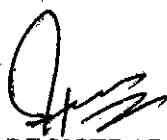




Form- A.

# FORM OF ORDER SHEET

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

Case No. 883 /2021 21

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/01/2021	<p>The appeal presented today by Mr. Mujeebullah Advocate may be entered in the Institution Register and put to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	08-02-21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>3-3-21</u></p> <p style="text-align: right;"> MEMBER(J)</p>
03.03.2021		<p>The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 28.07.2021.</p> <p style="text-align: right;"> Reader</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No...../2021

**RAHMAN ULLAH**

**VS**

**Govt of KP through Secretary E & SE) & others**

**INDEX OF DOCUMENTS**

<b>S.NO</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1.	Memo of appeal	.....	1-2
2.	Copy of Notification dated 20/12/2012	<b>A</b>	3
3.	Copies of Pay slips	<b>B&amp;C</b>	4-5
4.	Copy of Departmental appeal/representation	<b>D</b>	6
5.	Copy of Judgment dated 11/11/2019	<b>E</b>	7-8
6.	Wakalatnama		9

  
**Appellant**

**Through**

**M. Ashfaq Khan Akhunkhail**

**Syed Zeshan Khan**

**&**

  
**Mujeebullah**

**Advocates**

**Khalid & Law Associates  
46-C, 2<sup>nd</sup> Floor, Cantonment Plaza,  
Peshawar Saddar**

**Cell No. 0333-8522332**

**Ashfaqkhan182@gmail.com**

**Dated:**

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

**Khyber Pakhtunkhwa  
Service Tribunal**

Service Appeal No. ... 883 ...../2021

Diary No. 1029

Rahman Ullah

Presently serving as PST (BPS 12) in GPS KANDO MACHLA Dir Lower

Dated 14/11/2021

\_\_\_\_\_(APPELLANT)

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar
2. The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar
3. The Secretary Finance Khyber Pakhtunkhwa, Peshawar
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar
5. The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar

\_\_\_\_\_(RESPONDENTS)

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE OF THE APPELLANT DURING WINTER & SUMMER VACATIONS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

*That on acceptance of this Appeal the Respondents may kindly be directed not to make deduction of conveyance allowance during vacations period (Summer & Winter Vacations) and make the payment of all outstanding amount of Conveyance allowance which have been deducted previously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.*

**R/SHEWETH:**

**FACTS:**

1. That the Appellant is serving in the Elementary and Secondary Education department as Primary School Teacher (BPS-12) quiet efficiently and up to the entire satisfaction of the superiors.
2. That the Conveyance Allowance is admissible to all the civil servants and to this effect a Notification No.FD(PRC) 1-1/2011 dated 14-07-2011 was issued.
3. That later on the finance department enhanced/ revise the rate of conveyance Allowance vide Notification dated 20-12-2012 for civil servants (BPS-1-15) but Respondents have treated the Appellants under the previous notification by not enhancing their conveyance allowance.

(Copy of the Notification are attached as annexure A)

4. That Appellant was receiving the conveyance allowances as admissible under the law and rules but the Respondents without any valid and justifiable reasons stopped/deducted the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed for the leave period. (Copies of the Salary slips of working/serving month and vacations deduction period are attached as annexure B&C)
5. That similar placed employees of Elementary & Secondary Education Department (hereinafter referred as E & S Education Department) approached this August Tribunal and their grievance was redressed vide judgment dated 11-11-2019. (Copy of Judgment dated 11/11/2019 is attached as annexure D)
6. That being aggrieved from the illegal action of deduction of conveyance allowance, the Appellant preferred departmental appeal before the competent authority but the same has not been responded by Respondents within the statutory period of ninety days. (Copy of departmental appeal is annexed as annexure E)
7. That feeling aggrieved from action and inaction of the Respondents and having no other remedy available, hence, the Appellant approaches this Hon'ble Court inter alia on the following grounds.

