


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
	23.06.2021	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 12218/2020</p> <p>Mr. Ali Ayas Khan son of Gul Amir Khan, Senior Research Officer (Retd) Potato Botanist, C/O M. Rafiq Khan Metrological Colony, Opposite Provincial Assembly Building Peshawar..... ... (Appellant)</p> <p style="text-align: center;"><u>Versus</u></p> <p>1. Accountant General Khyber Pakhtunkhwa, Peshawar and others. ... (Respondents)</p> <p>Appellant with counsel present. Preliminary arguments heard and record perused.</p> <p>2. The underlining grievance of the appellant is reflected in Para-5 of the Memorandum of appeal. It is there in the factual part of the appeal that the appellant had approached this Tribunal with Service Appeal which was decided in his favour and copy of the judgment as Annexure-G is available on this file. In aforementioned paragraph of the memorandum of appeal, the appellant states that the judgment of this Tribunal was honoured to the extent of reimbursement of Rs. 1,80,408/- in lieu of the withheld amount from his pension emoluments but the respondents had not properly appreciated the law, rules and Regulation/Notification on the subject point-to-point/2 stages and adopted incorrect/unlawful procedure for absorbing two Advance Increments in the relevant Pay Scale ignoring the Finance Department Pay</p>



Fixation Formula. The appellant also states that being not satisfied from the implementation of the order/judgment of this Tribunal, he approached the Hon'ble Peshawar High Court Peshawar in Writ Petition No. 5205-P/2019 which was dismissed for want of jurisdiction, giving liberty to him for pursuing the remedy available to him under the law. What is understandable from the given factual position, the appellant being not satisfied with implementation of previous judgment of this Tribunal has brought this appeal in respect of the matter already adjudicated upon and finally decided by this Tribunal; which obviously is hit by principle of resjudicata as embodied in Rule 23 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974. Firstly the appellant approached to the wrong forum as decided by the Honourable High Court and again he has preferred this appeal in respect of the matter already decided. While holding that this appeal is not maintainable in view of the given discussion, the appellant, if so advised, may file the Execution/ Implementation Petition in the matter of previous judgment as according to him the same was not implemented in letter and spirit, for its examination and hearing in accordance with law.

3. In the light of the above observations, the appeal is dismissed in limine. File be consigned to the record room.


(AHMAD SULTAN TAREEN)
Chairman

ANNOUNCED
23.06.2021

16.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 23.06.2021 before S.B.

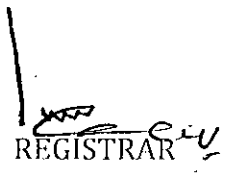



Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12218 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/10/2020	<p>The appeal of Mr. Ali Ayaz Khan presented today by Mr. Wali Khan Afridi 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</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/12/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>11.12.2020</p> <p>Nemo for appellant.</p> <p>Notice be issued to appellant/counsel for 16.03.2021 for preliminary hearing, before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IN RE:
Service Appeal No. _____ / of 2020

Ali Ayaz Khan son of Gul Amir Khan... .. Appellant

VERSUS


Accountant General KPK and others. ... Respondents

INDEX

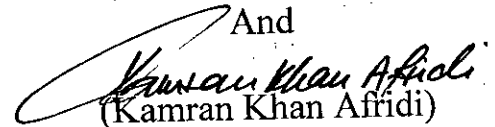
S.No	Description of documents	Annexures	Pages
1.	Service Appeal		1-5
2.	Affidavit		0-6
3.	Memo of Addresses		0-7
4.	Copy of the Notification dated 03.11.1993	'A'	8
5.	Copy of the Notification dated 24.08.1983	'B'	9-11
6.	Copy of the Notification dated 22.07.1987	'C'	12
7.	Copy of the Notification dated 27.10.2001	'D'	13-18
8.	Copy of the letter dated 30.01.2002	'E'	19
9.	Copy of the Notification dated 13.02.2002	'F'	20
10.	Copy of Order and Judgment of Khyber Pakhtunkhwa Service Tribunal dated 02.05.2016	'G'	21-25
11.	Copy of the Order of Peshawar High Court Peshawar dated 30.10.2019	'H'	26-31
12.	Copy of Departmental Appeal dated 03.06.2020 alongwith Postal Receipt dated 04.06.2020	'I'	32-37
13.	Vakalat Nama		38

Appellant

Through:


(Wali Khan Afridi)
Advocate,
Supreme Court of Pakistan
Cell # 0300-5977695

And


(Kamran Khan Afridi)
Advocate High Court,
1-C, Haroon Mansion
Khyber Bazar Peshawar
Cell # 0300-5848545

Dated: .10.2020

I

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 12218 / of 2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11714

Dated 19/10/2020

Ali Ayaz Khan son of Gul Amir Khan,
Senior Research Officer (Retd)
Potato Botanist, C/O Muhammad Rafiq Khan
Metrological Colony, Opposite
Provincial Assembly Building
Peshawar Cantt...

Appellant

VERSUS

1. Accountant General Khyber Pakhtunkhwa
Fort Road Peshawar Cantt.
2. Accounts Officer (Pay Fixation Party)
Accountant General Office
Fort Road, Peshawar Cantt.
3. Secretary to Government of
Khyber Pakhtunkhwa, Finance Department
Civil Secretariat, Peshawar... .. Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
WHEREBY THE RESPONDENTS HAVE NOT
PROCEEDED WITH THE CASE OF THE APPELLANT
ON THE BASIS OF POINT TO POINT/STAGE-WISE
FORMULA FOR FIXATION OF PAY ABSORPTION OF
TWO ADVANCE QUALIFICATION INCREMENTS
(FOREIGN QUALIFICATION INCREMENTS) GRANTED
WHILE IN SERVICE.

Respectfully Sheweth:

Brief facts giving rise to the instant Service Appeal are as under:-

1. That the appellant was initially appointed as Research Assistant (BPS-16) in the year 1977 which post was upgraded to BPS-17 in the same year.

- 2
2. That the appellant was performing his duties to the best of his ability when on meritorious services he was promoted to the post of Assistant Botanist (Supervisory) (BPS-17) on 10.11.1993 with effect from 25.05.1993. He was promoted by way of Move-Over to BPS-18 on 01.12.1988, in the year 2008 the appellant was promoted to the post of Senior Research Officer BPS-18 on Regular Basis.
 3. That sanction for 2 Advance Increments for higher educational qualification from Foreign University of MS (USA) was accorded by competent authority (while in service) with effect from 08.05.1993 beyond pay maximum ceiling as two points/2 Stages in Personal Pay (P.P) in light of the following Finance Department Notifications: (i) No. 10189-93 dated 03.11.1993 (ii) Finance Department Circular No. F.D(SR-I)1-67/83 dated 24.08.1983 and (iii) Finance Department Circular No. F.D(PRC)1-1/87-VIII dated 22.07.1987 (Copies of the Notifications dated 03.11.1993, 24.08.1983 and 22.07.1987 are attached as annexures 'A', 'B' & 'C' respectively).
 4. That two Advance increments were then absorbed in 2001 Revised National Pay Scale Schedule after discontinuation of Move-Over Policy and adjustment in original Pay Scales of BPS-17 and two Advance increments considered as two Stage/or 2 points for reading in the Notional Table and then to the amount of the increments for pay purpose; under specified stage, vide Notification No. F.D (PRC)1-1/2001 dated 27.10.2001, Accountant General Letter No. H-24(96) Coor/Vol-1/406 dated 30.01.2002 and No. F.D (SR-1)15-2/98 dated

13.02.2002. (Copies of the Notification dated 27.10.2001, letter dated 30.01.2002 and Notification dated 13.02.2002 are attached as annexures 'D', 'E' & 'F' respectively).

5. That the appellant approached this Honourable Service Tribunal for the redressal of his grievances and the Honourable Service Tribunal was kind enough to pass an order dated 02.03.2016 whereby direction was given to the respondent Department to resolve the matter within 60 days so as a first step, the District Comptroller of Accounts Abbottabad honoured the Honourable Court orders and instantly reimbursed to appellant Rs. 1,80,408 the withheld amount from his Pension emoluments but, however, the respondents have not properly appreciated the law, rules and Regulation/Notification on the subject to count two increments, point to point/2 Stages rather adopted incorrect/unlawful procedure for absorbing two Advance Increments in the relevant Pay Scale ignoring the Finance Department Pay Fixation Formula stated that; "Earned increments beyond minimum Pay Scale or beyond Maximum Pay Scale as Personal Pay (P.P) increments are part of the Pay Time Scale and that should be counted as Points/or Stages for Pay Fixation". But not satisfied from the proper implementation of the order and judgment of this Honourable Service Tribunal the appellant approached the Honourable Peshawar High Court Peshawar in Writ Petition No. 5205-P of 2019 wherein the Honourable Peshawar High Court Peshawar was pleased to direct the appellant to approach proper Forum (Khyber Pakhtunkhwa Service Tribunal) for the remedy

available to him under the law, vide order dated 30.10.2019, hence the instant Appeal before this Honourable Service Tribunal. (Copies of the order and judgment of the Honourable Khyber Pakhtunkhwa Service Tribunal dated 02.05.2016 and the order of the Honourable Peshawar High Court Peshawar dated 30.10.2019 are attached as annexure 'G' and 'H' respectively).

6. That the Government Finance Department Pay Fixation Rules are very much clear and it is explicitly explained in all the Revised National Pay Scale since 1983 upto 2019 i.e. Notification/Fixation Column/Clauses with similar wording that increment beyond Minimum Pay upto ceiling or beyond Maximum Pay Ceiling as Personal Pay (P.P) increments are counted in points/or stages in the Table for Fixation of pay in relevant original scale after discontinuation of Move-Over Scales Policy in 2001.
7. That the respondents knowingly have not proceeded in accordance with law/rules rather discriminated the appellant which is also against the letter and spirit of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973, moreover, the appellant submitted Departmental Appeal/Representation before the competent authority, but without any decision/proceedings and the same is still pending. (Copy of the Departmental Appeal dated 03.06.2020 and Postal Receipt dated 04.06.2020 are attached as annexure 'I').
8. That the respondents have intentionally deprived the appellant from his due rights (Financial Rights) which is based on malafide intention and is for ulterior motive.
9. That under the law/rules of the land the appellant is entitled to be treated in accordance with law and is entitled for his financial benefit on point to point/stage-wise.

