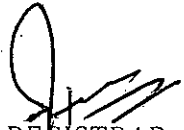




FORM OF ORDER SHEET

Court of _____

Case No. 895 /2021 21

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No...../2021

RAHBANA BIBI

VS

Govt of KP through Secretary E & SE) & others

INDEX OF DOCUMENTS

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

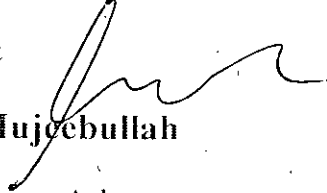

Appellant

Through

M. Ashfaq Khan Akhunkhail

Syed Zeshan Khan

&


Mujeebullah

Advocates

Khalid & Law Associates

46-C, 2nd Floor, Cantonment Plaza,
Peshawar Saddar

Cell No. 0333-8522332

Ashfaqkhan182@gmail.com

Dated:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**PESHAWAR****Khyber Pakhtunkhwa
Service Tribunal**Service Appeal No. ... 896/2021Diary No. 1017

RAHBANA BIBI

Dated 14/11/2021

Presently serving as PST (BPS 12) in GGPS Beragam Dir Lower

(APPELLANT)

VERSUS

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

(RESPONDENTS)

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

PRAYER:

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

R/SHEWETH:**FACTS:**

1. That the Appellant is serving in the Elementary and Secondary Education department as Primary School Teacher (BPS-12) quiet efficiently and up to the entire satisfaction of the superiors.
2. That the Conveyance Allowance is admissible to all the civil servants and to this effect a Notification No. FD(PRC) 1-1/2011 dated 14-07-2011 was issued.
3. That later on the finance department enhanced/ revise the rate of conveyance Allowance vide Notification dated 20-12-2012 for civil servants (BPS-1-15) but Respondents have treated the Appellants under the previous notification by not enhancing their conveyance allowance.
4. That Appellant was receiving the conveyance allowances as admissible under the law and rules but the Respondents without any valid and justifiable reasons stopped/deducted the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed for the leave period. **(Copies of the Salary slips of working/serving month and vacations deduction period are attached as annexure A)**
5. That similar placed employees of Elementary & Secondary Education Department (hereinafter referred as E & S Education Department) approached this August Tribunal and their grievance was redressed vide judgment dated 11-11-2019. **(Copy of Judgment dated 11/11/2019 is attached as annexure D)**
6. That being aggrieved from the illegal action of deduction of conveyance allowance, the Appellant preferred departmental appeal before the competent authority but the same has not been responded by Respondents within the statutory period of ninety days. **(Copy of departmental appeal is annexed as annexure E)**
7. That feeling aggrieved from action and inaction of the Respondents and having no other remedy available. hence, the Appellant approaches this Hon'ble Court inter alia on the following grounds.

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

GROUND:

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

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

Or

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

Through

M. Ashfaq Khan Akhunkhail Syed Zeshan Khan & Mujeebullah
ADVOCATES

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

Rob
Appellant

CERTIFICATE

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

[Signature]
ADVOCATE

A - 9

GOVERNMENT OF KHYSER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION UNIT)

NO. FCSO/SR-10/8-52/2012
Dated: Peshawar, the 26/12/2012

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

To: The Secretary, Government of Khuzdar, Peshawar
The Secretary, Government of Ferozpur, Peshawar
The Secretary, Government of Mardan, Peshawar
The Secretary, Government of Nowshera, Peshawar
The Secretary, Government of Peshawar, Peshawar
The Secretary, Government of Swat, Peshawar
The Secretary, Government of Dir, Peshawar
The Secretary, Government of Bannu, Peshawar
The Secretary, Government of Lakhanowt, Peshawar
The Secretary, Government of Kohistan, Peshawar
The Secretary, Government of Chitral, Peshawar
The Secretary, Government of Gilgit, Peshawar
The Secretary, Government of Diamir, Peshawar
The Secretary, Government of Ghanche, Peshawar
The Secretary, Government of Skardu, Peshawar
The Secretary, Government of Mastuj, Peshawar
The Secretary, Government of Turbat, Peshawar
The Secretary, Government of Balochistan, Peshawar
The Secretary, Government of Punjab, Peshawar
The Secretary, Government of Sindh, Peshawar
The Secretary, Government of Balochistan, Peshawar
The Secretary, Government of Punjab, Peshawar
The Secretary, Government of Sindh, Peshawar