**Filed to day**  
**Registrar**  
**14/11/21**

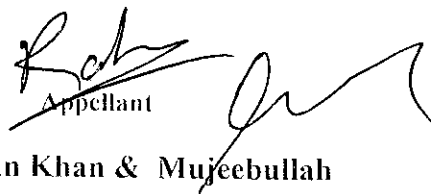
**GROUND:**

- A. That the action and inaction of the Respondents regarding deduction of conveyance allowance for vacations period/months is illegal, against the law, facts, norms of natural justice.
- B. That the Appellant has not been treated by the Respondent Department in accordance with law and rules on the subject noted above and as such the Respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C. That the action of the Respondents is without any legal authority, discriminatory and in clear violation of fundamental rights duly guaranteed by the Constitution and is liable to be declared as null and void.
- D. That there is clear difference between leave and vacation as leave is governed by Government Servant Revised Leave Rules, 1981 while vacations are always announced by the Government, therefore under the law and Rules the Appellant is fully entitle for the grant of conveyance allowance during vacation period.
- E. That the Government Servants Revised Leave Rules, 1981 clearly explain that the civil servants who avail the vacations are allowed only one leave in a month whereas, the other civil servants may avail 04 days leave in a calendar months and the same are credited to his account and in this way he may avail 48 days earned leave with full pay, whereas the Government servants to avail vacation such as appellant is allowed one day leave in a month and twelve(12) days in a year and earned leave for twelve days in a year are credited to his account and there is no question of deduction of conveyance allowance lost sight of this legal aspects and illegally and without any authority started the recovery and deduction of conveyance allowance from appellant.
- F. That as the act of the Respondents is illegal, unconstitutional, without any legal authority and discriminatory hence, not tenable in the eye of law.
- G. That Appellant has vested right of equal treatment before law and the act of the Respondents to deprive the Appellants from the conveyance/allowance is unconstitutional and clear violation of fundamental rights.
- H. That according to Government Servants Revised leave Rules, 1981 vacations are holidays and not leave of any kind, therefore, the deduction of conveyance allowance in vacations is against the law and rules.
- I. That according to Article 38(e) of the Constitution of Islamic Republic of Pakistan, 1973 the state is bound to reduce disparity in the income and earning of individuals including persons in the services of the federation, therefore in light of the said Article the Appellant is fully entitle for the grant of conveyance allowance during vacations.
- J. That the Appellants seeks permission of this Hon'ble Court to raise any other grounds available at the time of arguments.

***In wake of above submission, it is, therefore, must humbly prayed that on acceptance of this Appeal the Respondents may kindly be directed not to make deduction of conveyance allowance during vacations period(Summer & Winter Vacations) and make the payment of all outstanding amount of Conveyance allowance which have been deducted previously with all back benefits***

***Or***

***Any other remedy which this august Tribunal deems just and proper that may also be awarded in favor of the Appellant.***

  
Appellant

Through

**M. Ashfaq Khan Akhunkhail      Syed Zeshan Khan & Mujeebullah**  
ADVOCATES

Khalid & Law Associates 46-C, 2nd Four, Cantonment Plaza, Peshawar Saddar

CERTIFICATE

As per instruction of my client prior to the present one, no such like appeal has been filed by the Appellant before this Hon'ble Court.

  
ADVOCATE

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)**

No. FD/SO(SR-II)/52/2012  
Dated Peshawar the: 20.12.2012

From

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

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 Secretary to Chief Minister, Khyber Pakhtunkhwa
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
6. All Heads of attached Departments in Khyber Pakhtunkhwa
7. All District Coordination Officers of Khyber Pakhtunkhwa
8. All Political Agents / District & Session Judge in Khyber Pakhtunkhwa
9. The Registrar Peshawar High Court, Peshawar
10. The Chairman Public Service Commission, Khyber Pakhtunkhwa
11. The Chairman, Service Tribunal, Khyber Pakhtunkhwa

**Subject:- REVISION IN THE RATE OF CONVEYANCE ALLOWANCE  
FOR THE CIVIL EMPLOYEES OF THE KHYBER  
PAKHTUNKHWA PROVINCIAL GOVERNMENT BPS-1-19**

Dear Sir,

The Government of Khyber Pakhtunkhwa has been pleased to enhance/revise the rate of conveyance Allowance admissible to all the Provincial Civil Servants Govt of Khyber Pakhtunkhwa (working in BPS-1 to BPS-15) w.e.f from 1<sup>st</sup> September, 2012 at the following rates. However, the conveyance allowance for employees in BPS-16 to BPS-19 will remain un-changed.

