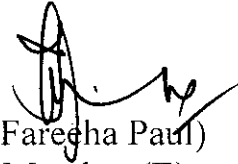


ORDER
02.03.2023


Nemo for the appellant. Mr. Umair Azam Khan, Additional Advocate General for the respondents present.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till rising of the court, therefore, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
02.03.2023



(Fareeha Paul)
Member (E)




(Salah-ud-Din)
Member (J)

SCANNED
KPST
Peshawar

4th Nov. 2022

Lawyers are on strike today.

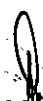
To come up for arguments on 14.12.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

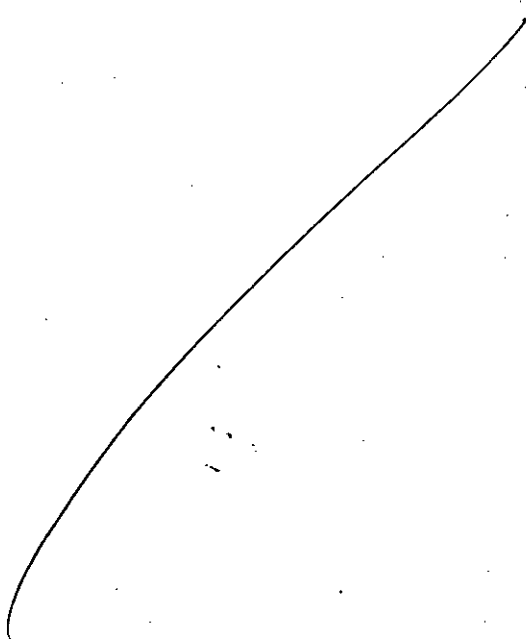

(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

14th Dec. 2022

Due to strike of the Bar and Mrs. Rozina Rehman, learned Member (J) being on leave, this matter is adjourned to 02.03.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member(E)




SCANNED
KPST
Peshawar


02.06.2022

Appellant present in person.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.


Lawyers are on general strike, therefore, case is adjourned to 10.08.2022 for arguments before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

10-8-2022

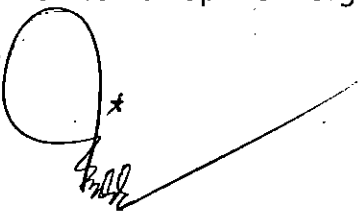
Proper DB not available the case
is adjourned to 22-9-22



Ready

22.09.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant has proceeded to his home due to some domestic engagement. Adjourned. To come up for arguments before the D.B on 04.11.2022.


(Mian Muhammad)
Member (E)

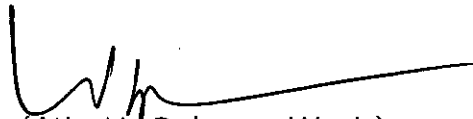

(Salah-Ud-Din)
Member (J)


02.08.2021

Appellant in person present.

Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 04.11.2021 before D.B.


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

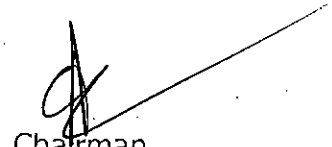

(Rozina Rehman)
Member (J)

04.11.2021

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

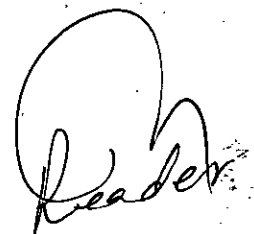
Learned counsel for the appellant requests for time to prepare the arguments. Request is accorded. To come up for arguments on 09.02.2022 before the D.B.


(Rozina Rehman)
Member(J)


Chairman

9-2-2022

Due to retirement of the Honble Chairman the case is adjourned to come up for the same as before on 2-6-2022


Reader

08.12.2020 Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Naseem Khan S.O and Noor Alam Senior Auditor for respondents present.

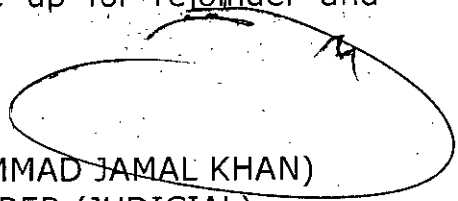
Written reply on behalf of respondent No.1 submitted. Representative of respondent No.2 seeks time to furnish reply/comments; granted. To come up for written reply/comments on 28.01.2021 before S.B.


(Rozina Rehman)
Member (J)

28.01.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith representatives of the department Mr. Sajid, Superintendent, on behalf of respondent No. 2 and Mr. Farooq Jan, Assistant Account Officer, on behalf of respondent No. 2, are also present.

Representative of respondent No. 2 submitted written reply on behalf of the said respondents while written reply on behalf of respondent No. 1 has already been submitted. Adjourned to 14.04.2021 on which date file to come up for rejoinder and arguments before D.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

14.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 02.08.2021 for the same as before.

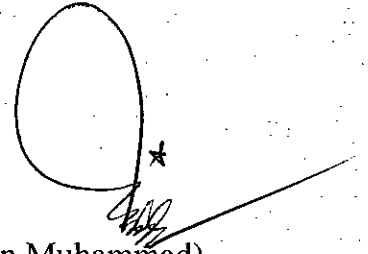

READER

17.08.2020

Appellant in person present. Mr. Ziaullah, DDA alongwith Mr. Muhammad Shamim, SO for respondents No.1 and Mr. Nasir Ul Mulk, Senior Auditor for respondents No.2 present.

Written reply not submitted. Representative of respondents seeks time to submit the same on the next date of hearing.

Adjourned to 19.10.2020 before S.B.

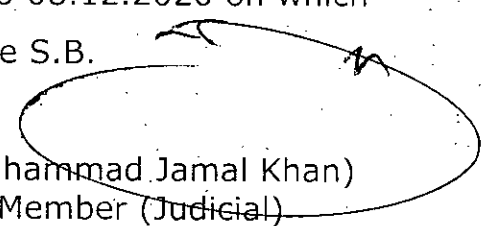


(Mian Muhammad)
Member(E)

19.10.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional AG alongwith representatives of the department Mr. Sajid, Superintendent and Kazim, Senior Auditor, are also present.

Written reply on behalf of respondents not submitted. Representatives of the department requested for further time to furnish written reply/comments. Adjourned to 08.12.2020 on which to come up for written reply/comments before S.B.



