

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1236/2011

Date of Institution. ... 16.6.2011
Date of Decision ... 27.4.2012.

SCANNED
KPST
Peshawar

Fayaz Ali, SET (Agriculture) GMS,
Shahi Gul, FR Lakki.

(Appellant)

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa (E&SE) Department,
Peshawar.
2. The Director (E&SE), Khyber Pakhtunkhwa, Peshawar.
3. The Director Education (FATA), Khyber Pakhtunkhwa, Peshawar.
4. The Agency Education Officer, FR Lakki. (Respondents)

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 FOR GRANTING SENIORITY FROM THE
DATE OF APPOINTMENT AND AGAINST NOT TAKING ACTION
ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN
90 DAYS.

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate

... For appellant

MR. SHERAFGAN KHATTAK,
Addl. Advocate General

... For respondents.

SYED MANZOOR ALI SHAH,
MR. NOOR ALI KHAN,

... MEMBER

... MEMBER

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER.- This appeal has been filed by the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that on acceptance of the appeal, the respondents may be directed to fix his seniority from the date of appointment as SET (Agriculture) i.e. 12.9.1990.

2. Brief facts of the case are that the appellant was appointed/adjusted as SET (Agriculture) in BPS-15 vide order dated 12.9.1990 and since then he has been working as such upto the entire satisfaction of his superiors and there were no complaints against him. The appellant has the qualification of B.Sc. (Hons) Agriculture, M.Sc. (Hons) Agriculture, C.T, B.Ed and M.Ed, thus the appellant is fully

qualified to hold the post of SET (Agriculture). The appellant is already receiving graded pay from the date of appointment and six advance increments in pursuance of the decision of this Tribunal dated 12.2.2002 in Service Appeal No. 119/1999. Since the appellant was not given his due seniority from the date of appointment, so he filed departmental appeal on 18.2.2011, which elicited no response within the statutory period of ninety days, hence the present.

3. The appeal was admitted to regular hearing on 27.9.2011 and notices were issued to the respondents for submission of written reply on 10.11.2011. On 10.11.2011, Mr. Mashal Khan, S.O for respondents No. 1 and 2 appeared and requested for time. However, no one appeared on behalf of respondents No. 3 and 4, hence they were placed ex-parte. On 9.12.2011, Miss Nadia appeared on behalf of respondents No. 1 and 2 and requested for time. The case was adjourned to 13.2.2012. On 13.2.2012 no one appeared on behalf of the respondents No.1 and 2, hence they were also placed ex-parte.

4. Ex-parte arguments heard and available record perused.

5. The learned counsel for the appellant argued that having the professional Degrees of B.Sc. (Hons) Agriculture and M.Sc. (Hons) Agriculture, appellant is fully qualified to hold the post of SET (Agriculture) and he has also been granted graded pay w.e.f. the date of appointment, so he is also entitled for fixation of his seniority from the said date. The learned counsel for the appellant also argued that the appellant has also been given six advance increments. He further argued that under Rule 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the respondents were legally bound to grant seniority from the date of appointment to the appellant for which he was entitled. The learned counsel for the appellant stated that the same benefits have been granted to other colleagues of the appellant while the appellant has been discriminated. He requested that the appeal may be accepted as prayed for.

6. The available record reveals that having the qualification of B.SC. (Hons) Agriculture, M.Sc. (Hons) Agriculture, the appellant was qualified for the post of SET (Agriculture) at the time of appointment. He had also been granted graded pay from the date of appointment and six advance increments from the date of passing the B.Ed examination i.e. 16.4.1998. Since the respondents have been placed ex-parte, this Tribunal has no other alternative but to accept the appeal and remand the case to the respondent department to consider seniority of the appellant from the date of appointment as per law/rules and he may be treated at

par with his other colleagues and may not be discriminated. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
27.4.2012.



(NOOR ALI KHAN)
MEMBER



(SYED MANZOOR ALI SHAH)
MEMBER

27.4.2012

Appellant with counsel, and Mr. Sherafgan Khattak, AAG also present. Ex-parte arguments heard and record perused. Vide our detailed judgment of to-day and placed on file, this appeal is accepted as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
27.4.2012.


MEMBER


MEMBER

10.11.2011

Appellant in person, Mr., Tahir Iqbal A.G.P alongwith Mashaal Khan S.O for Respondents No. 1 and 2 present. No one is present for Respondents No. 3 and 4 despite service of notices. Hence, placed ex-parte. Case adjourned to 9.12.2011 for submission of written reply of respondents 1 & 2.

Member

Member.

9.12.2011

Counsel for the appellant, Mr. Sherafgan Khattak, AAG alongwith Miss Nadia, A.D for respondents No. 1 and 2 present. The latter needs time, To come up for written reply of respondents No.1 and 2 on 13.2.2012, positively.

MEMBER

MEMBER

13.2.2012

Appellant with counsel and Mr. Arshad Alam, AGP present. None is available as representative on behalf of the respondents nor written reply received on their behalf despite the fact that on previous date, miss Nadia, A.D was present on behalf of respondents No. 1 and 2. Hence respondents No. 1 and 2 are placed ex-parte. Respondents No. 3 and 4 already placed ex-parte on 10.11.2011. To come up for ex-parte arguments on 27.4.2012.

MEMBER

MEMBER

6.

19.9.2011.

*Appellant deposited security
process fee Rs. 200/- Bank receipt attached
with the file*

Counsel for the appellant present and heard.
He contended that the appellant has not been granted seniority while receiving all benefits of SET and is entitled to seniority from first appointment. Counsel for the appellant also contended that the respondents while not granting seniority to the appellant has violated Rule 17 of APT and also Section-(8) of Civil Servants Act where in the appellant is entitled for his due right of seniority and the respondents are bound to grant it. Counsel for the appellant further contended that the appellant has not been treated in accordance with law and the appellant cannot be deprived of his due right of seniority. Points raised need consideration. The appeal is admitted to full hearing subject to all legal objections. Notices be issued to the respondents for submission of written reply on 10.11.2011.


Member

7.

19.9.2011

This case be put up before the Final Bench
for further proceedings.


Chairman

5.

8-9-2011

Appellant in person
was present and requested
for adjournment as his
counsel is busy before the
Peshawar High Court.
Request accepted. To
come up for preliminary
hearing on 27-9-2011.

