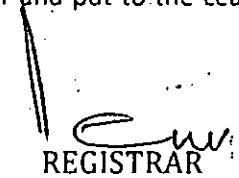



Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 15678 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/12/2020	<p>The appeal presented today by Mr. Munfat Ali Yousafzai 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-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04 - 03 - 21</u>.</p> <p style="text-align: right;">MEMBER(J)</p>
	04.03.2021	<p>Learned Member (J) is under transfer, therefore the case is adjourned to 29.07.2021 before S.B.</p> <p style="text-align: right;"> READER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

APPEAL NO. _____ /2020.

ASLAM KHAN VS EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1-3
2.	Notification	A	4
3.	Pay Slips	B&C	5-6
4.	Departmental Appeal	D	7
5.	Service Tribunal Judgment	E	8-9
6.	Vakalat Nama		10

APPELLANT

THROUGH:

M

MUNFAT ALI YOUSAFZAI

ADVOCATE

CELL NO. 0344-9213367

Note:
Sir,

Spare copies will be submitted *M*
After submission of the case.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2020

MR. ASLAM KHAN, SPST (BPS-14)
GPS MULA KHAIL GANDAF SWABI
Personnel Number: 00384457

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 16159
Dated 7/12/2020

.....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 of (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 THE 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

ON FACTS:

Filed to-day

ew
Registrar
7/12/20
1. That the appellant is serving in the Elementary & Secondary Education Department as SPST (BPS-14) quite efficiently and up to the entire satisfaction of their 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 working in BPS-1 to 15 were enhance/revised while employees from BPS-16 to 19 have been treated under the previous Notification by not enhancing their conveyance allowance. Copy of the Notification dated 20.12.2012 are attached as annexure A.

3. That appellant was receiving the conveyance allowances as admissible under the law and rules but the respondents without any valid and justifiable reasons stopped/deducted the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed for the leave period. Copies of the Salary Slips of working/serving month and vacations (deduction period) are attached as annexure.....B&C.
4. That appellant feeling aggrieved from the action of the respondents regarding deduction of conveyance allowance in vacations period/months filed Departmental appeal but no reply has been received so far. Copy of the Departmental appeal is attached as Annexure..... D.
5. That some of teachers of different pay scale approached to this august Tribunal in different service appeals which allowed by this august tribunal vide its Judgment No 1452/2019 titled Maqsad Hayat versus Education Department Dated 11-11-2019..... E.
6. That the appellant also prayed to be treated through the principals of consistency for allowing such relief which was granted in appeal No. 1452/2019 titled Maqsad Hayat versus Education Department in Judgement Dated 11.11.2019.
7. That where after the appellant waited for the statutory period of ninety days but no reply has been received from the respondents. That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

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 have 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 conferred 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 applied by the Civil Servant in light Government Servant. Revised Leave Rules, 1981 while the vacations are always announced by the Government, therefore under the law and Rules the appellant fully entitled for the grant of conveyance allowance during vacations 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 for vacation period, the respondents while making the deduction of conveyance allowance lost sight of this legal aspect 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 not only discriminatory but is also the result of malafide on the part of respondents.

G- That appellant has the vested right of equal treatment before law and the act of the respondents to deprive the petitioners 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 fully entitle for the grant of conveyance allowance during vacations.

J- That the petitioners seeks permission of this Honorable Court to raise any other grounds available at the time of arguments.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for under the golden principals of consistency.

APPELLANT



ASLAM KHAN

THROUGH:



MUNFAT ALI YOUSAFZAI
ADVOCATE

A-4



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD/SC(SR-II)/8-52/2012
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 Government, 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 in Khyber Pakhtunkhwa.
8. All Political Agents / District & Sessions Judges 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-19) w.e.f from 1st September, 2012 at the following rates. However, the conveyance allowance for employees in BPS-15 to BPS-19 will remain unchanged.

S.NO	BPS	EXISTING RATE (PM)	REVISED RATE (PM)
1.	1-4	Rs.1,500/-	Rs.1,700/-
2.	5-10	Rs.1,500/-	Rs.1,840/-
3.	11-15	Rs.2,000/-	Rs.2,720/-
4.	16-19	Rs.5,000/-	Rs.5,000/-

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 vehicles.