(Muhammad Jamal Khan)
Member (Judicial)

25.06.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as Junior Clerk on 01.06.1974 and thereafter promoted as Senior Clerk and then to the post of Assistant. That against 33% quota, the appellant was allowed Selection Grade (BPS-15) with effect from 11.02.2000 vide order dated 31.05.2000. The post of Assistant was upgraded from BPS-11 to BPS-14 vide notification dated 28.07.2007. The competent authority accorded sanction for grant of one special increment to the Assistants, Auditors, Senior Clerks and Junior clerks vide notification dated 04.04.2009. The Regulation wing of Finance Department further clarified that one special increment was also admissible to the employees who were holding Selection Grade prior to the upgradation of their post, vide notification dated 31.12.2013. The appellant while attaining the age superannuation retired from service on 21.01.2015 whereas the Accountant General's office ~~was~~ stated recovery from the monthly pension of the appellant vide letter dated 31.03.2014. He preferred departmental appeal on 15.05.2019 which was not responded within the stipulated statutory period of ninety days, hence the present service appeal on 13.09.2019. The learned counsel for the appellant contended that under 2018 SCMR 64 "grievance in respect of pensionary benefits was a recurring cause, consequently limitation could not come in the way of such relief". Similarly, 2020 SCMR 188 was also placed as in support of his argument on "the principle of estoppel".

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 17.08.2020 before S.B.

Appellant Deposited
Security & Process Fee

25/6/20


(MAIN MUHAMMAD)
MEMBER

20.01.2020

Appellant present in person.

Requests for adjournment due to general strike of the Bar. Adjourned to 04.03.2020 before S.B.


Chairman

04.03.2020

Appellant alongwith his counsel present. Learned counsel for the appellant seeks adjournment. Adjourned to 01.04.2020 for preliminary hearing before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

01.04.2020

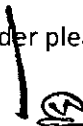


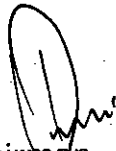
Due to public holiday on account of COVID-19, the case is adjourned for the same on 25.06.2020 before S.B.


Reader

FORM OF ORDER SHEET

Court of _____

Case No.- 1201/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/09/2019	<p>The appeal of Mr. Noor-ur-Rehman resubmitted today by Mr. Ibad-ur-Rehman 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 <i>27/9/19</i></p>
2-	30/09/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/11/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
01.11.2019		<p>Appellant present in person.</p> <p>Appellant requests for adjournment due to indisposition of his learned counsel. Adjourned to 11.12.2019 before S.B.</p> <p style="text-align: right;">Chairman </p>
11.12.2019		<p>Appellant present in person and requests for adjournment due to general strike of the Bar today.</p> <p>Adjourned to 20.01.2020 for preliminary hearing before S.B.</p> <p style="text-align: right;">Chairman </p>

SCANNED
KPST
Peshawar

The appeal of Mr. Noor-ur-Rehman Ex-Budget and Accounts officer received today i.e. on 13.09.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the counsel.
- 2- Copy of promotion order of the appellant as Office Assistant mentioned in para-1 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Departmental appeal having no date be dated.


No. 1572 /S.T,

Dt. 13/9 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ibad-ur-Rehman Adv. Pesh.

1. Order regarding Promotion as Office Asstt: is duly mentioned in the S. Book attached as Annex: B.
2. The other Needful also done.
May be placed before bench when.


27/9/2019

Registrar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1201/2019

Noor Ur Raheem (Ex-Budget & Accounts Officer)

VERSUS

Secretary Finance and Others

INDEX

S. No.	Description of Page	Annexure	Page No.
1.	Grounds of Appeal along with Affidavit	.	1-2A
2.	Copy of Appointment Letter Dated 04/12/1975	A	3-4
3.	Copy of Promotion Order	B	5
4.	Copy of Letter Dated 02/08/2004	C	6
5.	Copy of Notification Dated 28/07/2007	D	7
6.	Copy of Notification Dated 04/04/2009	E	8
7.	Copy of Notification Dated 31/12/2013	F	9-10
8.	Copy of Retirement Order	G	11
9.	Copy of Pension slip	H	12
10.	Copy of Notification Dated 31/03/2014	I	13
11.	Copy of Departmental Appeal	J	14-15
12.	Wakalat Nama		16

Dated: 13/09/2019

IBADUR RAHMAN

IBADUR RAHMAN

Advocate, High Court Peshawar,
127-Sarhad Mansion, Hashtnagri, GT
Road, Peshawar.
Cell # 0312-5932939

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

APPEAL NO. 1201 / 2019

Khyber Pakhtunkhwa
Service Tribunal

Noor Ur Raheem , Ex-Budget & Accounts Officer
R/o Moh: Qazi abad Zargar abad,
Tehsil & Distt: Peshawar.

Diary No. 12251

APPELLANT Dated 13-9-2019

Versus

1- The Secretary, Finance Department, Regulation Wing
Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar.

2- Additional Accountant General, AGPR, Sub-Office Peshawar
Fort Road Peshawar Cantt.

RESPONDENTS

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT,
1974 FOR GRANT OF ADVANCE OF INCREMENT wef 01-7-
2007 AS WELL AS DECLEARING THE RECOVERY AS
ILLEGAL AGAINST WHICH DEPARTMENTAL APPEAL
WAS FILED ON 15-5-2019 WHICH WAS NOT REPLIED.

Filed to-day

Registrar

13/9/19 Respected Sheweth,

Appellant submits as under:-

- 1- That the Appellant was inducted in Education as Junior Clerk on 05-12-1975 and keeping in view the good performance of the appellant, the appellant was gradually promoted to the post of Assistant (BPS-11) on 01-6-1991. (Annex: B)
- 2- That against the 33% quota, the appellant was allowed Selection Grade (BPS-15) with effect from 01-6-2001. (Annex: C)
- 3- That keeping in view the miseries of the lower grade employees, the Provincial Government upgraded different posts in clerical cadre vide Notification dated 28-7-2007 and accordingly the post of Assistant was also upgraded from BPS-11 to BPS-14. (Annex: D)

Re-submitted to-day
and filed.