Order





Member

1138-1-01

FORM OF ORDER SHEET.

Court of Khyber Pukhtunkhwa Service Tribunal, Peshawar.

Case No. 1236/2011

S.No	Date of order proceedings.	Order or other proceedings with signature of Judge or Magistrate.
1.	16-6-11	<p>The appeal of Mr. <u>Fiaz Ali</u> submitted today by Mr. M.Asif Yousafzai Advocate may be entered in the Institution Register and put up to the worthy Chairman for Preliminary Hearing.</p> <p style="text-align: right;"> REGISTRAR.</p>
2.	18-6-11	<p>The case is entrusted to Primary Bench for Preliminary Hearing, to be put up there on. <u>15-7-2011</u>.</p> <p style="text-align: right;"> CHAIRMAN.</p>
3.	15.7.2011	<p>Counsel for the appellant present. He needs time to prepare arguments. Case is adjourned to 9.8.2011 for preliminary hearing.</p> <p style="text-align: right;"> MEMBER</p>
4.	9-8-2011	<p>Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on <u>08-09-2011</u>.</p> <p style="text-align: right;"> Member.</p>

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR.

Appeal No. 1236 /2011

Mr. Fayaz Ali

V/S

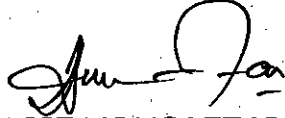
Education Department, KP.

S.No.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	----	01-03
2.	Copy of Appointment	-A-	04
3.	Copy of B.Sc (Hons) Agric.	-B-	5
4.	Copy of M.Sc (Hons) Agric.	-C-	6
5.	Copy of C.T.	-D-	7
6.	Copy of B.Ed.	-E-	8
7.	Copy of M.Ed.	- F -	9
8.	Copy of Departmental Appeal.	- G -	10
9.	Vakalat Nama	----	11

APPELLANT

Fayaz Ali

Through:


M. ASIF YOUSAFZAI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1236 /2011

E.V.P. PESHAWAR
1206
16/6/11

(Agri.)
Mr. Fayaz Ali, SET, GMS,
Shahi Gul, FR Lakki.

APPELLANT

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa, Education (E&SE) Department, Peshawar.
2. The Director Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
3. The Director Education (FATA), Khyber Pakhtunkhwa, Peshawar.
4. The Agency Education Officer, FR Lakki.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, ACT 1974 FOR GRANTING SENIORITY FROM THE DATE OF APPOINTMENT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN 90 DAYS.

PRAYER

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO FIX THE SENIORITY OF THE APPELLANT FROM THE DATE OF FIRST APPOINTMENT I.E. 12.9.1990 AS SET. ANY OTHER REMEDY WITH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

placed copy on 10-11-11
elo (4)

16/6/11

RESPECTFULLY SHEWETH:

- (Agri.)
1. That the appellant was appointed/adjusted as SET^(Agri.)(Science) In BPS-15 vide order dated 12.9.1990 and since then the appellant has been working as such upto the entire satisfaction of his superior and there are no complaints against the appellant so far. Copy of Appointment Order is attached as Annexure-A.
 2. That the appellant has the qualifications of B.Sc (Hons) Agriculture, M.Sc (Hons) Agriculture, C.T, B.Ed and M.Ed, thus the appellant is fully qualified to hold the post of SET (Science). Copies of Degree are attached as Annexure-B, C, D, E and F.
 3. That the appellant has already receiving graded pay from the date of appointment and has also been granting 6 advance increment by the virtue of the decisions of KPK Service Tribunal.
 4. That the respondents are not accepting regular officiating of the appellant since 12.9.1990 due to which the appellant has been kept deprive from his due right of his seniority w.e.from appointment. Therefore, the appellant filed Department Appeal on 18.2.2011 and waited for 90 days but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of Departmental Appeal is attached as Annexure-G.

GROUND:

- A) That not granting his seniority from the date of first appointment and not taking any action on the departmental appeal of the appellant with 90 days is against the law, rules and norms of justice and material on record, hence not tenable.
- B) That the appellant has been receiving full graded pay with all fringed benefits from the date of appointment and as such the appellant is entitled to seniority form the date of his first appointment as SET.
- C) That according to Rule-17 of the APT 1989 and Section-8 of the Civil Servant Act, the appellant is entitled to his due right of seniority from the date of appointment and the respondents are also legally bound to give the seniority

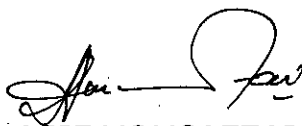
benefits to the appellant from the date of first appointment as ~~Set~~ (Agri.)

- D) That the appellant has not been treated according to law and rules and has been kept deprive from his right of his seniority and as arbitrary manner.
- E) That the appellant can not be legally deprived from right of his seniority from the date of appointment which has been guaranteed by the Civil Servant Act and rules made there-under.
- F) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT
Fayaz Ali 

Through:


M. ASIF YOUSAFZAI
ADVOCATE

Serial No. 00483

B
(5)

N.W.F.P. Agricultural University

FIJAZ ALI KHAN

Son of

GUL AWAY KHAN

and a student of the N.W.F.P. Agricultural University, having passed all the prescribed examinations, is this day admitted by the University

to the Degree of

Bachelor of Science Honours in Agriculture in the SECOND Division,

with specialization in HORTICULTURE

The Examination was taken as a whole/~~in parts~~.

Registered No. 81-Agr-U-388

Roll No. 417

28TH-6- 1984

M. A. Khan
Registrar

ATTESTED



M. A. Khan
Vice-Chancellor

Serial No. 00251

016

N. W. F. P. Agricultural University

FIJAZ ALI KHAN

Son of

GUL AWAT KHAN

and a student of the N.W.F.P. Agricultural University,
having passed all the prescribed examinations,
is this day admitted by the University

to the Degree of

Master of Science Honours in Agriculture

in the FIRST Division

Principal subject HORTICULTURE

Elective subject FIELD PLOT TECHNIQUE

The Examination was taken as ~~a whole~~ in parts.

Registered No. 81-Agr-U-388

Roll No. 531

8-9- 1987

ATTESTED

Mah
Registrar



G. M. Khan
Vice-Chancellor

**EDUCATION DEPARTMENT;
N-W.F.P., PESHAWAR,**



CERTIFICATE OF TEACHING.

