing TNO 349 B/I allowing one special increment 2014 departmentally pay increased in light of Govt of KPK FD letter No. FD(SOSR-1)2-123/2013 dt 31.12.2013.

The claim was unfortunately returned with observation as overleaf:

ATTESTED

Annex - F

25
24 31

Departmental Appeal

WPN 413-B/2016

Decision dt. 3/9/2018

Petition converted into departmental Appeal.

Mukhtiar Ali Set GHS & others (As per original petition) Petitioners:

Versus

1. Govt of KP through Secretary & Elementary Education Peshawar.
2. Director Elementary & Secondary Education Peshawar.
3. The District Education Officer Karak.

Subject: Grant of one Pre mature Increment to selection graded teachers scale upgraded.

R/Sir,

1. That we the petitioners (as per petition) approached the honorable Peshawar High Court Bannu Bench for extension of the benefits of one special increment to the selection graded upgraded posts incumbents admissible in light of Govt of KPK Finance department.

Notification No FD(SOSR-1)2-123/2013 dt. 31-12-2013 duly clarified vide FD even NO dt 7.2.2014.

Copy of the ^{notification} Appeal annexed as Annex -A (Page 23 to 25)

2. That the honorable Peshawar High Court Bannu Bench vide kind decision dt. 3-9-2018, decided the petition as "Departmental Appeal" copy attached Annex "B" Page 6 to 12.

Cause of Action

(A) That one of our colleagues | Petitioners namely Muhammad Kamal SDM Government Centennial Model High School Chokara Karak Placed SNO 06 presented an arrear bill to District Accounts office Karak bearing TNO 349 B/1 allowing one special increment 2014 departmentally pay increased in light of Govt of KP FD letter No FD(SOSR-1)2-123/2013 dt 31.12.2013.

The claim was unfortunately returned with observation as overleaf:

2921 Dated 23 October 2018
Forwarded to DEO (M)
Karak. Anah ul.

23/10/18
PRINCIPAL
Govt. Centennial Model High School
Chokara, Distt: Karak

22/10/18

"Reference No does not cover the subject claim"

Copy attached as Annex "C" at page 13

That we like other petitioners also approached the District Accounts office Karak.

However, our request was not accepted and we are deprived of our due rights of one special advance increment on up gradation of the post.

That having no other alternate remedy we (the petitioners) lodged an Appeal copy is attached Appendix as Annex "B" 6 to 12

PRAYER:

That the District Accounts office Karak may very graciously be directed to implement the Finance Department of KP Notification NO FD(SOSR-1)2-123 dt 31.12.2013 duly clarified vide FD even No dt 7.2.2014 and as a result the pay of the petitioners be get fixed with one advance increment, 1-9-2007 from the date of up gradation of scale of the respective petitioners.

Yours Obediently,

[Signature]
Petitioners:
Naeem Ullah

- 1) MUHAMMAD IQBAL SGT @CNHS Chokara
- 2) Ghani Rahman S.S.T — do — *[Signature]*
- 3) Piro Khan S.S.T — do — *[Signature]*
- Riazat Khan S.S.T — do — *[Signature]*
- Muhammad Kamal S.D.M — do — *[Signature]*
- Naeem Ullah S.A.T — do — *[Signature]*

with Petitioners.

Dated 22-10-2018

25

Reference No does not cover the subject claim"

copy attached as Annex "C" at page. 13-14

B) That we the other petitioners also approached the District Accounts office Karak.

However, our request was not accepted and we are deprived of our due rights of one special advance increment on up gradation of the post.

C) That having no other alternate remedy, we (the petitioners) lodged an Appeal copy is attached Appended as Annex "B" 6 to 12

Prayer:

That the District Accounts office Karak may very graciously be directed to implement the Finance Department of KP Notification NO FD(SOSR-1)2-123 dt 31.12.2013 duly clarified vide FD even No dt 7.2.2014 and as a result the pay of the petitioners be got fixed with one advance increment, 1-9-2007/ from the date of up gradation of scale of the respective petitioners.