Registrar
13/9/19

- 4- That vide Notification dated 04-04-2009, the competent authority accorded sanction for grant of one SPECIAL INCREMENT to the Assistants, Auditors, Senior Clerks and Junior Clerks. The same orders were given effect from 01-7-2007. (Annex: E)
- 5- That vide letter No. FD(SOSR-1)2-123/2013, dated 31-12-2013, it was further clarified that ONE SPECIAL INCREMENT is also admissible to the employees who were holding Selection Grade prior to up-gradation of their post in BPS already held by them. Therefore, the Appellant was also granted one Special Advance Increment. (Annex: F)
- 6- That some months before the retirement of the Appellant, the appellant shocked as a huge amount was deducted from the monthly salary of the appellant and after attaining the age of superannuation, the appellant was retired from service on 16-05-2017 as Budget & Accounts Officer and once again the Accountant General's (AGPR) office deducted a huge amount from the Retirement benefits of the appellant without any information or prior notice. (Annex - G, H)
- 7- That soon after that, the appellant approached the AGPRs office and inquired about the said deduction where the appellant was informed that vide letter dated 31-03-2014 it was notified that only Junior Clerks and Senior Clerks who were granted Selection Grade, are entitled for grant of One Special Advance Increment whereas the category of the appellant, i.e the Assistant granted selection grade BPS-15 declared as not entitled for grant of Special Advance Increment. (Annex - I)
- 8- That against the said injustice, illegality, biased attitude and discriminated behavior, the appellant time and again approached your good self and filed numerous applications/appeals/representations from time to time, but still no response.
- 9- That the appellant at last submitted a proper departmental appeal to the respondents but still no response from their side. (Annex: J).
- 10- That the statutory period has elapsed and the appellant has left with no option but to approach this honourable tribunal through the appeal in hand on the following grounds amongst others:-

GROUND:

- A. That the act of the respondents is illegal, harsh, arbitrary and without lawful authority.
- B. That the said with-drawl and recovery from the monthly Pension is illegal, unjust, based on malafide and discrimination.
- C. That the payments already made can not be recovered as the same were granted and paid to the appellant after due process and approval/sanction of the competent authority.
- D. That there are numerous judgments of the honourable Supreme Court and High Courts of Pakistan that the said deduction is unjustified but strange enough that even then the said deductions were made from the monthly pension of the appellant.
- E. That the act of the respondents is harsh and bad in law and on facts.

It is, therefore, humbly prayed that on acceptance of the appeal, the withdrawn Special Advance Increment may kindly be given to the appellant with effect from 01-7-2007 with all consequential reliefs and the recovery made may also please be refunded to the appellant.


APPELLANT

Through :



IBADUR RAHMAN
Advocate High Court
127-Sarhad Mansion
Hashtnagri, GT Road
Peshawar.

Dated. 13 /9/2019.

AFFIDAVIT.

Stated on oath that above contents are true and correct to the best of my knowledge and belief.


DEPONENT

ATTESTED

SYED SAIF ULLAH JAN
Advocate High Court
COURT
NOTARY PUBLIC
Dist: Peshawar, P.K. Pakistan
3 SEP 2019

Handwritten: Annex - A
3

APPOINTMENTS/TRANSFERS.

The following appointments/transfers of Junior-Clarks are hereby ordered in the interest of public service with effect from the date of their taking over charges:-

S.No.	Name of Candidate	From	To	Remarks
1.	Abdul Matin s/o Abdul Ghafar (Mohmand)	Candidate.	G.H.S. Dabkor, (Mohmand)	Appointed at Rs. 150/- plus usual allow: vice No. 2.
2.	Mohammad Kurangzeb.	G.H.S. Dabkor.	G.H.S. Subkhan Khawar.	Against vacant post on his own pay & grade.
3.	Fazli Ghani s/o (Idak, N. ...)	Candidate.	G.H.S. Haidar Khel.	Appointed at Rs. 150/- plus usual allow: against the vacant post.
4.	Rajab Ali s/o (Darsi FR, Bannu)	Candidate	G.H.S. Shewa (NWA)	--do--
5.	Badiuz Zaman s/o Fazlur Rahman, Landi Jalander, FR Bannu	Candidate	G.H.S. Biland Khel, (Orakzai)	--do--
6.	S. Niaz Mohammad Din, s/o Burhanud Din, vill: Kandi Hassan Khel (Mohmand)	Candidate	G.H.S. Navi Kili Loran (Mohmand)	--do--
7.	Liaqat Ali s/o Saïd Qamar (Mohmand)	-do-	G.H.S. Sheraki, FR Kohat.	--do--
8.	Azizullah Jan s/o Malik Gul Jan, Vill: Toppi, NWA	Candidate	G.H.S. ALI KHCL, N.W.	--do--
9.	Lal Mohammad s/o Gul Mohammad (Bajaur)	Candidate	D.I.S. Office, Khar, Bajaur.	--do--
10.	Abdul Jabbar s/o Abdur Rahim (Turkhaba, FR Bannu).	Candidate	G.H.S. Roghzi Kila, U.S.O.	--do--
11.	Imran Hussain s/o Abbass Ghulam (Luqman-Khel, Kurram).	Candidate	G.H.S. Power.	--do--
12.	Fazli Diyan s/o Maula Shabqader (Mohmand).	Candidate	G.H.S. Kohi Hassan Khel, FR, Peshawar.	--do--
13.	Shamshe Gul s/o Gul; C/O Lab; Asett: Govt: College, Peshawar.	Candidate	G.H.S. Tur Chapper, FR Kohat.	--do--
14.	Hassan Jan s/o Abdullah Jan, FR, DIKhan	Candidate	G.H.S. De Qist Koroona, FR, DIK.	--do-- (Vice S.No. 28)
15.	Khanzada s/o Bittani, Sakharilon, FR, DIK	-do-	G.H.S. Kari Kot, (S.M.A.)	--do-- (Against Vacant post.)
16.	Fozlur Rahman s/o Khan, Vill: Ghani Garhi, Sakharat, Malokund Agency.	-do-	G.H.S. Inayat Killi, (Bajaur Agency)	--do--
17.	Awes Ahmad s/o Hamdul Majid (Ziarat Kaka Sahib)	Candidate	G.H.S. Zoor Bander (Bajaur)	--do--
18.	Abdul Sami s/o Qaidoband Colony No. 2, Pesh: City.	Candidate	G.H.S. Roghagone, (Bajaur)	--do--
19.	Iqbal Hussain s/o Vill: Hathian (Mardan)	Candidate.	G.H.S. Uchat (Kurram)	--do--