Marks obtained 549/1200 /1000

Division Second

ROLL NO. 1480

Certified that Fayaz Ali Khan

born on 3-4-1961 (Third April Nineteen hundred and Sixty One

Son/Daughter of Gul Awat Khan

resident of Tehsil Bannu District Bannu

having passed the Certificate of Teaching Examination held in 1992, is qualified to teach in the Middle Department of an Anglo-Vernacular School.

Trained at the Government Training School, Private

Dated Peshawar,

The 22-11-19 92

Amrullah
Registrar,

Departmental Examinations,
Education Department, Peshawar.

ATTESTED

[Signature]

S-110-2 A

OFFICE OF THE DIRECTOR OF EDUCATION, FATA, N.W.F.P. PESHAWAR. (4)

ADJUSTMENT

Inparitid: modification of this Directorate office orders issued under Endstt: No: 32723-803 dated 19.8.1990 & No: 34773-35073/A-1/CT/ Apptt: dated 3/9/1990, the adjustment of the following teachers are hereby ordered in the interest of Public service with effect from the dates of their taking over charge in the schools as noted against their names:-

Sr:	Name & Qualification.	Adjusted at.	Remarks.
1.	Mr. Mohammad Ashraf S/o Payo Noor, MSc. BEd, under appointment at GHS, Aara Khel (FR-Kohat).	GHSchool Jaffar Khan Killi Khyber Agency.	Adjusted on the same terms & conditions Rs: 1165/- PM fixed (BPS-15) against the vacant Sc: Master post vice Wazir Khan, MSc. BEd, transferred.
2.	Mr. Fiaz Ali Khan, MSc, SV, GHSchool, Akhurwall FR-Kohat.	GHSchool, Gulistan Orakzai Agy:	Adjusted against the vacant Sc: Master post @Rs: 1165/- PM (Fixed) BPS-15 plus usual allowances as admissib under the rules with effect from his taking over charge.

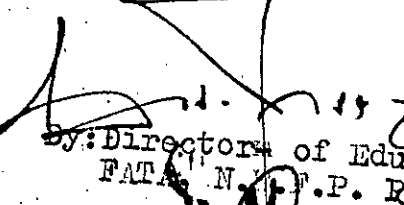
NOTE:-

- i- Charge reports should be submitted to all concerned (in duplicate).
- ii- No TA/DA is allowed.
- iii- Their apptt: against the SET posts is being made purely on temporary basis & liable to notice & assinging any reason.

Endstt: No: 35923-30

DIRECTOR OF EDUCATION,
FATA, N.W.F.P. PESHAWAR.
Dated Peshawar, the 12/9/1990
Copy forwarded for information and n/a to the:-

- 1-3. Agency Education Officer, Khyber, Orakzai, & AAEO, FR, Kohat.
- 4-6. Headmaster, GHSchool, Gulistan (Orakzai), Jaffar Khan Killi (Khyber) & Ara Khel, FR, Kohat.
- 7-8. General file & P/File.

By: 
Director of Education,
FATA, N.W.F.P. Peshawar.

149

ATTESTED



AL-KHAIR UNIVERSITY (AJK)



DETAILED MARKS CERTIFICATE

This is to certify that Fiaz Ali Khan
 Son/Daughter of Gul Awat Khan
 Registration No AUP(E)987-99 Roll No 6213
 has passed the Master of Education (M.Ed) Examination held in August 2000.

Details of courses :-

Papers	SUBJECTS	Marks Obtained	Maximum Marks
I -	COMPULSORY		
1	Education and Islamic Thought	54	100
2	Curriculum Development and Implementation	58	100
3	Education Policy, Planning and Management	48	100
4	Educational Research and Statistics	62	100
5	Learning and Instruction	38	100
II -	ELECTIVES		
	English	33	100
	Islamic Studies	55	100
III -	RESEARCH PROJECT		
	Guidance & Counseling	47	100
TOTAL :		395	600

(2nd Division)

Note: This DMC is issued, errors and omissions excepted, as a NOTICE only. An entry appearing in it does not in itself confer any right or privilege independently to the grant of a proper Certificate / Degree which will be issued under the Regulation in due course.

Muzaffarabad the Feb. 19, 2001

Prepared by [Signature]

Checked by [Signature]

[Signature]
 DY. CONTROLLER OF EXAMINATIONS
 for
 CONTROLLER OF EXAMINATIONS

ATTESTED
[Signature]

9 ~~112~~
10

To

The Director Education FATA
Governor Secretariat Peshawar,
Khyber Pukhtoon Khwa.

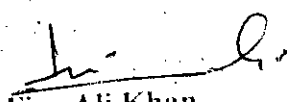
Subject: Award Seniority Number on Graded Pay Allowed on M.Sc Hons
Agriculture

Dear Sir

Respectfully I beg to to state that:

1. I have passed B.Sc (Hons) in Agriculture on 1-1-1984.
2. That I have passed M.Sc (Hons), Agriculture on 1-1-1987.
3. I was appointed as C.T (Agriculture) on 22-5-1990.
4. Then I was appointed as S.ET (Agriculture) on 12-9-1990 on Fixed Pay in BPS-15.
5. I was Awarded Graded Pay through court decision on the basis of M.Sc (Hons) w.e.f. 12-9-1990.
6. M.Sc (Hons) Agriculture is a Professional Degree, so there is no need of B.Ed. A person having B.Sc (Hons) Agriculture + B.Ed get Six advance increments as per rules of 1983 already decided by the court.
7. I have also passed B.Ed on 16-4-1998.
8. I applied to award of Seniority Number w.e.f. date of graded pay awarded on M.Sc (Hons) Agriculture w.e.f. 12-09-1990 but I was not considered for 12-09-1990. In seniority list number on the basis of M.Sc(Hons) Agriculture however the Seniority list number (4159(7), was awarded w.e.f. the date of B.Ed examination i.e. 16-4-1998.

It is therefore requested that I may kindly be awarded seniority list number on the date of grade pay awarded M.Sc Agriculture i.e. 12-09-1990. Already awarded on B.Ed basis 16-4-1998


Fiaz Ali Khan
(S.ET)
GMS, Shahi Gul
F.R Lakki.