Yours Faithfully,

(Sahibzada Saad Ahmad)
Secretary Finance

Encl: NO. FD/SC(SR-II)/8-52/2012

Dated Peshawar the 20th December, 2012

A Copy is forwarded for information to the:-

1. Accounting General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Government of Punjab, Sindh & Balochistan Finance Department.
3. All Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.

(INTIAZ AYUB)

Additional Secretary (Regulation)

ATTESTED

2019 U 2011 JP

Accounts Office Swabi
PAYROLL REGISTER
For the month of July, 2011

GPS Mula Khail
Gandaf
Aslam Khan
SPST
Page : 2,640
Date : 28.07.2011

DDO : 000 MALE PRY (SCHOL) TOPI		Payroll Section : 003 Section 3								
00304372 MUGH-SAF KHAN	Prev Pers No:	Desig: PRIMARY SCHOOL TEACH(00004016)	Grade: 09 NTN:	Buckle No.:	Gazetted/Hon-Gazetted:					
PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE			
0001 Basic Pay	7,340.00	3109 CPF Subscription - Rs	524.00-							
1000 House Rent Allowance	1,146.00	3501 Benevolent Fund	190.00-		CPFI:		44,814.00			
1300 Medical Allowance	1,000.00	3511 Addl Group Insurance	7.00-							
1948 Adhoc Allowance 2010	2,255.00	3604 Group Insurance	67.00-							
1970 Adhoc Relief Allow 2	676.00	3640 Emp.Edu. Fund	15.00-							
PAYMENTS	12,417.00	DEDUCTIONS	793.00-		NET PAY	11,624.00	01.07.2011	31.07.2011		
Branch Code: 23559	KHDTA	Habib Bank Limited							Acct.No: 4117-8	

00304362 FALAH NEAZ	Prev Pers No:	Desig: PRIMARY SCHOOL TEACH(00004016)	Grade: 09 NTN:	Buckle No.:	Gazetted/Hon-Gazetted:					
PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE			
0001 Basic Pay	7,340.00	3109 CPF Subscription - Rs	524.00-							
1000 House Rent Allowance	1,146.00	3501 Benevolent Fund	190.00-		CPFI:		44,693.00			
1300 Medical Allowance	1,000.00	3511 Addl Group Insurance	7.00-							
1948 Adhoc Allowance 2010	2,255.00	3604 Group Insurance	67.00-							
1970 Adhoc Relief Allow 2	676.00	3640 Emp.Edu. Fund	15.00-							
PAYMENTS	12,417.00	DEDUCTIONS	793.00-		NET PAY	11,624.00	01.07.2011	31.07.2011		
Branch Code: 23503	TOPI BRANCH	National Bank of Pakistan		TOPI BRANCH					Acct.No: 7072-5	

00304351 SAFIQ NURAHAD	Prev Pers No:	Desig: PRIMARY SCHOOL TEACH(00004016)	Grade: 07 NTN:	Buckle No.:	Gazetted/Hon-Gazetted:					
PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE			
0001 Basic Pay	6,760.00	3107 CPF Subscription - Rs	435.00-							
1000 House Rent Allowance	1,059.00	3501 Benevolent Fund	190.00-		CPFI:		40,920.00			
1300 Medical Allowance	1,000.00	3511 Addl Group Insurance	7.00-							
1505 Charge Allowance	40.00	3604 Group Insurance	67.00-							
1923 UAA-OTHER 20Z(1-15)	1,000.00	3640 Emp.Edu. Fund	15.00-							
1948 Adhoc Allowance 2010	2,050.00									
1970 Adhoc Relief Allow 2	615.00									
PAYMENTS	12,524.00	DEDUCTIONS	734.00-		NET PAY	11,790.00	01.07.2011	31.07.2011		
Branch Code: 250397	MAIN GAZAR TOPI	Allied Bank Limited		MAIN GAZAR TOPI					Acct.No: 5251-0	