Handwritten: Attested

47

- 20. Mohammad Akram s/o Ghulam Hussain (Kachi-Prinda Khan (DIKhan) Candidates. G.H.S. Zidrana, Appointed at Rs. 150/- plus usual allow. again the vacant post.
- 21. Mumtaz Mohammad s/o Faqir Mohammad, Kalabat (Mardan) Candidate G.H.S. Mali Kila, Kurram --do--
- 22. Mohd Aslam s/o Salah Khan (Aghzar, Khel-Bannu.) Candidate G.H.S. Ditta Khel, N.U. --do--
- 23. Ateeullah s/o Sheikh Farid (Lntember, Distt: Kohat) Candidate. G.H.S. Shingak, Kurram. --do--
- 24. Mahboob Ali s/o Ghulam Hussain (Usterzai, Pawan-Kohat) -do- G.H.S. Panchora, Kurram. --do--
- 25. Jan Mohd s/o Khan Mohd C/O Dr. Zairbadshah Katchery Road, Peshawar City. Candidate. G.H.S. Kurecz (Orakzai) --do--
- 26. Noorur Rohim o/o Abdur Rahim of Peshawar City. Candidate. G.H.S. Shagni, (Khyber). --do--
- 27. Karim Khan o/o Ghulam Habib, Wakhshali, Distt: Mardan. Candidate. G.H.S. Barkhalezai, (Bajaur). --do--
- 28. Rab Nawaz Jr. Clerk G.H.S. Daulat, Korona G.H.S. Sargara On his own pay & grade ag: Vac: post. Mohd Khan.

Note: 1. The appointments of the above named candidates are purely temporary basis and is liable to termination at any time without notice and without assigning any reason. In case they wish to resign at any time they will have to submit one month's prior notice or forfeit one month's pay to the Government in lieu thereof.

2. Their original Educational Qualification and date of birth should be checked before they are handed over charge and their charge report of taking over should be submitted in duplicate to all concerned.

3. They should execute necessary security Bond in case they are required to handle Government money and property.

4. They are required to produce Health & Age certificate from the Surgeon concerned and no pay should be drawn for them unless and until they produce the same.

5. The pay scale and service rules would be subject to the revision in accordance with the orders to be passed by the Govt. of NWFP from time to time.

6. T.O/A etc. is not allowed on first appointment.

6A: T.A. is allowed upto S.No. 2 & 28.

hu
Attested

7. The following important documents should be obtained from the clerks concerned and submit the same to this office duly attested/verified by the competent authority:-

- i. Application for employment (on the prescribed forms) complete in all respects.
- ii. Particulars of upward work.
- iii. General Declaration of Assets.
- iv. Verification roll of character and antecedents.
- v. Security questionnaire.

(THESE PAPERS ARE VERY IMPORTANT DOCUMENTS & SHOULD GOT PROPERLY FILLED/ATTESTED AND FORWARDED TO THIS DIRECTORATE)

(PROF. ABDUL AKRAM BEG)
DIRECTOR OF EDUCATION,
FATA, N.W.F.P. PESHAWAR.

Endst: No. 21806-21861 /A-1/Clerks Vol: III Dated Peshawar, the 4th December, 75.

- Copy forwarded for information and necessary action to the:-
- 1. Director of Education, N.W.F.P. Peshawar.
 - 2. District Inspector of Schools, Bajaur at KHAR.
 - 3-29. Head Masters/Headmistress of Govt: High Schools concerned.
 - 30-55. Candidate concerned.
 - 56. TA-Clerk in this Directorate.

MA
DIRECTOR OF EDUCATION,
FATA, N.W.F.P. PESHAWAR.

+Rahim Ullah+
4121975.

ASST Annex

B⁹
5

9 Signature and Qualification of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appoint- ment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government servant
				Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months for which leave salary is debtible to another Government		
					Parted to which Government debtible		

Promotion & transfer as
ASST in the Directorate
of Edu. (College) under Director
of Edu. (School) N.W.F.P.'s order
issued under Enclt. No 2562-
67/A-23 dated 4-12-67
18/6/91 with S.No. 5, has
temporarily adjusted
in the office of D-E (PATA)
against the vacant
post of Sr. Typist, with
office order issued under
Enclt. No. 19532-37/A-12
N.W.F.P. dt. 4-7-91.

[Signature]
By: Director of Education
(PATA) N.W.F.P. Peshawar.

OPTION

I, Mr. NOOR. UR. KALAN
ASST. Dir. The new
order of fixation of
pay issued by Govt.
N.W.F.P. Finance Dept.
No. FDC/Res 1-1/91 dt
30.6.92

By: *[Signature]*
Asst. Assistant
Attended

By: *[Signature]*
Director of Education
(PATA) N.W.F.P. Peshawar

[Signature]
Attested

AWARD OF SELECTION GRADE.

Under the Provision of Rules 4(ii) of the Govt. of NWFP Finance Department Notification NO.F.D(PRC) 1-1/870/VIII, dated 22-7-1987, the following Assistant B-II of Education Department are hereby placed in Selection Grade BPS NO.15 at the rate of 33% of the total posts with effect from the date as noted against each:-

S.NO.	Name & Designation with office	Date of Award S/Grade.
1.	Mr. Faridullah Assistant D.E(FATA)NWFP Peshawar.	w.e.f. 1/6/2001
2.	Mr. Awais Ahmad Assistant Director PITE NWFP	w.e.f. 1/6/2001
3.	Mr. Noor ul Rahim Assistant D.E(FATA) NWFP Peshawar	w.e.f. 1/6/2001
4.	Mr. Liaqat Ali Assistant D.E(FATA)NWFP Peshawar.	w.e.f. 1/6/2001
5.	Mr. Javed Ahmad Assistant D.S & L NWFP Peshawar.	w.e.f. 1/6/2001
6.	Mr. Rajmali Khan Assistant Director Higher Edu: NWFP Pesh:	w.e.f. 1/6/2001
7.	Mr. Muhammad Daud Assistant D.E(FATA)NWFP Peshawar.	w.e.f. 1/6/2001
8.	Mr. Sarfarz Khan Assistant Directorate Schools & Literacy NWFP Pesh:	w.e.f. 1/6/2001
9.	Mr. Naik Muhammad Assistant D.H. Edu: NWFP Peshawar.	w.e.f. 1/6/2001

- Note:- D/O Ist Appointment as J/Clerk may be checked by DDO.
- 2-Necessary entry to this effect should be made in their S/Book.
 3. An Undertaking to the effect that if any over payment is made to them as a result of incorrect award of S/Grade and detected later on it will be good by recovery from their pay/ Pension/gratuity etc may be obtained from them and posted in their service Book.
 4. Certificate to the effect that the official concerned is not involved in any disciplinary case should be recorded in his S/Book by the Drawing & Disbursing Officer before making fixation of pay.