Yours Obediently,

Petitioners:

SHER ABBAS SPECT

GCMHS CHORARA

KARAK

Dated 16/4/2019

RECEIVED

26
33

1
• Enclst NO 2316 dated 17/4/19
DEO (M) KK

Departmental Appeal

WPN 413-B/2016

Decision dt. 3/9/2018

Petition converted into departmental Appeal.

Mukhtiar Ali Sct GHS & others (As per original petition) Petitioners:

Versus

1. Govt of KP through Secretary & Elementary Education Peshawar.
2. Director Elementary & Secondary Education Peshawar.
3. The District Education Officer Karak.

Subject: Grant of one Pre mature Increment to selection graded teachers scale upgraded.

R Sir,

1. That we the petitioners (as per petition) approached the honorable Peshawar High Court Bannu Bench for extension of the benefits of one special increment to the selection graded / upgraded posts incumbents admissible in light of Govt of KPK Finance department.

Notification No FD(SOSR-1)2-123/2013 dt. 31-12-2013 duly clarified vide FD even NO dt 7.2.2014.

Copy of the ^{notification} Appeal annexed as Annex -A (Page 23 to 25)

2. That the honorable Peshawar High Court Bannu Bench vide kind decision dt. 3-9-2018, decided the petition as "Departmental Appeal" copy attached Annex "B" Page _____

Cause of Action

(A) That one of our colleagues | Petitioners namely Muhammad Kamal SDM Government Centennial Model High School Chokara Karak Placed SNO 06 presented an arrear bill to District Accounts office Karak bearing TNO 349 B/1 allowing one special increment 2014 departmentally pay increased in light of Govt of KP FD letter No FD(SOSR-1)2-123/2013 dt 31.12.2013.

The claim was unfortunately returned with observation as overleaf.

Enclst NO 2965
16/9/19

Forwarded to
DEO (M) Karak

Amir Khan

16/9/19
PRINCIPAL
Govt. Centennial Model High School
Chokara, Distt: Karak

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL REPRESENTATION / APPEAL.

Respected Sir,

With due respect, appellant humbly submits as to the following;

1. That appellant has been serving against the post of Senior PET. He has long standing service with unblemished and clean sheeted conduct record.
2. That vide Notification dated 11-09-1997 selection grade in BPS-15 was awarded to the appellant w.e.f 02-01-1997. The name of the appellant lies at serial No.97/232 of the list. The salary of the appellant was fixed accordingly.
3. That vide Govt of Khyber Pakhtunkhwa Finance Department Notification No. SO(FR) 10-22(B)/2005 dated 01-10-2007, and Notification No. FD/SO(FR)10-22/2007 dated 26-01-2008 the post of PET alongwith other posts were upgraded to BPS-15.
4. That it is pertinent to mention here that the appellant was serving as CT BPS-15 about more than 10 years prior to the upgradation of the post. Meaning thereby that the appellant was Senior Teacher of the Cadre.
5. That it is also pertinent to bring into the notice of this Hon'ble Tribunal that Senior SST Teachers working against BPS-17

are promoted to the post of SS or Head Master in the same scale (BPS-17) but on promotion in the same basic pay scale they are allowed two increments in the shape of one advance increment as next stage and one another as premature increment.

6. That it is also worthy to bring into the notice of this Hon'ble Tribunal that during the previous Khyber Pakhtunkhwa PTI Government one time upgradation in BPS-16 was awarded to all Elementary School Teacher working against the post carrying basic pay scale 15, who had five years service at their credit. All the Elementary School Teachers possessing five year service were upgraded to BPS-16 accordingly. They were also two increment in shape of one next stage and one premature.
7. That it is also essential to bring into the notice of this Hon'ble Tribunal that whenever Elementary School Teacher is promoted in the same grade (basic pay scale 16) to the Senior post of SDM, SPET, SCT, SAT and STT; all of them are awarded with further two increments in the shape of next stage and premature.
8. That it is also pertinent to explain that the same incumbents who have been awarded four increments in case of their promotion primarily from BPS-15 to BPS-16 and thereupon on their promotion to Senior post of SDM, SPET, SCT, SAT and STT in the same scale i.e BPS-16 are further granted / allowed two increments on their promotion to the post of SST in the same scale BPS-16. It means that they are granted six increments in the same pay scale.

