

14.03.2017

Appellant in person and Hammad, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder not submitted, Requested for adjournment. To come up for rejoinder and final hearing on 23,08,2017 at camp court, Abbottabad.



23.08.2017

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Zubair Ali, ADO for and Muhammad Haroon, AAO for the respondents present. Arguments heard and record perused. A BARRIE 1 , i - ; ; ; Vide our detailed judgment of today in connected service appeal No. 371/2015, entitled "Rashid Iqbal Khan Versus District Comptroller of Accounts, Abbottabad and ١,× others", this appeal is also dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Member

Camp Court, A/Abad.

1.1.1.25

ANNOUNCED 23.08.2017

#### 24.11.2016

Appellant in person and Mr. Hamid Junior Clerk alongwith Mst. Bushra Bibi, Government Pleader for the respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Cost of Rs. 500/- paid and receipt obtained from the appellant. Last opportunity is further extended subject to payment of further cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 1000/- on 19.01.2017 before S.B at camp court Abbottabad.

1.1

Chairman Camp Court, A/Abad

19.01.2017

Appellant in person and Mr. Himmad Junior Clerk alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply by respondent No. 4 not submitted despite repeated opportunities including last opportunity which was extended subject to payment of cost of Rs. 500/- and further extended subject to further cost of Rs. 1000/-. No other opportunity is granted to respondent No. 4. Remaining respondents have already submitted written reply. The appeal is assigned to D.B for rejoinder and final hearing for 19.07.2017 at camp court, Abbottabad.

Chairman Camp Court, A/Abad

In view of application, may be fixed with identical appeals on 14.03. 17 Appellant in person and Mr. Muhammad Irshad and Muhammad Jamil, Senior Auditor alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply by respondents No. 1 to 3 submitted. Last opportunity granted to respondent No. 4. To come up for written reply/comments of respondent No. 4 on 19.08.2016 before S.B at camp court, Abbottabad.

nan

Camp Court, A/Abad.

#### 19.08.2016

1020/15

19.5.2016

Appellant in person M/S Muhammad Irshad, SO and Muhammad Jamil, Senior Auditor alongwith Mr. Muhammad Siddique Sr.GP for respondents No. 1 to 3 present who already submitted written reply. Mr. Muhammad Usman, Senior Clerk for respondent No. 4 present and again requested for adjournment despite last opportunity. Last opportunity is further extended to respondent No. 4 subject to payment of cost of Rs. 500/- which shall be borne by respondent No. 4 from his own pocket. To come up for written reply of respondent No. 4 and cost on 24.11.2016 before S.B at camp court, Abbottabad.

> Chailiman Camp court, A/Abad.

16.11.2015

None present for appellant. Notice to appellant be issued for preliminary hearing for 14:12:2015 before S.B at Camp Court A/Abad.

**پر** Chairman Camp Court A/Abad.



Appellant in person present. Argued that identical service appeals including service appeal No. 371/2015 are already admitted by this Court for regular hearing.

In view of the above, this appeal is also admitted for regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 17.3.2016 before S.B at Camp Court A/Abad.

Cha man Camp Court A/Abad

17.03.2016

Appellant in person, M/S Muhammad Ajmal, Senior Auditor and Irshad Muhammad, SO alongwith Mr. Muhammad Saddique, Sr. GP for respondents present. Requested for adjournment. To come up for written reply/comments on 19.5.2016 before S.B at Camp Court A/Abad.

Chairman Camp Court A/Abad

# FORM-A

# FORM OF ORDER SHEET

Court \_\_\_\_

₹ ¶

Case No. 1020 2015

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	Date of order/	Order or other proceedings with signature of Judge/
	proceedings	Magistrate
1	2	3
1.	17.09.2015	The appeal of Mr. Bashir Ahmad, resubmitted
		to-day by him through post, may be entered in the
		institution register and put up to the Worthy Chairman for
		preliminary hearing.
		REGISTRAR
レ	21-9-15	This case be put up before the S.Bench at Camp
		court, Abbottabad for preliminary hearing on
	, f	20-10-2015
		CHAIRMAN
	20.10.2015	None present for appellant. The appeal be relisted
		preliminary hearing for 16.11.2015 before S.B at Camp Co A/Abad.
		A/Abad.
		Chayman Camp Court A/Abad.
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The appeal of Mr. Bashir Ahmad son of Abdul Haq, SCT Govt. High School Khushala Mansehra R/O K-3102 Al-Hamra Street Kunju Kehal Abbottabad received today i.e. on 31.08.2015, is incomplete on the following scores, which is returned to him for completion and resubmission within 15 days:-

1. Rejection order of departmental appeal by respondent No. 1 is not attached with the appeal, which may be placed on file.

538 /ST. No. 2/9\_/2015 Dated Bashiw Ahmad, Appellent KPK SERVICE TRIBUNAL, PESHAWAR. Re-Submitted after doing The needful Rejection Letter/order Departmental appeal is attached. at P-17, Amexeuro F= I - BasiAhned BasiAhned Set - Etts Khughala Rated 14.9.2015 Manschra

The appeal of Mr. Bashir Ahmad son of Abdul Haq, SCT Govt. High School Khushala Mansehra R/O K-3102 Al-Hamra Street Kunju Kehal Abbottabad received today i.e. on 31.08.2015, is incomplete on the following scores, which is returned to him for completion and resubmission within 15 days:-

1. Rejection order of departmental appeal by respondent No. 1 is not attached with the appeal, which may be placed on file.

No. 538 /ST. Dated 2/9 /2015

KPK SERVICE TRIBUNAL,

PESHAWAR.

Bashin Ahmad, Appellent

R/Sir Rejectional Letter of Departmental appearl from Respondent Noi D.A.O. Manschrais attached at NO17 Annexure F\_I

Dated 14.9.2015

Bapin Almed SCT) -Citte Khushala Marschir R/0 K-3102. Al-Hamza Street Kunj-Kehal Abbottabad

# **BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

## PESHAWAR

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CONTRO TRIBUSA	
DATE NO	
Cand 2 Total	6
	5

# Service Appeal No. 1020 of 2015

**BASHIR AHMED** S/o **ABDUL HAQ**, SCT Gov High School Khushala Mansehra R/o K-3102 Al-Hamza Street Kunj Kehal Abbottabad.

Versus

District Account officer Mansehra & 03 others

Respondents

Appellant

# SERVICE APPEAL

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	dated 07/08/1991 issued by respondent no 03	*	2
3	Copy of selection grade order dated	В •	9 to 10
	02/12/1999		
4	Copy of Notification dated 01/10/2007	С	11 to 12
5	Copy of Notification dated 26/01/2008	D	13
6	Copy of Notification/letter dated 31/12/2013	E	14 to 15
7	Copy of representation / application dated	F	16 — 😭
(8)	16/05/2015 Reply D.A.O MA Dided 10.8.2015 Reply D.A.O MA	EI	P- 17

Dated : 21/08/2015

010

Bashir Ahmed (Appellant in Person)

# BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

#### PESHAWAR

## Service Appeal No. 1020 of 2015

A.W.P.Prov Corvice Tri Mary No.

P-1

**BASHIR AHMED** S/o **ABDUL HAQ**, SCT Gov High School Khushala Mansehra R/o K-3102 Al-Hamza Street Kunj Kehal Abbottabad.

Appellant

## Versus

- 1. District Account officer Mansehra.
- 2. Accountant General Khyber Pakhtuinkhwa Peshawar.
- 3. Government of Khyber Pakhtuinkhwa Peshawar through secretary Finance Department Peshawar.
- Government of Khyber Pakhtuinkhwa through secretary (Elementary & Secondary Education), Department Peshawar.

#### Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT. 1974, FOR GRANT OF (TWO **INCREMENTS) ALONGWITH ALL BACK B ENEFITS W.E.F** 01/09/2007 UNDER THE LAW AND ON THE BASIS OF CLARIFICATION ISSUED UNDER NOTIFICATION NO FD (SOSR-4) 2-123/2013 DATED 31/12/2013 ISSUED BY RESPONDENT  $100^{13}$  (FINANCE DEPARTMENT) BEING SELECTION GRADE HOLDER ALREADY WORKING IN THE SAME SCALE ON UPGRADTION OF HIS POST. THE IMPUGNED ACTION OF RESPONDENT , NO 🇂 1, I.E NONE DECIDING OF **REPRESENATION DATE 16/05/2015 AND NONE GRANTING OF** TWO INCREMENTS IS, WITHOUT LAWFUL AUTHORIT AlleGun **ARBITRARY, DISCREMINATORY,** 

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**OF** NATURAL JUSTICE AND AGAINST THE PRINCIPAL INEFFECTIVE UPON THE **APPELLANT'S** RIGHTS OF GRANTED BY COMPETANT INCREMETNS, ADVANCE AUTHORITY AND RESPONDENT NO. 1 DID NOT ACCEPT THE. LETTER OF APPLICANT DATED 16/05/2015. AND ISSUED THE LETTER NOT TO ACCEPT THE SAID APPLICATION OF APPELLANT.

#### PRAYER;-

Alterted ned Zowshir ned

ON ACCEPTANCE FO INSTANT SERVICE APPEAL RESPONDENTS MAY PLEASE BE DIRECTED FOR GRANT OF (TWO INCREMETNS) ONE PREMATURE & ONE SPECIAL INCREMENT ALONGWITH ALL BACK BENEFITS W.E.F 01/09/2007 UNDER THE LAW AND MAY PLEASE BE IMPOSED HEAVY COST AGAINST THE PESPONSIBLE RESPONDENTS. RESPECTFULLY SHEWETH,

## **FACTS**

- 1) That appellant is a school teacher, he is now working as senior C.T Teacher in (BPS 16), appellant being B.A/B.Sc II- Division, was placed in BPS No. 14 from BPS No. 09, on the basis of Para no 02 of notification No (PRC) 1-1/89 dated 07/08/1991 issued by respondent no 03. copy of notification is annexed as (Annexure "A")
  - ) That appellant was awarded selection grade in BPS No. 15 with effect

←From 02/12/1998, while his juniors were remained in BPS No 14 on the basis of same notification dated 07/08/1991 (Annexure A). Copy of selection grade order is annexed Annexure "B")

3) That respondent No. 3 issued Notification No. SO (FR) 10-22(B) 2005 dated 01/10/2007, wherein CT teacher were also

up-graded in BPS No. 15 on the basis of condition of B.A/B.Sc II-Division, but those selection grade holders (including appellant) who were already working in BPS No 15 with effect from 02/12/1999, was not up-graded in the same notification. Copy of notification dated 01/10/2007 is annexed as Annexure "C" 3

- 4) That it is well relevant to mention here that in the 1<sup>st</sup> up-gradation notification dated 07/08/1991 and recent notification 01/102007, condition of at least B.A 2<sup>nd</sup> Division was imposed for further upgradaiton in BPS 15, even this condition has been relaxed in the next notification dated 26/01/2008, but in the same notification appellant was not compensated by placing him in BPS no. 16 Copy of Notification dated 26/01/2008 is annexed as Annexure "D"
- 5) That appellant has come to know that respondent No. 3 (Finance Department) has compensated the selection grade holder by granting two increments (one special advance increment for same scale promotion) while other is (one premature increment for upgradation)
- 6) That when respondents especially respondent no 1 did not allow and grant two increments in his officer routine process, to the appellant being selection grade holder working in BPS # 15 while post of CT was up-graded in BPS # 15.in the prevailing situation appellant along- with one other submitted an application 16/05/2015 for grant of two increments to the respondent No. 1 on the basis of clarification notification/ letter No. FD(SOSR-1) 2-123/2013 dated Peshawar the :31/12/2013 issued by respondent No 03 Copy of Notification/letter and representation/ application dated 16/05/2015 are annexed as Annexure "E" & "F"

Allested

X

That the respondent no 1 did not comply with finance department letter No. FD(SOSR-1) 2-123/2013 dated 31/12/2013 and rejected the application dated 16/05/2015 of the appellant

GROUNDS

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- a) That appellant under the was entitled to 02 Increments and the respondents (respondent No. 1) Was not at all have powers to deny the 02 increments, Which were granted by the competent authority (finance Department) and respondent no 1 & 2 is not Competent authority but just executing agency the denial of respo0ndent no 1 is with out jurisdiction illegal and malafide.
- b) that this honourable Tribunal has been pleased to admit the same nature service appeals No. 371/2015 on 19/05/2015 S Govt No. 753/2015 on 19/08/2015 with next date of hearing on 15/09/2015 the title of the main service appeal is Rashid Iqbal Vs Govt.
- c) That in the matter of two increments relating to selection grade holders, the respondent no 3 has already issued several clarifications / letters to quarter concerned including responded no 1 & 2 but they did not implement the legal policy of the government and committed illegal & impugned action while respondents were Legally bound to grant of increments to appellant along with all back benefits/arrears.
- d) That it is absolutely proved that appellant was awarded BPS# 15 as a selection grade with effect from 02/12/1999, and his BPS No. 15 is personal to him while the scale of CT post was BPS No and on 01/10/2007 in pursuance of Notification the scale of CT Post was UP-graded from BPS No 09 to 15 appellant was already working in BPS # 15 with effect from 02/12/1999 and appellant was not granted any benefit under the Article 25 of the constitution by the respondents, factually and legally these two increments are granted to appellant to eliminate discrimination.



- e) That those junior teacher who were working in BPS # 14 before 01/10/2007 and was up-graded in BPS# 15, has granted one premature increment, but appellant is not granted one premature increment on the basis of up-gradation and one special increment on the basis of with in scale promotion, thus impugned action of respondents is illegal with out jurisdiction.
- f) That the action of respondent no 1 is apparent activity of serious disapproval of the policy of the competent authority, which is beyond its jurisdiction and tried to create self made complications and reopen the same matters which are finally decided under the rule of law.
- g) That appellant is dragged into litigation, that his claims of two increments have been solve completely by the competent authority (finance Department) by issuing several letters for clarification: the conduct of the respondents is admittedly arbitrary capricious unjust and against all norms of justice contemptuous and as such requires indulgence of this honourable court by awarding appropriate Cost to the respondents.
- h) That the involved matters in the instant appeal is relating to pay and under the law limitation did not run in such matters and it is an admitted fact that under question illegal action fell in the matter of great public importance.

Allebur Aud Zashu Aud

It is, therefore, respectfully prayed that on acceptance of instant service appeal, respondents may please be directed for grant of (two increments) one premature & one special increment along with its arrears with all back benefits w.e.f 01/09/2008 under the law with out any further delay and may please be imposed heavy cost against the responsible respondents.

Any other relief for which the appellant is entitled, and the same is not asked/prayed specifically, may very kindly be granted in favour of the appellant.