(FAZLI SUBHAN),
DEPUTY DIRECTOR (FINANCE/ADMN.)
DIRECTORATE SCHOOLS & LITERACY
NWFP PESHAWAR.

Endost: Bo. 38-55 /A-23/MS/Sen: Comb: Dated Pesh: the 2/8/ 2004.
Copy to the:-

1. Accountant General NWFP Peshawar.
2. Section Officer (Litigation) Govt. of NWFP S & L Deptt: w/r to meeting held on 17/7/2004.
3. Director Higher Education NWFP Peshawar
4. Director of Education FATA NWFP Peshawar.
5. Director of Curriculum and Teacher Edu: NWF P Abbottabad.
6. Director PITE NWFP Peshawar.
- 7-15. Official concerned.
16. Cashier Local Directorate.
17. PA to Director (S&L) NWFP Peshawar.

Deputy Director (Finance)

6

CC

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[Handwritten signature]
Attested

Dated Peshawar, the 28th July, 2007

Annex 'D'

(7)

NOTIFICATION

NO.FD/SO(FR)7-2/2007. The competent authority has been pleased to accord sanction to the up-gradation of the following posts in the Province with effect from 01-07-2007.

S.No.	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Assistant	BPS-11	BPS-14
2	Auditor	BPS-11	BPS-14
3	Senior Clerk	BPS-7	BPS-9
4	Junior Clerk	BPS-5	BPS-7

The incumbents of the up-graded posts will also stand upgraded and their pay will be fixed at the stage next above their basic pay in their lower pay.

2. The Competent Authority has also been pleased to approve that employee from BPS-1 to 4 would move one scale up in the pay scales w.e.f 1st July, 2007.
3. The Establishment Department will amend the recruitment rules of the ministerial posts, whereas amendments in the recruitment rules of other posts listed at Para-1 above shall be made by the concerned Departments in consultation with the Establishment Department.
4. As a special dispensation, the annual increment falling due on 1st December 2007 shall be admissible to the above-mentioned employees in the upgraded pay scales.

SECRETARY TO GOVT. OF NWFP
FINANCE DEPARTMENT

Endst No. & Date even:

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

- 1) All Administrative Secretaries Government of NWFP.
- 2) Senior Member, Board of Revenue, NWFP, Peshawar.
- 3) Accountant General, NWFP, Peshawar.
- 4) Secretary to Governor, NWFP, Peshawar.
- 5) Principal Secretary to Chief Minister, NWFP.
- 6) Secretary Provincial Assembly, NWFP.
- 7) All Heads of Attached Departments in NWFP.
- 8) Registrar, Peshawar High Court, Peshawar.
- 9) All Zilla Nazims/District Coordination Officers/Political Agents District & Sessions Judges/Executive District Officers in NWFP.
- 10) Registrar, NWFP, Public Service Commission, Peshawar.
- 11) Registrar, Service Tribunal NWFP.
- 12) All the Autonomous and Semi Autonomous Bodies in NWFP.
- 13) Secretary to Government of the Punjab, Sindh and Balochistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I.Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Manselva and Dir (Lower).
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in NWFP/TATA.
- 18) PS to Minister for Finance NWFP.
- 19) PS to Chief Secretary, NWFP.
- 20) PS to Additional Chief Secretary, NWFP.
- 21) Director Local Fund Audit, NWFP, Peshawar.
- 22) Director, FMIU, Finance Department for placing the same on the Website of Finance Department.
- 23) PS to Finance Secretary.
- 24) PAs to All Addl. Secretaries/Deputy Secretaries in Finance Department.
- 25) All Section Officers/Budget Officers in Finance Department.

[Signature]
(Naib Khan)
Section Officer (FR)



GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT
(REGULATION WING)

Annex 'E'

Dated Peshawar the: April 04, 2009

Notification

NO.FD(SR-1)2-4/2008. The competent authority has been pleased to sanction one special advance increment to the Assistants, Auditors, Senior Clerks and Junior Clerks as well as employees from BPS-01 to BPS-04 in their up-graded / moved up pay scales, allowed vide Govt. of NWFP Finance Department Notification No. FD/SO (FR)7-2/2007, dated 28th July, 2007.

These orders will take effect from 01-09-2007 to be payable in next financial year, 2009-10

SECRETARY TO GOVT. OF NWFP
FINANCE DEPARTMENT

Endst: of even No & date.

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

1. All Administrative Secretaries to Government of NWFP.
2. Senior Member, Board of Revenue, NWFP, Peshawar.
3. Accountant General, NWFP, Peshawar.
4. Secretary to Governor, NWFP, Peshawar.
5. Principal Secretary to Chief Minister, NWFP.
6. Secretary Provincial Assembly, NWFP.
7. All Heads of Attached Departments in NWFP.
8. Registrar, Peshawar High Court, Peshawar.
9. All Zilla Nazims / District Coordination Officers / Political Agents / District & Sessions Judges / Executive District Officers in NWFP.
10. Registrar, NWFP, Public Service Commission, Peshawar.
11. Registrar, Service Tribunal NWFP.
12. All Autonomous and Semi Autonomous Bodies in NWFP.
13. Secretaries to Government of Punjab, Sindh and Balochistan, Finance Department.
14. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
15. The Senior District Accounts Officers Nowshera, Swabi, Charsadda, Haripur, Manshra and Dir (Lower).
16. The Treasury Officer, Peshawar.
17. All District / Agency Accounts Officers in NWFP / FATA.
18. Director Local Fund Audit, NWFP, Peshawar.
19. Director, FMIU, Finance Department for placing the same on Website of Finance Department.
20. All Section Officers / Budget Officers in Finance Department.
21. PS to Chief Secretary, NWFP.
22. PS to Additional Chief Secretary, NWFP.
23. PS to Minister for Finance NWFP.
24. PS to Finance Secretary / Special Secretary in Finance Department.
25. PAs to All Addl. Secretaries / Deputy Secretaries in Finance Department.