S. No	BPS	Existing Rate (PM)	Revised Rate (PM)
1.	1-4	Rs. 1500/-	Rs. 1700/-
2.	5-10	Rs. 1500/-	Rs. 1840/-
3.	11-15	Rs. 2000/-	Rs. 2720/-
4.	16-19	Rs. 5000/-	Rs. 5000/-

2. Conveyance Allowance at the above rates per month shall be admissible to those BPS-17, 18 and 19 Officers who have not been sanctioned official vehicle.

Your Faithfully

(Sahibzada Saeed Ahmad)  
Secretary Finance

**ATTESTED**  
To Be True Copy

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

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)**

No. FD/SO(SR-II)/52/2012  
Dated Peshawar the: 20.12.2012

From

The Secretary to Govt of Khyber Pakhtunkhwa  
Finance Department, Peshawar

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 Secretary to Chief Minister, Khyber Pakhtunkhwa
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
6. All Heads of attached Departments in Khyber Pakhtunkhwa
7. All District Coordination Officers of Khyber Pakhtunkhwa
8. All Political Agents / District & Session Judge in Khyber Pakhtunkhwa
9. The Registrar Peshawar High Court, Peshawar
10. The Chairman Public Service Commission, Khyber Pakhtunkhwa
11. The Chairman, Service Tribunal, Khyber Pakhtunkhwa

**Subject:- REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA PROVINCIAL GOVERNMENT BPS-1-19**

Dear Sir,

The Government of Khyber Pakhtunkhwa has been pleased to enhance/revise the rate of conveyance Allowance admissible to all the Provincial Civil Servants Govt of Khyber Pakhtunkhwa (working in BPS-1 to BPS-15) w.e.f from 1<sup>st</sup> September, 2012 at the following rates. However, the conveyance allowance for employees in BPS-16 to BPS-19 will remain un-changed.

S. No	BPS	Existing Rate (PM)	Revised Rate (PM)
1.	1-4	Rs. 1500/-	Rs. 1700/-
2.	5-10	Rs. 1500/-	Rs. 1840/-
3.	11-15	Rs. 2000/-	Rs. 2720/-
4.	16-19	Rs. 5000/-	Rs. 5000/-

2. Conveyance Allowance at the above rates per month shall be admissible to those BPS-17, 18 and 19 Officers who have not been sanctioned official vehicle.

Your Faithfully

(Sahibzada Saeed Ahmad)  
Secretary Finance

**ATTESTED**  
To Be True Copy

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

A-9

GOVERNMENT OF KHYBER PAKHTUNKHWA  
 FINANCE DEPARTMENT  
 (REGULATION WING)

NO. FDSO/SR-103-525012  
 Dated: Peshawar, 11th 20-12-2012

From: The Secretary to Government, Peshawar  
 Finance Department  
 Peshawar.

- To:
- The Additional Secretary to Government, Peshawar
  - The Section Member, Board of Revenue, Peshawar
  - The Secretary to Government, Peshawar
  - The Secretary to Government, Peshawar
  - The Secretary to Government, Peshawar
  - All Heads of Departments, Government of Peshawar
  - All District Commissioners, Government of Peshawar
  - All Political Agents, Government of Peshawar
  - The Registrar, Peshawar High Court
  - The Chairman, Public Service Commission, Peshawar
  - The Chairman, Peshawar Tribunal

REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE  
 CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA PROVINCIAL  
 GOVERNMENT BPS-10

Dear Sir,  
 The Government of Peshawar has been pleased to  
 revise the rate of conveyance allowance for all the Provincial Civil Servants of  
 Peshawar (BPS-10) from September 2012  
 onwards. However, the conveyance allowance for employees in BPS-10 to BPS-19  
 will remain unchanged.

S.NO.	BPS	EXISTING RATE (PKR)	REVISED RATE (PKR)
1	14	RS 1,500/-	RS 1,700/-
2	15-19	RS 2,000/-	RS 2,200/-
3	10-19	RS 5,000/-	RS 5,000/-

Conveyance Allowance at the above rates for month shall be admissible to  
 those BPS-10, 11 and 12 employees who have not been sanctioned official residence.