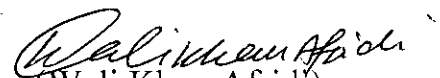
10. That the appellant craves permission of this Honourable to advance any other document/argument at the time of hearing of the instant Service Appeal.

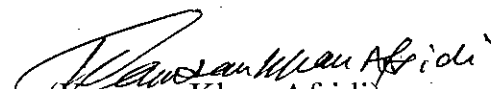
It is, therefore, humbly prayed that on acceptance of this Service Appeal this Honourable Tribunal may be pleased to direct the respondents to proceed with the case of the appellant on the basis of Point to Point/Stage-wise formula for fixation of pay absorption of Two Advance Qualification Increments (Foreign Qualification Increments) granted while in service.

Any other relief though not specifically asked for to which the appellant is found entitled in the circumstances of the case may also be granted to the appellant.


Appellant

Through:


(Wali Khan Afridi)
Advocate,
Supreme Court of Pakistan
Cell # 0300-5977695
And


(Kamran Khan Afridi)
Advocate High Court,
1-C, Haroon Mansion
Khyber Bazar Peshawar
Cell # 0300-5848545

Dated 24.02.2020

CERTIFICATE:

Certified that as per instructions of my client, earlier a Service Appeal was filed before this Honourable Service Tribunal which was decided on 02.03.2016 and on the directions of the Honourable Peshawar High Court Peshawar vide its worthy order dated 30.10.2019 the instant Service Appeal is being filed before this Honourable Service Tribunal.


Advocate

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IN RE:
Service Appeal No. _____ / of 2020

Ali Ayaz Khan son of Gul Amir Khan... .. Appellant

VERSUS

Accountant General KPK and others. Respondents

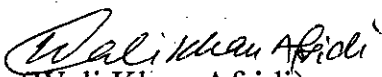
AFFIDAVIT

I, Ali Ayaz Khan son of Gul Amir Khan, Senior Research Officer (Retd) Potato Botanist, resident of C/O Muhammad Rafiq Khan, Metrological Colony, Opposite Provincial Assembly Peshawar Cantt, do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


Deponent

NIC # 15602-0261052-3
Cell # 0301-8061442

IDENTIFIED BY:


(Wali Khan Afridi)
Advocate, Peshawar.

ATTESTED



1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IN RE:
Service Appeal No. _____ / of 2020

Ali Ayaz Khan son of Gul Amir Khan... .. Appellant

VERSUS

Accountant General KPK and others. Respondents

MEMO OF ADDRESSES

Ali Ayaz Khan son of Gul Amir Khan,
Senior Research Officer (Retd)
Potato Botanist, resident of
C/O Muhammad Rafiq Khan,
Metrological Colony, Opposite
Provincial Assembly Building, Peshawar Cantt... .. Appellant

VERSUS

1. Accountant General Khyber Pakhtunkhwa
Fort Road Peshawar Cantt.
2. Accounts Officer (Pay Fixation Party)
Accountant General Office
Fort Road, Peshawar Cantt.
3. Secretary to Government of
Khyber Pakhtunkhwa, Finance Department
Civil Secretariat, Peshawar... .. Respondents

SAK
Appellant

Through:

Wali Khan Afridi
(Wali Khan Afridi)
Advocate, Peshawar.

(Directorate of Agril. Research System)O R D E R

The Vice Chancellor, NWFP, Agril. University, Peshawar is pleased to allow two advance increments to Mr. Ali Ayaz Khan, Asstt. Research Officer, Agricultural Research Station, Serai Naurang Bannu on account of acquiring of M.Sc. degree from the University of Kentucky Lexington USA subject to the production of original degree, from the date of conferment of the degree i.e. 8.5.1993 as admissible under the Rules-10(iii) of the Finance Deptt: Circular No. FD(SR-1) 1-67/83 dated 24.8.1983.

Sd/-(S.BASIT ALI SHAH),
Vice Chancellor,
NWFP, Agril. University,
Peshawar.

No. 10,189-93/Estt/DR;

Dated Pesh: the 3/11 /1993.

Copy to:

1. The Director, Agril. Research Institute, D.I.Khan for information with reference to his letter No. 3009/DAR(DK), dated 8.8.1993.
2. The Resident Audit Officer (M.C) Bannu.
3. The Administrative Officer (Account) H/Quarter.
4. Mr. Ali Ayaz, Asstt. Research Officer, ARS, Serai Naurang Bannu.

for information and necessary action.

(Signature)
Director Research,

NWFP, Agril. University,

P e s h a w a *(Signature)*
3/11

Amer B
30/8/83

9

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT

Dated, Peshawar, the 24th August, 1983

The Secretary to Government of NWFP,
Finance Department.



1. All Administrative Secretaries to Govt: of NWFP.
2. The Senior Member, Board of Revenue NWFP.
3. All Heads of Attached Departments in NWFP.
4. All Commissioners/Deputy Commissioners/Political Agents/District and Session Judges in NWFP.
5. The Registrar, High Court, Peshawar.
6. The Secretary to Governor, N.W.F.P.
7. The Chairman, Public Service Commission NWFP.
8. The Chairman, Services Tribunal NWFP.
9. The Secretary, Board of Revenue NWFP.

Review of Pay Scale

SUBJECT:-

SCHEME OF BASIC PAY SCALES AND FRINGE BENEFITS OF PROVINCIAL CIVIL SERVANTS (1983).

Sir,

In pursuance to the decision of the President of Pakistan, the Governor, N.W.F.P. has been pleased to sanction, with effect from 1st July, 1983, a Scheme as detailed below, of the Basic Pay Scales, Allowances and other Fringe Benefits, 1983 for the Provincial Civil Servants:-

PART-I-BASIC SCALES AND ALLIED MATTERS.

2. Basic Scales of Pay: The Basic Scales of Pay, 1983, as shown in Annexure-1 to this circular letter shall replace the existing revised National Scales of Pay (RNPS). The Basic Scales shall not be regarded as "grades" and shall not be referred to as grades in official communications. Officials shall henceforth be appointed/promoted to posts and not in grades.

1. Initial Fixation of pay:-(i) The initial pay of an existing employee, i.e. an employee, who has been in Government Service since before the 1st of July, 1983, shall be fixed at the stage in the relevant Basic Pay Scale which is as many stages above the minimum as the stage occupied by him above the minimum of the existing revised National Pay Scales, provided that where the pay so determined does not give the employee concerned a minimum advantage of 10% of his existing basic pay plus Dearness allowance over and above the present emoluments drawn by him, his pay shall be fixed at the lowest stage in the Basic Scale that gives him that advantage; provided further that the maximum of the relevant Basic Scale shall not be exceeded in any case. In this fixation formula, "emoluments" would mean the sum of pay, Dearness Allowance and Local Compensatory Allowance, if any.

Attested
[Signature]

Asstt. Plant Pathy
Agril. Res. Insects
Tarnab, Peshawar

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No. FD(SK-J)1-07/82
GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

Dated, Peshawar, the 24th August 1983

From,

The Secretary to Government of NWFP,
Finance Department.

To,

1. All Administrative Secretaries to Govt: of NWFP.
2. The Senior Member Board of Revenue NWFP.
3. All Heads of Attached Departments in NWFP.
4. All Commissioners/Deputy Commissioners/Political Agents/District and Session Judges in NWFP.
5. The Registrar, High Court, Peshawar.
6. The Secretary to Governor, NWFP.
7. The Chairman, Public Service Commission, NWFP.
8. The Chairman, Services Tribunal NWFP.
9. The Secretary, Board of Revenue, NWFP.

Subject: **SCHEME OF BASIC PAY SCALES AND FRINGE BENEFITS OF PROVINCIAL CIVIL SERVANTS (1983).**

Sir,

In pursuance to the decision of the President of Pakistan, the Governor, NWFP has been pleased to sanction, with effect from 1st July, 1983, a scheme as detailed below, of the Basic pay Scales, Allowances and other Fringe Benefit, 1983 for the Provincial Civil Servants.

PART-I BASIC SCALES AND ALLIED MATERIALS

2. **Basic scales of pay:-** The Basic Scales of pay, 1983, as shown in Annexure-1 to this circular letter shall replace the existing covand National Scales of Pay (RNPS). The Basic Scales shall not be regarded as "grades" and shall not be conferred to as grades in officials communications, officials shall henceforth be appointed/promoted to posts and not in grades.
3. **Initial fixation of pay:** (1) The initial pay of an existing employee, _____ employee, who has been in Government Service since before the 1st of July, 1983, shall be fixed at the stage in the relevant Basic Pay Scales which is as many stages above the minimum as the stage occupied by him above the minimum of the existing revised National Pay Scales, provided that where the pay so determined does not give the employee concerned minimum advantage of 10% of his existing Basic Pay Plus D _____ allowance over and above the present employments drawn by him, his pay shall be fixed at the lowest stage in the Basic Scale that gives him that advantage provided further that the maximum of the relevant Basic Scale shall not in exceeded in any case. IN this fixation formula, "employments" would _____ the sum of pay Dearness Allowance and Local Compensatory allowance if any.

10

Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Geologists, Meteorologists, Archaeologists, and Animal Husbandry and Forestry working in Universities, colleges, Research Institutions or Technical Departments shall be allowed advance increments on possessing/acquiring higher qualifications as under:

(i) In case a technical/professional employee of the above category possesses Desc. Ph.D degree from a foreign University, he shall be allowed six advance increments on entry into service in 3-17.

Those of the above categories of officers who possess M.A/M.Sc/M.B or equivalent from a foreign University or Ph.D or M.Phil from a University in Pakistan will receive four advance increments on induction in service in 3-17.