Dated 21/08/2015

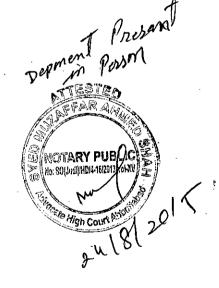
ashi Ahr Bashir Ahmed (Appellant in Person)

#### Affidavit

X

I, Bashir Ahmed S/o Abdul Haq, Senior CT Teacher Government High School Khushala Mansehra R/o House No. K-3102 Al Hamza Street Kunj Kehal Abbottabad do here by affirm on oath that contents of instant appeal are correct and true according to my best knowledge and belief and nothing has been suppressed from this honourable tribunal and this instant appeal is frirst appeal & same nature of any other appeal is not pending before honourable tribunal

Dated : 21/08/2015



Paytri Ahmed) (Bashir Ahmed) Appellant in Person

DEPONENT

GOVER MENT OF NORTH WEST FROMTIER PROVINCE FINANCE DEPARTMENT NOTIFICATION Peshawar, dated the 7th August, 1991 No, FD(PRC) 1-1/89- In exercise of all the powers enabling him in. this behalf the Governor of the North West Frontier Province is pleased to order the following scales of pay/benefits to various categories of Teachers with effect from 01-07-1991. 9, No · Name of the post Benefits extended. . 1 1. Primary schools All the present and future Primary school Teachers who hold the qualification of PA/F,Sc(2nd Division) plus existing prescribed professional training shall be placed in BPS-9 with 1/3rd in selection teachers (PTO/JV) All other teachers who do not possess higher qualification shall continue getti ng existing pay scales with selection grade accordingly. However the higher scales/Grades allowed to these teachers will be personel to them and the inter-se- seniority will Elementary school teachers(E.S.T/S.V. 2. All the present and future elementary school teachers who possess the qualifi-cation of BA/B.Sc(2nd division) plus existing prescribed professional training shall be placed in BPS-14 with 1/3rd in selection grade BPS-15. /PET/Drawing Master/. PTI. All other teachers who do not possess higher qualifications shall continue getting emisting pay scale with Selection However, the higher scales/Grades allowed to these teachers will be personal to them and the inter-se- seniority will Arabic teachers All the present and future Arabic teacher who possess the qualification of Trained Fazal with BA/B,Sc (2nd Division) and Five years teaching experience or MA,Arab: ic or equalent qualifications shall be placed in BPS-14 with 1/3rd in Selection Grade BHS-15 Allertor Bagmid Alues contd ----- 2

mexure

All other teachers who do possess Higher qualification shall continue getting existing pay scale with Selection Grade accordingly .

Secondary school teachers.

4.

However, the Higher Scale/Grade allowed to these will be personal to them and the inter-se- semiority will remain intact.

All the present and future Secondary school teachers with prescribed qualification under the rules shall be placed in BPB-16 with 1/3rd in Selection Grade BPS-17.

The advance increments sanctioned by Finance Department vide para -9 of its matter No: FD(BR-1) 1-67/82 dated: 24.08.1983 will not be admissible on acquiring / possessing qualifications for which higher pay scales are being sanctioned through this notification.

> sd/ х х

Endat Mos FD(PRC) 1-1/89

SECRETARY TO GOVERNMENT OF NORTH WEST FRONTIER PROVIDE FINANE DEPARTMENT.

Dated Peshavar the 7th August, 1991. A copy is forwarded to the accountant General, N.W.F.F Poshawar for Information and necessary action.

> no Villin 18 (GHULAM DASTGIR ANHTAR ) Deputy Becretary (Regulation) Finanace Department.

# Endst No: FD(PRC) 1-1/89

Dated Peabawar the 7th August, 1991

(GHULAM DASTGIR AKHTAR ) Deputy Secretary (Regulation)

Finance Department.

A copy is forwarded to :-1.

All Administrative Becretaries to Gowt of N.W.F.P.

all Commissioners of Divisions in N.W.F.P 2. 3.

All District Adcounts Officers, 4

All the District Eductions Officer Secretary to the Govt of N.W.F.P 5:

6.

Registrar Peshawar High Court. Registrar Service Tritunal N. 7.

Allester Barni Aluis

N.W.F.P 8.

All Deputy Commissioners/Political Agents / District and

sd/

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## OFFICE OF THE EXECUTIVE DISTI: OFFICER (SCHOOLS & LITERACY) MANSEHRA, AWARD OS SELCTION GRADE

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The following CTs (Male) are hereby awarded selection grede in BPS 12 and BPS 15( in case of BA-II Divn;) with the date noted agianst r each their names, the followign terms and conditions:-

6.No.8 Sen: N		D/O awar of S/Gra	
	Muhd Ajmal GHS Mohandri	2/12/99	vice Mr.S.Ejaz Raza GHS Khairabad promtd:as SET
₹/233	Muhd Tufail GHSS GHUllah.	2/12/99	Vice Mr.M.Fiaz GMS Shah Khel Garhi promtd:as SET
<b>5/</b> 235	Waheed Ahmed GHS GHullah.	2/12/99	Vice Mr.M.Iqbal GHS Bhon promtd:as SET on 23.9.99
4/236	Nasin Ahmed Khan GMS Balakot.	2/12/99	Vice Mr.Rab Nawaz GHS Kanshian prm:SET 23.9.99
5/238	M.Naeem GHSS No.1 Mansehra.	2/12/99	vice Mr.M.Sharif GHS Sangar prm:as SET 23.9.9
6/239	Q.Ubaidullah GHS Oghi.	2/12/99	vice MR.M.Nawaz GHS Shoh Mazullah pm:SET 23.9.99
7/240 8/241	Nasim Ahmed GHS Data.	2/12/99	vice Mushtag GHS Afzal prm:SET on 23.09.99
	Bashir Ahmed GHS Data.	2/12/99	vice Zafar Ali Khan GHS Kolika prm:SET 23.9.99
9/242	Zakar Hussain GMS Hilkote. now trf:D-istt:Haripur.	2/12/99	vice M.Iqbal GHS Gandhian prom:as SET on 23.9.99
10/243	Islamul Hag GHS Sum.	2/12/99	vice Mr.M.Salim GHS Chan- dore prom: as SET 23.9.99
11/244.	Shujahat Ahmed GMS Sh:Garhi		vice Rafiud Din GMS GHU prom:as SET on 23.9.99
12/245 13/246	Ohen Khan GMS Kayien.	2/12/99	vice Mr. Abid Hussian GMS B/Kenth prm:SET 23.9.99
14/247	Asif Ali GMS Bhogarmang. Jamilur Rehman GHS Nokot.	2/12/99	vice Mr.A.Waheed GHS Sh: Mazullah promoted as SET
15/248		2/12/99	vice Mr.M.Afzal GHS No.1 Man prom:SET on 23.9.99
16/249	Sadiqur Rehman GHS Ahl.	2/12/99	vice Mr.M.Bashir GHSS Jabori prom:SET 23.9.99
	Muhd Ilyas GMS Tambah	2/12/99	vice Mr.Sajid Hafiz GHS Khushala prom:SET 23.9.99
17/250	Muhd Naseem GHSS, No.1 Man;	2/12/99	Vice Shoukat Ali GHSS. Shamdarha PMTD as SET on 23.9.99.
18/251	Muhd Bangas GHS, Jabba	2/12/99	Vice Jamil Ahmed GHSS Man PMTD as SET Scince on 23.9.99.
19/252	Muhd Ashraf GHS, Phulra	2/12/99	Vice Nazir Gul GMS. Shani Bala PMTD as SET og 23.9.99
20/253	Ishfaq Ahmed GH3, No. 2Man:	2/12/99	Vice Mohd Rustum GHS, Doga PMTD as SET on 23.9.99.
21/254	S.Zahoor Ahmed Shah GHS,Kaghan	2/12/99	Vice Mohd Nawaz GHS. Khawari PMID as SET On 23.9.99.
22/255	Rates-ur -Rehman GHS,Shinkiari	2/12/99	Vice Mohd Ishfaq GHS,Balakote PMTD on.23.9.99.
23/256	Shabeer Ahmed GHS, Shinkiri	2/12/99	Vice Mr.HaqNawaz GHS,Khaki 2MTD 0.8.5.99.
Alle	Cont:Page	No+2.	

