

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	7 th Feb, 2023	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>AT CAMP COURT SWAT.</u></p> <p style="text-align: center;">Service Appeal No. 1681/2022</p> <p>Fazal Ghani Son of Ahmad Gee, Professor (Islamiyat), Government Degree College Poran, District Shangla.</p> <p style="text-align: right;">..... (Appellant)</p> <p style="text-align: center;"><u>Versus</u></p> <ol style="list-style-type: none"> 1. Government of Khyber Pakhtunkhwa through Secretary Higher Education, Khyber Pakhtunkhwa, Peshawar. 2. Director Colleges, Higher Education, Khyber Pakhtunkhwa, Peshawar 3. Accountant General, Khyber Pakhtunkhwa, Peshawar. 4. District Accounts Officer, Alpuri, District Shangla. 5. Principal, Government Degree College, Chakesar, District Shangle. <p style="text-align: right;">.....(Respondents)</p> <p style="text-align: center;"><u>ORDER.</u></p> <p><u>KALIM ARSHAD KHAN CHAIRMAN:-</u>Appellant present in person and has been heard.</p> <p>02. This is an appeal wherein a prayer has been made to direct the respondents to pay different amounts mentioned in the appeal along with 25% markup from September, 2009 to 04.01.2013, which, according to the appellant, were deducted and the salaries of the appellant were not correctly assessed.</p> <p>03. According to the appeal the appellant had filed a service appeal No. 896/2013 before camp court Swat of this Tribunal, which was allowed; that in pursuance of the judgment handed down in the said appeal, the Higher Education Department issued promotion notification of the appellant promoting him to BPS-19; that the District Accounts Officer, Shangla illegally and without justification deducted Rs. 820258/- similarly they deducted Rs. 10100/- from the salary of the appellant for the month of December 2008; likewise the salaries for the months of May, June, July,</p>

August and September 2009 were also not paid at the @ Rs.44439/- per month nor was the appellant paid annual increment; that the District Accounts Officer, Shangla issued pay slip of the appellant in BPS-19 wherein Rs. 13895/- was entered as incentive allowance and allowance of Rs. 2000/-, which showed that the District Accounts Office, Shangla had illegally and without any justification, deducted salaries and allowance from the salaries of the appellant; that the appellant had contacted the District Accounts Office, Shangla a number of times but he did not pay any heed; that the appellant filed appeals before the Secretary Higher Education and Accountant General, Khyber Pakhtunkhwa, but of no avail.

04. This appeal is misconceived as framed besides there is no order either original or appellate which could give the appellant a cause of action to approach this Tribunal. The jumbled facts of the appeal have made it quite confusing and vague with no explanation or statement as to which of the terms and conditions of service of the appellant were infringed because different amounts were claimed by the appellant but it is not known as to how and to what extent the appellant was actually entitled and how and when and how much amount was deducted from which portion of the salary or the allowances of the appellant. In pursuance of the judgment of this Tribunal, passed on 09.08.2017 in Service Appeal No. 896/2013, the appellant was promoted from the post of Assistant Professor BPS-18 to the post of Associate Professor BPS-19 w.e.f 01.07.2012 vide notification No. SO(C-II)HED/2-5/2018 dated 31.10.2018, therefore, there is nothing to proceed with this appeal which is dismissed in limine. Consign.

05. *Pronounced in open court in Swat and given under my hand and seal of the Tribunal on this 7th day of February, 2023.*



(Kalim Arshad Khan)
Chairman
Camp Court Swat