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

The Government of Khuzdar, Peshawar has been pleased to enhance the rate of conveyance allowance for the civil employees of the Government of Khuzdar, Peshawar from 1st September 2012 at the following rates. However, the conveyance allowance for employees in BPS 10 to BPS 19 will remain unchanged.

S.NO	BPS	EXISTING RATE (PKR)	REVISED RATE (PKR)
1	1-4	RS. 1,500/-	RS. 1,700/-
2	5-10	RS. 2,000/-	RS. 2,200/-
3	11-15	RS. 2,600/-	RS. 2,800/-
4	16-19	RS. 3,000/-	RS. 3,200/-

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

Yours Faithfully,

ATTESTED

Secretary to the Finance Dept.

Encl: NO. FCSO/SR-10/8-52/2012

A copy is forwarded for information of the

Secretary, Government of Khuzdar, Peshawar
Secretary, Government of Ferozpur, Peshawar
Secretary, Government of Mardan, Peshawar
Secretary, Government of Nowshera, Peshawar
Secretary, Government of Peshawar, Peshawar
Secretary, Government of Swat, Peshawar
Secretary, Government of Dir, Peshawar
Secretary, Government of Bannu, Peshawar
Secretary, Government of Lakhanowt, Peshawar
Secretary, Government of Kohistan, Peshawar
Secretary, Government of Chitral, Peshawar
Secretary, Government of Gilgit, Peshawar
Secretary, Government of Diamir, Peshawar
Secretary, Government of Ghanche, Peshawar
Secretary, Government of Skardu, Peshawar
Secretary, Government of Mastuj, Peshawar
Secretary, Government of Turbat, Peshawar
Secretary, Government of Balochistan, Peshawar
Secretary, Government of Punjab, Peshawar
Secretary, Government of Sindh, Peshawar

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

3/1

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

From

The Secretary to Govt of Khyber Pakhtunkhwa
Finance Department, Peshawar

To,

1. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa
3. The Secretary to Governor, Khyber Pakhtunkhwa
4. The Secretary to Chief Minister, Khyber Pakhtunkhwa
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
6. All Heads of attached Departments in Khyber Pakhtunkhwa
7. All District Coordination Officers of Khyber Pakhtunkhwa
8. All Political Agents / District & Session Judge in Khyber Pakhtunkhwa
9. The Registrar Peshawar High Court, Peshawar
10. The Chairman Public Service Commission, Khyber Pakhtunkhwa
11. The Chairman, Service Tribunal, Khyber Pakhtunkhwa

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

Dear Sir,

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

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

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

Your Faithfully **ATTESTED**
To Be True Copy

(Sahibzada Saeed Ahmad)
Secretary Finance

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

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

B



4

Personal Information of Mr RAHBANA BIBI d/w/s of ABDU RAZIQ

Personnel Number: 00868238

CNIC: 1530245773040

NTN:

Date of Birth: 28.12.1995

Entry into Govt. Service: 01.04.2017

Length of Service: 03 Years 04 Months 001 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER

80710978-DISTRICT GOVERNMENT KHYBE

DDO Code: DA6324-Dir Lower

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: 868238

Interest Applied: Yes

GPF Balance:

