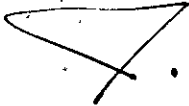



03rd May, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
2. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.05.2023 before the D.B. Parcha Peshi is given to the parties.

SCANNED
KPST
Peshawar

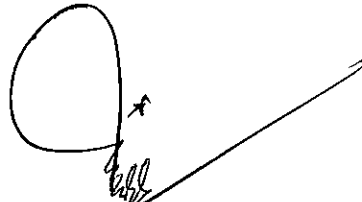

(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

14.09.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Section Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

To come up for arguments alongwith connected Service Appeal bearing No. 914/2019 titled "Sher Abbas Versus Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar and four others", on 29.11.2022 before the D.B.



(Mian Muhammad)
Member (Executive)



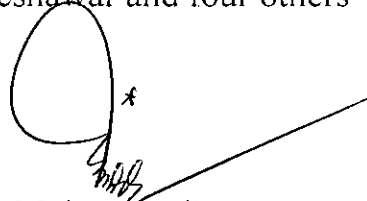
(Salah-Ud-Din)
Member (Judicial)

29.11.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

To come up for arguments alongwith connected Service Appeal bearing No. 914/2019 titled "Sher Abbas Versus Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar and four others" on 24.01.2023 before D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

24.01.2023

Proper D.B is not available, therefore the case is adjourned to 03.05.2023 for the same as before.




Reader

17.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, AAG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned AAG sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 12.05.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)

12.05.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present.

Due to general strike of the lawyer the case is adjourned. To come up for arguments on 11.07.2022 before D.B.



(Fareeha Paul)
Member(E)



Chairman

11-7-2022

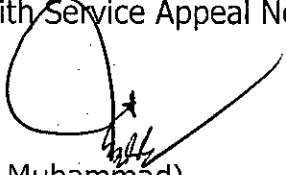
Due to Holidays of Eidul Azha the case is adjourned to 14-9-2022

*4
Reader*

21.01.2021

Appellant in person and Asstt. AG for the respondents present.

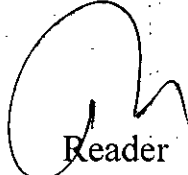
To come up for hearing on 26.04.2021 before the D.B alongwith Service Appeal No. 750/2019.


(Mian Muhammad)
Member(E)


Chairman

26.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 17.08.2021 for the same as before.


Reader

17.08.2021

Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 02.12.2021 for the same as before.


Reader

02.12.2021

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Request is acceded but as a last chance. To come up for written reply/comments on 17/01/22 before S.B.

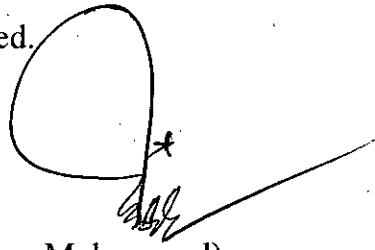

(MIAN MUHAMMAD)
MEMBER (E)

15.07.2020

Junior to counsel for the appellant present. Addl: AG alongwith Mr. Sher Islam, ADEO for respondents No. 1,2 and 3 present. None for respondents No. 4 and 5 present.

Written reply on behalf of respondent No.1 to 3 not submitted. Representative of respondents No. 1 to 3 seeks further time to furnish reply. Notices be issued to respondents No. 4 and 5 for reply. Last opportunity granted.

Adjourned to 09.09.2020 before S.B.


(Mian Muhammad)
Member(E)

09.09.2020

Junior to counsel for the appellant present. Nemo for the respondents.

Despite last opportunity the respondents have not furnished reply/comments. The matter is, therefore, posted to D.B for arguments on 16.11.2020.

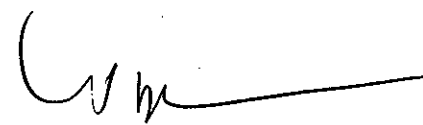

Chairman


16.11.2020

Junior counsel for appellant present.

Zara Tajwar learned Deputy District Attorney for respondents present.