Yours Faithfully,

(Signature)  
 Secretary, Finance

Encl: NO. FDSO/SR-103-525012

A copy is forwarded for information of the

**ATTESTED**  
 To Be True Copy

Secretary to Government, Peshawar  
 Finance Department  
 Peshawar

**Dist. Govt. KP-Provincial**  
**District Accounts Office Dir at Timargar**  
**Monthly Salary Statement (July-2020)**



B

4

**Personal Information of Mr RAHMANULLAH d/w/s of KACHKOL KHAN**

Personnel Number: 00709278      CNIC: 1530516968989      NTN:  
 Date of Birth: 18.03.1965      Entry into Govt. Service: 11.07.2013      Length of Service: 07 Years 00 Months 022 Days

**Employment Category: Active Temporary**

Designation: PRIMARY SCHOOL TEACHER      80674790-DISTRICT GOVERNMENT KHYBE  
 DDO Code: DA6318-District Dir Lower  
 Payroll Section: 001      GPF Section: 001      Cash Center: 19  
 GPF A/C No:      Interest Applied: Yes      **GPF Balance:**      196,560.00  
 Vendor Number: -

**Pay and Allowances:**      Pay scale: BPS For - 2017      Pay Scale Type: Civil      BPS: 12      Pay Stage: 6

Wage type		Amount	Wage type		Amount
0001	Basic Pay	19,080.00	1000	House Rent Allowance	1,961.00
1300	Medical Allowance	1,500.00	1923	UAA-OTHER 20%(1-15)	1,000.00
2148	15% Adhoc Relief All-2013	375.00	2199	Adhoc Relief Allow @10%	259.00
2211	Adhoc Relief All 2016 10%	1,354.00	2224	Adhoc Relief All 2017 10%	1,908.00*
2247	Adhoc Relief All 2018 10%	1,908.00	2264	Adhoc Relief All 2019 10%	1,908.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-2,220.00	3501	Benevolent Fund	-600.00
3990	Emp.Edu. Fund KPK	-125.00	4004	R. Benefits & Death Comp:	-600.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 0.00      Recovered till JUL-2020: 0.00      Exempted: 0.00      Recoverable: 0.00

**Gross Pay (Rs.): 31,253.00      Deductions: (Rs.): -3,545.00      Net Pay: (Rs.): 27,708.00**

Payee Name: RAHMANULLAH  
 Account Number: CA 16670  
 Bank Details: ALLIED BANK LIMITED, 250849 D.J.KOBAR DIR D.J.KOBAR DIR, DIR

Leaves:      Opening Balance:      Availed:      Earned:      Balance:

**Permanent Address:**

City: WARSAKAI BISHGRAM      Domicile: NW - Khyber Pakhtunkhwa      Housing Status: No Official

**Temp. Address:**

City:      Email: shakeelrahman398@gmail.com

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 To Be True Copy





**DIST. GOVT. KP-PROVINCIAL**  
**District Accounts Office D.K. at Tumkur**  
**Monthly Salary Statement (July-2013)**

Personal Information of **MR. RAHMANULLAH** (Wife of **M. C. K. RAO**)  
 Personal Number: 00700238 (V.N. - 133021400830)  
 Date of Birth: 18.03.1902  
 Length of Service: 07 Years 00 Months 02 Days  
 Ending into Govt. Service: 11.07.2013

Employment Category: **Regular Temporary**  
 The holder: **PRIMARY SCHOOL TEACHER**  
 D.O. Date: **24.11.2012** (Date of Joining)  
 Pay All section: **001** GPF Section: **001** Cash Center: **19**  
 GPF / C.V. No: **100750000** Interest Applied: **Yes** GPF Balance: **100750000**  
 Pay and Allowances: Pay scale: **BP-19** Pay Band: **BP-19** Pay Fix: **0**

Sl. No.	Wage type	Amount	Wage type	Amount
3247	Adhoc Retiree All 2012 10%	1908.00	Adhoc Retiree All 2012 10%	1908.00
3241	Adhoc Retiree All 2012 10%	1324.00	Adhoc Retiree All 2012 10%	1324.00
3142	Adhoc Retiree All 2012	372.00	Adhoc Retiree All 2012	372.00
1360	Medical Allowance	1300.00	Medical Allowance	1300.00
0001	Basic Pay	1908.00	Home Rent Allowance	1000.00

Deductions - (General)