45,869.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

BPS: 12

Pay Stage: 3

Wage type		Amount	Wage type		Amount
0001	Basic Pay	16,200.00	1000	House Rent Allowance	1,961.00
1300	Medical Allowance	1,500.00	1923	UAA-OTHER 20%(1-15)	1,000.00
2211	Adhoc Relief All 2016 10%	1,114.00	2224	Adhoc Relief All 2017 10%	1,620.00
2247	Adhoc Relief All 2018 10%	1,620.00	2264	Adhoc Relief All 2019 10%	1,620.00

Deductions - General

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-2,220.00	3501	Benevolent Fund	-600.00
3534	R. Ben & Death Comp Fresh	-600.00	3990	Emp.Edu. Fund KPK	-125.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

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

Gross Pay (Rs.): 26,635.00 Deductions: (Rs.): -3,545.00 Net Pay: (Rs.): 23,090.00

Payee Name: RAHBANA BIBI

Account Number: 7901489203

Bank Details: HABIB BANK LIMITED, 221150 TIMERGARA, DIR. TIMERGARA, DIR., LOWER DIR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: ZEMDARA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: rahbana025@gmail.com

ATTESTED
To Be True Copy



District Accounts Office Dir at Tumkur
District Salary Statement (July-2020)

Personal Information of **Sr RATHNA BHIRI** of **ABDE HANIQ**
 Personal Number: **0000000** (NIC: 12412472820)
 Date of Birth: **24.12.1962** Family and Govt Service: **01.04.2017**

Length of Service: **03 Years 04 Months 00 Days**
 1/12

Employment Category: **Active Temporary**
 Designation: **PRIMARY SCHOOL TEACHER**
 DIX (Case: **124624**) Date of Birth: **24.12.1962**
 Control Section: **001** GPF Section: **001**
 GYA Case No: **2020/10** Interest Applied: **Yes**
 GPF Balance: **12,800.00** (Last Date: **12.07.2020**)
 Pay and Allowances: **10,000.00** (Pay Band: **BS-12**)

Sl No	Particulars	Amount	Sl No	Particulars	Amount
001	B.S. Pay	10,000.00	001	Basic Pay	10,000.00
002	Dearness Allowance	1,000.00	002	Dearness Allowance	1,000.00
003	Adhoc Retiree Allowance	1,100.00	003	Adhoc Retiree Allowance	1,100.00
004	Adhoc Retiree Allowance	1,200.00	004	Adhoc Retiree Allowance	1,200.00
005	Adhoc Retiree Allowance	1,500.00	005	Adhoc Retiree Allowance	1,500.00

Deductions - (General)

Sl No	Particulars	Amount	Sl No	Particulars	Amount
001	R. Retiree (only part)	000.00	001	R. Retiree (only part)	000.00
002	GPF Deduction	1,200.00	002	GPF Deduction	1,200.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax
 Payable: **000** Recovered till 31.03.2020: **000**
 Payable: **000** Recovered till 31.03.2020: **000**

Gross Pay (Rs): **20,800.00** Deductions (Rs): **- 1,200.00** Net Pay (Rs): **19,600.00**

Page Name: **RATHNA BHIRI**
 Account Number: **0001280204**
Bank (Branch) FABRI BANK LIMITED 22101241280204 DIR INDIRARA DIR TUMKUR DIR

Interest: (Opening Balance) **000.00** (Closing Balance) **000.00**

Employment Address: **001 NIMBARA**
 Telephone: **W - 0812472820**
 Family Telephone: **0812472820**
 Home Address: **001 NIMBARA**
 Home Telephone: **0812472820**

ATTESTED
 101/10/2020

* The amount of interest is subject to the amount of the interest on the loan account. The amount of interest on the loan account is subject to the amount of the interest on the loan account.
 * The amount of interest is subject to the amount of the interest on the loan account. The amount of interest on the loan account is subject to the amount of the interest on the loan account.