A request for adjournment was made. Adjourned. To come up for arguments on 21.01.2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

17.02.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith M/S Sher Nawab, Superintendent and Sajid, Superintendent for the respondents present. Written reply on behalf of respondents not submitted. Representatives of the department seek further time to furnish reply/comments. Adjourned to 12.03.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.03.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Khalid, Assistant for the respondents present. Written reply on behalf of respondents submitted. Representative of the department seeks further time to furnish written reply/comments. Last chance is given to the respondents to furnish written reply/comments. Adjourned to 21.04.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

21.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 15.07.2020 for the same. To come up for the same as before S.B.


Reader

16.09.2019

Junior to counsel for the appellant present.

An application has been submitted on behalf of appellant wherein a request for extension of time to deposit the security and process fee is made.

The application is allowed and the period for requisite deposit is extended by another three working days from today. After the deposit notices be issued to respondents for submission of written reply/comments on 25.11.2019 before S.B.

Appellant Deposited
Security Process Fee

16/9/19


Chairman

25.11.2019

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Sultan, DEO and Muhammad Sajid, Superintendent for the respondents present.

Representatives of respondents seek time to furnish the requisite reply/comments. Adjourned to 07.01.2020 on which date the requisite reply/comments shall positively be submitted.


Chairman

07.01.2020

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Shafique, Senior Clerk for the respondents present.

Representative of the respondents seeks time to furnish reply/comments. Adjourned to 17.02.2020 on which date the requisite reply/comments shall positively be furnished.


Chairman

15.07.2019

Counsel for the appellant present.

It is argued that the appellant was denied the benefit of one premature increment and one advance increment upon promotion by the respondents while similar benefit was extended to the other employees of Education Department. The appellant, therefore, preferred a Writ Petition before the Honourable Peshawar High Court Bannu Bench which was decided on 03.09.2018. The Honourable court was pleased to convert the Writ Petition into departmental appeal and communicated the same to the respondents for decision within one month. Despite, the respondents have failed to decide the departmental appeal till date.



In view of the available record and contention of learned counsel, instant appeal is admitted for regular hearing but subject to all just exceptions regarding the delay. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 16.09.2019 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 753/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/06/2019	<p style="text-align: center;">The appeal of Mr. Ghani-ur-Rehman resubmitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 20/6/19</p>
2-	24/06/19	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/07/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

Before Khyber Pakhtunkhwa Service, Tribunal, Peshawar

Service Appeal # 753 /2019

Ghazir Ali Rehman vs Secretary Education (E & SE) and
others.

subject: Application for depositing process fee.

Respectfully Sheweth,

- 1) That appeal title above is fixed today for reply of the respondents.
- 2) That due to unavoidable reason process fee has not been deposited in due course of time.
- 3) That appellant seeks the permission of the court to deposit process fee.

It is therefore, humbly requested that appellant may graciously be allowed time to deposit process fee.

Dated = 16-09-2019

Through

Appellant

جسٹس

Ashraf Ali Advocate

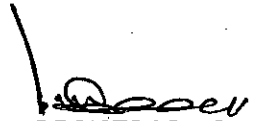
cell # 0332-9931676

The appeal of Mr. Ghani-ur-Rehman SCT GCMHS Chokara District karak received today i.e. on 08.05.2019 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal mentioned in para-11 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Page No. 13 of the appeal is illegible which may be replaced by legible/better one.

No. 930 /S.T,

Dt. 10/5 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ashraf Ali Khattak Adv. Pesh.

Objections attended

Re-submitted

Isl → Pesh

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 753 /2019

Ghani UR Rehman,
SCT GCMHS, Chokara,
Karrak.....Appellant.

Versus

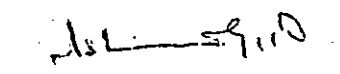
The Secretary Education (E&SE),
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar and others.....Respondents.