Sl. No.	Wage type	Amount	Wage type	Amount
3000	Imp. an Fund KPR	12.00	R. Benefits & Death Comp	400.00
3012	GPF Subscription	2520.00	Gratuitous Fund	350.00

Deduction - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**  
 Payable: 0.00 Recovered till J.C. 2020: 0.00  
 Gross Pay (Rs.): 31323.00 Deductions (Rs.): -2242.00 Net Pay (Rs.): 29081.00

Place Name: **RAHMANULLAH**  
 Account Number: **CA 10070**  
 Bank Details: **ALLIED BANK LIMITED, 250840 D.K. KHAR DIR D.K. KHAR DIR, DIR**

Particulars	Debit	Credit	Balance
Opening Balance			
Availed			
Forfeited			
Balance			

City: **Entail shikoksham298@gmail.com**  
 Temp. Address: **(U) WARSAKAI BISHOR 4M**  
 Domestic W/W - Knpd: **Patankh...**  
 Housing Status: **No Official**  
 Form sent Address:

**ATTACHED**

**Dist. Govt. KP-Provincial**  
**District Accounts Office Dir at Timargar**  
**Monthly Salary Statement (November-2020)**



**Personal Information of Mr RAHMANULLAH d/w/s of KACHKOL KHAN**

Personnel Number: 00709278      CNIC: 1530516968989      NTN:  
 Date of Birth: 18.03.1965      Entry into Govt. Service: 11.07.2013      Length of Service: 07 Years 04 Months 021 Days

**Employment Category: Active Temporary**

Designation: PRIMARY SCHOOL TEACHER      80674790-DISTRICT GOVERNMENT KHYBE

DDO Code: DA6318-District Dir Lower

Payroll Section: 001      GPF Section: 001      Cash Center: 19

GPF A/C No:      Interest Applied: Yes      **GPF Balance:**      227,296.00

Vendor Number: -

**Pay and Allowances:**      Pay scale: BPS For - 2017      Pay Scale Type: Civil      BPS: 12      Pay Stage: 6

Wage type		Amount	Wage type		Amount
0001	Basic Pay	19,080.00	1000	House Rent Allowance	1,961.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	375.00
2199	Adhoc Relief Allow @10%	259.00	2211	Adhoc Relief All 2016 10%	1,354.00
2224	Adhoc Relief All 2017 10%	1,908.00	2247	Adhoc Relief All 2018 10%	1,908.00
2264	Adhoc Relief All 2019 10%	1,908.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-2,220.00	3501	Benevolent Fund	-600.00
3990	Emp.Edu. Fund KPK	-125.00	4004	R. Benefits & Death Comp:	-600.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 0.00      Recovered till NOV-2020: 0.00      Exempted: 0.00      Recoverable: 0.00

**Gross Pay (Rs.): 34,109.00      Deductions: (Rs.): -3,545.00      Net Pay: (Rs.): 30,564.00**

Payee Name: RAHMANULLAH

Account Number: CA 16670

Bank Details: ALLIED BANK LIMITED, 250849 D.J.KOBAR DIR D.J.KOBAR DIR, DIR

Leaves:      Opening Balance:      Availed:      Earned:      Balance:

**Permanent Address:**

City: WARSAKAI BISHGRAM

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: shakeelrahman398@gmail.com

**ATTESTED**  
To Be True Copy



**Monthly Salary Statement (November-2013)**  
 District Accounts Office Dir at Timmaru  
 Dist. Govt. KP-Provincial

Personal Information of Mr. RAHMANULLAH son of KACHKOL RAO  
 Personnel Number: 00709278 (NIC: 133021698089)  
 Date of Birth: 18.03.1965  
 Family Govt. Service: 11.07.2013  
 Length of Service: 07 Years 04 Months 05 Days  
 NTA

Employment Category: / Civil Temporary  
 Designation: PRIMARY SCHOOL TEACHER  
 PDD Code: DA0318-District De Lower  
 Payroll Section: 001  
 GPF Section: 001  
 GPF Section: 001  
 Interest Applied: Yes  
 Vendor Number:  
 Pay and Allowances: Top scale: RPS for - 2013  
 Top Scale Type Code: RPS-13  
 Govt. Balance: 253,390.00  
 Cash Contd. IV