(ABDUL JABBAR)
Section Officer (SR-1)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Annex - 'F'

9

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,

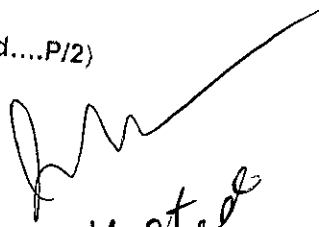
I am directed to refer to this Department's notification No.FD (SR-1) 2-4/2008 dated 04-04-2009 and to state that certain queries have been received from different quarters as to whether the employees, who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them,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

(Cont'd....P/2)


Attested

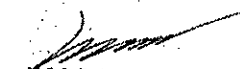
Endst: No. FD (SOSR-1) 2-123 /2013

Dated 31st Dec, 2013

10

Copy for information & necessary action to the:-

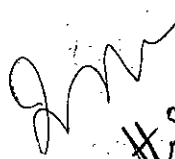
1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.


(MASOOD KHAN)
Deputy Secretary (Reg-II)

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 Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Deptt.


Dated


Section Officer (SR-1)



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the February 28, 2017

NOTIFICATION

NO.AO/E&SE/10-2/LPR/FATA Directorate. Sanction is hereby accorded to the encashment of leave in lieu of LPR for 365 days in respect of Mr. Noor-ur-Rahim, Budget & Accounts Officer (BS-17), Directorate of Education FATA, FATA Secretariat Peshawar.

2. The Assistant Accounts Officer, office of the Accountant General Pakistan Revenue Sub Office Peshawar has certified that Leave Encashment in lieu of LPR for 365 days is admissible to the officer concerned under the Revised Leave Rules, 1981.
3. He shall stand retired from service w.e.f 15-05-2017 (AN) on attaining the age of superannuation.

Secretary to Govt. of Khyber
Pakhtunkhwa Elementary &
Secondary Edu: Department

Endst: Even NO. & Date.

Copy forwarded to:-

1. The Section Officer (Education), (Social Sector Department), FATA Secretariat Warsad Road Peshawar w/r to his letter No.SO/Edu/FATA/4978 dated 01-02-2017.
2. The Assistant Accounts Officer, office of the Accountant General Pakistan Revenue Sub Office Peshawar.
3. Mr. Noor-ur-Rahim, Budget & Accounts Officer (BS-17), Directorate of Education FATA, FATA Secretariat Peshawar.

Haq Nawaz Khan
28.2.17
(HAQ NAWAZ KHAN)
SECTION OFFICER (ACCOUNTS)

Attested

Rtd order

Amer G

11

PENSION ROLL DATA SHEET & PENSION SLIP

Date of issue : 25.08.2017
 PPO Type : FRESH
 PPO Number : 00089051-01
 Pensioner ID : 00089051
 Pension Register No: FATA EDUCATION
 Pensioner's Name : NOOR UR RAHIM
 Father / Husband name : ABDUR RAHIM
 Designation: BUDGET & ACCOUNTS OFFICER
 NIC No.: 1730140543475
 Grade / Scale : 17
 Department.Min: Min. Of K.A & N.A & S.F.R
 Pensioner's Type: SELF
 Pension Type: SUPERANNUATION
 Date of Birth :16.05.1957
 Date of appointment:05.12.1975
 Date of retirement: 15.05.2017
 Date of Death:
 Date of commence :01.08.2017
 Date of Restoration :
 Accounts office ID :PR
 Accounts office Name :AGPR (SO) PESH
 Federal / Province :Federal
 Length of Qualifying Service :41 years,5 months,10 days
 Old PPO Number :
 No. and Date of sanction of pension / Letter No. :
 and the date of the other Audit and Accounts officer authorising
 the Pension/Gratuity/Commutation
 Permanent Address:STREET NO.1, FAQIRABAD NO.1,
 PESHAWAR CITY.

Note :
 Age : 60 years
 Last Drawn pay/Emoluments(Rs.): 58250.00
 Gross Pension(Rs.) : 40775.00
 1/4th Surrendered Portion (Rs.)
 Commuted Portion (Rs.) : 14271.25
 Net Pension (Rs.) : 26503.75
 Net Family Pension (Rs.) : 0.00
 Amount of Commutation(Rs.) : 2118749.73
 With Held Amount (Rs.)
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Rs.) : 0.00
 Commutation Percentage : 35.00
 Commutation Table value : 12.37
 Recovery on A/C of
 Debitable to Govt : Federal
 Total Net Share
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Balochistan : 0.00 Military : 0.00
 AJK : 0.00 Autonomous : 0.00

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12

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2010	15.00 %	3975.56	01.08.2017
2	JUL.2011	15.00 %	4571.90	01.08.2017
3	JUL.2015	10.00 %	3505.12	01.08.2017
4	JUL.2016	10.00 %	3855.63	01.08.2017
5	JUL.2017	10.00 %	4241.20	01.08.2017
6	0.	Rs. 0.00	0.00	
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27				

PENSION SLIP

Month: August
 Year: 2017

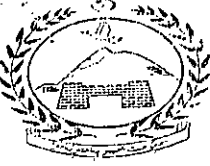
Pension roll details

Wage Type	Wage Type Text	Amount
/559	Payment	152655.00
0100	Monthly Pension - Self	26504.00
0101	Pension Increases - Self	20149.00
1599	Medical Allow - Pensioner	6096.00
1600	Med. All. 2015 Pensioner	1524.00
5901	Arrears of Pension	10980.00
5906	Commutation Payment(Self)	140402.00
6199	Rec.Ov.Pay&Allow(Penroll)	53000.00

Bank Details

Bank Account Number : 216927344
 Bank Branch : WARSAK ROAD
 WARSAK ROAD
 Payment Mode : UNITED BANK LIMITED

Attested



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Annex-I³

NO. FD (SOSR-1) 2-123/2013
Dated Peshawar the: 31-03-2014

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, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

13

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 circular letter dated 31-12-2013 on the above noted subject and to state that a number of references have been received in this Department seeking clarification about the admissibility of one special advance increment granted vide this Department's letter No. FD (SR-1) 2-4/2008 dated 04-04-2009.