(ii) Those of the above categories of employees who while in service obtain a degree shall be allowed four advance increments in case of (i) above and two advance increments in case of (ii) above.

(iii) In those cases where it is intended to extend the concession of advance increments to the categories of Officers other than Doctors, Engineers, Educationists, Experts in Agriculture, Animal Husbandry and Forestry mentioned above, prior concurrence of Finance Department shall be obtained.

Advance increments to stenographers: The orders contained in the Government of NWFP, Finance Department circular letters No. FD(SRI) 20-1/74 dated 13.5.1981 and No. FD(SRI) 2-56/72 dated 13.9.1982 regarding grant of four advance increments to Steno-typists, Stenographers, Personal Assistants, Judgement writers, Private Secretaries shall stand rescinded on the introduction of Basic Pay Scales with effect from 1-7-1983.

PART-II-ALLOWANCES:

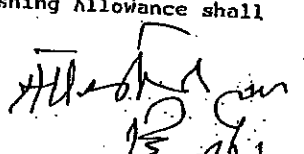
12.

Dearness Allowance, Local Compensatory Allowance and Rest and Recreation Allowance.

(i) As from the 1st of July, 1983, the existing Dearness Allowance, Local Compensatory Allowance wherever admissible, and Rest and Recreation Allowance shall cease to be admissible to a provincial civil servant who draws pay in the Basic Pay Scales.

(ii) The existing rules and orders regulating the grant of House Rent Allowance, Conveyance Allowance and Washing Allowance shall continue to be applicable.

Contd:-


 Asst. Dir. Inspr.
 Agri. Res. Instn.
 Tarnab, Peshawar

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Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Geologists, Meteorologists, Archaeologists, Experts of Agriculture, Animal Husbandry and Forestry working in Universities, Colleges, Research Institutions or Technical Departments shall be allowed advanced increments on possessing/acquiring higher notifications as under:

- (i) In case a technical/professional employees of the above category possesses B.Sc, Ph.D degree from a foreign University, he shall be allowed six advance increments on entry in to service in B-17.
- (ii) These of the above categories of officers who possesses M.A/M.Sc or PH.d or M.Phil from a University of Pakistan will receive four advance increments on induction in service in 3-17.
- (iii), These of the above categories of employees who while in service obtain a degree shall be allowed for advance increments in case of (i) above and two advance increments in case of (ii) above.
- (iv) In case while it is intended to extend the concession of advance increments to the categories of officers other then Doctors, Engineers, Educationists, Experts in Agriculture, Animal Husbandry and Forestry mentioned above, prior concurred of Finance Department shall be obtained.

11. **Advance Increments to Stenographers:** The orders concerned in the Government of NWFP, Finance Department circular letters No.FD(RI)20-1/74 dated 13.5.1981 and No.FD(SRI)2-56/72 dated 13.9.1982 regarding grant of four advance increments to steno-typist, Stenographers, Personal Assistants, Judgment Writers, Private Secretaries shall stand rendered on the introduction of Basic Pay Scales with effect from 1-7-1983.

PART-II-ALLOWANCES

12. **Dearness Allowance, Local Compensatory Allowance and Rest and Recreation Allowanced**

(i) As from the 1st of July, 1983, the existing Dearness Allowance, Local Compensatory allowance whoever admissible, and Rest and Recreation Allowance shall cease to be admissible to a provincial, civil servant who draws pay in the Basic Pay Scales.

(ii) The existing rules and orders regulating the grant of House Rent Allowance, Conveyance Allowance and Washing Allowance shall continue to be applicable.

II

Character of the post shall be the higher Grade Scale shall be the next higher grade.

Special Pay: (a) The existing special pay admissible to officials of various categories working as private secretaries and personal Assistants shall be revised as under:-

Name of Post	Existing Pay (Rs.)	Revised Pay (Rs.)
P.A. to Minister/Chief Secretary	150/220	200
P.A. to Additional Secretary	150/220	150
P.A. to Secretary	100	150
P.A. to Minister	60	100
P.A. to Chief Secretary/Additional Chief Secretary/Secretary	50	75

(b) The existing private secretaries who are in receipt of special pay exceeding Rs. 150/- p.m shall continue to draw it at the existing rates in parallel to them for 100 p.m. as they hold these posts.

Advance increments to school teachers on attaining higher qualifications.

Primary, Middle and High school teachers who possess or acquire while in service higher qualifications shall be allowed advance increments as under:-

I. Primary School:

- (i) A teacher who possesses or acquires P.A.T. Sc. shall be allowed two advance increments.
- (ii) A teacher who, in addition to P.A.T. Sc. also acquires B.A. shall be allowed one additional advance increment.
- (iii) A teacher who acquires a degree of B.A./B.Sc. shall be allowed three additional advance increments.

II. Middle School:

A teacher who possesses or acquires a Degree of B.A./B.Sc. shall be allowed three advance increments.

III. High School:

A teacher who possesses or acquires Master's Degree shall be allowed three advance increments. In case of a teacher who possesses or acquires Master's Degree in Education (M.Ed.) and also a Master's Degree in any graduate subject shall be allowed six advance increments.

Provided that a teacher who has already drawn increments for possessing higher educational qualification under the existing scales shall be allowed increments equal to shortfall in the number of increments, if any, between the increments obtained by him and the increments which have now been granted.

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Thereafter their pays in the higher Basic Scales shall be fixed at the next higher stage.

8. **Specified Pays:-** (a) The existing special pays admissible to officials of various categories working as Private Secretaries and Personal Assistants shall be revised as under:-

Name of Posts	Existing Rs.	Revised Rs.
P.S to Ministers/ Chief Secretary	150/220	200
P.S to Additional Secretaries	150/220	150
P.S to Secretaries	100	150
P.A to Ministers	60	100
P.A to Chief Secretary/ Additional Chief Secretary/ Secretary	50	75

(b) The existing Private Secretaries who are in receipt of special pay exceeding Rs. 150/- p.m shall continue to draw in at the within stage on personal to them for no long as they hold these posts.

9. **Advance increments to School Teachers on attaining higher qualification**

Primary, Middle and High School teachers who possess or acquire while in service higher qualification shall be allowed advance increments as under:

I. **Primary School**

- (i) A teacher who possess or acquires F.A/F.Sc shall be allowed two advance increments.
- (ii) A teacher who (in addition to F.A/F.Sc, So) also acquire C.T shall be allowed one additional advance increment.
- (iii) A teacher who acquires a degree of B.A/B.Sc shall be allowed three additional advance increments.

II. **Middle School**

A teacher who possesses or acquires a degree of B.A/B.Sc shall be allowed three advance increments.

III. **High School.**

A teacher who possesses or acquires Master Degree shall be allowed these advance increments. In case of a teacher who possesses ore acquires Master Degree in Education (M.Ed) and also Master's Degree in any other subject shall be allowed six advance increments.

Provided that a teacher who has already drawn increments for possessing higher educational qualification under the existing scales shall be allowed increments equal to shortfall in the number of increments if any, between the increments obtained by him and the increment which have now been

Annex C T2

No. FD(PPC)1-1/87-VIII. 19

Government of N.W.F.P.,
Finance Department.

Dated Peshawar, the July, 22, 1987.

From:

The Secretary to Government of NWFP.,
Finance Department, Peshawar.

To

1. All Administrative Secretaries to Govt. of NWFP.
2. The Senior Member, Board of Revenue, N.W.F.P.
3. The Secretary to Governor, N.W.F.P.
4. The Secretary to Chief Minister, N.W.F.P.
5. The Secretary Provincial Assembly Secretariat, NWFP.
6. All Heads of Attached Departments in N.W.F.P.
7. All Commissioners/Deputy Commissioners/Political Agents/District & Sessions Judges in N.W.F.P.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Secretary, Public Service Commission, N.W.F.P.
10. The Registrar, Services Tribunal, N.W.F.P.
11. The Secretary, Board of Revenue, NWFP., Peshawar.

Subject:- REVISION OF BASIC PAY SCALES AND ALLOWANCES OF CIVIL EMPLOYEES OF THE PROVINCIAL GOVERNMENT.

Sir,

Pursuant to the revision of the pay scales of the employees of the Federal Government vide Government of Pakistan, Finance Division (Regulation Wing) O.M.No. F.1/7/Imp.II/87 dated 1.7.1987, the Provincial Government of the North West Frontier Province are pleased to sanction revision of the Basic Pay Scales, allowances and other fringe benefits for the Provincial Civil Servants as detailed in the following paragraphs.

2. Basic Pay Scales:- The new scales, as shown in the Annexure to this circular letter shall replace the Basic Pay Scales, 1983 and shall be effective from the First of July, 1987.

3. Initial-fixation-of-Pay:- (i) The initial pay of an existing employees who has been in Government service since before the 1st July, 1987, shall be fixed on "Point to Point basis" i.e. at the stage in the relevant Basic Pay Scale which is as many stages above the minimum as the stage occupied by him above the minimum of existing Basic Pay Scale.

(ii) The annual increment shall continue to be admissible subject to the existing conditions on the First of December each year. However, the first annual increment of the existing employees in the new pay scales shall accrue on the 1st December, 1987.

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT

No. FD(PRC) 1-1/2001
Dated Peshawar the; October 27, 2001

from The Secretary to Government of NWFP,
Finance Department.

- To: 1. All Administrative Secretaries to Government of NWFP.
- 2. The General Member Board of Revenue, NWFP.
- 3. The Secretary to Governor, NWFP, Peshawar.
- 4. The Secretary, Provincial Assembly, NWFP.
- 5. All Heads of Attached Departments NWFP.
- 6. All District Coordination Officers/Political Agents/ District and Sessions Judges, NWFP.
- 7. The Registrar, Peshawar High Court, Peshawar.
- 8. The Chairman, NWFP, Public Service Commission.
- 9. The Chairman, NWFP, Service Tribunal, Peshawar.
- 10. The Secretary, Board of Revenue, NWFP, Peshawar.