24/250

Sajjad Abmed CT 2.12.1999. GHS,Shahlia

25/258 Mohd Haroon BES GMS Karmong Bala

26/259 Shams-ur -Rehman GHS.L.Nawab 2.12.1999;

27/19044) Javed Akhter GH S, Khaki

Vice Mr .Saeed Akhter GHS, No.1 Mans: PMTD SET GHS, No.1 Mansehra on 23.9.99.

Vice S.Riaz.H.Shah GHS, Perian PMTD as SET on 23.9.99.

Vice Mond Igbal GHS, Atter-Shisha PMTD as SPT on.23.9.99

Vice Javed Iobal GHS, Khawari PMTD as SET on 23.9:1999.

CONDITIONS

1. Nesessary entry to this effect should be made in 2.

2.12.1999.

2.12.1999

An undertaking on the prescribed from given below should be obtained and pasted in the S/Book duly attested by the respective Head begore the drawl payment of arrear Pay etc.

UNDERTAKING

undertaking in correct iranx of S/Grade and deducted later on it will be made by recovery from my Pay/Pension/graduity may be fired

111) Arrear due to award of S/Grade would be drawn to them. iv)The above award is subject to the condition that their ACRs/ Result statment of last three Three Years Good/V.Good and No Judicial/ Department or any kind of enquiry exist against them.

\*) If any of the above teachers in not trained/qualified on the date

of promotion to this post they will not be eligible for S/Grade.

Endstino.6474-6503/B.Grade(CT-Male)

DISTRICT OFFICER (MALE) BCH:&LIT MANSEHRA Dated 28 200\*

Copy to thes-

1. Director Schools&Lit: NWFP, Peshawar.

2.All the Concerned Principal/Headmasters.

3.District Account Officer Mansehra.

4. B&A Officer(Local Branch)

Alles town Ann

DISTRICT OFFICER (MALE) SCHOOLS &LITERACY MANSEHRA.

Annescure

Government of N-W.F.P. Finance Department No.SO(FR)10-22(B)/2005 Dated: 01-10-2007

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# The Secretary to Govt. of NWFP Schools & Literacy Department

Τo

Subject:

Sir,

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UP-GRADATION OF VARIOUS POS TEACHERS/CAREER STRUCTURE IN SCHOOLS TS OF LITERACY DEPARTME NTGA VERNMENT OF N.W.F.

I am directed to refer to your letter No.SO(G)S&I/1-47/2007 dated 01-10-2007 on the subject noted above and to inform that the Chief Minister NWFP has up-grade various posts of teachers in Schools & Literacy Department N-W.F.P. as per details given below in respect of those incumbents who acquire or possess the qualification and experience mentioned against each with immediate effect.

	1			
S.#	Designation/Ex	isting Pay Scale		. •
<u> </u>	L · ·		Qualification	Revised
1.	Primary School	Teacher (PST)	T 4 CD C	Pay Scal
	ነ ወደን-0/		F.A/F.Sc. at least 2 <sup>nd</sup> Division with	09
2	PST with requisi	te experience	<u></u> + C/L/10/000 in Febrertia-	
•-	renamed as Head	UTanahaa/TT	On the basis of 10 years	12
1	Mistress of Prim	ary School BPS-07	Service/experience as Primare Cat	12
3.	C.T BPS-09	ary School BPS-07		
	0.1 Di 3-09		. B, A/B Sc, at least 2nd Diversion	
	• •		Diploma in Education/CT	15
4.	AWI/CT (Techni	col) (Induced a		
	Arts/Home Econ		B.A/B.Sc. at least 2nd Division with	
		unics BPS-09	1 Diploma in Education/ Continues	15
-		·	1 4 VIII DIRECTORATE OF CUrring land	
	• ,		Teachers Education NWFP	
	· · · ·		Abboltabad in Agra Tech	· · .
5.	D.M. BPS-09		Industrial Arts/Home Hoodomica	••••
	D.IM. Dr3-09		D.A/B SC at least ON TO	· · · ·
	Dimension		Drawing Master Course.	15
6. []	PET BPS-09		B A/B So at last world	
			B.A/B.Sc. at least 2 <sup>nd</sup> Division with JDPE	15
7.	Qari/Qaria BPS-0	7		
<u> </u>		•	Hafiz-e-Quran with SSC at least 2 <sup>nd</sup>	12
	SSTs/SST Tech:/A	gri: with	Division and Sanad in Qir'at	•••
1	equisite experiend	6 retiamed as	M.A/M.Sc. at least 2 <sup>sd</sup> Division with 1	7
	SF. SST/SF. SST T	ch:/Sr SST	D.EQ./M.EQ./MA Edu or equivalant	· •
A	Agri: BPS-16		qualification	
. 1	OPE BPS-16			
	ibrarian BPS-16		M.Sc. at least 2 <sup>nd</sup> Division in (HPE) 1	7
·   ~		:*	master degree in Library Cal-	
		-	least 2 <sup>nd</sup> Division	/

The Promotion/Direct Recruitment against the upgraded posts shall be made 2. as per laid down procedure and in accordance with the Service Rules to be framed pursuant to the relevant provisions of the NWFP Civil Servants (Appointment, Promotion &

Transfer) Rules-1989 read with the NWFP Civil Servants Act, 1973 in the light of the

. .

meeting held on 26-09-2007 of the committee constituted vide Schools & Literacy Department Notification No.SO(G)/S&L/1-47/2007 dated 01-08-2007.

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Audit copy may please be prepared and sent to this Department for authentication/signature.

Section Officer (FR)

12

#### Endst: of even No. & Date

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## Copy for information & necessary action to:

- Accountant General NWFP 1.
- 5.
- Accountant General NWFP Director Schools & Literacy NWFP Peshawar Director of Education FATA NWFP Peshawar PSO to Chief Minister NWFP PSO to Chief Secretary NWFP PS to Secretary Finance Department NWFP 6.

200m A

All District/Agency Accounts Officers in NWFP

Section Officer (FR)

DA to DI-R-II Fur depit



## GOVERNMENT OF NWFP FINANCE DEPARTMENT

(REGULATION WING)

.Dated Peshawar, the 26th January, 2008.

nnescur

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## NOTIFICATION

NO.FD/SO(FR)10-22/2007. In supergradien of this Chatter Mo.SO(FR) to 22(B)/2005 dated 01-10-2007 and international of the decisions of the meeting held under the Chairmanship of Secretary Establishment on 2-1-2008, the Competent Authority is pleased to allow upgradation for the incumpents of the posts as per details given below w.c.f. 1-10-2007:-

S.NO	Existing Designation and Pay Scale	Qualification .	Upgraded
1	Primary School Teacher (PST) (BPS-07),	FA/FSc and are trained	Scale BPS-09
2	Primary School Teacher	( LCAGNERS	(one time only)
· ·	(PST) with requisite experience renamed as Head		BPS-12 (one time only)
	Teacher/Head Mistress of Primary Schools (BPS-07).		
• •	CI (BPS-09).	BA/BSc and are trained	BPS-15
4	SETs (BPS-16)	With at least toni	(one time only) BPS-17
.		post shall be made the	Dr3-17
		DPC as per laid down procedure.	•••••••••••••••••••••••••••••••••••••••
· ·	Qari/Qaria (BPS-07)	Hafiz Quran with SSC	BPS-12

Endst No. & Date even.

### SECRETARY TO GOVT: OF NWFP FINANCE DEPARTMENT

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

1) . All the Secretaries in NWFP, Peshawar.

2) All the DCOs/EDOs Schools & Literacy Department, NWFP. Accountant General, NWFP, Peshawar.