Sl. No.	Wage type	Amount	Wage type	Amount
3264	Adhoc Relief All 2013 10%	1,908.00		0.00
3254	Adhoc Relief All 2013 10%	1,908.00	Adhoc Relief All 2013 10%	1,908.00
3199	Adhoc Relief All w 10%	250.00	Adhoc Relief All 2013 10%	1,354.00
1953	UA/ OTHER 20% (1-15)	1,000.00	1% Adhoc Relief All-2013	752.00
3210	Convey Allowance 20%	3,250.00	Medical Allowance	1,700.00
0001	Basic Pay	19,080.00	House Rent Allowance	1,901.00

**Deductions - General**

Sl. No.	Wage type	Amount	Wage type	Amount
3900	Emp. Fund PFRK	-122.00	R. Benefits & Death Contd.	-600.00
3012	GPF Subscription	-2,220.00	Development Fund	-400.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax  
 Payable: 0.00  
 Recovered till NOV-2013: 0.00  
 Tax deducted: 0.00  
 Recoverable: 0.00  
 Gross Pay (Rs.): 34,199.00  
 Deductions (Rs.): -2,442.00  
 Net Pay: (Rs.): 30,557.00

Bank Details: ALLIED BANK LIMITED 25049 D3 KOBAR DIR D3 KOBAR DIR, DIR  
 Account Number: CA 16670  
 Branch Name: RAHMANULLAH  
 Interest: Opening Balance  
 Availed  
 Earned  
 Balance

Permanent Address: (Mr.) WARSAN BISHRAM  
 Domestic: NW - Kalyan Loknagar  
 Email: shakelsharma39@gmail.com  
 Homeing Status: No Official

**ALISTED**  
 10/11/2013

\* All amounts are in Lakhs and  
 \* Errors & omissions excepted  
 \* Date Generated: 10/11/2013 11:20:20 AM

To

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

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ACTION OF THE CONCERNED AUTHORITY BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE DURING WINTER & SUMMER VACATIONS.**

Respected Sir,

With due respect it is stated that I am the employee of your good self-Department and is serving as PST (BPS-12) quite efficiently and up to the entire satisfaction of the superiors. It is stated for kind information that conveyance allowance is admissible to all the Civil Servants and to this effect a Notification No. FD (PRC) 1-1/2011 dated 14.07.2011 was issued. Later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for working in BPS-16 to 19 have been treated under the previous Notification by not enhancing their conveyance allowance. Respected sir, I was receiving the conveyance allowance as admissible under the law and rules but the concerned authority without any valid and justifiable reasons stopped/deducted the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed for the leave period. One of the employee of education department in Islamabad filed service appeal No.1888 (R) CS/2016 before the federal service tribunal, Islamabad regarding conveyance allowance which was accepted by the honorable service tribunal vide its judgment dated 03.12.2018. That I also the similar employee of education department and under the principle of consistency I am also entitled for the same treatment meted out in the above mentioned service appeal but the concerned authority is not willing to issue/grant the same conveyance allowance which is granted to other employees. **Copy attached.** I am feeling aggrieved from the action of the concerned authority regarding deduction of conveyance allowance in vacations period/months preferred this Departmental appeal before your good self.

*It is, therefore, most humbly prayed that on acceptance of this Departmental appeal the concerned authority may very kindly be directed the conveyance allowance may not be deducted from my monthly salary during the winter & summer vacations.*

Dated : 16.08.2020

Yours Sincerely



Rahman Ullah

PST (BPS 12) in GPS KANDO MACHLA Dir Lower

**ATTESTED**  
To Be True Copy

D-PB-0

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR



APPEAL NO. 1452 /2019

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

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar
- 2- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar
- 4- The Accountant General, Khyber Pakhtunkhwa, Peshawar
- 5- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
ACTION OF THE RESPONDENTS BY ILLEGALLY AND  
UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE  
OF THE APPELLANT DURING WINTER & SUMMER  
VACATIONS AND AGAINST NO ACTION TAKEN ON THE  
DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE  
STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed not to make deduction of conveyance allowance during vacations period (Summer & Winter Vacations) and make the payment of all outstanding amount of Conveyance allowance which have been deducted previously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Present-day  
Registrar  
24/10/19

R/SHEWETH:

ATTENTION FACTS:

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

- 1- That the appellant is serving in the elementary and secondary education department as Certified Teacher (BPS-15) quite efficiency and up to the entire satisfaction of the superiors.
- 2- That the Conveyance Allowance is admissible to all the civil servants and to this effect a Notification No. FD (PRC) 1-1/2011 dated 14.07.2011 was issued. That later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees

**ATTESTED**  
To Be True Copy

1/2/2019

Appeal No. 1652/2019  
Masood Hayat vs Govt

(S)  
(8)

Counsel for the appellant present

11.11.2019

Learned counsel referred to the judgment passed by learned Federal Service Tribunal in Appeal No. 1888(R)CS/2016 which was handed down on 03.12.2016. Through the said judgment the issue of payment of Conveyance Allowance to a civil servant during summer and winter vacations was held to be within his entitlement and the deduction already made from him was to be reimbursed. Similar reference was made to the judgment by Honourable Peshawar High Court passed on 01.10.2019 in the case of appellant.

Learned counsel, when confronted with the proposition that the issue, in essence, was dilated upon by the Federal Service Tribunal and more particularly, by the Honourable Peshawar High Court in the case of appellant, stated that in case the respondents are required to execute the judgment of Peshawar High Court, the appellant will have no cavil about disposal of instant appeal.

The record suggests that while handing down judgment in the Writ Petition preferred by the appellant, the Honourable High Court not only expounded the definition of "pay" as well as "Salary" but also entitlement of a civil servant for the Conveyance Allowance during the period of vacations. It is important to note that the respondents were represented before the High Court during the proceedings.

In view of the above noted facts and circumstances and in order to protect the appellant from a fresh round of litigation which may protract over a formidable period, the appeal in hand is disposed of with observation that the judgment of Honourable Peshawar High Court passed in Writ Petitions including W.P. No. 3162-P/2019 shall be honoured and implemented by the respondents within shortest possible time. The appellant shall, however, be at liberty to seek remedy in accordance with law in case his grievance is not redressed by the respondents within a reasonable time.

File be consigned to the record

filed to be true copy  
EX. CIVILIAN  
Hyderabad  
Service Tribunal  
Peshawar

ATTESTED  
To Be True Copy  
Chairman

M

ANNOUNCED

11.11.2019

[Signature]

بعد الت جٹا پراسس ٹریڈ یونٹ صوبہ سندھ ایسٹ اور

مخواب ایسٹ

Grant of KP etc نام Rahman Ullah

دعویٰ اپیل

باعث اس کے لئے

مقررہ نذر و ضمانت بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکھ کر کاروبار کے متعلقہ ان مقام ایسٹ اور  
 کیلئے محمد طاہر خان اوچھل، محمد علی وکیٹ، ہائی کورٹ کو وکیل مقرر کرنے اور کیا جاتا ہے کہ صاحب  
 معروف کو مقدمہ کی اصل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے کا رضی نامہ اور ثالث و فیصلہ برصاف  
 میں جواب دہی اور قابل دعویٰ اور ہمسوز ڈگری کرنے اور دوسری چیک در پیہ اور دعویٰ اور درخواست  
 ہر قسم کی تعدد لیں اور اس پر استدلال کرنے کا اختیار ہوگا نیز ہر قسم کے پیروی یا ڈگری کے طرفہ یا اپیل کی برآمدگی  
 اور ہمسوزی نیز دائر کرنے یا اپیل نگران رہنمائی و پیروی کرنے کا اختیار ہوگا اور ہر صورت ضرورت مند ہے  
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تفریق کا اختیار ہوگا  
 اور وہ اپنے مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا پورا ختم پروا ختم منطوق  
 قبول ہوگا اور دوران مقدمہ میں جو خرچہ و تر جانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب  
 معروف ہوں گے نیز لگانا و فرجہ کی وصولی کو نہ کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ  
 پر ہو یا مد سے باہر ہو تو وکیل صاحب یا ہمد نہ ہوں گے کہ پیروی مذکور کریں  
 لہذا وکالت نامہ رکھ دیا کہ مستند ہے۔

آلتر قوسم

العبد العبد العبد

محمد علی وکیٹ

محمد طاہر خان اوچھل  
ایڈووکیٹ

Rah

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