00304442 YADDER KHAN	Prev Pers No:	Desig: PRIMARY SCHOOL TEACH(00004018)	Grade: 05 NTN:	Buckle No.:	Gazetted/Hon-Gazetted:					
PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE			
0001 Basic Pay	6,440.00	3105 CPF Subscription - Rs	414.00-							
1000 House Rent Allowance	1,002.00	3501 Benevolent Fund	190.00-		CPFI:		38,676.00			
1300 Medical Allowance	1,000.00	3511 Addl Group Insurance	7.00-							
1923 UAA-OTHER 20Z(1-15)	732.00	3604 Group Insurance	67.00-							
1948 Adhoc Allowance 2010	1,990.00	3640 Emp.Edu. Fund	15.00-							
1970 Adhoc Relief Allow 2	597.00	3914 Education (RDP)	500.00-							
PAYMENTS	11,761.00	DEDUCTIONS	1,183.00-		NET PAY	10,578.00	01.07.2011	31.07.2011		
Branch Code: 230503	TOPI BRANCH	National Bank of Pakistan		TOPI BRANCH					Acct.No: 2248-4	

00304457 ASLAM KHAN	Prev Pers No:	Desig: PRIMARY SCHOOL TEACH(00004018)	Grade: 09 NTN:	Buckle No.:	Gazetted/Hon-Gazetted:					
PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE			
0001 Basic Pay	7,340.00	3109 CPF Subscription - Rs	524.00-							
					CPFI:		44,814.00			

Ulogh

Accounts Office Swabi
PAYROLL REGISTER
For the month of July, 2011

Page : 2,641
Date : 26.07.2011

DCU : SJ6236 D O D MALE PRY (SCHOOL) TOPI
1000 House Rent Allowance 1,146.00 3501 Benevolent Fund 130.00-
1300 Medical Allowance 1,000.00 3511 Adcl Group Insurance 7.00-
1923 UAA-OTHER 20%(1-15) 356.00 3604 Group Insurance 67.00-
1948 Adhoc Allowance 2010 2,255.00 3640 Emp.Edu. Fund 15.00-
1970 Adhoc Relief Allow 2 676.00

PAYMENTS 13,273.00 DEDUCTIONS 793.00 NET PAY 12,480.00 01.07.2011 31.07.2011
Branch Code: 230501 TOPI BRANCH National Bank of Pakistan TOPI BRANCH SAHABI Acct.No: 2646-2

00384464 MUHAMMAD ARIF-
P A Y M E N T S Prev Pers No: Desig: PRIMARY SCHOOL TEACH(00004018) Grade: 09 NTN: Buckle No.: Gazetted/Non-Gazetted: N
A M O U N T D E D U C T I O N S A M O U N T LOAN/FUND PRINCIPAL REPAID BALANCE

0001 Basic Pay 7,340.00 3109 CPF Subscription - Rs 524.00- CFF#: 44,696.00
1000 House Rent Allowance 1,146.00 3501 Benevolent Fund 130.00-
1300 Medical Allowance 1,000.00 3511 Adcl Group Insurance 7.00-
1923 UAA-OTHER 20%(1-15) 1,000.00 3604 Group Insurance 67.00-
1948 Adhoc Allowance 2010 2,255.00 3640 Emp.Edu. Fund 15.00-
1970 Adhoc Relief Allow 2 676.00

PAYMENTS 13,417.00 DEDUCTIONS 793.00 NET PAY 12,624.00 01.07.2011 31.07.2011
Branch Code: 220001 KATK BRANCH, TOPI. Habib Bank limited TOPI BRANCH SAHABI Acct.No: 09017900140903

00384469 BAKHT ZADA
P A Y M E N T S Prev Pers No: Desig: PRIMARY SCHOOL TEACH(00004018) Grade: 09 NTN: Buckle No.: Gazetted/Non-Gazetted: N
A M O U N T D E D U C T I O N S A M O U N T LOAN/FUND PRINCIPAL REPAID BALANCE

0001 Basic Pay 8,160.00 3109 CPF Subscription - Rs 524.00- CFF#: 44,696.00
1000 House Rent Allowance 1,146.00 3501 Benevolent Fund 130.00-
1300 Medical Allowance 1,000.00 3511 Adcl Group Insurance 7.00-
1505 Charge Allowance 40.00 3604 Group Insurance 67.00-
1923 UAA-OTHER 20%(1-15) 1,000.00 3640 Emp.Edu. Fund 15.00-
1948 Adhoc Allowance 2010 2,485.00
1970 Adhoc Relief Allow 2 745.00