INDEX

S.N	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal alongwith application for condonation.			1-2
2.	Copy of Service Record.		A	9
3.	Copy of Notification Endst:- No. 4129-4228/S-Grade/CTs/III-AE Dt; Kohat the 01-09-1997.		B	10-13
4.	Copy of Notification No. SO(FR) 10-22(B)/2005 dated 01-10-2007, and Notification No. FD/SO(FR) 10-22/2007 dated 26-01-2008.		C	14-15
5.	Copy of Notification No. FD (SOSR-1)2-1/2014 Dated Peshawar the 21 st February 2014.		D	16-17
6.	Copy of W.P No.413 / 2016 alongwith order of the Hon'ble Peshawar High Court, Bannu bench dated 03-092018		E	18-25
7.	Copy of Departmental Appeal		F	26-30
8.	Wakalat Nama			31


Appellant

Through


Ashraf Ali Khattak,
Advocate,
High Court, Peshawar.
9-B, Haroon Mansion,
Khyber Bazar, Peshawar.
Cel! # 091-2213445

Dated: 03/05 /2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2019

Ghani UR Rehman,
SCT GCMHS, Chokara,
Karrak.....Appellant.

Versus

1. The Secretary Education (E&SE),
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
2. The Director Education (E&SE),
G.T Road, Firdous Peshawar.
3. The District Education Officer (Male),
District Karak.
4. The Secretary Finance,
Govt: of Khyber Pakhtunkhwa,
Peshawar
5. The Secretary Establishment,
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.....Respondents.

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974.**

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:

1. That appellant has been serving against the post of Senior CT. He has long standing service of about 35 years plus with unblemished and clean sheeted conduct record (**Annexure-A**).
2. That vide Notification dated 11-09-1997 (**Annexure-B**) selection grade in BPS-15 was awarded to the appellant w.e.f 02-01-1997. The name of the appellant lies at serial No.110/244 of the list. The salary of the appellant was fixed accordingly.

3. That vide Govt of Khyber Pakhtunkhwa Finance Department Notification No. SO(FR) 10-22(B)/2005 dated 01-10-2007, and Notification No. FD/SO(FR)10-22/2007 dated 26-01-2008 (**Annexure-C**) the post of CT alongwith other posts were upgraded to BPS-15.
4. That it is pertinent to mention here that the appellant was serving as CT BPS-15 about more than 10 years prior to the upgradation of the post. Meaning thereby that the appellant was Senior Teacher of the Cadre.
5. That it is also pertinent to bring into the notice of this Hon'ble Tribunal that Senior SST Teachers working against BPS-17 are promoted to the post of SS or Head Master in the same scale (BPS-17) but on promotion in the same basic pay scale they are allowed two increments in the shape of one advance increment as next stage and one another as premature increment (**Annexure-D**).
6. That it is also worthy to bring into the notice of this Hon'ble Tribunal that during the previous Khyber Pakhtunkhwa PTI Government one time upgradation in BPS-16 was awarded to all Elementary School Teacher working against the post carrying basic pay scale 15, who had five years service at their credit. All the Elementary School Teachers possessing five year service were upgraded to BPS-16 accordingly. They were also awarded two increments in shape of one next stage and one premature.
7. That it is also essential to bring into the notice of this Hon'ble Tribunal that whenever Elementary School Teacher is promoted in the same grade (basic pay scale 16) to the Senior post of SDM, SPET, SCT, SAT and STT; all of them are awarded with further two increments in the shape of next stage and premature.

8. That it is also pertinent to explain that the same incumbents who have been awarded four increments in case of their promotion primarily from BPS-15 to BPS-16 and thereupon on their promotion to Senior post of SDM, SPET, SCT, SAT and STT in the same scale i.e BPS-16 are further granted / allowed two increments on their promotion to the post of SST in the same scale BPS-16. It means that they are granted six increments in the same pay scale.
9. That appellant and his other colleagues who have been brought on the strength of basic pay 15 much prior to the Notification dated 01-10-2007 (i.e before the upgradation of the post to basic pay 15) were deserved / entitled to be treated alike with others staff members either in the shape of promotion to the next stage or in shape of two increments as discussed above.
10. That being aggrieved from the unfair and discriminatory treatment the appellant alongwith his other aggrieved fallows invoked the Constitutional Jurisdiction of the Hon'ble Peshawar High Court Bannu Bench in W.P No. 413-B/2016 which was disposed of in the following words.