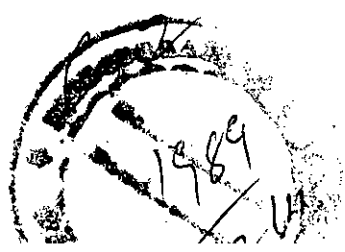
All Copy attached:

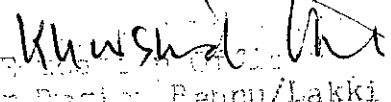
1. Court Decision
2. M.Sc (Hons) Agriculture.

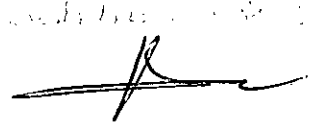
NO. 10005

dt. 18.2.2011

Forwarded to the Director of Education FATA, Peshawar, alongwith other relevant documents for further action.




Agency of the Frontier Region: Bannu/Lakki



No PS/12/100-80 (vol-4) 533-54

cut: 7/3/11

VAKALAT NAMA

APPEAL NO. _____/2011

IN THE COURT OF Service Tribunal Peshawar

Fiaz Ali SET.

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Educational Dept.

(Respondent)
(Defendant)

I/We Fiaz Ali (Appellant)

Do hereby appoint and constitute **M.Asif 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 costs.

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. The advocate/counsel is also at liberty to leave my/our case at any stage of the proceedings if his any fee left unpaid or is outstanding against me/us.

Dated. _____/20.

L. Ali
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M.Asif Yousafzai
Advocate.

M.ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room NO.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph: 091-2211391.
0333 9103240.

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, N.W.F.P.
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, 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-I 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.
3. 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 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 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.

P.T.O.

(ii). Annual increment shall continue to be admissible subject to existing conditions on the 1st of December each year under this Scheme. However, the first annual increment of existing employees in the Basic Scales shall accrue on the 1st of December, 1983.

4. Fixation of Pay on promotion:- The existing provision regulating the fixation of pay in case of promotion of employees from a lower to a higher post shall continue to apply.

5. Move-Over:- The existing provision regulating the concessions of Move-Over without promotion to the next higher pay scale of employees in revised National Pay Scale-I(B-I) to revised National Pay Scale-16(B-16) shall continue to be applicable in this scheme.

6. The existing concession of "Move-Over" of employees from revised National Pay Scale-16 to revised National Pay Scale-17 (B-17) and RNPS-17(B-17) to RNPS-18(B-18) shall be extended upto B-20 and regulated as under:-

- (a) The existing condition of the period of stay of 3 years at the maximum of Pay Scale B-16 and B-17 in the case of Non-Technical and Non-Professional categories shall continue to be applicable.
- (b) No Move-over beyond B-18 in the case of categories of employees mentioned at (a) above shall be permissible.
- (c) The Move-Over in the case of Technical and Professional categories e.g. Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Archaeologists, Geologists, Meteorologists, Experts of Agriculture, Animal Husbandry and Forestry shall be permissible upto B-20, without the condition of stay at the maximum for 3 years; provided that in cases where it is intended to allow move-over to the category of officers other than Doctors, Engineers, Educationists, Experts in Agriculture, Animal Husbandry and Forestry, prior concurrence of Finance Department shall be obtained.
- (d) Move-over shall be allowed in cases where an employee who is otherwise considered fit for promotion to higher post, cannot be promoted for want of a vacancy.
- (e) Normal promotion procedure as is observed in cases of promotion through the Competent Authority, e.g. S&GAD/Selection Board shall be followed in allowing Move-over to Basic Scales 19 and 20.

7. (A). Modification of Scales in case of certain Posts.

In the case of certain posts, the Basic Pay Scales indicated in Annexure-II to this circular letter will be allowed.

(B). Fixation of Pay in cases under (A) above. In cases where the Basic Scales under (A) above higher than the scale which correspond to the revised National Pay Scales have been allowed, initial fixation of pay of the employees concerned shall first be made in the Basic Scale corresponding to his existing revised National Pay Scale in the light of the initial fixation of pay formula mentioned in para 3 above.

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

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

<u>Name of Post.</u>	<u>Existing Rs.</u>	<u>Revised Rs.</u>
P.S to Ministers/ Chief Secretary.	150/220	200
P.S to Addl:Chief Secretary.	150/220	150
P.S to Secretaries.	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 as personal to them for so long as they hold these posts.

9. 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 F.A/F.Sc shall be allowed two advance increments.
- (ii) A teacher who (in addition to FA/F.Sc) 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'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 academic 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 prescribed.

Advance increments to Technical and Professional categories on possessing/acquiring higher qualifications.

See page 35b/c

Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Geologists, Meteorologists, Archaeologists, Experts in Agriculture, 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 D.Sc., Ph.D degree from a foreign university, he shall be allowed six advance increments on entry into service in B-17.
- (ii) Those of the above categories of officers who possess M.A./M.Sc/M.S 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 B-17.
- (iii) 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.
- (iv) In 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.

11. 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-III-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:- - -

See page 35b/c

Entertainment Allowance:- Entertainment Allowance shall be admissible at the following fixed rates to officers drawing pay in B-20 to B-22:-

- | | |
|----------|---------------|
| (1) B-20 | Rs. 400/-p.m. |
| (2) B-21 | Rs. 450/-p.m. |
| (3) B-22 | Rs. 650/-p.m. |

14. Non-Practising Allowance:- The existing rates of Non-Practising Allowance shall be revised as under:-

- | | |
|--|---------------|
| Doctors drawing pay in B-17 and B-18. | Rs. 500/-p.m. |
| Doctors drawing pay in B-19 and above. | Rs. 700/-p.m. |

The above Non-Practising Allowance shall be admissible in all cases where a doctor is not allowed private practice.

Doctors posted in rural areas below town committee level, and allowed private practice, shall be given a Practice Compensatory Allowance @ Rs. 200/- p.m for male doctors and @ Rs. 300/- p.m for female doctors.

15. Teaching Allowance:- Teaching Allowance @ Rs. 100/- p.m shall be allowed to qualified High School Teachers who teach basic natural sciences.

Junior Instructors in Polytechnics who possess Technical Teachers Diploma shall be allowed Teaching Allowance @ Rs. 100/- p.m.

Doctors who teach basic sciences in Medical Colleges shall be allowed a Teaching Allowance @ Rs. 500/- p.m in lieu of the existing teaching pay. The non-doctors who also teach basic sciences in Medical Colleges shall however continue to receive teaching pay at the existing rate.