Director Schools & Literacy NWFP, Peshawar, 4)

- 5) Director of Education FATA NWFP, Peshawar,
- 6) PSO to Chief Minister, NWFP.

7) PSO to Chief Secretary, NWFP.

8) PS to Secretary Finance Department, NWFP

9) All District/Agency Accounts Officers in NWIP.

(NAIB KHAN) SECTION OFFICER (FR)

## GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

## No. FD (SOSR-1) 2-123/2013 Dated Peshawar the: 31-12-2013

All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa. The Senior Member, Board of Revenue Khyber Pakhtunkhwa. 2. The Secretary of Governor, Khyber Pakhtunkhwa. Э. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa. The Secretary Finance FATA, FATA Secretariat, Peshawar. All Heads of Attached Department in Khyber Pakhtunkhwa. All Divisional Commissions in Knyber Pakhtunkhwa. All Political Agents/District & Sessions Judges in Khyber Pakhtunkhwa. 10. The Registrar, Peshawar High Court, Reshawar.

11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.

12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject:

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## CLARIFICATION REGARDING GRANT OF ONE SPECIAL ADVANCE INCREMENT TO THE EMPLOYEES HOLDING SELECTION GRADE PRIOR TO UPGRADATION OF THEIR POSTS IN BPS ALREADY HELD BY THEM.

Dear Sir.

I am directed to refer to this department's notification No. FD (SR-1) 2-4/2008 dated 04-04-2009 and to state the certain queries have been received from different quarters as to whether the employees, who were holding selection grade prior to up-gradation of their posts in BPS already held by them, are also eligible to the benefit of premature increment on up-gradation of their posts.

2. In this connection, the Provincial Government in consultation with Government of Pakistan, Finance Division, has to clarify that one special advance increment is admissible also to the employees who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, just as in the case of same scale promotion.

This order will take effect from 01-09-2007.

Attentod Au Zarw Au

(RAZAULLAH KHAN Addl: Secretary (Regulation)

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

## .c. No.FD (SOSR-1) 2-123/2013

#### Dated: 31<sup>st</sup> Dec, 2013

Copy for information & necessary action to the:-

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

-2-

-{MASOOD (HAN) Deputy Secretary (Reg-II)

#### Endst: No. & Date Even

Copy for information is forwarded to:-

- 1. All the Section Officers/Budget Officer in Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 2. The Private Secretary to Senior Minister Finance, Khyber Pakhtunkhwa.
- 3. The Private Secretary to Secretary to Secretary/F.As to Special Secretary, Additional Secretaries/Deputy Secretaries in Finance Deptt:

Alleste Auri

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Section (SR-1)

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The District Accounts Officer District Mansehra.

The Principal (D.D.O) Government High School (Boys) Khushala, Mansehra.

Subject

APPLICATION FOR GRANT OF (TWO **INCREMENTS**) ONE PREMATURE ONE SPECIAL INCREMENT & ALONGWITH ITS ARREARS W.E.F. 01/09/2007 ON THE BASIS OF CLARIFICATION ISSUED UNDER NOTIFICATION NO FD (SOSR-1) 2-123/2013 DATED 31/12/2013 ISSUED BY GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT PESHAWAR FOR SELECTION GRADE HOLDERS ALREADY WORKING IN THE SAME SCALE UPGRADATION OF THEIR POSTS. ON

Respected Sir,

Applicant has the honour to request their submission that he is working in the capacity of S CT, in Elementary & Secondary Education Department Mansehra.

That he had granted higher scale on the basis of award of Selection Grade in BPS 15 w.e.f. 02/12/1998 before the up-gradation of his existed post, which were up-graded in the year 2007 and no benefit in the shape of further up-gradation or in the shape of increments were given to him in the up-gradation of his present existing post.

That now Government of Khyber Pakhtunkhwa has been pleased to compensate the applicant and other equally placed teachers/employees/ persons by issuing the clarification Notification No FD (SOSR-1) 2-123/2013 Dated 31/12/203 for grant of two increments mentioned in above subject.

It is therefore requested that appropriate measures may please be taken in accordance with the pay matters of undersigned teacher in pursuance of his remaining claims referred above in full detail and outstanding arrears may also be drawn in the coming pay.

Dated 16/05/2015 Allerte O

Joshn Aline,

Bashir Ahmad S/O Abdul Haq, CT Teacher, Government High School, Khushala, Mansehra. Resident of House No. K-3102, Kunj Kehal Tehsil & District Abbottabad.



To

Depertmental apped Treasury Wing: 0997-920136 DISTRICT ACCOUNTS OFFICE, MANSEHRA. Annenuve

NO: DAO/ Man/ PR-III/ 2015-16/

dated /08/2015

The Head Master, Government High School, Khushalla, District Mansehra.

Subject:

#### <u>APPLICATION/LETTER FROM ONE MR.BASHIR</u> <u>AHMAD (CT) FOR THE GRANT OF ONE PRE-MATURE</u> INCRMENT & ONE SPECIAL INCREMENT.

Memo;

Please find enclosed herewith a copy of Application/letter received from above named teacher of your School addressed directly to this office on the subject matter. In this connection it is to inform that;

- i) The teacher is not authorized to undertake or address correspondence with any of government offices in the service matters directly. In case of any of grievance, the teacher must approach his Head of Office & Controlling Officer in the district (i.e. DEO) for redressal of issue in the light of relevant law/rules/Policy of the government.
- ii) The Application of teacher has been examined in the light of Finance Department letter No.FD(SOSR-1)/2-123/2013 dated 31/12/2013 (received with his Application) and found no coverage to the claim of Applicant for one premature increment with one special increment. Actually, the government has granted one Special Increment to the Assistant, Auditor, Senior Clerk, as well as, employees in B-1 to B-4 vide No FD/SR-1/2-4/2008 dated 04/04/2009. The Finance Department letter dated 31/12/2013, provided by the teacher in support of his claim, is the clarification from the Finance Department on their earlier letter dated 04/04/2009 as mentioned here above. Hence, the FD letter whereupon the teacher is claiming one Special Increment covers the category of government employees mentioned in the original letter of 04/04/2009 which dose not accommodates the teaching staff. The position stated by this office in this case is confirmed from the Finance Department letter No. FD(SOSR-1)/2-123/2013 dated 31/03/2014 (copy enclosed).

3-Therefore, the views/reply of this office may be brought into the notice of teacher concerned through your official channel.

Allebort w August

District Accounts Officer Manse

## **BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR**

Bashir Ahmed.....Appellant

## Versus

District Accounts Officer, Mansehra and three others......Respondents

### SERVICE APPEAL NO. 1020 OF 2015

### PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NOS. 1,2

**Respectfully** sheweth!

Para-wise comments on behalf of respondent No. 1 are as under: -

#### PRELIMINARY OBJECTION.

- 1) That, appellant has no cause of action.
- 2) That, the appeal is not competent, hence liable to be dismissed.
- 3) That, the appeal in hand is liable to be dismissed on the score due to

non-joinder of necessary parties and joinder of un-necessary party.

- 4) That, the appellant has not come to this Honourable Tribunal with clean hands.
- 5) That, the appeal is time barred.
- 6) That, the appellant has suppressed the original facts from this Honourable Tribunal, hence not entitled for any relief and appeal is liable to be dismissed.
- 7) That, the respondents are not bound to obey the illegal demand of the appellant, hence the appeal is liable to be dismissed.