Subject: REVISION OF BASIC PAY SCALES AND FRINGE BENEFITS OF CIVIL EMPLOYEES (BPS 1-22) OF THE N.W.F.P. GOVERNMENT (2001)

Sir,
I am directed to state that the Governor of the NWFP has been pleased to sanction with effect from December 1, 2001, a scheme of the Basic Pay Scales, Allowances and Pensions, 2001 for the Civil employees of the Government of NWFP in BPS 1 to BPS 22 as detailed below:-

PART I - BASIC PAY SCALES AND ALLIED MATTERS.

2. BASIC PAY SCALES:- The existing Basic Pay Scales and the revised Basic Pay Scales are shown in Annexure-1 to this letter. The revised Basic pay scales shall

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GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

No. FD(PRC)1-1/2001

Dated Peshawar the, October 27, 2001

From,

The Secretary Government of NWFP
Finance Department.

To,

1. All Administrative Secretaries to Govt: of NWFP.
2. The Senior Member Board of Revenue NWFP.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary Provincial Assembly, NWFP.
5. All Heads of Attached Departments, NWFP.
6. All District Coordination Officers/Political Agents/District and Sessions Judges N.W.F.P.
7. The Registrar, High Court, Peshawar.
8. The Chairman, Public Service Commission, NWFP.
9. The Chairman, Services Tribunal NWFP.
10. The Secretary, Board of Revenue, NWFP, Peshawar

Subject: **REVISION OF BASIC PAY SCALES AND FRINGE BENEFITS OF CIVIL EMPLOYEES (BPS-1-22) OF THE N.W.F.P GOVERNMENT (2001)**

Sir,

I am directed to state that the Governor of the NWFP has been pleased to sanction, with effect from December 1, 2001, a scheme of the Basic Pay Scales, Allowances and Pensions, 2001 for the Civil Employee of the Government of NWFP in BPS 1 to BPS 22 as detailed below:-

PART-I BASIC PAY SCALES AND ALLIED MATTER

2. Basic Pay Scales:- The existing Basic Pay Scales and the revised Basic Pay Scales are shown in Annexure-I to this letter. The revised Basic Pay Scales shall

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replace the existing Basic Pay Scales, 1994, and shall be effective from 2001.

3. DISCONTINUATION OF ALLOWANCES :- The following allowances shall cease to be payable on introduction of the revised pay scales with effect from 01-12-2001:-

- i. Cost of Living Allowance to BPS 1 to BPS 22 @ 7% of basic pay.
- ii. Adhoc relief of Rs. 300/- p.m. and Rs. 100/- p.m. to BPS 1 to BPS 16 (Inclusive of BPS-17 by virtue of Move Over).
- iii. Secretariat Allowance/Personal Allowance if any/Adhoc Relief as recompense for Secretariat/Personal Allowance.

4. SPECIAL ADDITIONAL ALLOWANCE :- Special Additional Allowance sanctioned vide Finance Department's letter No. FD(PRC)1-1/99 dated 26-7-1999 shall be frozen at the level drawn as on date of issue of this letter.

5. INITIAL FIXATION OF PAY :- Pay of the employees in Government service on 30-11-2001 shall be fixed at the stage in the revised pay scales which is as many stages above the minimum as the stage occupied by him above the minimum of the 1994 Basic Pay Scale.

6. PAY FIXATION ON PROMOTION :- The existing provisions regulating the fixation of pay in case of promotion from lower to a higher post shall continue to apply.

7. SELECTION GRADE AND MOVE OVER :- selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discontinued w.e.f the date of issue of this letter.

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replace the existing Basic Pay Scales, 1994 and shall be effective from 2001.

3. **DISCONTINUATION OF ALLOWANCES:-** The following allowances shall cease be payable on introduction of the revised pay scales with effect from 01-12-2001.

- i. Cost of Living Allowance to BPS 1 to BPS 22 @ 7% of basic pay.
- ii. Adhoc relief of Rs. 300/- p.m and Rs. 100/- p.m. to BPS 1 to BPS 16 (inclusive of BPS-17 by virtue of Move Over)
- iii. Secretariat Allowance/Personal Allowance if any/Adhoc Relief as recompense for Secretariat/Personal Allowance.

4. **SPECIAL ADDITIONAL ALLOWANCE:** Special Additional Allowance sanctioned vide Finance Department's letter No. FD(PRC)1-1/99 dated 26-7-1999 shall be frozen at the level drawn as on date of issue of this letter.

5. **INITIAL FIXATION OF PAY:** Pay of the employees in Government service on 30-11-2001 shall be fixed at the stage in the revised pay scales which is as many stages above the minimum as the stage occupied by him above the minimum of the 1994 Basic Pay Scale.

6. **PAY FIXATION ON PROMOTION:** The existing regulating the fixation of pay in case of promotion from lower to a higher post shall continue to apply.

7. **SELECTION GRADE AND MOVE OVER:** Selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discounted w.e.f the date of issue of this letter.

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PAY FIXATION OF EMPLOYEES IN SELECTION GRADE AND THOSE WHO HAVE MOVED OVER TO HIGHER SCALE.

Pay of an existing employee drawing pay by move over shall be fixed with reference to the pay scale of the post for the time being held by him. In case the employee was drawing pay in Selection Grade, his pay will be fixed in the Selection Grade pay scale. The stage of fixation will be arrived at after allowing increments on notional basis in the original scale of the post or the Selection Grade, in 1994 Basic Pay Scales, upto the point of existing pay. Pay of the employees will then be fixed at the relevant stage in the revised pay scales 2001.

EXAMPLE I

Assistant, BPS-11 Selection Grade, BPS 15; Move over BPS-16 and in receipt of Pay of Rs. 5490/- Pay will be fixed in BPS-15 i.e. Selection Grade pay scale at Rs. 8320/- as under :-

	Stage 15	Stage 16	Stage 17	Stage 18	Stage 19
1994 Scale	4845	5022	5199	5376	5553
2001 Scale	7260	7525	7790	8055	8320

EXAMPLE II

Pay fixation of an employee in BPS-11 who has moved over to BPS-14 and is in receipt of basic pay of Rs. 4480/- will be fixed after allowing notional increments in BPS-11 of 1994 Basic Pay Scales upto the stage of basic pay drawn. Pay in revised BPS-11 will be fixed at the corresponding stage of Rs. 6790/- as under:-

BPS-11	Stage 15	Stage 16	Stage 17	Stage 18	Stage 19	Stage 20	Stage 21	Stage 22	Stage 23	Stage 24
1994 Pay Scale	3465	3581	3697	3813	3929	4045	4164	4277	4393	4509
2001 Pay Scale	5215	5390	5565	5740	5915	6090	6265	6440	6615	6790

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8. PAY FIXATION OF EMPLOYEES IN SELECTION GRADE AND THOSE WHO HAVE MOVED OVER TO HIGHER SCALE

Pay of an existing employee drawing pay by move over shall be fixed with reference to the pay scale of the post for the time being held by him. In case the employee was drawing pay in Selection Grade, his pay will be fixed in the Selection Grade pay scale. The stage of fixation will be arrived at after allowing increments on national basis in the original scale of the post or the Selection Grade, in 1994 Basic Pay Scales, upto the point of existing pay. Pay of the employees will then be fixed at the relevant stage in the revised pay scales 2001.

EXAMPLE-I

Assistant, BPS-11 Selection Grade, BPS-15, Move over BPS 16 and in receipt of Pay of Rs. 5490/- Pay will be fixed in BPS-15 i.e. Selection Grade pay scale at Rs. 8320/- as under;

	Stage 15	Stage 16	Stage 17	Stage 18	Stage 19
1994 Scale	4845	5022	5199	5376	5553
2001 Scale	7260	7525	7790	8055	8320

EXAMPLE-II

Pay fixation of an employee in BPS-11 who has moved over to BPS-14 and is in receipt of basic pay of Rs. 4480/- will be fixed after allowing national increments in BPS-11 of 1994 Basic Pay Scales upto the stage of basic pay drawn. Pay in revised BPS-11 will be fixed at the corresponding stage of Rs. 6790/- as under;-

BPS-11	Stage 15	Stage 16	Stage 17	Stage 18	Stage 19	Stage 20	Stage 21	Stage 22	Stage 23	Stage 24
1994 Pay Scale	3465	3581	3697	3613	3929	4045	4164	4277	4393	4509
2001 Pay Scale	5215	5390	5565	5740	5915	6090	6265	6440	6615	6790

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EXAMPLE- III

Pay Fixation of an employee in BPS-5 who has moved over to BPS-11 and is in receipt of basic pay of Rs. 3465/- will be fixed after allowing notional increments in BPS-5 of 1994 BPS upto the stage of basic pay drawn. Since basic pay of Rs. 3465/- is beyond the 30 stages in notional BPS-5, (1994 BPS), and resultant more than the 30 stages of BPS-2001, therefore, his pay will be fixed at the notional 32nd stage i.e. at Rs.5300/-. The difference of Rs. 200/- (Rs.5300 - 5100) will be personal to him as under:-

	Stage- 30	Stage - 31	Stage - 32
BPS-5 1994	3380	3446	3512
BPS-5 2001	5100	5200	5300

In such cases future increments upto a maximum of 3 years will also be allowed as personal to such employees.

9. DATE OF INCREMENT:- Annual increment shall continue to be admissible subject to the existing conditions, on the 1st December each year.

10. SPECIAL PAYS/ALLOWANCES FOR OFFICES :- The Special Pays/ Allowances sanctioned to offices as percentage of pay shall be discontinued on the introduction of revised pay scales w.e.f 1-12-2001 and adjusted in future increments.

11. ADVANCE INCREMENTS :- The existing scheme of advance increments is discontinued w.e.f. 1-12-2001. A fresh scheme, if any, will be introduced in due course.