16. Charge Allowance:- Charge Allowance to Principals of Colleges and Polytechnics shall be admissible at the following rates:-

- | | |
|--|---------------|
| a) Principals of Degree Colleges/Colleges of Technology. | Rs. 200/-p.m. |
| b) Principals of Intermediate Colleges/Polytechnics. | Rs. 100/-p.m. |

17. Warden Allowance:- Teachers who are assigned the duty of Hostel Wardens in Colleges and Polytechnics shall be allowed a Warden Allowance of Rs. 100/-p.m.

18. Design Allowance:- Engineers holding University degree in engineering and working full time in the Design Offices shall be allowed a Design Allowance at the following rates:-

- | | |
|--------------------------------|---------------|
| Engineers drawing pay in B-17. | Rs. 400/-p.m. |
| Engineers drawing pay in B-18. | Rs. 500/-p.m. |
| Engineers drawing pay in B-19. | Rs. 600/-p.m. |
| Engineers drawing pay in B-20. | Rs. 700/-p.m. |

The existing incumbents of the aforesaid posts who are assigned Allowance at the higher rates shall continue to draw the personal to them for so long as they hold these posts.

Qualification Allowance:- S.A.S Accountants shall be allowed a Qualification Allowance of Rs.100/- p.m on qualifying the S or equivalent examination. This allowance shall continue to be admissible as a separate entity even after their promotion to higher posts.

Sec. No. 3887

20. Special Research Allowance:- Field Officers on their appointment in research institutions for doing research work shall be allowed a Special Research Allowance @ 20% of their Basic Pay.

The field officers entitled to this allowance will be specified separately with the concurrence of the Finance Department on a case to case basis.

21. Deputation Allowance:- In lieu of the existing rates of Deputation Allowance, Civil servants while on deputation to foreign service in Pakistan, shall in consultation with Finance Department be allowed a Deputation Allowance @ 10% of the minimum of their Basic Pay Scale.

22. Ration Allowance:- Ration Allowance to the lower Police personnel shall be allowed at the rate of Rs.187.80 p.m as admissible to the equivalent categories in the Frontier Constabulary (Civil Armed Force).

23. Incentive Allowance to Female Nurses (Charge Nurses).

The orders contained in Finance Department's letter No. FD(SRI)1-3/79-III dated 21st March, 1982 regarding grant of Incentive Allowance to Female Nurses (Charge Nurses) shall stand rescinded with effect from 1-7-1983.

24. All existing rules and orders on the subject shall be deemed to have been modified to the extent indicated above. All existing rules and orders not so modified shall continue in force under this scheme.

25. In case of any doubt in the interpretation/implementation of the provisions contained in this circular letter, the matter may be referred to Finance Department for clarification/guidance.

Your obedient servant,

(Mohammad Amin)
Additional Finance Secretary-I,
Government of N.W.F.P.

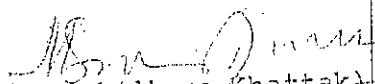
29/6/83

Contd:- - -

NO.FD(SR-I)1-67/82. Dated, Peshawar, the 24th August, 1983.

Copy forwarded for information to:-

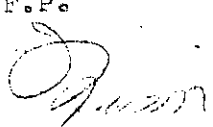
1. All Autonomous and Semi-Autonomous Bodies in N.W.F.P.
2. The Secretary, Finance Department, Government of the Punjab, Sind and Baluchistan.


(Mohammad Siddique Khattak)
Deputy Secretary (Regulations),
Government of N.W.F.P.
Finance Department.

No.FD(SR-I)1-67/82. Dated, Peshawar, the 24th August, 1983.

Copy forwarded for information to:-

1. The Accountant General, N.W.F.P. Peshawar.
2. All District/Agency Accounts Officers in N.W.F.P.
3. The Treasury Officer, Peshawar.
4. The Private Secretary to Finance Minister, N.W.F.P.
5. P.S to Secretary, P.As to Additional Secretaries/
Deputy Secretaries in Finance Department.
6. All Section Officers/Budget Officers in Finance Department.
7. The Director, Local Fund Audit, N.W.F.P.


(Iftikhar Hussain)
Section Officer (SR-I),
Government of N.W.F.P.
Finance Department.

'S. Ali'

No.	Existing Revised National Pay Scales	Basic Pay Scales
1.	250-5-280/6-340-7-375	B 1. 440-10-640
2.	260-6-302/7-365-8-405	B 2. 460-12-700
3.	270-7-326/8-390-9-435	B 3. 480-14-760
4.	280-8-352/9-415-12-475	B 4. 500-16-820
5.	290-10-377/12-470-14-540	B 5. 520-18-880
6.	315-12-399/14-525-16-605	B 6. 540-20-940
7.	335-14-447/16-575-18-665	B 7. 560-23-1020
8.	370-16-514/18-640-22-750	B 8. 590-26-1110
9.	390-20-590/22-700-24-820	B 9. 620-29-1200
10.	410-22-520/24-760-28-900	B 10. 660-32-1300
11.	430-24-550/28-830-30-980	B 11. 700-35-1400
12.	460-28-600/30-900-32-1060	B 12. 750-40-1550
13.	490-30-790/32-950-35-1125	B 13. 800-45-1700
14.	520-30-750/35-1010-40-1210	B 14. 850-50-1850
15.	550-35-900/40-1110-50-1350	B 15. 900-55-2000
16.	625-40-825/50-1325-60-1625	B 16. 1050-80-2250
17.	900-50-1150/60-1750-100-2250	B 17. 1600-120-3040
18.	1350-75-1650/100-2650	B 18. 2100-150-3600
19.	2250-100-3050	B 19. 3200-160-4480
20.	2600-125-3600	B 20. 3800-180-5240
21.	3000-150-4200	B 21. 4200-225-6000
22.	3250-200-4850	B 22. 4500-250-6500