9. That appellant and his other colleagues who have been brought on the strength of basic pay 15 much prior to the Notification dated 01-10-2007 (i.e before the upgradation of the post to basic pay 15) were deserved / entitled to be treated alike with others staff members either in the shape of promotion to the next stage or in shape of two increments as discussed above.
10. That being aggrieved from the unfair and discriminatory treatment the appellant alongwith his other aggrieved fallows invoked the Constitutional Jurisdiction of the Hon'ble Peshawar High Court Bannu Bench in W.P No. 413-B/2016 which was disposed of in the following words.

“At the very out-set, learned counsel for the petitioner states that his client will be satisfied if the instant writ petition is sent to the concerned department for its treatment as departmental appeal.

Therefore, in the light of above, the instant writ petition is sent to the concerned department / authorities with the direction to treat the same as departmental appeal and decide the same with one (01) month positively, but, strictly in accordance with law.

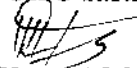
Disposed of accordingly.”

11. That in the light of the order of the Hon'ble Peshawar High Court, Bannu Bench dated 03-09-2018 the Writ Petition have been converted into departmental appeal and have asked your good office to take exercise and determine the grievances of appellant alongwith other fellow petitioners in accordance with law, rules and policy, hence this

departmental representation / appeal is submitted for consideration and determination.

It is therefore, humbly requested to extend financial benefits in shape of one next stage increment and one another premature increment to the appellant accordingly or promote him to the next higher pay scale.

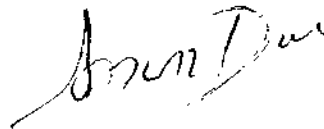
Yours faithfully,



Sher Abbas,
PET GCMHS,
Chokara, Karrak.

Dated: 16/3/2019

Enclst No. 2965
Forwarded to the
DEO (M) Karrak.



WAKALAT NAMA

26

IN THE COURT OF K.P.K - Service Tribunal Peshawar

Sher Abbas

Appellant(s)/Petitioner(s)

VERSUS

Chief Secerata

and others

Respondent(s)

I/We Sher Abbas do hereby appoint
Mr. Ashraf Ali Khattak, Advocate High Court, Peshawar in the above
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

AS

Ashraf Ali Khattak,
Advocate, High Court
Peshawar
9-B, Haroon Mansion
Off: Tel: 091-2213445

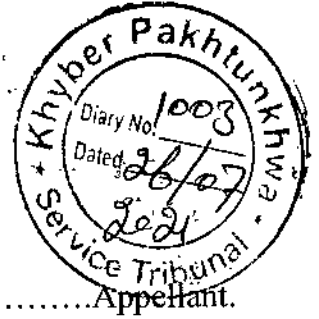
Sher Abbas

Signature of Executants

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.914 /2021

Sher Abbas,
PET; GCMHS,
Chokara,
District, Karak.....



Versus

1. The Secretary,
Education (E & SE),
Govt: of KPK,
Civil Secretariat, Peshawar and others..... Respondents.

**APPLICATION FOR RESTORATION OF APPEAL
DISMISSED IN DEFAULT DUE TO NON DEPOSIT
OF SECURITY AND PROCESS FEE AND ALLOW
THE APPELLANT TO DEPOSIT SECURITY AND
PROCESS FEE.**

Respectfully Sheweth,

The facts given rise to the present Application are as under;

1. That the above titled service appeal has been dismissed in default vide order of this Hon'ble Tribunal dated 14-07-2021 due to non submission of Security and process fee.
2. That appellant was under misconception regarding the date of hearing. The date of hearing was mistakenly noted as 19-07-2021.
3. That appellant was also under misconception of fact that Security and Process fee has been deposited, which was in fact not deposited.
4. That the act of the appellant was not intentional but was under misconception of facts therefore presumed to be a human error.
5. That value able rights of the appellant are involved and the fault of the appellant was nothing more than a human error.

2

6. That the Hon'ble Supreme Court and this Hon'ble Tribunal has laid down principle of law that cases should be decided on merit rather than on technicalities.