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EXAMPLE-III

Pay Fixation of an employee in BPS-5 who has moved over to BPS-11 and is in receipt of basic pay of Rs. 3465/- will be fixed after allowing national increments in BPS-5 of 1994 BPS upto the stage of basic pay drawn. Since basic pay of Rs. 3465/- is beyond the 30 stages in national BPS-5 (1994 BPS), and resultantly more than the 30 stages of BPS-2001, therefore, his pay will be fixed at the national 32nd stage i.e. at Rs. 5300/-. The difference of Rs. 200/- (Rs. 5300 - 5100) will be personal to him as under:-

	Stage-30	Stage-31	Stage-32
BPS-5 1994	3380	3446	3512
BPS-5 2001	5100	5200	5300

In such cases future increments upto a maximum of 3 years will also be allowed as personal to such employees.

9. **DATE OF INCREMENT:** Annual increment shall continue to be admissible subject to the existing conditions, on the 1st December each year.

10. **SPECIAL PAYS/ALLOWANCES FOR OFFICES:** The Special Pays/Allowances sanctioned to offices as percentage of pay shall be discontinued on the introduction of revised pay scales w.e.f 1-12-2001 and adjusted in future increments.

11. **ADVANCE INCREMENTS:** The existing scheme of advance increments is discontinued w.e.f 1-12-2001. A fresh scheme, if any, will be introduced in due course.

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th
BPS - 12 (1994) 1630-130-3760	1830	1960	2090	2220	2360	2480	2610	2740	2870	3000	3130	3260	3390	3520	3650	3780
BPS - 12 (2001) 2745-195-0595	2745	2940	3135	3330	3525	3720	3915	4110	4305	4500	4695	4890	5085	5280	5475	5670
National Extension 1994 BPS	3910	4040	4170	4300	4430	4560	4690	4820	4950	5080	5210	5340	5470	5600	5730	
Extended 2001 BPS	5665	6060	6255	6450	6645	6840	7035	7230	7425	7620	7815	8010	8205	8400	8595	

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th
BPS - 13 (1994) 1950-144-1110	1950	2094	2238	2382	2526	2670	2814	2958	3102	3246	3390	3534	3678	3822	3966	4110
BPS - 13 (2001) 2925-215-5375	2925	3140	3355	3570	3785	4000	4215	4430	4645	4860	5075	5290	5505	5720	5935	6150
National Extension 1994 BPS	4254	4398	4542	4686	4830	4974	5118	5262	5406	5550	5694	5838	5982	6126	6270	
Extended 2001 BPS	6365	6580	6795	7010	7225	7440	7655	7870	8085	8300	8515	8730	8945	9160	9375	

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th
BPS - 14 (1994) 2065-161-4480	2065	2226	2387	2548	2709	2870	3031	3192	3353	3514	3675	3836	3997	4158	4319	4480
BPS - 14 (2001) 3100-240-10300	3100	3340	3580	3820	4060	4300	4540	4780	5020	5260	5500	5740	5980	6220	6460	6700
National Extension 1994 BPS	4641	4802	4963	5124	5285	5446	5607	5768	5929	6090	6251	6412	6573	6734	6895	
Extended 2001 BPS	6940	7180	7420	7660	7900	8140	8380	8620	8860	9100	9340	9580	9820	10060	10300	

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th
BPS - 15 (1994) 2190-177-4945	2190	2367	2544	2721	2898	3075	3252	3429	3606	3783	3960	4137	4314	4491	4668	4845
BPS - 15 (2001) 3285-265-11235	3285	3550	3816	4082	4348	4614	4880	5146	5412	5678	5944	6210	6476	6742	6995	7260
National Extension 1994 BPS	5022	5199	5376	5553	5730	5907	6084	6261	6438	6615	6792	6969	7146	7323	7500	
Extended 2001 BPS	7525	7790	8055	8320	8585	8850	9115	9380	9645	9910	10175	10440	10705	10970	11235	

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th
BPS - 16 (1994) 2535-197-5490	2535	2732	2929	3126	3323	3520	3717	3914	4111	4308	4505	4702	4899	5096	5293	5490
BPS - 16 (2001) 3805-295-12655	3905	4100	4395	4690	4985	5280	5575	5870	6165	6460	6755	7050	7345	7640	7935	8230
National Extension 1994 BPS	5687	5884	6081	6278	6475	6672	6869	7066	7263	7460	7657	7854	8051	8248	8445	
Extended 2001 BPS	8525	8820	9115	9410	9705	10000	10295	10590	10885	11180	11475	11770	12065	12360	12655	

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
BPS - 17 (1994) 3980-280-7360	3980	4170	4460	4750	5040	5330	5620	5910	6200	6490	6780	7070	7360
BPS - 17 (2001) 6210-465-15510	6210	6675	7140	7605	8070	8535	9000	9465	9930	10395	10860	11325	11790
National Extension 1994 BPS	7650	7940	8230	8520	8810	9100	9390	9680					
Extended 2001 BPS	12255	12720	13185	13650	14115	14580	15045	15510					

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
BPS - 18 (1994) 5085-366-8745	5085	5451	5817	6183	6549	6915	7281	7647	8013	8379	8745
BPS - 18 (2001) 8135-585-19835	8135	8720	9305	9890	10475	11060	11645	12230	12815	13400	13985
National Extension 1994 BPS	9111	9477	9843	10209	10575	10941	11307	11673	12039	12405	
Extended 2001 BPS	14570	15155	15740	16325	16910	17495	18080	18665	19250	19835	

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
BPS - 19 (1994) 7750-385-11600	7750	8135	8520	8905	9290	9675	10060	10445	10830	11215	11600
BPS - 19 (2001) 12400-615-24760	12400	13015	13630	14245	14860	15475	16090	16705	17320	17935	18550
National Extension 1994 BPS	11985	12370	12755	13140	13525	13910	14295	14680	15065	15450	
Extended 2001 BPS	19165	19780	20395	21010	21625	22240	22855	23470	24085	24700	

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th
BPS - 20 (1994) 9195-440-13595	9195	9635	10075	10515	10955	11395	11835	12275	12715	13155	13595	14035	14475	14915	15355
BPS - 20 (2001) 14710-950-28010	14710	15660	16610	17560	18510	19460	20410	21360	22310	23260	24210	25160	26110	27060	28010

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th
BPS - 21 (1994) 10190-545-15640	10190	10735	11280	11825	12370	12915	13460	14005	14550	15095	15640	16185	16730	17275	17820
BPS - 21 (2001) 16305-1070-31265	16305	17375	18445	19515	20585	21655	22725	23795	24865	25935	27005	28075	29145	30215	31285

Year of Service	Min.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th
BPS - 22 (1994) 10900-610-17000	10900	11510	12120	12730	13340	13950	14560	15170	15780	16390	17000	17610	18220	18830	19440
BPS - 22 (2001) 17440-1250-34975	17440	18690	19940	21190	22440	23690	24940	26190	27440	28690	29940	31190	32440	33690	34940

- Revised National pay scales 2001 Table
- Discontinued Move-over policy and adjustment of M. over scales in orig scales of pay - stages of pay above the minimum for beyond Max. pay scales as given as National stage
- BS-18 move-over (1994) Max. ceiling 10th stage
- Above Max. pay ceiling 2 stage, 2 Advance qualification increment AS 11th & 12th stage in the National table -

(ii) Where the prescribed qualification is Matric.	NIL	1	2	3
(iii) Where the prescribed qualification is F.A./F.Sc.	NIL	NIL	1	2
(iv) Where the prescribed qualification is B.A./B.Sc.	NIL	NIL	NIL	1

(b) Engineers and Doctors shall also be allowed four advance increments in case they possess or acquire a post-Graduate degree in their relevant field for which they have not been allowed any qualification pay.

(c) The advance increment/increments shall be allowed at the time of recruitment or acquiring higher qualification during service. In cases where the employee is already at the maximum of his pay scale, he would be allowed the requisite number of increments as personal pay to be absorbed on moving over/promotion to higher pay scale.

7. House Rent Allowance:- All employees not provided with Government accommodation and posted at Peshawar as indicated in para 1(a) of Finance Department's circular letter No.FD(SR-II) 2-1/78(P)-II dated 6.7.1981 shall continue to be entitled to House Rent Allowance at 45% of the minimum of the relevant Basic Pay Scales without indexation sanctioned vide Finance Department's circular letter No.FD(SR-II)2-1/78(Vol:V) dated 2.8.1986. At all other places this allowance will be allowed at 30% of the minimum relevant basic pay scale without indexation against the existing rate of 20% of the minimum of the relevant Basic Pay Scale.

Conveyance Allowance:- The Conveyance Allowance shall continue to be admissible at the existing rates sanctioned vide Finance Department's circular letter No.FD(SR-IV)4-14/80 dated 1981 as under:-

- (i) Government Servants drawing pay of Rs.1650/-p.m. and above:-
 - (a) Those maintaining motor Car not registered for commercial purposes, Rs.285/-p.m.
 - (b) Others, Rs.150/-p.m.

Attested
 Assr. Secy. P. & A. D.

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(ii)	Where the prescribed qualification is Matric	NIL	1	2	3
(iii)	Where the prescribed qualification is F.A/F.Sc	NIL	NIL	1	2
(iv)	Where the prescribed qualification is B.A/B.Sc	NIL	NIL	NIL	1

(b) Engineers and Doctors shall also be allowed four advance increments in case they possess or acquire a post-graduate degree in their relevant field for which they have not been allowed any qualification pay.

(c) The advance increment/increments shall be allowed at the time of recruitment or acquiring higher qualification during service. In cases where the employee is already at the maximum of his pay scale, he would be allowed the requisite number of increments as personal pay to be absorbed on moving over/promotion to higher pay scale.