POST	EXISTING SCALE	BASIC SCALE
EDUCATION DEPARTMENT:		
1. Primary School Teacher (Matric with JV/PTC)	RNPS-6 Rs. 315-12-16-605	B-7 Rs. 560-23-1020 with selection grade equal to 1/3rd posts in B-10. (Rs. 660-32-1300).
2. Middle School Teacher (F.A./P.T.C. with CT or equivalent)	RNPS-8 (Rs. 370-16-514/18-640-22-750)	E-9 Rs. 620-29-1200 with selection grade equal to 1/3rd posts in B-12. (Rs. 750-40-1500).
3. Physical Training Instructor (Middle Schools) F.A. with diploma in Physical Education or equivalent.	-do-	-do-
4. Drawing Master (Middle School) F.A. with one year training in drawing or equivalent Professional qualification.	-do-	-do-
5. High School Teacher (B.A./B.Sc./B.Ed.)	RNPS-14 Rs. 520-30-730/35-1010-40-1210	B-15 (Rs. 900-55-2000) with selection grade equal to 1/3rd posts in B-17 (Rs. 1600-120-3040)
6. Physical Training Instructor (High School/Comprehensive Schools) B.A. with Senior Diploma in Physical Education	-do-	-do-
7. Librarian (High Schools) B.A. with Diploma in Library Science.	-do-	-do-
8. Head Master/Head Mistress High Schools.	RNPS-17 Rs. 900-50-1150/60-1750-100-2250	B-17 (Rs. 1600-120-3040) with 1/3rd posts as selection grade in B-18 (Rs. 2100-150-3600) minus promotion posts.
9. Laboratory Assistant	RNPS-5 Rs. 290-10-350/12-470-14-540	B-7 (Rs. 560-23-1020) with 1/3rd posts as Selection Grade in B-10 (Rs. 660-32-1300).
10. Junior Instructor Polytechnic	RNPS-14 Rs. 520-30-730/35-1010-40-1210	B-14 Rs. 850-50-1850 with selection grade in B-16 (Rs. 1050-80-2250) equal to 1/3rd posts.
HEALTH SERVICES:		
1. Nurse Ed	RNPS-3 Rs. 270-7-326/8-390-9-435	B-4 Rs. 500-16-820.

NO. OF POST	EXISTING SCALE	BASIC SCALE
2. Operation Theatre Assistant/Aneasthetist Assistant.	RNPS-5 Rs.290-10-350/12-470-14-540	B-6 Rs.540-20-940 with selection grade equal to 25% of total posts in scale of Rs.590-26-1110 (B.8).
3. Sanitary Inspector	RNPS-6 Rs.315-12-399/14-525-16-605	B-6(Rs.540-20-940)with 25% of posts as selective grade in B-8(Rs.590-26-1110).
4. Dispenser	-do-	-do-
5. Dresser/Midwife	-do-	-do-
6. O.T.Technician/ECG/Dental Technician	RNPS-6 Rs.315-12-399/14-525-16-605	B-9(Rs.620-29-1200)with 1/3rd posts as Selection Grade in B-11 (Rs.700-35-1400).
7. Lab:Technician	RNPS-9 Rs.390-20-590/22-700-24-820	-do-
8. Blood Bank Technician	RNPS-7 Rs.335-14-447/16-575-18-665	-do-
9. Lady Health Visitor	RNPS-8 Rs.370-16-514/18-640-22-750	B-9 (Rs.620-29-1200)with 25% of posts as selection grade in B-11 (Rs.700-35-1400).
10. Medical Technician	RNPS-7 Rs.335-14-447/16-575-18-665.	-do-
11. General/Charge Nurse	RNPS-11 Rs.430-24-550/28-830-30-980	B-14(Rs.850-50-1850) General Charge Nurse possessing Midwifery Certificate should be allowed two advance increments on initial induction.

IRRIGATION/FORESTS/AGRICULTURE/
ANIMAL HUSBANDARY/COOPERATIVES DEPARTMENTS.

1. Field Assistant	RNPS-5 Rs.290-10-350/12-470-14-540	B-6(Rs.540-20-940)with 1/3rd of total posts as selection grade in B-9(Rs.620-29-1200).
2. Stock Assistant/Poultry Supervisor/Poultry Assistant/Sheep Dev: Assistant/Laboratory Assistant/Cattle Dev: Assistant.	-do-	-do-
3. Veterinary Compounder	-do-	B-6(Rs.540-20-940)with 1/3rd of total posts as selection grade in B-8(Rs.590-26-1110).

NAME OF POST	EXISTING SCALE	BASIC SCALE
4. Draftsman	RNPS-8 Rs. 370-16-514/18-640-22-750	B-11 (Rs. 700-35-1400) (See page 275/c)
Inspector Cooperatives	RNPS-10 Rs. 410-22-520/24-760-28-900	-do- B-14 (Rs. 850-50-1850)
G. S. Zilledar	-do-	*B-2 (Rs. 460-12-700)
POLICE DEPARTMENT:		
1. Foot Constable	RNPS-2 Rs. 260-6-302/7-365-8-405	*B-3 (Rs. 480-14-760) with 30% posts as selection grade in B-5 (Rs. 520-18-880). Those Constables and Head Constables who are Matriculate at the time of recruitment or acquire Matriculation Certificate while in service may be allowed five advance increments.
2. Head Constable	RNPS-3 Rs. 270-7-326/8-390-9-435	B-5 (Rs. 520-18-880) with 1/3rd posts as Selection Grade in B-7 (Rs. 560-23-1020).
3. Assistant Sub-Inspector	RNPS-5 Rs. 290-10-350/12-470-14-540	B-11 (Rs. 700-35-1400) with Graduation as minimum qualification.
4. Sub-Inspector	RNPS-7 Rs. 335-14-447/16-575-18-665	B-14 (Rs. 850-50-1850)
5. Inspector	RNPS-11 Rs. 430-24-550/28-830-30-980	B-11 (Rs. 700-35-1400). Those who possess Law Degree, five advance increments may be allowed, provided that a Prosecuting Sub-Inspector who has already drawn increments for possessing Law Degree under the existing scales shall be allowed increments equal to shortfall in the number of increments between the increments obtained by him and the increments which have now been prescribed.
6. Prosecuting Sub-Inspector	RNPS-7 Rs. 335-14-447/16-575-18-665	B-14 (Rs. 850-50-1850)
7. Prosecuting Inspector	RNPS-11 Rs. 430-24-550/28-830-30-980	

POST	EXISTING SCALE	BASIC SCALE
------	----------------	-------------

REVENUE DEPARTMENT.

Kanungo/Girdawar	RNPS-6 (Rs. 315-12-399/14-525-16-605)	B-9 (Rs. 620-29-1200)
2. Maib Tehsildar/ District Kanungo/ Distt: Assistant	RNPS-8 (Rs. 370-16-514/18-640-22-750)	B-14 (Rs. 850-50-1850)

TREASURY & ACCOUNTS.