2. In this connection, it is to clarify that the said increment has only been extended to the officials 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, for instance:-

- i. Junior Clerks (B-5) holding selection grade BPS-07 upgraded to BPS-7 is entitled to one special advance increment.
- ii. Senior Clerks (B-7) holding selection grade BPS-09 upgraded to BPS-09 is entitled to one special advance increment
- iii. Assistants (B-11) holding selection grade BPS-15 upgraded to BPS-14, is not entitled to one special advance increment.

3. The above referred Notification / circular letter is not applicable to any other category of employees.

Sd/-

(MASOOD KHAN)
Deputy Secretary (Reg-II)

Attested

Endst: No .FD (SOSR-1) 2-123 /2013

Dated 31-03-2014

B-A

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, FMIU, 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 Finance, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Deptt:

Attested

Sd/-
(Wazir Muhammad Afgar)
Section Officer (SR-1)

Impugned order

1- The Secretary
Finance Department
Regulation Wing
Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar.

Amner - J

(14)

2- Additional Accountant General
AGPR, Sub-Office Peshawar
Fort Road Peshawar Cantt.

SUBJECT: REMINDER/DEPARTMENTAL APPEAL/ REPRESENTATION
AGAINST THE LETTER DATED 31.03.2014

Respected Sir,

Appellant once again approaches your good self with the following submissions:-

- 1- That the Appellant was inducted in Education as Junior Clerk on 05-12-1975 and keeping in view the good performance of the appellant, the appellant was gradually promoted to the post of Assistant (BPS-11) on 01-6-1991.
- 2- That against the 33% quota, the appellant was allowed Selection Grade (BPS-15) with effect from 01-6-2001.
- 3- That keeping in view the miseries of the lower grade employees, the Provincial Government upgraded different post in clerical cadre vide Notification dated 28-7-2007 and accordingly the post of Assistant was also upgraded from BPS-11 to BPS-14.
- 4- That vide Notification dated 04-04-2009, the competent authority accorded sanction for grant of one SPECIAL INCREMENT to the Assistants, Auditors, Senior Clerks and Junior Clerks. The same orders were given effect from 01-7-2007.
- 5- That vide letter No. FD(SOSR-1)2-123/2013, dated 31-12-2013, it was further clarified that ONE SPECIAL INCREMENT is also admissible to the employees who were holding Selection Grade prior to up-gradation of their post in BPS already held by them. Therefore, the Appellant was also granted one Special Advance Increment.
- 6- That some months before the retirement of the Appellant, the appellant shocked as a huge amount was deducted from the monthly salary of the appellant and after attaining the age of superannuation, the appellant was retired from service on 16-05-2017 as Budget & Accounts Officer and once

Attested

again the Accountant General's (AGPR) office deducted a huge amount from the Retirement benefits of the appellant without any information or prior notice.

15

- 7- That soon after that, the appellant approached the AGPRs office and inquired about the said deduction where the appellant was informed that vide letter dated 31-03-2014 it was notified that only Junior Clerks and Senior Clerks who were granted Selection Grade, are entitled for grant of One Special Advance Increment whereas the category of the appellant, i.e the Assistant granted selection grade BPS-15 declared as not entitled for grant of Special Advance Increment.
- 8- That the said with-drawl and of Advance increments and deduction of huge amounts from the retirement benefits of the appellant is illegal, unjust and discrimination.
- 9- That the payments already made can not be recovered as the same were granted and paid to the appellant after due process and approval/sanction of the competent authority.
- 10- That against the said injustice, illegality, biased attitude and discriminated behavior, the appellant time and again approached your good self and filed numerous applications/appeals/representations from time to time, but still no response received from your side.

It is, therefore, once again requested through Reminder/Appeal in hand to kindly look into the matter and the withdrawn Special Advance Increment may kindly be given to the appellant with effect from 01-7-2007 with all consequential reliefs and the recovery made may also please be refunded to the appellant.

Yours Faithfully,

15-05-2019

Noor Ur Raheem
Ex-Budget & Accounts Officer
R/o

Tehsil & Distt: Peshawar.

Attested

بعدالت صاحب KPK کرسٹل ٹریڈنگ ایسوسی ایشن

16

Appeal No 2019

2 پنجاب ایڈمٹ
بنام گورنمنٹ

لورڈ جج

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام گنڈاپور کیلئے عددا ذرا لڑنے والے عمران خان محمدی در کسٹل ٹریڈنگ ایسوسی ایشن
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواخذہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

20

ماہ

المرقوم

Appellant

کے لئے منظور ہے۔

بمقام لیسٹار

جج

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No.1201/2019

Noor Ur Raheem (Ex-Budget & Accounts Officer).....**Appellants).**

VERSUS

1. Government of Khyber Pakhtunkhwa, Finance Department.
2. Accountant General, Khyber Pakhtunkhwa...(Respondents).

PARAWISE COMMENTS ON BEHALF OF (RESPONDENT NO.1):

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action.
2. That the instant appeal is not maintainable.
3. That the appellant was treated as per law and rule and no right of the appellant has been infringed by the replying respondent.

FACTS.

1. Pertains to record.
2. Pertains to record.
3. Relates to Respondent No.2.
4. Correct to the extent that Provincial Government i.e. Finance Department had sanctioned one Special Advance Increment to the Assistants, Senior Clerks & Junior Clerks as well as employees from BPS-01 to BPS-04, however, the notification to this effect was applicable from 01-09-2007. (Annexure-A)
5. Relates to Respondent No.2.

6. Finance Department through circular letter No.FD (SOSR-1)2-123/2013 dated 31-03-2014 had **(Annexure-B)** clarified that One Special Advance Increment has only been extended to the officials who were holding Selection Grade prior to upgradation of their posts in BPS, already held by them, just as in the case of same scale promotion, hence no further clarification was required to be issued.
7. Relates to Respondent No.2.
8. Relates to Respondent No.2.
9. Relates Respondent No.2.
- 10.Relates Respondent No.2.