In view of the above explained positions, it is humbly requested that on acceptance of the instant application, this Hon'ble Tribunal may graciously be pleased to restore the tilted service appeal and allow the appellant to deposit the required Security and Process fee.

Through **Appellant**
Ashraf Ali Khattak
Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated: ___/___/2021

AFFIDAVIT

I, Sher Abbas PET Govt: GCMHS, Chokara, District Karak do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.



Sher Abbas
Deponent

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 916 /2019

Sher Abbas,
PET GCMHS, Chokara,
Karrak.....Appellant.

Versus

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 728

Date: 08/5/2019

1. The Secretary Education (E&SE),
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.



2. The Director Education (E&SE),
G.T Road, Firdous Peshawar.

3. The District Education Officer (Male),
District Karak.

4. The Secretary Finance,
Govt: of Khyber Pakhtunkhwa,
Peshawar

5. The Secretary Establishment,
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.....Respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974.

14.07.2021

Neme for the appellant.

Security and process fee have not been deposited since admission of the appeal on 26.11.2020 nor the appellant is present with application for extension of time with sufficient reason.

In view of the above, the appeal is dismissed in default. File be consigned to the record room.

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]
Chairman

ANNOUNCED
14.07.2021

Date of Presentation of Application 23/7/21

Number of Words 400

Copying Fee 6/-

Mount 4/-

Total 10/-

Name of Copyist _____

Date of Completion of Copy 23/7/21

Date of Delivery of Copy 23/7/21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL

Service Appeal No. 914/2023

Sher Abbas

VERSUS

Secretary Education

**APPLICATION FOR PLACING ON FILE NOTIFICATION NO.
FD (SOSR-1/2-123/2013 DATED PESHAWAR THE
31.12.2013 AND CONSIDERING THE SAME AS PART AND
PARCEL OF THE APPEAL**

Respectfully Sheweth:

The Appellant humbly submit as under:

1. That Appeal title above has been fixed for final arguments for today i.e 24.01.2023.

2. That the placing attach notification on file is necessary for proper disposal of appeal.

SCANNED

Khyber Pakhtunkhwa
Service Tribunal
3140
23-1-2023



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SOSR-1) 2-123/2013
Dated Peshawar the: 31-12-2013

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject:

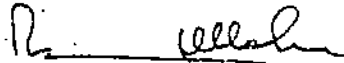
CLARIFICATION REGARDING GRANT OF ONE SPECIAL
ADVANCE INCREMENT TO THE EMPLOYEES HOLDING
SELECTION GRADE PRIOR TO UPGRADATION OF THEIR
POSTS IN BPS ALREADY HELD BY THEM.

Dear Sir,

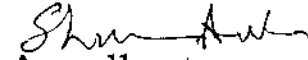
I am directed to refer to this Department's notification No.FD (SR-1) 2-4/2008 dated 04-04-2009 and to state that certain queries have been received from different quarters as to whether the employees, who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, are also eligible to the benefit of premature increment on up-gradation of their posts.

2. In this connection, the Provincial Government in consultation with Government of Pakistan, Finance Division, has to clarify that one special advance increment is admissible, also to the employees who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, just as in the case of same scale promotion.


3. This order will take effect from 01-09-2007.


(RAZAULLAH KHAN)
Addl: Secretary (Regulation)

It is, therefore, requested that notification titled above may kindly be placed on file and may kindly be considered as part and parcel of the appeal.


Appellant

Through
Dated: 24.01.2023


ASHRAF ALI KHATTAK
Advocate, Supreme Court
Of Pakistan

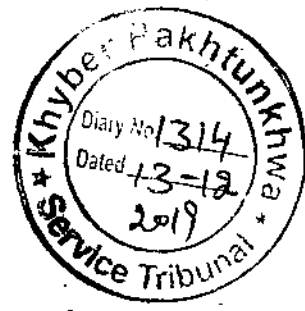
AFFIDAVIT

I,do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT


Hina Alta Rehman Advocate
Oath Commissioner
Enst. No. 3370-15

23-1-23



Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Restoration Application NO. 456/2019
Misc: Application No.-----/2019

Service Appeal No.914 of 2019

Sher Abbas, PET GCMHS, Chokara, Karak.....Appellant

Verses

The Secretary Education (E & SE) Govt: of Khyber Pakhtunkhwa, Civil Secretariat,
Peshawar and others..... Respondents.