#### ON FACTS

- 1) Para can not be replied because basic record of the appellant carrying service record i.e. original Service Book is lying in the custody of appellant since 02.11.2014 and not returned to this office. (Annexure – "A").
- 2) Reply has been given in Para "1" above.
- **3)** Para "3" is correct to the extent of Notification, remaining para is incorrect, hence denied.
- 4) Reply has been given in Para "3" above.
- 5) Incorrect. Para has been framed on speculations rather on the basis of valid evidence and therefore needs cogent/valid documentary proof in support thereof. However, for the convenience it is stated that there exists no such orders envisaging the grant of any increment to the teaching cadre from the end of

Government (Respondent No. 3). The Government (Respondent No. granted 3) has one special increment vide letter No. FD/(SR-1)/2-4/2008 dated 04.04.2009 to the of Provincial employees cadres Government in the of Assistants, Auditors, Senior Clerks & Junior Clerks as well as. employees BPS-1 to BPS-4 only which order do not cover the position of appellant being teacher. (Annexure - B). The Government (Respondent No. 3) vide letter No. FD(SOR-1)/2-123/2013 dated 31.12.2013has issued clarifications on certain queries raising on the implementation of earlier letter dated 04.04.2009 i.e. (Annexure - "B") which is specific the cadres of employees to mentioned in the letter dated 04.04.2009 and has no concern with other cadres of employees of **Provincial Government including** teaching cadre to which the appellant belongs. This fact gets further confirmation from the respondent No. 3 letter No. 2013 FD(SOR-1)/20123/ dated 31.03.2014. (Annexure "C & — "D"). As regard the grant of premature increment to the government employees on their promotion within same pay scale contained in the letter No. FD(SOR-1)/2-123/2014 dated 21.02.2014 from the Respondent 3. the said benefit is No. admissible prospectively from 21.02.2014 and not retrospectively. Hence, the said increment is also not admissible to the Appellant because, the Appellant has been awarded Selection Grade B-15 w.e.f. 02.12.1999 and not been promoted within same pay scale but promoted to higher BPS (B-16) 28.02.2013. and too w.e.f. (Annexure – "E" & "F").

6) Para "6" is incorrect. The answering respondent has rightly declined the claim of Appellant in the light of relevant rules/orders duly quoted in the rejection letter. (Annexure – "G").

#### **ON GROUNDS:** -

g)

- a) Para "a" is incorrect. The appellant failed to substantiate his claim in the light of valid authority/law/rules/order.
- b) Para "b" is incorrect. The appellant not provided any evidence, judgment/orders to this Honourable Tribunal for perusal.
- c) Para "c" is incorrect, reply has been given in para "b" above.
- d) Para "d" needs no comments. As the para has no relevance with the matter of appeal in hand.
- e) Para "e" is incorrect. The correct position explained in para "5" of fact portion.
- f) Para "f" is incorrect. The action in the matter from the end of answering respondent is quite in accordance of standing Rules/ Orders of competent forum i.e. Government (Respondent No. 3).
  - Para "g" is incorrect. The appellant has un-warrantly indulged in the litigation for a claim to whom, apparently, he is not entitled under the rules and thus trying to waste the precious time and resources of the State for which he liable to be fined as per law.

Para "h" is incorrect. The instant appeal may please be rejected/setaside ab-initio.

It is, therefore, most humbly prayed that the appeal may very kindly be dismissed with special heavy compensatory cost.

#### Dated 02.02.2016

Accountant General K.P.K. Peshawar (Respondent No. 2)

District Accounts Officer Mansehra/ (Respondent Nov 1)

Secretary to Govt. of K.P.K. Finance Department Peshawar (Respondent No. 3)

#### AFFIDAVIT

I, MUHAMMAD AJMAL, SENIOR AUDITOR, DISTRICT ACCOUNTS OFFICE, MANSEHRA DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT THE CONTENTS OF FORE-GOING COMMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

Ø AJMAL (DEPONENT)

**h)** 

The District Accounts officer Mansehra. through proper channel Essuance of Service Book iebgeet --18:0 Sequired for promotion at the Subject 8/Book lanschra. Kindly issue The S/Book Thanks. Jasm Al Stors Jaith July ateal 30.10.2015 Bashir Ahmed SET -GHS Khushala Manselina Am Manster Forwarded to the Quester Concerned For no please. Q.H.S Ulundola 31, 10-2015 vagar shah sh HEAD MASTER JOS vagar Start Service Book Received for Submitting in D.E. O (M) Manselva for SST promotion Sagar Al P.NO 00213737

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

Dated Peshawar the: April 04, 2009

# Volification

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

These orders will take effect from 01-09-2007 to be payable in next dated 28<sup>th</sup> July, 2007.

Chancial year, 2009-10

# SECRETARY TO GOVT: OF NWFP FINANCE DEPARTMENT

# Endst: of even No & date.

Copy of the above for information & necessary action is fore era if to their

All Administrative Secretaries to Government of NWFP.

- Senior Member, Board of Revenue, NWFP, Peshawo:
- 1. Accountant General, NWFP, Pest awar. 2..
- 3.
- Secretary to Governor, NWFP, Peshawar. Principal Secretary to Chief Minister, NWFP. 4.
- 5.
- Secretary Provincial Assembly, NWFP. All Heads of Attached Departments in NWFP. 6.
- All Zilla Nazims / District Coordination Officers / Political Agents / District 7.
  - Registrar, Peshawar High Court, Peshawar. 8.
  - & Sessions Judges / Executive District Officers in NWFP Registrar, NWFP, Public Service Commission, Peshawar. 9.

  - 10.
  - Registrar, Service Tribunal HWFP. All Autonomous and Semi Autonomous Bodies in NWFP. 11.
  - 12.
  - Secretaries to Government of Punjab, Sindh and Balochistan, Finance The District Comptroller of Accounts, Peshawar, Marian, Kohat, Bannu, 13.
  - The Senior District Accounts Officers Nowsteen Novabi, Charsadda 4

  - Haripur, Mansehra and Div (Lower).
  - The Treasury Officer, Feshawar.
  - All District / Agency Augonnis Officers in NWFP / FATA Director Local Fund Augst, NWFP, Fears var. Director, PWIU, Finance Department for placing the same on Well 1.2 C

  - All Section Officers / Budget Officers in Finance Department. Finance Department.

  - PS to Chief Secretary, NWPP. 25 to Additional Chief Secretary, NWFP.

  - ES to Finance Secretary mancher Secretary in Finance Department 55 - Minister for Finance SW19. Bast of Addin Secretarian Deputy Secretarias in Timesce Deputy

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#### NO. FD (SOSR-1) 2-123/2013 Dated Peshawar the: 31-12-2013

Ali Administrative Secretaries to Govt: of Khyber Pakhtunkhwa. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa. The Secretary to Governor, Khyber Pakhtunkhwa The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa. The Secretary, Frovincial Assembly, Khyber Pakhtunkhwa. The Secretary Finance FATA, FATA Secretariat, Peshawar. All Heads of Attached Departments in Khyber Pakhtunkhwa. All Divisional Commissioners in Khyber Pakhtunkhwa. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa. The Registrar, Peshawar High Court, Peshawar. The Chairman, Public Service Commission, Khyber Pakhtunkhwa. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

Subject.

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#### CLARIFICATION REGARDING GRANT OF ONE SPECIAL ADVANCE INCREMENT TO THE EMPLOYEES HOLDING SELECTION GRADE PRIOR TO UPGRADATION OF THEIR POSTS IN BPS ALREADY HELD BY THEM.

Dear Sir,

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

2. In this connection, the Provincial Government in consultation with Government of Pakistan, Finance Division, has to clarify that one special advance increment is admissible, also to the employees who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, just as in the case of same scale promotion.

This order will take effect from 01-09-2007

(RAZAULLAH KHAN) Addi: Secretary (Regulation)

Accountant General Khyber Pakhtunkhwa Peshawar Phone: 091 9211250-54

No.H-24 Other Allowances Master 2013-14. 3 20 2. Copy for information and Compliance to: 1. All DAOs AAOs in Khyber Pakhtunkhwa.