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



Personal Information of Mr RAHBANA BIBI d/w/s of ABDU RAZIQ

Personnel Number: 00868238

CNIC: 1530245773040

NTN:

Date of Birth: 28.12.1995

Entry into Govt. Service: 01.04.2017

Length of Service: 03 Years 08 Months 001 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL TEACHER

80710978-DISTRICT GOVERNMENT KHYBE

DDO Code: DA6324-Dir Lower

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: 868238

Interest Applied: Yes

GPF Balance:

58,522.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

BPS: 12

Pay Stage: 3

Wage type		Amount	Wage type		Amount
0001	Basic Pay	16,200.00	1000	House Rent Allowance	1,961.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER 20% (1-15)	1,000.00	2211	Adhoc Relief All 2016 10%	1,114.00
2224	Adhoc Relief All 2017 10%	1,620.00	2247	Adhoc Relief All 2018 10%	1,620.00
2264	Adhoc Relief All 2019 10%	1,620.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-2,220.00	3501	Benevolent Fund	-600.00
3534	R. Ben & Death Comp Fresh	-600.00	3990	Emp. Edu. Fund KPK	-125.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

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

Gross Pay (Rs.): 29,491.00 Deductions: (Rs.): -3,545.00 Net Pay: (Rs.): 25,946.00

Payee Name: RAHBANA BIBI

Account Number: 7901489203

Bank Details: HABIB BANK LIMITED, 221150 TIMERGARA, DIR. TIMERGARA, DIR., LOWER DIR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: ZEMDARA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: rahbana025@gmail.com

ATTESTED
To Be True Copy



Dist. Govt. KP Provincial
 District Accounts Office Dir of Finances
 Mysore State Government (November-2020)

Personal Information of /೨ RAHMANA BIRI (Date of Birth: 12/11/1972)

Account Number: 0211 12014770000
 Date of Birth: 28.12.1992
 Length of Service: 07 years 05 months 00 days

Employment (Date of Joining: 01/01/2014)
 Designation: PRIMARY SCHOOL TEACHER
 DDO Code: D/201/Dir/1
 Pay Band: 001
 Pay Matrix: 001
 Pay and Allowances: 22,570.00
 Dearness Allowance: 1,200.00
 Dearness Bonus: 1,200.00
 Dearness Relief: 1,200.00
 Dearness Relief (10%): 1,200.00
 Dearness Relief (20%): 1,200.00
 Dearness Relief (30%): 1,200.00
 Dearness Relief (40%): 1,200.00
 Dearness Relief (50%): 1,200.00
 Dearness Relief (60%): 1,200.00
 Dearness Relief (70%): 1,200.00
 Dearness Relief (80%): 1,200.00
 Dearness Relief (90%): 1,200.00
 Dearness Relief (100%): 1,200.00

Sl. No.	Particulars	Amount	Sl. No.	Particulars	Amount
001	Basic Pay	22,570.00	001	Dearness Allowance	1,200.00
002	Dearness Allowance	1,200.00	002	Dearness Bonus	1,200.00
003	Dearness Bonus	1,200.00	003	Dearness Relief	1,200.00
004	Dearness Relief	1,200.00	004	Dearness Relief (10%)	1,200.00
005	Dearness Relief (10%)	1,200.00	005	Dearness Relief (20%)	1,200.00
006	Dearness Relief (20%)	1,200.00	006	Dearness Relief (30%)	1,200.00
007	Dearness Relief (30%)	1,200.00	007	Dearness Relief (40%)	1,200.00
008	Dearness Relief (40%)	1,200.00	008	Dearness Relief (50%)	1,200.00
009	Dearness Relief (50%)	1,200.00	009	Dearness Relief (60%)	1,200.00
010	Dearness Relief (60%)	1,200.00	010	Dearness Relief (70%)	1,200.00
011	Dearness Relief (70%)	1,200.00	011	Dearness Relief (80%)	1,200.00
012	Dearness Relief (80%)	1,200.00	012	Dearness Relief (90%)	1,200.00
013	Dearness Relief (90%)	1,200.00	013	Dearness Relief (100%)	1,200.00