PAYMENTS 14,516.00 DEDUCTIONS 793.00 NET PAY 13,723.00 01.07.2011 31.07.2011
Branch Code: 230503 TOPI BRANCH National Bank of Pakistan TOPI BRANCH SAHABI Acct.No: 2577-5

00384474 MUHAMMAD ABAS
P A Y M E N T S Prev Pers No: Desig: PRIMARY SCHOOL TEACH(00004018) Grade: 09 NTN: Buckle No.: Gazetted/Non-Gazetted: N
A M O U N T D E D U C T I O N S A M O U N T LOAN/FUND PRINCIPAL REPAID BALANCE

0001 Basic Pay 7,340.00 3109 CPF Subscription - Rs 524.00- CFF#: 44,814.00
1000 House Rent Allowance 1,146.00 3501 Benevolent Fund 130.00-
1300 Medical Allowance 1,000.00 3511 Adcl Group Insurance 7.00-
1923 UAA-OTHER 20%(1-15) 1,000.00 3604 Group Insurance 67.00-
1948 Adhoc Allowance 2010 2,255.00 3640 Emp.Edu. Fund 15.00-
1970 Adhoc Relief Allow 2 576.00

PAYMENTS 13,417.00 DEDUCTIONS 793.00 NET PAY 12,624.00 01.07.2011 31.07.2011
Branch Code: 230503 TOPI BRANCH National Bank of Pakistan TOPI BRANCH SAHABI Acct.No: 7026-2

00384477 SANI ULLAH
P A Y M E N T S Prev Pers No: Desig: PRIMARY SCHOOL TEACH(00004018) Grade: 09 NTN: Buckle No.: Gazetted/Non-Gazetted: N
A M O U N T D E D U C T I O N S A M O U N T LOAN/FUND PRINCIPAL REPAID BALANCE

0001 Basic Pay 6,560.00 3511 Adcl Group Insurance 7.00-
1000 House Rent Allowance 1,146.00 3604 Group Insurance 67.00-
1300 Medical Allowance 1,000.00 3640 Emp.Edu. Fund 15.00-
1948 Adhoc Allowance 2010 2,140.00

Dist. Govt. NWFP-Provincial
District Accounts Office Sawabi
Monthly Salary Statement (August-2019)

GPS Mula Khail
Gandaf
Aslam Khan
SPST



Personal Information of Mr ASLAM KHAN d/w/s of NAZEEM KHAN

Personnel Number: 00384457 CNIC: 1620208563363
Date of Birth: 16.02.1982 Entry into Govt. Service: 22.03.2007

NTN: 31 2019 2011 JB
Length of Service: 12 Years 05 Months 011 Days

Employment Category: Active Permanent

Designation: SENIOR PRIMARY SCHOOL TEA 80004531-DISTRICT GOVERNMENT KHYBE

DDO Code: SU6236-Government Primary Schools (Male) Topi, Swabi

Payroll Section: 003 GPF Section: 001 Cash Center: 01

GPF A/C No: 384457 Interest Applied: Yes GPF Balance: 237,041.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 14 Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	24,540.00	1000	House Rent Allowance	2,214.00
1300	Medical Allowance	1,500.00	1923	UAA-OTHER 20%(1-15)	1,000.00
2148	15% Adhoc Relief All-2013	450.00	2199	Adhoc Relief Allow @10%	340.00
2211	Adhoc Relief All 2016 10%	1,860.00	2224	Adhoc Relief All 2017 10%	2,454.00
2247	Adhoc Relief All 2018 10%	2,454.00	2264	Adhoc Relief All 2019 10%	2,454.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-600.00
3990	Emp.Edu. Fund KPK	-125.00	4004	R. Benefits & Death Comp:	-1,052.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till AUG-2019: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 39,266.00 Deductions: (Rs.): -4,397.00 Net Pay: (Rs.): 34,869.00