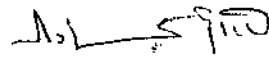
Application for restoration of the above titled appeal dismissed in default vide order
dated 21-11-2019.

Respectfully Sheweth.

1. That titled appeal was fixed for preliminary hearing on 21-11-2019.
2. That due to the death of the cusion of the counsel of the appellant, he was unable to attend the Tribunal.
3. That the absence of the Counsel was not intentional but due to the reason stated above.
4. That the law support the decision of cases on merit rather on technicalities.
5. That appellant received the information regarding the dismissal of the appeal due to default to day and immediately submitted the instant application.
6. That valueable right of the appellant are involved in the appeal.
7. In the light of the above it is humbly requested the appeal of the appellant may kindly be restored on its original number.

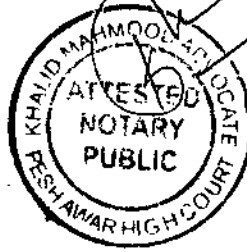
Appellant

Through


Ashraf Ali Khattak
Advocate, High Court,
Peshawar.

Affidavit

I, Ashraf Ali Khattak Counsel for the appellant and upon the instruction of the appellant do hereby confirm on Oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourble Court.



Asl → 9/10
Deponent.

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 914 12019

Sher Abbas,
PET GCMHS, Chokara,
Karrak.....Appellant.

Versus



Khyber Pakhtunkhwa
Service Tribunal
Distry No. 728
Dated 08/5/2019

1. The Secretary Education (E&SE),
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
2. The Director Education (E&SE),
G.T Road, Firdous Peshawar.
3. The District Education Officer (Male),
District Karak.
4. The Secretary Finance,
Govt: of Khyber Pakhtunkhwa,
Peshawar
5. The Secretary Establishment,
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.....Respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974.

Filed to-day

Registrar Respectfully Sheweth,
8/5/19

Facts giving rise to the present appeal are as under:

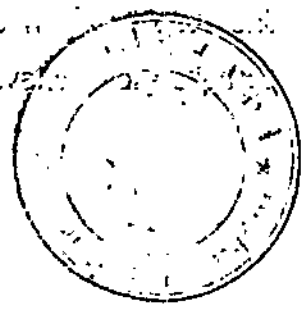
1. That appellant has been serving against the post of Senior PET. He has long standing service with unblemished and clean sheeted conduct record (Annexure-A).
2. That vide Notification Endst: 1687-95/ PET/ I-A/ Kohat dated 29-01-2001 (Annexure-B) selection grade in BPS-15 was awarded to the appellant w.e.f 01-04-2000. The salary of the appellant was fixed according to

Copy to be care copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

RECORDED TO-DAY
AND FILED

REGISTRAR
20/11/19

APPEAL NO. 914/2019



21.11.2019

Nemo for appellant.

Despite repeated calls no one is in attendance on behalf of the appellant today till 2.30 PM.

Dismissed for non-prosecution. File be consigned to the record.

SD/-
Chairman

Announced:
21.11.2019

Certified to be true copy

K. [Signature]

Date of Proceedings: 13-12-19

Number of: 1200

Copies: 14

Pages: 9

Total: 18

Name of: [Signature]

Date of Completion: 13-12-19

Date of Delivery of Copy: 13-12-19

2

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.-

0114 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/07/2019	<p>The appeal of Mr. Sher Abbas resubmitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 11/7/19</p>
2-	18/07/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/08/19</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	28.08.2019	<p>Mrs. Robina Advocate is present on behalf of learned counsel for the appellant.</p> <p>A request for adjournment is made, on the ground that learned counsel for the appellant is engaged in many cases before the Honourable High Court today.</p> <p>Adjourned to 09.10.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>
	09.10.2019	<p>Counsel for the appellant present.</p> <p>Learned counsel requests for adjournment as he is engaged in many cases before the Honourable High Court today.</p> <p>Adjourned to 21.11.2019 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

certified to be true copy
[Signature]