Deductions - General

Sl. No.	Particulars	Amount	Sl. No.	Particulars	Amount
001	PF Contribution	1,200.00	001	Dearness Relief	1,200.00
002	PF Contribution	1,200.00	002	Dearness Relief	1,200.00

Deductions - Loans and Advances

Sl. No.	Description	Principal Amount	Deduction	Balance

Deductions - Income Tax

Sl. No.	Description	Amount	Sl. No.	Description	Amount
001	Income Tax	0.00	001	Income Tax	0.00

Bank Name: RAHMANA BIRI
 A/c No: 0211 12014770000
 Bank Branch: HANMANTHUR, DISTRICT HEADQUARTERS, DISTRICT TUMKUR, KARNATAKA

Opening Balance: 0.00
 Amount: 22,570.00
 Balance: 22,570.00

To: RAHMANA BIRI
 District Accounts Office, Dir of Finances
 Mysore State Government, Mysore
 Date: 12/11/2020

ATTESTED

To

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

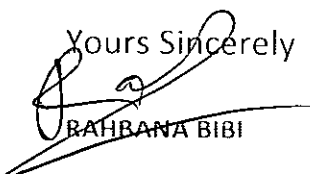
SUBJECT: DEPARMENTAL APPEAL AGAINST THE IMPUGNED ACTION OF THE CONCERNED AUTHORITY BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE DURING WINTER & SUMMER VACATIONS.

Respected Sir,

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

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

Dated: 16.08.2020

Yours Sincerely

BAHRANA BIBI

ATTESTED
To Be True Copy

PST (BPS 12) in GGPS Beragam Dir Lower

D-7B-5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



APPEAL NO. 1452 /2019

Mr. Maqсад Hayat, SCT (BPS-16),
GHS Masho Gagār, Peshawar.....

APPELLANT

VERSUS

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

RESPONDENTS

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

PRAYER:

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

R/SHEWETH:

ATTES TION FACTS:

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

Filed to-day
Registrar
24/10/19

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED
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REC-60

Appeal No. 1452/2019
Mar Sad Hayat vs Govt

(8)

11.11.2019

Counsel for the appellant present

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

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

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

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

File be consigned to the record.

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Chairman

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SE. AMINER
Hydr. Pakhunchwa
Service Tribunal
Peshawar

ANNOUNCED

11.11.2019

یونیورسٹی چٹاگانگہ

معاونت ایڈوائز

Prof of ~~English~~ at Rahbar Bar

دعویٰ اپیل

باعتبار اس کے

مقررہ نذرہ و عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی منعقد آن مقام اپنا اور
 کیلئے محمد اسحاق خان افریحل، جس نے ایک ہائی کورٹ کو وکیل مقرر کر کے اٹارنی کیا جاتا ہے کہ صاحب
 مونسوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کہنے والی نامہ و انٹرنالٹ و لٹیمہ بر خلاف
 اپنے جواب دہی اور اقبال دعویٰ اور لٹیمہ ڈگری کرنے اور دوسری جیک در پیہ اور رضی دعویٰ اور درخواست
 ہر قسم کی تقدیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز لٹیمہ عدم پیروی یا ڈگری کی طرف یا اپیل کی برائگی
 اور پیروی کی طرف یا اپیل کی طرف یا ڈگری کرنے کا اختیار ہوگا اور لٹیمہ ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مقرر قانونی کو اپنے ہمراہ یا اپنی بجائے تہذیب کا اختیار ہوگا
 اور اس پر مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر واختہ منظر
 قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التزام مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب
 مونسوف ہوں گے نیز بقایا فرضیہ کی وصولی کو سب کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ
 پر ہو یا نہ ہو باہر ہو تو وکیل صاحب یا ہمد نہ ہوں گے کہ پیروی مذکور کریں
 لہذا نکالت نامہ دفعہ دیا کہ نذرہ ہے۔

الرقوم

القلم

القلم

القلم

محمد اسحاق خان افریحل

محمد اسحاق خان افریحل

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