Payee Name: ASLAM KHAN

Account Number: 1065-7

Bank Details: NATIONAL BANK OF PAKISTAN, 231740 NBP GADOON AMAZAI IND: STAT GADOON AMAZAI IND: STAT, GADOON

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: SWABI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:


City:

Email: aslamkhan4457@gmail.com

ATTACHED

Dist. Govt. NWFP-Provincial
District Accounts Office Swabi
Monthly Salary Statement (September-2019)

GPS Mula Khail
Gandap



Personal Information of Mr ASLAM KHAN d/w/s of NAZEEM KHAN

Personnel Number: 00384457 CNIC: 1620208563363 NTN:
Date of Birth: 16.02.1982 Entry into Govt. Service: 22.03.2007 Length of Service: 12 Years 06 Months 010 Days

Employment Category: Active Permanent

Designation: SENIOR PRIMARY SCHOOL TEA 80004531-DISTRICT GOVERNMENT KHYBE
DDO Code: SU6236-Government Primary Schools (Male) Topi, Swabi
Payroll Section: 003 GPF Section: 001 Cash Center: 01
GPF A/C No: 384457 Interest Applied: Yes **GPF Balance:** 239,661.00
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 14 Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	24,540.00	1000	House Rent Allowance	2,214.00
1210	Convey Allowance 12005	2,856.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	450.00
2199	Adhoc Relief Allow @10%	340.00	2211	Adhoc Relief All 2016 10%	1,860.00
2224	Adhoc Relief All 2017 10%	2,454.00	2247	Adhoc Relief All 2018 10%	2,454.00
2264	Adhoc Relief All 2019 10%	2,454.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-600.00
3990	Emp.Edu. Fund KPK	-125.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till SEP-2019: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 42,122.00 Deductions: (Rs.): -3,945.00 Net Pay: (Rs.): 38,177.00

Payee Name: ASLAM KHAN

Account Number: 1065-7

Bank Details: NATIONAL BANK OF PAKISTAN, 231740 NBP GADOON AMAZAI IND: STAT GADOON AMAZAI IND: STAT, GADOON

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: SWABI Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email: aslamkhan4457@gmail.com

To

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

Subject:

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

D-7

Respected Sir,

With due respect it is stated that I am the employee of your good self Department and is serving as **SPST (BPS-14)** quite efficiency 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 employees working in BPS-I to 15 were enhance/revised while employees from BPS-15 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 the august K.P.K service tribunal also allowed the restoration of the conveyance allowance in its judgment dated 11.11.2019 in appeal No 1452/2019 titled Maqsd Hayat versus Education Department. **Copy attached.** 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 granting 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: 13.08.2020

Your Obediently

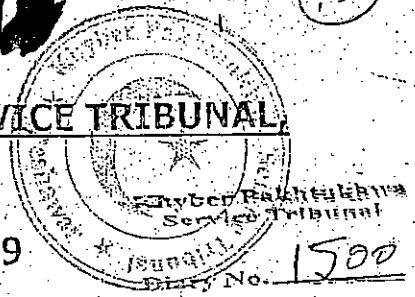


ASLAM KHAN

APPEAL

E-8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



APPEAL NO. 1452 / 2019

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

Date 24/10/2019

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.

Filed to-day
Registrar
24/10/19

ATTESTED

R/SHEWETH:

ON 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

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

Received to-day
AND RECD.

11/11/19

Appeal No. 1452/2019
Marbad Hayat vs Govt

22 (FF)

11.11.2019

Counsel for the appellant present. 9 9

Learned counsel referred to the judgment passed by learned Federal Service Tribunal in Appeal No. 1888(R)CS/2016 which was handed down on 03.12.2018. 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.

ATTESTED

ATTESTED
Chairman

ANNOUNCED

11.11.2019

EX
Kt
Sc

M

Certified
Peshawar

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

_____ OF 2020

(APPELLANT)

ASLAM KHAN _____ (PLAINTIFF)

(PETITIONER)

VERSUS

(RESPONDENT)

Education Department _____ (DEFENDANT)

I/We ASLAM KHAN _____ do hereby appoint and constitute **MUNFAT ALI YOUSAFZAI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. _____ / _____ / 2020



CLIENT



ACCEPTED

MUNFAT ALI YOUSAFZAI

ADVOCATE