“At the very out-set, learned counsel for the petitioner states that his client will be satisfied if the instant writ petition is sent to the concerned department for its treatment as departmental appeal.

Therefore, in the light of above, the instant writ petition is sent to the concerned department / authorities with the direction to treat the same as departmental appeal and decide the same with one (01) month positively, but, strictly in accordance with law.

Disposed of accordingly.” (Annexure-E)

11. That in the light of the order of the Hon'ble Peshawar High Court Peshawar dated 03-09-2018 appellant also preferred

departmental appeal (**Annexure-F**) through proper channel but the respondents paid no heed to the legitimate rights of the appellant and the same is still pending without disposal, hence the present appeal enter alias on the following **grounds**;

- A. That the respondents has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution, 1973. Appellant and likewise his other colleague Teachers who have been granted upgradation and selection grade prior to the Notification dated 01-10-2007 and Notification dated 26-01-2008 were entitled for financial benefits in shape of increment / allowance so that they could be equally treated with the promotees / upgraded Teachers, who have been promoted / upgraded in the light of Notification and who being benefited with two increments in the shape of one next stage and one premature.
- B. That appellant has highly been discriminated as the respondent has not treated him at par with his other colleague Teachers. Appellant has been upgraded to BPS-14 in the year 1991 and selection grade of BPS-15 awarded him in the year 1997, thus being the senior employee of the respondent's department was entitled to enjoy financial benefits in shape of increment / allowance which were granted to his other colleagues. The denial of the respondents to benefit the appellant and to treat him at par with his other colleagues is the violation of Article 25 & 27 of the Constitution of Pakistan, 1973, therefore the action / omission of the respondents is not tenable in the eyes of law.
- C. That appellant made hectic efforts to bring his agonies and grievances before the High Ups in shape of departmental representation and in shape of Constitutional Petition. The Hon'ble Peshawar High Court, Bannu Bench while disposing the Writ petition clearly directed the respondents to redress the grievances of the appellant and his other colleagues within the

period of one month positively in accordance with law, but the respondents failed to comply with the direction / order of the Hon'ble Court.

- D. That the benefit of one next stage increment and one another premature increment has been extended in favour of other staff members of the same department and whereas appellant and likewise other senior colleague Teachers who were promoted / upgraded in the year 1991 and 1997 deprived. Appellant and like wise other senior Teachers of the cadre were entitled to the same benefit, but they have been deprived. This act / omission on the part of respondents is highly undesirable and unwarranted.
- E. That similarly other employees in the Ministerial Staff of the same department have been benefited with increments.
- F. That appellant would like to seek the permission of this Hon'ble Tribunal to advance more grounds at the time of hearing.

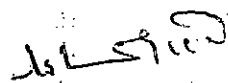
In view of the above submission and on acceptance of the instant appeal, this Hon'ble Tribunal may graciously be pleased to

1. Declare the act / omission of the respondents by depriving the appellant from the financial benefits of one next stage increment and one another premature increment or denial of the promotion to the next stage of higher pay scale is against law / rules, natural justice, equity, fair play and discriminatory, therefore unlawful and without lawful authority.
2. Direct the respondents to extend financial benefits in shape of one next stage increment and one another premature increment to the appellant accordingly or promote him to the next higher pay scale.

3. Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Appellant

Through



Ashraf Ali Khattak,
Advocate,
High Court, Peshawar

Dated: 03/05/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2019

Ghani UR Rehman,
SCT GCMHS, Chokara,
Karrak.....Appellant.

Versus

The Secretary Education (E&SE),
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar and others.....Respondents.