7. **HOUSE REST ALLOWANCE:-** All employees not provided with Government accommodation and posted at Peshawar as indicated in para 1(a) of Finance Department's circular letter No. FD(SR-II)2-1/78(P)-II dated 6.7.1981 shall continue to be entitled to House Rent Allowance at 45% of the minimum of the relevant Basic Pay scales without indexation sanctioned vide Finance Department's circular letter No. FD(SR-II)2-1/78(Vol:V) dated 2.8.1986. At all other places this allowance will be allowed at 30% of the minimum relevant basic pay scale without indexation against the existing rate of 20% of the minimum of the relevant Basic Pay Scale.

8. **CONVEYANCE ALLOWANCE:** The Conveyance Allowance shall continue to be admissible at the existing rates sanctioned vide Finance Department's circular letter No. FD(SR-IV)4-14/80 dated 1981 as under:-

- (i) **Government Servants drawing pay of Rs. 1650/- p.m and above:-**
- | | | |
|-----|---|---------------|
| (a) | Those maintaining motor car not registered for commercial purposes. | Rs. 285/- p.m |
| (b) | others | Rs. 150/- p.m |

Annex E @ 19

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OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR.

NO. F. 24(96) CORR/Vol-1/406

Dated: 03/03/2002

30-01-2002

To

The Secretary to Government of NWFP,
Finance Department, Peshawar.

(55)

Subject: PROTECTION OF PERSONAL PAY FOR HIGHER QUALIFICATION.

I am directed to refer to your department circular letter No. Fd (SR) 15-2798 dated 26-01-1999 on the subject noted above. According to which personal Pay on account of higher qualification shall not be observed/adjusted but shall be treated as part of the time scale of Pay for the purpose of fixation of Pay of the civil servant concerned on his promotion/selection grade/Move over. This office is of the view that personal Pay on account of higher qualifications shall be treated as part of the time scale of Pay for the purpose of fixation of Pay of the civil servant concerned on revision of Basic Pay Scales w.e.f 1-12-2001. The view of this office if correct may kindly be confirmed.

—sd—
DY: ACCOUNTANT GENERAL (Admin):
N.W.F.P. PESHAWAR.

No. DAO-Swt/Admin/191-93 Dated 22-3-2002

Copy forwarded to:

S/PR-I	Section Local	} For information & strict compliance pl.
✓ S/PR-II	" "	
S/PR-III	" "	

Distt. Accounts Officer

[Handwritten signature]
Swt

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OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR

RO#24(96CORR/Vol-1/406

Dated 30/01/2002

To,

The Secretary to Government of NWFP,
Finance Department, Peshawar.

Subject: **PROTECTION OF PERSONAL PAY FOR HIGHER QUALIFICATION**

I am directed to refer to your department circular, letter No. FD(SRI) 15-2/98 dated 26-01-1999 on the subject noted above. According to which personal Pay on account of higher qualification shall not be observed adjusted but shall be treated as part of the time scale of pay for the purpose of fixation of pay of the civil servant concerned on his promotion/selection grade. Move over. This office is of the view that personal Pay on account of higher qualification shall be treated as part of the time scale of Pay for the purpose of fixation of Pay of the civil Servant concerned on version of Basic Pay Scales w.e.f 1-12-2001. The view of this office if correct may kindly be continued.

**DY: ACCOUNTANT GENERAL (Admn;)
N.W.F.P, Peshawar**

Annex F

20

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT

NO. FD(SR.T)15-2/98
Dated Peshawar the, Feb. 13, 2002.

The Accountant General,
NWFP.

PROTECTION OF PRISONAL PAY FOR HIGHER QUALIFICATION

I am directed to refer to your letter No.H-24(96) Govt/Secy/T/406 dated 30-1-2002 on the subject noted above and to enclose herewith a copy of letter No.FD(SR.T)15-2/98 dated January 26, 1999. Your view point on the subject matter is also correct which is confirmed.

sd/-
(SHAH JEHAN)
SECTION OFFICER (SR.T)

OFFICE OF THE ACCOUNTANT GENERAL, N.W.F.P., PESHAWAR.
PHONE NO. 241111)RPS-2061/476-70

Dt: 4-3-2002

Copies of the above alongwith copy of this office letter dated 30-1-2002 forwarded to:

1. All DAO's/4AO's in NWFP, Peshawar.
2. All Pay Roll Sections (Local).
3. The officer incharge, Pay Fixation Party.

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1/2/02

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ACCOUNTS OFFICER
NWFP, PESHAWAR.

4/3/02

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GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

No. FD(SR.T)12-2/98
Dated Peshawar the, Feb. 13, 2002.

To,

The Accountant General,
NWFP.

Subject: **PROTECTION OF PERSONAL PAY FOR HIGHER
QUALIFICATION**

I am directed to refer to your letter No. H-24(96) Corr/ Vol.1 / 406 dated 30-01-2002 on the subject noted above and to enclose herewith a copy of letter No. FD(SR.I)15-2/98 dated January 26, 1999. Your view point on the subject matter is also connect which is confirmed.

Sd/-
(SHAH JEHAN)
SECTION OFFICER (SR.I)

OFFICE OF THE ACCOUNTANT GENERAL NWFP, PESHAWAR

No. H-24(111)R(BPS-2001/476-70 Dated: 4-3-2002

Copy of the above along with copy of the office said letter dated 30/01/2002 forwarded to:

1. All DAO's/AAO's in NWFP, Peshawar.
2. All Pay Roll Sections (Local) .
3. The Office In-charge, Pay Fixation Party.

**ACCOUNTS OFFICER
NWFP, PESHAWAR**

Annex G

2021



S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	02.03.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.810/2012</p> <p style="text-align: center;">(Ali Ayaz Khan -vs- District Account Officer, Mingora, Swat and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u></p> <p>Appellant with counsel (Mr. Saad Ullah Khan Marwat, Advocate), Mr. Ansar Ahmad, AAO for respondents No.1 to 3 and Mr. Ali Akbar, SRO for respondent No.4 alongwith Mr. Muhammad Jan, GP for respondents present.</p> <p>2. The instant appeal has been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 whereby recovery/payment of the following amount was not made to appellant. (1) Rs. 38927/- monthly salary for 12/2008, (2) Rs. 6000/- per Month personal pay/annual increments since 12/2011 till date, (3) Adhoc Relief Rs. 458/- per month since 12/2008 till date, (4) Rs. 615/- PM since 12/2005 till date, (5) Rs. 465/- PM annual increments since 12/2002 till date at revised rate and (6) Rs. 82,550/-. He prayed that on acceptance of this appeal, order of recovery/deduction of Rs. 82550/- alongwith Rs. 6000 per month or as the case may be, reimbursed to appellant with markup, with such other relief as may</p>

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

be deemed proper and just in circumstances of the case.

3. Brief facts giving rise to the instant appeal are that the appellant was initially appointed as Research Assistant (BPS-16) which post was then upgraded to BPS-17 in the same year. That the appellant was then promoted to the post of Assistant Botanist (Supervisory) BPS-17 on 10.11.1993 w.e.f 25.05.1993. He was promoted by way of Move over to BPS-18 on 01.12.1998. In the year 2008, appellant was promoted to the post of Senior Research Officer (BPS-18) on regular basis. That on 02.12.2008 he was transferred from Swat to Agriculture Research Institute, Tarnab, Peshawar against the post of Potato Botanist. That on 06.01.2009 respondent No.1 sent LPC to respondent No.2 which contains various figures of emoluments but the same does not contain annual increments of Rs. 740/- per month from 12/2007 to 12/2008. That on 27.08.2009 respondent No.2 wrote letter to respondent No.1 that appellant has been given more monetary benefits than the admissible by making over payment to him of Rs. 38927/- in pay and allowances from 03.12.2008 to 31.12.2008, so the LPC be rechecked and if any omission was pointed out, the same be recovered from him and correct and revised LPC/Service Statement be supplied at the earliest so that the pay of the officer can be fixed properly. That in the meanwhile, appellant was transferred to Abbottabad to the office of respondent No.3 and then respondent No.2 sent LPC to respondent No.3 showing statement of deduction of money in various categories of pay and allowances, amounting to Rs. 82550/-. That from the month of September 2011 deduction was started at the @ Rs. 20000/- per month and till January 2012, recovery of Rs. 82550/- was made from the monthly salaries of appellant alongwith annual increments

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

and personal pay at the @ Rs. 6000/- per month and the same were stopped till date w.e.f 12/2011. That the appellant preferred departmental appeal on 23.04.2012 which was not responded, hence the present service appeal.

4. The learned counsel for the appellant argued that appellant was transferred on 02.12.2008 from Swat to Agriculture Research Institute Tarnab, Peshawar as Potato Botanist. While in Peshawar the Accountant General office raised objection on the salary of the officer as contained in the LPC and started recovery of over payment on account of personal pay. On approach to the Accountant General Office the issue was settled but on his transfer again from Peshawar to Abbottabad on 16.12.2009 the District Comptroller Abbottabad again resorted to recoveries on account of access payment of personal pay and as such an amount of Rs. 82550/- was recovered from his monthly salary which was not justified nor any notice of such recovery served upon the appellant. He further argued that the appellant got retired from service on 05.04.2013 and payment on account of annual/advance increments were made to the appellant in good faith but recovery was made from him in illegal manner and without any reason or justification which action was not maintainable under the law. He further argued that the appellant made representation to the relevant authority time and again but no heed was paid to the same and his grievances remained unresolved. He prayed that on acceptance of this appeal the amount recovered may be reimbursed.

5. Learned Government Pleader resisted the appeal and argued

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

that pay fixation party made a correct decision of recovery of over payment irregularly drawn by the appellant as there was no provision at the relevant rules/policy for fixing of advance increment beyond the maximum of pay scale of the pay. He further argued that he was transferred from the Audit Control of agriculture University Peshawar he was allowed personal pay beyond the maximum of the time scale in BPS-17 which is clearly violated the order of the Government vide No. FD (PRC)I-1/2005 dated 12.11.2005 hence personal pay was reduced. He contended that he was overpaid amounting to Rs. 36416/- @ Rs. 38927/- per month pay and allowances w.e.f 03.12.2008 to 31.12.2008 per LPC issued by respondent No.2. The appellant drawn the salary for the full month of December while he relinquished the charge on 03.12.2008, hence the overpaid salary was required to be recovered and drawn from the audit circle of respondent No.2. He prayed that the appeal being devoid of any merits may be dismissed.