1. Treasury Officer/ Distt: Accounts Officer/Agency Accounts Officer	RNPS-17 (Rs. 900-50-1150/60-1750-100-2250)	B-17 (Rs. 1600-120-3040) with 1/3rd of 50% of posts as selection grade in B-18 (Rs. 2100-150-3600).
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Government Departments & Organizations.
(Posts common to different Departments).

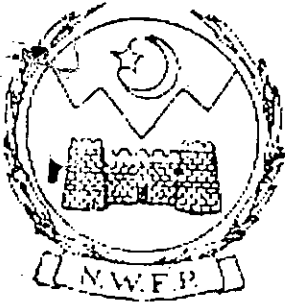
1. Junior Scale Stenographer Grade-II/Steno- Typist.	RNPS-8 (Rs. 370-16-514/18-640-22-750)	B-12 (Rs. 750-40-1550)
2. Junior Scale Stenographer Grade-I	RNPS-10 (Rs. 410-22-520/24-760-28-900).	B-12 (Rs. 750-40-1550)
3. Senior Scale Stenographer	RNPS-12 (Rs. 460-28-600/30-900-32-1060)	B-15 (Rs. 900-55-2000) with 25% posts as selection grade in B-16 (Rs. 1050-80-2250).

(Secretariat Departments).

1. Junior Scale Stenographer Grade-II	RNPS-8 (Rs. 370-16-514/18-640-22-750)	B-12 (Rs. 750-40-1550)
2. Junior Scale Stenographer Grade-I	RNPS-10 (Rs. 410-22-520/24-760-28-900)	B-12 (Rs. 750-40-1550)
3. Senior Scale Stenographer	RNPS-12 (Rs. 460-28-600/30-900-32-1060)	B-15 (Rs. 900-55-2000) with 25% posts as selection grade in B-16 (Rs. 1050-80-2250)
4. P.A. to Minister/ Chief Secretary/ Addl: Chief Secy/ Secretary/Addl: Secy:	RNPS-14 (Rs. 520-30-730/35-1010-40-1210)	B-15 (Rs. 900-55-2000) with 25% posts as selection grade in B-16 (Rs. 1050-80-2250)

While working out the selection grade posts, the number of existing posts of Private Secretaries in B-16 will also be accounted for.

(See page 26)



GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO(PE)2-6/DPC/09


Dated Peshawar the 24-8-2009.

To,

The Director
Elementary & Secondary Education
NWFP, Peshawar.

Subject:- **GRANTING RE-FIXATION OF SENIORITY WEF; THE DATE OF APPOINTMENT.**

I am directed to refer to the subject noted above and to enclose herewith an application along with relevant documents in respect of Haji Fiaz Ali Khan SET (Agriculture) GMS Shahi Gul FR Lakki for further necessary action at your end being competent authority for SET (B-16).


(ARIF JAMIL)
SECTION OFFICER (PRIMARY)

Encls. As above.

Directorate of Education
(FATA), NWFP, Peshawar.

No. 4391 / dated: 25/2/2002.

To,

The Principal,
Govt: High School
Biland Khel (Orakzai Agency).

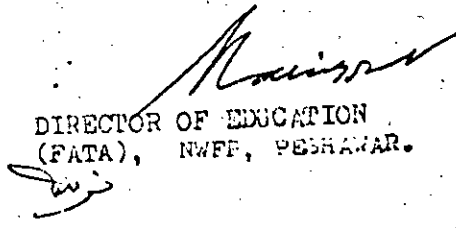
Subject:-
Memo:-

SIX ADVANCE INCREMENTS.

Consequent upon the Court decision dt: 12.2.2002


Mr. Fiaz Ali Khan SET, of your school is allowed to draw six advance increments from the date of passing his B.Ed i.e. 16.4.1998 (copy enclosed) for ready reference.

Necessary entry to this effect should be made in his record.


DIRECTOR OF EDUCATION
(FATA), NWFP, PESHAWAR.

Endstt: No. _____ / dated _____ /2002.

Copy forwarded to the Agency Accounts Officer
Orakzai Agency at Hangu.


DIRECTOR OF EDUCATION
(FATA), NWFP, PESHAWAR.

OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P, PESHAWAR.
No.H-24(90)Orakzai/623 Dated:27/5/2002.

To *Agency*
The ~~Asstt.~~ Accounts Officer
Orakzai Agency at Hungu.

Subject: SIX ADVANCE INCREMENTS TO S.E.T POSSESSING
BSC(HONS) AGRICULTURE DEGREE.

Memo:

I am directed to refer your office letter No. 245-
46/AAO/Orakzai dated 21/5/2002 ^{and} ~~on~~ a to state that you are
advised to finalize the case in accordance with the decision of
N.W.F.P, Service Tribunal after formal orders by the department
in pursuance.

*AW
900.
On
11/6'*

Zaman 25/5
ACCOUNTS OFFICER
N.W.F.P, PESHAWAR. *ZM*

*D.No-195
11-6-02 28/6
Mr. Zaman Akh.*

11/6/02

*9282
[Handwritten marks]*

Government of West Pakistan.
Finance Department

Notification

5th January, 1965

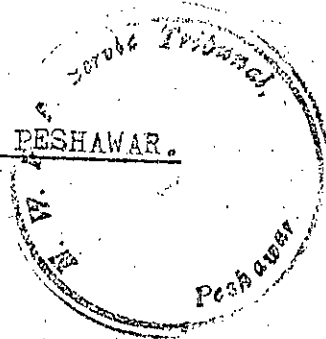
No. FD.10(1)-115/63-1718/54 - In exercise of the powers conferred on him by clause (2) of Article 178 of the Constitution of the Islamic Republic of Pakistan, the Governor of West Pakistan is pleased to direct that the following further amendment, shall be made under heading "Education Department" in part II of the Schedule appended to the West Pakistan (Non-gazetted) Civil Services (Pay Revision) Rules, 1963, namely:-

AMENDMENTS

(1) The entry relating to the post of Senior English Teacher/Assistant Master/Asst District Inspector/Asst Inspector of Schools shall be substituted by the following:-

Designation of post	Last prescribed scale	Consolidated Scale
Senior English Teacher/Senior English Teacher (Technical) Asst Master/Assistant Distt Inspector/Asst Inspector of Schools	120-10-200/10-300 (for ordinary Graduates. Trained Teachers i.e. B.A B.T/B.Ed. to start at Rs 130/p.m M.A. to start at Rs. 150/-, M.A.,B.T. at Rs 170.00 Agriculture Teachers with qualification of B.Sc (Agriculture) to start Rs 200.00	175/- fixed for untrained graduates 220-15-310/15-400 for F.A.,S.A.V. qualification with B.T/B.Ed. or those possessing Master Degree. Two advance increments for those possessing Master Degree with B.T./B.Ed or S.A.V. & Graduates with Diploma in Technical Education from the Technical Teaching Training College Lyallpur Six advance increments for Agriculture teacher with qualification of B.Sc Agriculture Selection grade Rs 325-20-525 for 15 percent of the posts less any promotion posts reserved for them.