Grounds:-

- A. Relates to Respondent No.2 and he will be in a better position to explain the withdrawal of increment.
- B. As explained in para-A of the grounds.
- C. Relates to Respondent No.2.
- D. As explained in para-6 above.
- E. No comments.

In view of the above explanation, it is humbly prayed that on acceptance of these comments, the instant appeal being devoid of merits may be dismissed with cost.


Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department (Respondent No.01)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Annex - F

(9)

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,

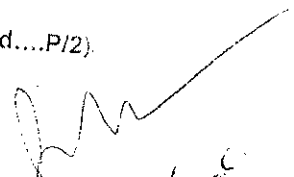
I am directed to refer to this Department's notification No.FD (SR-1) 2-4/2008 dated 04-04-2009 and to state that certain queries have been received from different quarters as to whether the employees, who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them,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

(Cont'd....P/2)


Att-sec


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Endst: No. FD (SOSR-1) 2-123 /2013

Dated 31st Dec, 2013

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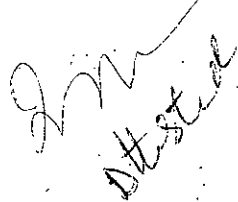
1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA

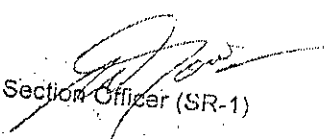

(MASOOD KHAN)
Deputy Secretary (Reg-II)

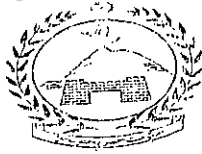
Endst: No. & Date Even

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 Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Deptt.


Dt: 31/12/13


Section Officer (SR-1)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Annex-I

NO. FD (SOSR-1) 2-123/2013
Dated Peshawar the: 31-03-2014

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, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

13

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 circular letter dated 31-12-2013 on the above noted subject and to state that a number of references have been received in this Department seeking clarification about the admissibility of one special advance increment granted vide this Department's letter No. FD (SR-1) 2-4/2008 dated 04-04-2009.

2. In this connection, it is to clarify that the said increment has only been extended to the officials 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, for instance:-

- i. Junior Clerks (B-5) holding selection grade BPS-07 upgraded to BPS-7 is entitled to one special advance increment.
- ii. Senior Clerks (B-7) holding selection grade BPS-09 upgraded to BPS-09 is entitled to one special advance increment
- iii. Assistants (B-11) holding selection grade BPS-15 upgraded to BPS-14, is not entitled to one special advance increment

3. The above referred Notification / circular letter is not applicable to any other category of employees.

Sd/-

(MASOOD KHAN)
Deputy Secretary (Reg-II)

Handwritten signature and "Attestation" stamp

Dated 31-03-2014

Endst: No .FD (SOSR-1) 2-123 /2013

B-A

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, FMIU, 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 Finance, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Deptt.

Muhammad Afzar
Attested

Sd/-
(Wazir Muhammad Afzar)
Section Officer (SR-1)

Impugned order

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1200 to 1202/19

Zareef Khan
Noor Ur Raheem
Farid Ullah

Appeal No. 1200 ~~✓~~
Appeal No. 1201 ✓
Appeal No. 1202

(Ex: Budget & Accounts Officers)

(Appellants)

Versus

- 1 The Secretary Finance Department, Regulation Wing
Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar
- 2 Additional Accountant General, AGPR, Sub-Office Peshawar
Fort Road Peshawar Cantt

(Respondents)

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Respondent No.02

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1201/19

Noor Ur Raheem (Ex: Budget & Accounts Officer)

(Appellant)

Versus

1. The Secretary Finance Department, Regulation Wing
Government of Khyber Pakhtunkhwa
Civil Secretariat Peshawar.

2. Additional Accountant General, AGPR, Sub-Office Peshawar
Fort Road Peshawar Cantt:

(Respondents)

Respectfully sheweth,

Preliminary Objections:

- D. That the appellant has got no cause of action.
- E. That the instant appeal is not maintainable.
- F. That the instant appeal is barred by law.

PARA WISE REPLY ON BEHALF OF RESPONDENT NO. 02

- 11. No Comments.
- 12. No Comments.
- 13. No Comments.
- 14. No Comments.
- 15. No Comments.
- 16. No Comments.
- 17. It is submitted that according to para-2 (iii) of the Finance Department Khyber Pakhtunkhwa, Peshawar clarification through their letter No. FD(SOSR-1) 2-123/2013 dated 31.03.2014 that "Assistant (B-11) holding selection grade BPS-15 upgraded to BPS-14 is not entitled to one special advance increment" being implementing agency of Finance, this office is bound to implement their orders in letter and spirit. Therefore, this office reduced the payments of monthly pension as well as deducted the overpaid amount from the appellant in pursuance of the above quoted clarification.

(Annex-A)

- 18. As per Para 7 above
- 19. No Comments
- 20. No comments

CIRCUITS

- A. As explain in Para No. 07 above.
- B. As explain in Para No. 07 above.
- C. As explain in Para No. 07 above.
- D. As explain in Para No. 07 above.
- E. As explain in Para No. 07 above.

PRAYER

In view of the above explained position it is humbly prayed the case may be dismissed being not maintainable.

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**ADDL: ACCOUNTANT GENERAL
AGPR, SUB OFFICE, PESHAWAR**

(KH)
13/10/2020



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Amner - R A

NO. FD (SOSR-1) 2-123/2013
Dated Peshawar the: 31-03-2014

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
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11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

13

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.

Asstt. Accounts Officer.
Sub Office of the
A.G.P.R. Peshawar

Dear Sir,

I am directed to refer to this Department's circular letter dated 31-12-2013 on the above noted subject and to state that a number of references have been received in this Department seeking clarification about the admissibility of one special advance increment granted vide this Department's letter No. FD (SR-1) 2-4/2008 dated 04-04-2009.

2. In this connection, it is to clarify that the said increment has only been extended to the officials 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, for instance:-.

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- iii. Assistants (B-11) holding selection grade BPS-15 upgraded to BPS-14, is not entitled to one special advance increment

Attested

3. The above referred Notification / circular letter is not applicable to any other category of employees.

Sd/-

(IMASOOD KHAN)