2. HR Lab

All Payroll Sections (Local).
CIA Cell

ACCOUNTS OFFICER (HAD)

Dated 3 / 2014

### GOVERNMENT OF KHYBER PAKHTUNK FINANCE DEPARTMENT (REGULATION WING)

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

All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa. The Secretary to Governor, Khyber Pakhtunkhwa The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa: The Secretary Finance FATA, FATA Secretariat, Peshawar. All Heads of Attached Departments in Khyber Pakhtunkhwa. All Divisional Commissioners in Khyber Pakhtunkhwa. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa 10. The Registrar, Peshawar High Court, Peshawar. The Chairman, Public Service Commission, Khyber Pakhtunkhwa. 11 The Chairman, Services Tribunal, Khyber Pakhtunkhwa. 12 13 The Accountant General, Khyber Pakhtunkhwa, Peshawar

Subject:

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#### CLARIFICATION REGARDING GRANT OF ONF SPECIA ADVANCE INCREMENT TO THE EMPLOYEES HOLDING SELECTION GRADE PRIOR TO UPGRADATION OF THEIR POSTS IN BPS ALREADY HELD BY THEM.

Dear Sir.

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

In this connection, it is to clarify that the said increment has only been extended to the officials who were holding Selection Grade prior to upgradation of their posts in BPS, already held by them, just as in the case of same scale promotion, for instance:-.

> Junior Clerks (B-5) holding selection grade BPS-07 upgraded to BPS-7 is entitled to one special advance increment.

Senior Clerks (B-7) holding selection grade BPS-09 upgraded to BPS-09 is entitled to one special advance increment

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

3. The above referred Notification / circular letter is not app other category of employees.

> ASOOD KHAN) Deputy Secretary (Reg-II)\*

P.T.O

## NO, FD (SOSR-1) 2-123/2014 Dated Peshawar the 21st February, 2014

- All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
- The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- The Secretary to Governor, Khyber Pakhtunkhwa
  - The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
  - The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
  - The Secretary Finance FATA, FATA Secretariat, Peshawar.
- All Heads of Attached Departments in Khyber Pakhtunkhwa.
- All Divisional Commissioners in Khyber Pakhtunkhwa.
- All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
- The Registrar, Peshawar High Court, Peshawar. 10
  - The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
- 11 The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
- 12. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 13.

Subject:

To:

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## GRANT OF PREMATURE INCREMENT ON PROMOTION WITHIN THE SAME SCALE.

Dear Sir,

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I am directed to refer to the subject noted above and to say that under Rule 10 (2) of the Khyber Pakhtunkhwa Civil Services Pay Revision Rules - 1978, one advance increment is admissible to the Civil Servants, at the time of their promotion to higher posts, who are already drawing pay in the basic pay scales of the higher post.

Now. in pursuance to the Government of Pakistan, Pinance Division, Islamabad Office Memorandum No.F.11(30)R-2/2010-1150 dated 5th November, 2012 (copy enclosed), the competent authority is pleased to allow one premature increment in the pay scales of the higher post in fixation of pay on promotion within the same pay scale in all cases of promotion to higher posts carrying the same basic pay scales, meaning thereby that one advance increment as next stage and another as a premature increment will be admissible in such cases of promotion.

These orders will be effective from the date of its issuance.

Addl: Secretary (Regulation) Endst: No .FD (SOSR

Dated 21st Feb, 2014

Ulla L

Yours faithfully,

(RAZAULLAH KHAN)

# Copy for information & necessary action to the:-

- The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
- All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
- The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar,
- The Director, FMIU, Finance Department.
- The Treasury Officer, Peshawar.
- The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
- All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA. All the Section Officers / Budget Officers in Finance Department, Khyber
- Pakhtunkhwa, Peshawar.

The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa. 9. The Private Secretary to Secretary / P.As to Special Secretary, Additional 10. Secretaries / Deputy Secretaries in Finance Department.

(MASOOD KHAN) Deputy Secretary (Reg-II) **P.T.O** 

of reacher concernea through your official channel.

istrict Accounts Officer

The District Accounts Officer Mansehra.

Fixation in BPS-16 Subject:-

R/Sir,

I have honour to state that I have been promoted from BPS 15 to BPS 16 w.e.f 28.02.2013. Kindly fix my pay in the subject BPS16 keeping my 4 advance increments of M.A intact, as these increments had been awarded by honourable Supreme Court of Pakistan / K.P.K. Services Tribunal which was implimented on  $14 - \frac{1}{2}$ after accomplishment of all legal procedures etc.

Thanks.

Dated:-

Yours faithfully, Same 12. Bashir Ahmed S.C.T G H S Khushala Mansehra.

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Computer Lab : 0997-920134 DAO, Audit Wing & Fax : 0997-920135 Treasury Wing: 0997-920136

## DISTRICT ACCOUNTS OFFICE, MANSEHRA.

NO: DAO/Man/PR-III/2015-16/

dated

/08/2015

The Head Master, Government High School, Khushalla, District Mansehra.

Subject:

То

### <u>APPLICATION/LETTER FROM ONE MR.BASHIR</u> <u>AHMAD (CT) FOR THE GRANT OF ONE PRE-MATURE</u> INCRMENT & ONE SPECIAL INCREMENT.

Memo;

ii)

Please find enclosed herewith a copy of Application/letter received from above named teacher of your School addressed directly to this office on the subject matter. In this connection it is to inform that;

i) The teacher is not authorized to undertake or address correspondence with any of government offices in the service matters directly. In case of any of grievance, the teacher must approach his Head of Office & Controlling Officer in the district (i.e. DEO) for redressal of issue in the light of relevant law/rules/Policy of the government.

The Application of teacher has been examined in the light of Finance Department letter No.FD(SOSR-1)/2-123/2013 dated 31/12/2013 (received with his Application) and found no coverage to the claim of Applicant for one premature increment with one special increment. Actually, the government has granted one Special Increment to the Assistant, Auditor, Senior Clerk, as well as, employees in B-1 to B-4 vide No FD/SR-1/2-4/2008 dated 04/04/2009. The Finance Department letter dated 31/12/2013, provided by the teacher in support of his claim, is the clarification from the Finance Department on their earlier letter dated 04/04/2009 as mentioned here above. Hence, the FD letter whereupon the teacher is claiming one Special Increment covers the category of government employees mentioned in the original letter of 04/04/2009 which dose Maccommodates the teaching staff. The position stated by this office in this case is confirmed from the Finance Department letter No. FD(SOSR-1)/2-123/2013 dated 31/03/2014 (copy enclosed).

3-Therefore, the views/reply of this office may be brought into the notice of teacher concerned through your official channel.

District Accounts Officer

#### <u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</u>

Service Appeal No.1020/2015 Bashir Ahmed, SCT, Mansehra.

#### VERSUS

Appellant

Respondents

- 1. District Comptroller of Accounts, Abbottabad.
- 2. Accountant General, Khyber Pakhtunkhwa, Peshawar.

- 3. Government of Khyber Pakhtunkhwa through Secretary, Finance Department, Peshawar.
- 4. Government of Khyber Pakhtunkhwa through Secretary (Elementary & Secondary Education Department), Peshawar.

#### PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.03

#### Respectfully Sheweth,

#### **Preliminary Objections:**

- j) That the appellant has no cause of action.
- ii) That the appellant has no locus standi.
- iii) That the appeal in hand having no merits is not maintainable.
- iv) That appeal is time barred.
- v) This Honourable Tribunal lacks jurisdiction to entertain the appeal.
- vi) That the appeal is bad for mis-joinder and non-joinder of necessary parties.