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.



APPEAL NO. 119/1999

Date of institution. 11.1.1999

Date of decision..... 12.2.2002

Fiaz Ali Khan SET (Agriculture),
Government High School Darra Adam Khel,
F.R Kohat..... (APPELLANT)

VERSUS

1. The Secretary Education Department,
NWFP Peshawar.
2. The Director of Education (FATA),
NWFP, Peshawar.
3. The Secretary Finance Department,
NWFP Peshawar..... (RESPONDENTS)

MR. MOHAMMAD ASIF YOUSAFZAI,
Advocate For appellant

MR. NASIR ALI RAZA,
Advocate (Government Pleader) For respondents.

MR. KHAN AKBAR KHAN, CHAIRMAN.
MR. MOHAMMAD SHAUKAT, MEMBER.

JUDGMENT

KHAN AKBAR KHAN, CHAIRMAN:- This is a service appeal filed by appellant Fiaz Ali Khan, under section 4 of the NWFP Service Tribunal Act, 1974 against the respondents who have not taken any action on the representation of appellant within the statutory period of ninety days.

2. Briefly stated the facts; are, that the appellant has been working as SET (Agriculture) in the Education

EXAMINER
NWFP Service Tribunal
Peshawar

Department since 12.9.1990 and has completed more than 8 years service with good record and results. The appellant has passed B.Sc. (Hons) Agriculture, M.Sc. (Hons) Agriculture, C.T & B.Ed and thus he is fully qualified to hold the post. Copies of Degrees are attached as annexures A, B, C and D respectively. The respondent department granted six advance increments to many SET (Agriculture) on B.Sc. (Hons) Agriculture qualification and left the appellant without any cogent reason and as such the appellant has been discriminated. The appellant submitted his representation on 14.9.1998 (Annexure-E), which has not been decided within the statutory period of ninety days, hence the present appeal.

3. The grounds of appeal are; that delaying tactics in not granting 6 advance increments and not regularizing the services of the appellant is against law, facts and natural justice; that the appellant is fully qualified to hold the post and is entitled for his claim; that many junior SET (Agri) have been regularized and given six advance increments but the same benefit has not been extended to the present appellant and he has been discriminated; that according to the Notification dated 14.4.1970 (which is still in field) an SET (Agriculture) with the qualifications of B.Sc.(Agri) is entitled to the same benefits as that the attitude of the respondent department in respect of the appellant's claim is against the law and the appellant is fully entitled to 6 advance increments and service regularization under the principle of law. The prayer of the appellant is that on acceptance of the present appeal, the appellant may be granted 6 advance increments on B.Sc. Hons.(Agri.) and the respondents may also be directed to regularize his services from the date of appointment.

4. Respondents have been summoned. They appeared through their respective representative/counsel, submitted reply. The appellant has also submitted his rejoinder.

ATTESTED
EXAMINER
1

5. We have heard the arguments of the learned counsel and for the appellant/P.P for the State at length and perused the record with their assistance. The perusal of the record would show that the present appellant joined the Education Department as SET (Agri.) in the year, 1990. According to 1983 rules, the minimum qualification for induction as Agriculture Teacher is B.Sc (Agri.) plus B.Ed or B.Sc. (Agri.) plus Vocational Teacher Training Diploma. As per Finance Department Notification dated 14.4.1970, a teacher with qualification of B.Sc.(Agri.) is entitled to six advance increments. The learned counsel for the appellant produced a copy of order dated 28.8.1995 whereby a number of SET (Agri.) Teachers have been granted six advance increments by the Deputy Director Secondary Education. Copy of order has been placed on file to-day. This fact has also been confirmed from the representative of the respondent department.

6. The Tribunal observe that the appellant has the requisite qualification for the post of SET (Agri.) as per 1983 rules and in the light of Notification dated 14.4.1970, he is fully entitled to six advance increments ^{on basis of} ~~for~~ qualification of B.Sc (Hons) Agri. from the date of passing B.Ed. examination i.e. 16.4.1998.

7. So, in view of the above discussion, the appeal is partially accepted, the respondent department is directed to allow six advance increments to the present appellant from the date of passing B.Ed examination i.e. 16/4/1998. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED.
12.2.2002.

K. Akbar Khan
(KHAN AKBAR KHAN)
CHAIRMAN

Mohammad Shaukat
(MOHAMMAD SHAUKAT)
MEMBER.

Certified to be true copy
 EXAMINER
 Service Tribunal
 5-02
 2-02
 7-02
 26/2/2002

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 02-05 /ST

Dated 01/01 /2013

To,

1. The Secretary (E&SE),
Govt: KPK Peshawar,
2. The Director (E&SE),
KPK, Peshawar.
3. The Director Education (FATA),
KPK, Peshawar.
4. The Agency Education Officer,
FR Lakki.

Subject:- EXECUTION PETITION NO. 187/12 FAYAZ ALI VS. SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA,(E&SE) DEPARTMENT PESHAWAR AND OTHERS..

I am directed to send the following order dated 24.12.2012 passed by this Tribunal on the above cited ~~Ex.Pet~~ for strict compliance.

“Petitioner in person and Mr.Arshad Alam, AGP present. None is available as representatives on behalf of the respondents. Judgment dated 24.04.2012 has not been implemented so far. Letters be issued to the respondents to either submit stay order granted by the august Supreme Court of Pakistan or to implement judgment of the Tribunal in letter and spirit and submit compliance report on 25.01.2013. Petitioner is directed to produce his counsel on the next date.”

Sd./--xxx
Member

ofc
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.