6. Arguments of learned counsels for the parties heard and record perused with their assistance.

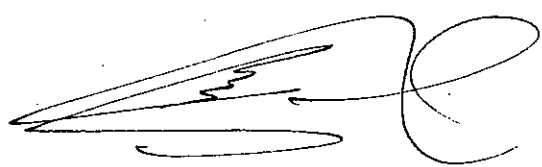
7. From perusal of the record, it transpired that the appellant availed the benefit of personal pay beyond the maximum of pay scale on account of annual/advance increment while posted in the jurisdiction of District Account Officer Swat. The said facility however became disputed who on his transfer to Peshawar took charge of the post at Research Station Tarnab in the jurisdiction of A.G Peshawar. According to the appellant the issue remained settled during his stay in Research Station Tarnab, Peshawar but on his

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[Signature]
 EXAMINER
 Kh/ber Pakhtunkhwa
 Service Tribunal
 Peshawar

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subsequent transfer the issue again cropped up when he was posted in Abbottabad where District Comptroller Abbottabad again started recovery of over payment made on account of personal pay beyond maximum of the pay scale of the appellant. It is evident that a consistent approach was not adopted by different Accounts offices and as sufficient record is not available before the Tribunal to draw a safe conclusion, We therefore, deem it appropriate to remit the case to the respondent-department with direction to sort out the case with the relevant Account Offices and get the issue resolved in consultation with the pay fixation party in light of the relevant law/rules pertaining to the issue in hand where appellant should be duly associated. The issue should preferably resolved on its merits within a period of sixty days of the receipt of this judgment. Parties are left to bear their own cost. File be consigned to the record room.



(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

Certified to be true copy
 PIR BAKHSH SHAH
 Khuzdar Bench
 Service Tribunal,
 Peshawar

ANNOUNCED
02.03.2016

Date of Presentation of App. 24-07-18
 Number of Words 2400
 Copying Fee 28-00
 Urgent 4-00
 Total 32-00
 Name of Copyist
 Date of Completion of Copy 24-07-18
 Date of Delivery of Copy 24-07-18

Page 6

Annex H

(26)

IN THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. _____ / of 2019

Ali Ayaz Khan son of Gul Amir Khan,
Senior Research Officer (Retd)
Potato Botanist, C/O Muhammad Rafiq Khan
Metrological Colony, Opposite
Provincial Assembly Building
Peshawar Cantt.



VERSUS

1. Accountant General Khyber Pakhtunkhwa
Fort Road Peshawar Cantt.
2. Accounts Officer (Pay Fixation Party)
Accountant General Office
Fort Road, Peshawar Cantt.
3. Secretary to Government of
Khyber Pakhtunkhwa, Finance Department
Civil Secretariat, Peshawar... .. Respondents

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

Respectfully Sheweth:

Brief facts giving rise to the instant Writ Petition are as under:-

1. That the petitioner was initially appointed as Research Assistant (BPS-16) in the year 1977 which post was upgraded to BPS-17 in the same year.
2. That the petitioner was performing his duties to the best of his ability when on meritorious services he was promoted to the post of Assistant Botanist (Supervisory) (BPS-17) on 10.11.1993 with effect from 25.05.1993. He was promoted by way of Move-Over to BPS-18 on

ATTESTED

EXAMINER
Peshawar High Court

01.12.1988, in the year 2008 the petitioner was promoted to the post of Senior Research Officer BPS-18 on Regular Basis.

3. That sanction for 2 Advance Increments for higher educational qualification from Foreign University of MS (USA) was accorded by competent authority (while in service) with effect from 08.05.1993 beyond pay maximum ceiling as two points/2 Stages in Personal Pay (P.P) in light of the following Finance Department Notifications: (i) No. 10189-93 dated 03.11.1993 (ii) Finance Department Circular No. F.D(SR-I)1-67/83 dated 24.08.1983 and (iii) Finance Department Circular No. F.D(PRC)1-1/87-VIII dated 22.07.1987 (Copies of the Notifications dated 03.11.1993, 24.08.1983 and 22.07.1987 are attached as annexures 'A', 'B' & 'C' respectively).
4. That two Advance increments were then absorbed in 2001 Revised National Pay Scale Schedule after discontinuation of Move-Over Policy and adjustment in original Pay Scales of BPS-17 and two Advance increments considered as two Stage/or 2 points for reading in the Notional Table and then to the amount of the increments for pay purpose; under specified stage, vide Notification No. F.D (PRC)1-1/2001 dated 27.10.2001, Accountant General Letter No. H-24(96) Coor/Vol-1/406 dated 30.01.2002 and No. F.D (SR-1)15-2/98 dated 13.02.2002. (Copies of the Notification dated 27.10.2001, letter dated 30.01.2002 and Notification dated 13.02.2002 are attached as annexures 'D', 'E' & 'F' respectively).
5. That the petitioner approached the Khyber Pakhtunkhwa Service Tribunal Peshawar for the redressal of his grievances and the Honourable Service Tribunal was kind enough to pass an order dated 02.03.2016 whereby direction was given to the respondent Department to resolve the matter within 60 days so as a first step, the District Comptroller of Accounts Abbottabad honoured the Honourable Court orders and instantly reimbursed to petitioner Rs. 1,80,408 the withheld amount from his Pension emoluments but, however, the respondents

ATTESTED

EXAMINER
 Peshawar High Court

have not properly appreciated the law, rules and Regulation/Notification on the subject to count two increments, point to point/2 Stages rather adopted incorrect/unlawful procedure for absorbing two Advance Increments in the relevant Pay Scale ignoring the Finance Department Pay Fixation Formula stated that; "Earned increments beyond minimum Pay Scale or beyond Maximum Pay Scale as Personal Pay (P.P) increments are part of the Pay Time Scale and that should be counted as Points/or Stages for Pay Fixation". (Copy of the order and judgment of the Honourable Khyber Pakhtunkhwa Service Tribunal dated 02.05.2016 is attached as annexure 'G').

6. That the Government Finance Department Pay Fixation Rules are very much clear and it is explicitly explained in all the Revised National Pay Scale since 1983 upto 2019 i.e. Notification/Fixation Column/Clauses with similar wording that increment beyond Minimum Pay upto ceiling or beyond Maximum Pay Ceiling as Personal Pay (P.P) increments are counted in points/or stages in the Table for Fixation of pay in relevant original scale after discontinuation of Move-Over Scales Policy in 2001.
7. That the respondents knowingly have not proceeded in accordance with law/rules rather discriminated the petitioner which is against the letter and spirit of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
8. That the respondents have intentionally deprived the petitioner from his due rights (Financial Rights) which is based on malafide intention and is for ulterior motive.
9. That under the law/rules of the land the petitioner is entitled to be treated in accordance with law and is entitled for his financial benefit on point to point/stage-wise.

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EXAMINER
Peshawar High Court

4 29

10. That the petitioner craves permission of this Honourable to advance any other document/argument at the time of hearing of the instant Writ Petition.

It is, therefore, humbly prayed that on acceptance of this Writ Petition this Honourable Court may be pleased to direct the respondents to proceed with the case of the petitioner on the basis of Point to Point/Stage-wise formula for fixation of pay absorption of Two Advance Qualification Increments (Foreign Qualification Increments) granted while in service.

Any other relief though not specifically asked for to which the petitioner is found entitled in the circumstances of the case may also be granted to the petitioner.

Through:

RAK
Petitioner

Wali Khan Afridi

(Wali Khan Afridi)
Advocate,
Supreme Court of Pakistan
Cell # 0300-5977695

And

Kamran Khan Afridi
(Kamran Khan Afridi)
Advocate High Court,
1-C, Haroon Mansion
Khyber Bazar Peshawar
Cell # 0300-5848545

Dated: 26~~08~~.2019

CERTIFICATE:

Certified that as per instructions of my client, no such Writ Petition on behalf of the petitioner has earlier been filed in this Honourable Court on the subject matter.

Wali Khan Afridi
Advocate

BOOKS OF LAW:

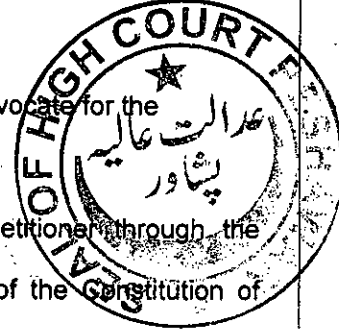
1. Constitution of Islamic Republic of Pakistan, 1973.
2. Case law according to need.

CERTIFIED TO BE TRUE COPY
Examined
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-Ashhadat Ordinance
03 DEC 2019

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of the Judge
30.10.2019	<p><u>W.P.No.5205-P of 2019.</u></p> <p>Present: Mr.Wali Khan Afridi, advocate for the petitioner.</p> <p>-----</p> <p><u>LAL JAN KHATTAK, J.-</u> Petitioner through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 has prayed for the following relief:-</p> <p>"It is, therefore, humbly prayed that on acceptance of this writ petition, this Honourable Court may be pleased to direct the respondents to proceed with the case of the petitioner on the basis of Point to Point/Stage-wise formula for fixation of pay absorption of two Advance Qualification Increments (Foreign Qualification Increments) granted while in service".</p> <p>2. Preliminary arguments heard and available record gone through.</p> <p>3. Admittedly, the petitioner is a civil servant and the fixation of pay under a formula or the grant of increments are the terms and conditions of service. If a civil servant is aggrieved of any breach of the terms and conditions of his service, then in that eventuality he can approach the Services Tribunal established by the Government for the redressal of his grievance but on no count he can file a petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 keeping in view the bar</p>



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EXAMINER
Peshawar High Court

contained under Article 212 of the Constitution.

4. For what has been discussed above, this petition is dismissed in limine for its being not maintainable before this court, however, the petitioner can approach the relevant forum for the remedy available to him under the law.