#### Facts:

- 1. Needs no comments by Respondent No.03.
- 2. Needs no comments by Respondent No.03.
- 3. Correct.
- 4. Correct to the extent of Notification dated 07.08.1991 and 01.10.2007. However, appellant has neither been discriminated, nor he is an aggrieved person.
- 5. Incorrect. Provincial Govt:(Finance Department) vide letter No.FD(SR-I)2-4/2008 dated 04.04.2009 sanctioned one special advance increment to the Assistants, Auditors, Senior Clerks and Junior Clerks as well as employees from BPS-01 to BPS-04 in their upgraded/moved up scales(Annexure-A). The matter was further clarified (in consultation with Govt: of Pakistan, Finance Division, Islamabad) vide letter No.FD(SOSR-I)2-123/2013 dated 31.12.2013 (Annexure-B) wherein selection grade holders were compensated by granting one special advance increment on the basis of same scale promotion and lastly vide Para-3 of Finance Department letter No.FD(SOSR-1)2-123/2013 dated 31.03.2014(Annexure-C), it was further clarified that the said facility is admissible to clerical Cadre only and not to any other category of employees.

6. Incorrect. As explained in Para-5 above, hence needs no further comments.

7. Relates to Respondent No.04 being Administrative Department.

## Grounds:

a) Incorrect. Appellant is not entitled to 02 increments as elaborated vide Para-5 of "Facts".

Page-(2)

- b) Pertain to Court Record hence needs no comments.
- c) Incorrect. Appellant has been treated in accordance with the policy in vogue and has not been subjected to discrimination in any shape as fully explained vide Para-5 of the Facts.
- d) Incorrect. Appellant is not entitled to the increments as clarified above.
- e) Incorrect. Appellant is not entitled to the increments as clarified above.
- f) Incorrect. Respondent NO.1 has correctly applied policy of the competent authority while dealing with the case of the appellant.
- g) Incorrect. Claim of the appellant for grant of 02 increments is based on misconception of the policy/clarification issued by the Competent Authority in Provincial Government.
- h) Incorrect. Appeal of the Appellant is time-barred.

may be dismissed.

It is therefore, humbly prayed that appeal of the appellant being devoid of merit

SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA, FINANCE DEPARTMENT (RESPONDENT NO.3)

## **AFFIDAVIT**

I, Irshad Muhammad, Section Officer(Litigation-II) do hereby solemnly affirm and declare that the contents of accompanying Parawise Comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

DEPONENT SECTION OFFICER(LIT-II) Govt. of Khyber of Pakhtunkhwa FINANCE DEPARTMENT

620



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

#### Dated Peshawar the: April 04, 2009

#### Notification

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

2. These orders will take effect from 01:409:2007 to be payable in next financial year, 2009-10

#### SECRETARY TO GOVT: OF NWFP FINANCE DEPARTMENT

Endst: of even No & date:

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

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

(ABDUL JABBAR) Section Officer (SR-1)

(MASOOĎ, KHAŃ) Deputy Secretary (Reg-II)

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## GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

## NO. FD (SOSR-1) 2-123/2013 Dated Peshawar the: 31-12-2013

Annia, B

To:

Alļ Administrative	Secretaries to Govt: of Khyber Pakhtunkhw	a.
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2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa. 3.

The Secretary to Governor, Khyber Pakhtunkhwa

The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

- 5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
- 6. The Secretary Finance FATA, FATA Secretariat, Peshawar. 7.
  - All Heads of Attached Departments in Khyber Pakhtunkhwa.
  - All Divisional Commissioners in Khyber Pakhtunkhwa.
- All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa 9. 10.
- The Registrar, Peshawar High Court, Peshawar. 11.
- The Chairman, Public Service Commission, Khyber Pakhtunkhwa. 12.

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

Subject:

#### CLARIFICATION REGARDING GRANT OF ONE SPECIAL ADVANCE INCREMENT TO THE EMPLOYEES HOLDING SELECTION GRADE PRIOR TO UPGRADATION OF THEIR POSTS IN BPS ALREADY HELD BY THEM.

### Dear Sir,

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

2. In this connection, the Provincial Government in consultation with Government of Pakistan, Finance Division, has to clarify that one special advance increment is admissible, also to the employees who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, just as in the case of same scale promotion.

3.

This order will take effect from 01-09-2007.

(RAZAULLAH KHAN)

Addl: Secretary (Regulation)

(MASOOD KHAN) Deputy Secretary (Reg-II)

Dated 31st Dec, 2013

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

58-1-13

# Copy for information & necessary action to the:-

-2-

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

(MASOOD/KHAN) Deputy Secretary (Reg-II)

## Endst: No. & Date Even

## Copy for information is forwarded to:-

- All the Section Officers / Budget Officers in Finance Department, Khyber 1. Pakhtunkhwa, Peshawar.
  - The Private Secretary to Senior Minister Finance, Khyber Pakhtunkhwa.
- The Private Secretary to Secretary / P.As to Special Secretary, Additional 2. 3.
- Secretaries / Deputy Secretaries in Finance Deptt:

Section Officer (SR-1)

referred Notification / circular letter is not applicable to any other category of



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### GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

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

Annex C

To:

All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa

The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

The Secretary to Governor, Khyber Pakhtunkhwa

The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.

6. The Secretary Finance FATA, FATA Secretariat, Peshawar.

All Heads of Attached Departments in Khyber Pakhtunkhwa.

All Divisional Commissioners in Khyber Pakhtunkhwa.

All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa

10. The Registrar, Peshawar High Court, Peshawar.

11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.

12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject:

#### CLARIFICATION REGARDING GRANT OF ONE SPECIAL ADVANCE INCREMENT TO THE EMPLOYEES HOLDING SELECTION GRADE PRIOR TO UPGRADATION OF THEIR POSTS IN BPS ALREADY HELD BY THEM.

Dear Sir,

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

2. In this connection, it is to clarify that the said increment has only been extended to the officials who were holding Selection Grade prior to upgradation of their posts in BPS, already held by them, just as in the case of same scale promotion, for instance:-.

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

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

(MASOOD KHAN) Deputy Secretary (Reg-II)

31-03-2014

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

## Copy for information & necessary action to the:-

- 1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa. 2.
- All the District Comptroller of Accounts in Khyber Pakhtunkhwa... 3.

-2-

- The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
- 4. The Director, FMIU, Finance Department.
- The Treasury Officer, Peshawar 5.
- The Secretary, Board of Revenue, Khyber Pakhtunkhwa. 6.
- All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA. 7 All the Section Officers / Budget Officers in Finance Department, Khyber 8.
- Pakhtunkhwa, Peshawar.
- 9. . .

~

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

(Wazir Myhammad Afgar) Section Officer (SR-1)

## Subject: Date of Hearing Service Appeal No 1020/15

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R/ Sir,

To

Respectfully requested that kindly place the Subject Appeal with same nature appeals No 371/2015 & 753/ 2015 having the hearing date 14/03/2017. (Titted Reshid Lgbal)

This act of kindness on the part of your honour will facilitate me to settle my service problems in short time, as my retirement is on 21-02-2017.

Dated: 19-01-2017

yours faithfully

BASI **MED SCT** 

Subject: Date of Hearing Service Appeal No 1020/15

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Dated: 19-01-2017

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Subject: <u>Date of Hearing Service Appeal No 1020/15</u> R/ Sir,

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Dated: 19-01-2017

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arni BASHIR AHMED SCT GHS Khushala Mansehra

To

To

The Chairman KPK Service Tribunal Peshawar

Subject: Date of Hearing Service Appeal No 1020/15

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**BASHIR AHMED SCT** 

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9)

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