APPLICATION FOR CONDONATION OF DELAY.


Respectfully Sheweth

1. That appellant has filed the accompanying appeal which is yet to be fix for hearing.
2. That appellant alongwith others filed W.P No. 413-B of 2016 before the Hon'ble Peshawar High Court Bannu Bench which was disposed vide order dated 03-09-2018 with the directions to the respondents to treat the writ petition as departmental appeal and decide the same within one month.
3. That the respondent failed to comply with the order of Hon'ble Peshawar High Court Bannu Bench cited ibid therefore, appellant preferred another departmental representation.
4. That delay in filing the accompanying appeal was not intentional but due to the reason that respondent either by one pretext or other had assured the appellant for redressal of their grievances.
5. That it is settled law that no limitation runs in case of financial benefits.

It is, therefore, humbly prayed that on acceptance of this application, the delay if any in filing the accompanying appeal may graciously be condoned in the interest of justice.

Appellant

Through


**Ashraf Ali Khattak,
Advocate,
High Court, Peshawar.**

Dated: 03/05/2019

Affidavit

I, Ghani UR Rehman, SCT GCMHS, Chokara, Karrak, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and nothing has been concealed.


Deponent

27

OFFICE OF THE PRINCIPAL GOVT: CENTENNIAL MODEL HIGH SCHOOL CHOKARA (KARAK)

Annex: A 9

SELECTION GRADE OF C.T/D.M/PET/A.T.

S. No.	Name & Designation	Father, s Name	Date of Birth	Date of Ist: Apptt:	Date of award of Selection grade	Date of up gradation
1.	Mukhtiar Ali S.C.T	Mir Ghazi Khan	15-01-1967	20-09-1987	02-01-1997	01-9-2007
2.	Muhammad Iqbal S.C.T	Ali Sardar	01-01-1969	29-03-1992	01-08-2001	"
3.	Ghani Rehman S. C.T	Afridi Khan	05-04-1961	20-02-1984	02-01-1997	"
4.	Pis Khan S. C.T	Muhammad Amin	11-11-1959	03-11-1982	02-01-1997	"
5.	Reyat Khan S.C.T	Sailani	23-10-1963	09-12-1982	02-01-1997	"
6.	Muhammad Kamal S.D.M	Neera Jaa	25-12-1958	01-02-1978	01-12-1992	"
7.	Naseer Ullah S.A.T	Rahim Ullah	07-06-1961	01-08-1985	01-12-1992	"
8.	Sher Abbas S.PET	Khan Muhammad	18-05-1957	30-03-1992	29-01-2000	"

[Signature]
Principal
Govt: Centennial Model High
School Chokara (Karak)

[Signature]
Principal
Govt: Centennial Model
High School Chokara (Karak)

GHS Abad Karak

92/227 25/14

OFFICE OF THE DIVISIONAL DIRECTOR OF EDUCATION (SCHOOLS)
KOHAT DIVISION KOHAT

Page 507
9. Nov 85 / Dist - 85/220
P/c

AWARD OF SELECTION GRADE
TO CT TEACHERS.

The following trained CT Teachers are hereby awarded Selection Grade of BPS-12 and BPS-15 with effect from the date noted against each:-