JUDGE

JUDGE

[Signature]
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Secretary, High Court, Peshawar
authorized under Article 173 of
the Constitution of Pakistan Order 1983
03 DEC 2019

17046
Date of Presentation 03/12/19
No of Pages 6
Copying Fee
Urgent Fee 24/-
Total
Date of Preparation 03/12/19
Date of Delivery 03/12/19
Received by *[Signature]*



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To

- (1) The Accountant General,
Khyber Pakhtunkhwa,
Fort Road, Peshawar Cantt,
- (2) The Secretary,
Govt; of KPK Finance Department,
Civil Secretariat Peshawar.

Subject:

APPEAL AGAINST ILLEGAL RECOVERIES FROM MY BASIC PAY SCALE-18 AND NET PENSION AND KPK SERVICE TRIBUNAL PESHAWAR DECISION ON 02-03-2016 IN S.A NO. 810/2012 OF ALI AYAZ KHAN, SRO, ABBOTTABAD.

Sir,

It is submitted with great reverence that the Honourable Service Tribunal, Peshawar gave a verdict in our favour as well instructions issued to the respondents to solve the matter within sixty days. The subject service appeal was related to the illegal loan recoveries of Rs. 82550/- shown in September, 2011 pay bill, deduction of Rs. 6000/- from basic pay December, 2011 upto 05-04-2013 with total amount of Rs. 97000/- plus Dearness Allow @ 15% Rs. 14550/- and withholding of Rs. 180408/- from my net pension (Annex-I^P 4).

Therefore, as a first step, I approached District Comptroller of Accounts Abbottabad (his goodness Lodhi Sahib). He, then kindly approved the Court orders and allowed re-imburement of Rs. 180,408/- (Annex-II^P-I) and Account Section started working on the new revised LPC issuance for reimbursement of other recoveries/ claims.

But afterwards in the course, Gul Moheet Khattak, Accounts Officer (Pay Fixation), Mohammad Sadiq, Auditor, DAO, Swat and Altaf Hussain Office Assistant, ARI, Swat at Mardan incorrectly fixed my pay for the year 2001 alongwith absorption of two Higher Educational foreign University Qualification increments in BPS-18 (Move over) i.e 271+271= 542 sanctioned since 08-05-1993 as lump sum amount without considering the Finance Department notification No. F.D (SR-I) 15-2/98 dated Peshawar the Jan-26-1999 explaining that qualification

increments in personal pay shall be treated as part of the time scale of pay for the purpose of fixation of pay of the Civil Servants concerned (Annex-III^P 5). All other Finance Department notification since 1983 upto 2019 also explicitly explain in the pay fixation subject column with similar wordings/ statement quoted as "Pay fixation is made on point to point basis and stage to stage as occupied by him for the all earned yearly increments above the minimum start scale of the relevant Basic Pay Scales" (Annex-IV^P 4)

The personal pay increments beyond maximum pay ceiling are also part of same pay time scale to be considered on point to point basis at the stage in the revised pay scales which is as many stages beyond pay ceiling in the relevant scales. Finance Department, Govt; of Pakistan/ Govt; of Khyber Pakhtunkhwa other successive notification further clarifies the nature of personal pay increment as part of a pay time scale to be drawn at the revised rates. (Annex-V^P 2-1)

Therefore, it is humbly submitted that there is no clause or written statement in the Finance Department all revised pay scale notification that increment amount is considered for pay fixation. The increment amount is a secondary step to be read under the relevant stage in the given pay table for pay purposes, when all the earned increments are counted on point to point basis formula.

As a result of the novel pay fixation by Mr. Gul Moheet Khattak, Account Officer (Pay Fixation Party) with his own pocket note book formula of the old increment amount absorption, a big chunk of Rs. 6000/- was grabbed from my basic pay scale-18 and therefore my pay was reduced to a 15-years Junior Officer Asif Rehman SRO in the same department (Annex-VI^P 7).

In other words my Higher Educational Qualification of M.Sc (Hons) M.S(USA), M.A (Eco), promotion to Higher Scale of 17, 18 (Moreover) and

regular Promotion to BS-18 and long tenure service 36-years, 2-Months & 16-Days benefits of pay, net pension and monthly pension were reduced to a BPS-16/ or less cadre Govt; employee in a unlawful tricky manner and which has no factual evidence supported by any Finance Department Gazetted notification for the actions explanation.

During the case execution proceedings, I the appellant submitted an appeal on plain paper on 13-11-2017 addressed to Accountant General for Implementation of The Honourable Tribunal decision on 02-03-2016. The letter was marked to Account Officer Pension branch for compliance under AG Diary No. 1328 dated 13-11-2017 (Annexure-VII^P). But litigation office again created hindrances in the course of justice ordered by the Honourable Court decision for implementation and wrote a letter No. 755-57 dated 21-12-2017, on their own wish to the litigation Office (II) Finance Department without the court orders after one year, 9 months & 19 days passed the decision on 02-03-2016 with misleading contents and fabricated statement that the appellant was in foreign service etc. in order to put the record straight I was abroad for my educational training leading to M.S/Ph.D in University of Kentucky, Lexington USA. The litigation AG office as respondent in the case included themselves as three members in the unlawful constituted committee has decided with one word "Not entitled" with no reasons given or discussed Financial Department pay fixation rules and therefore the respondent actions were challenged and submitted reply through Advocate in the Honourable KPK Service Tribunal, Peshawar (Annex-VIII^P)

In addition to the above we humbly provided further assistance with Honourable KPK Service Tribunal, Peshawar Financial Department, Govt; of NWFP another notification No. FD(FRC)I-I/2002 dated Peshawar the August, 8-2002 under subject; Revision of Basic Pay Scales and Fringe benefits of Civil

employees (BPS 1-22) of the NWFP Govt; (2001) was also submitted on 24-07-2018 regarding procedure for Higher educational qualification increments absorption in the relevant basic pay scale for those applicants who were not benefited/ served under Finance Secretary Govt; of NWFP No. F.D (SR-I) 15-2/98 dated Peshawar February-13-2002 (**Annex-IX**)

In order to sum up the S.A No. 810/2012 core issue, it is submitted that my pay and allowances in BPS-18 were fixed through proper channel by legal authority in light of the revised pay scale 2001 notification etc, but after (11) years Rs. 6000/- was deducted from my basic pay BS-18 through unlawful, incorrect pay fixation and I was pushed back to BPS-16/ or less cadre Govt; employee. We provided all the Finance Department notification/ circulars with full sincerity in the Honourable KPK service Tribunal but the respondents could not implement the court orders in letter and spirit.

The Honourable KPK service Tribunal, Peshawar dismissed the execution petition No. 158/2016 on 08-07-2019. We hailed the decision but with some apprehensions that no lawful reasons and reference to the Finance Department rules were discussed that why the appellant is deprived of BPS-18 pay, net monthly pension and long service enhanced benefits.

Therefore a Writ Petition No. 5205/2019 was lodged in Honourable Peshawar High Court Peshawar through learned Counsel against the execution petition No. 158/2016 dismissal by KPK Service Tribunal on 08-07-2019. On a one point agenda that pay fixation on point basis was not maintained per Finance Department pay fixation rules/ formulas. The Honourable Peshawar High Court Peshawar on 30-10-2019 orders that the petition to be heard & reviewed by KPK service Tribunal Peshawar. (**Annex-X₂₄**)

It is, therefore, humbly requested, your kind honour that the pay fixation for 2001 may be revisited on point to point basis per the Finance Department pay fixation rules and the anomaly of my pay, net pension and monthly pension reduction from BPS-18 to BPS-16 may be addressed lawfully. Due to already delayed circumstances by COVID-19 pandemic a fifteen (15) days notice is served for the reply to the appeal, in order to move forward in the case proceedings.




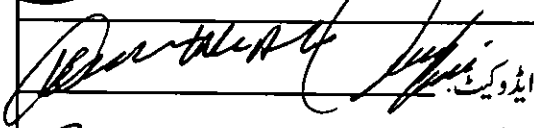
Applicant

Dated: 03-06-2020

Ali Ayaz Khan
(ALI AYAZ KHAN)
Senior Research Officer (Retd)
HARS, Abbottabad
Cell No. 0301-806-1442
CNIC No. 15602-0261052-3

Copy to:- ✓

WALI KHAN AFRIDI
Advocate Supreme Court of Pakistan,
Peshawar.

قیمت 50 روپے	42666			
ایڈووکیٹ: 		پشاور بار ایسوسی ایشن، خیبر پختونخوا		
بار کونسل ایسوسی ایشن نمبر: 14-4833-B.C				
رابطہ نمبر: 584854-5300				
0314-9214959				

بعدالت جناب: سرسبز سہیل شاہ

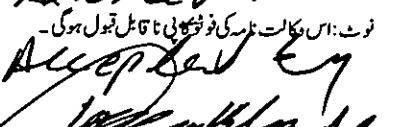
مخائب: Appellant	دعویٰ: کوہکا اجدیل
علی اعجاز	علت نمبر: (دوہیل) نمبر 12218/2020
بنام	مورخہ: 25/2/2020
Accountant General K.P.A. and others	جم: _____
	تھانہ: _____

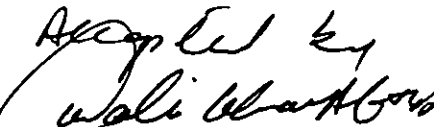
بابت تحریر آگے

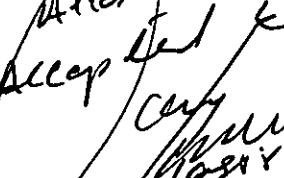
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ
آن مقام پر کیا گیا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
ذرائع پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرف سے یا اپیل کی برآمدگی اور منسوخی، نیز
دائرہ کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تازج پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے
المرقوم: 25/2/2020

وہاں

مقام کے لیے منظور ہے۔

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Accepted by

Advocate

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