S.No./No. in S/List	Name/School	D/O From: to the P/Post	D/O Award of S/Grade
1/85	Mansoor Matin GHSS Karak.	21-2-82	01-7-94
2/88	Hani Zullah GHS Muslim Abad. (Kohat).	05-4-83	-do-
3/94	Mohammad Rehman GHS No. 1 Hangu.	23-11-83	-do-
4/95	Musharaf Jehan GHS Bahadur Khel (Karak).	27-11-83	-do-
5/96	Mohammad Yasin GHS Latamber (Karak).	10-12-83	-do-
6/97	Zar Kalim GHS Thall (Kohat).	06-2-84	-do-
7/98	Jamil-ur-Rehman GMS Saikot (Karak).	07-3-84	-do-
8/111	Faiz Ahmad GHSS Takhti Nasratti (Karak).	30-10-84	-do-
9/114	Shahid Reza Bilal GHS No. 3 Kohat.	26-11-84	-do-
10/137	Asmatullah GHS Ganderi Khattak (Karak).	14-7-86	-do-
11/139	Mir Janan GHS Chorlaki (Kohat).	25-8-86	-do-
12/147	Rasool Badshah GMS Makh Banda (Karak).	01-11-86	-do-
13/148	Wazir Azam CT GHS Rehmat Abad. (Karak).	08-11-86	-do-
14/149	Hamayun Sheh GHSS Lachi (Kohat).	17-11-86	-do-
15/150	Tariq Shah GHS Thall	26-11-86	-do-
16/152	Nazar Ali GHS No. 2 Hangu.	26-11-86	-do-
17/153	Mohammad Asim CT GHS Bogara (Karak).	26-11-86	-do-
		29-3-87	01-5-85

Attended
Zawad

Next Sheet Please.

2

S.No./No. in S/List.	Name/School.	D/O prom: to the P/Post.	D/O Award of S/Grade.
18/154	Zaman Ali GHS No.2 Hangu	26-11-86	01-7-94
19/155	Shabir Ahmad GHS Nari Panoos (Karak).	29-3-87	01-5-95
20/156	Noorullah Khan GHS Letamber (Karak).	26-5-87	01-5-95
21/156(A)	Mugabala Khan GHS Darech Khel (Karak).	26-5-87	01-5-95
22/157	Essa Khan GHS Keri Dhand	26-5-87	01-5-95
23/158	Afsar Khan GMS Banjakh	26-5-87	01-5-95
24/159	Piavi Khan GHS Sabir Akad	26-5-87	01-5-95
25/160	Gul Rauf GHS Takhti Nasratti.	26-5-87	01-5-95
26/161	Mohammed Tariq GHS Lachi Payan (Kohat).	26-5-87	01-5-95
27/162	Umar Zaman GHS Karak	26-5-87	01-5-95
28/163	Gul Taz Khan GHS Takhti Nasratti.	26-5-87	01-5-95
29/164	Shafiq Ali GHS Ahmedi Banda.	26-5-87	01-5-95
30/165	Mutaghees-ul-Hassan GHS No.1 Hangu.	26-5-87	01-5-95
31/166	Akbar Zaman GHS Takhti Nasratti.	26-5-87	01-5-95
32/167	Abdul Nasir GMS Gandiyali	26-5-87	01-5-95
33/168	Zafar Rehman GHS Sarki Lewaghar.	26-5-87	01-5-95
34/169	Riaz Ali CT GHS Ibrahimzai	02-9-87	01-5-95
35/170	Rauf Khan GHS Jehangiri	02-9-87	01-5-95
36/171	Khalid Mawaz GMS Garang Siraj Khel.	02-9-87	01-5-95
37/172	Islam-ud-Din GHS Tor Dhand	02-9-87	01-3-96
38/173	Wali-ud-Din Baem GMS Kot	02-9-87	01-3-96
39/174	Amir Mohammed GHS Sarozai	02-9-87	01-3-96
40/175	Faiz-ur-Rehman CT GHS Isak Khunari.	02-9-87	01-3-96
41/176	Mohammed Tahir GHS Kaghzai	02-9-87	01-3-96
42/177	Shah Farsaq GHS Kaghzai	02-9-87	01-3-96
43/178	Tanweer Ahmad CT GHS Kohat.	12-9-87	01-3-96
44/179	Mohammed Sharif GHS Mittha Khel (Karak).	13-9-87	01-3-96
45/180	Azam Khan GHS Togh Bala	13-9-87	01-3-96
46/181	Habibullah GHS Takhti Nasratti (Karak)	13-9-87	01-3-96

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P11

S.No.	S.No. in S/List.	Name/School.	D/O Prom: to the P/Post.	D/O Award of S/Grade.
47/182		Abdul Jalal CT GHS, No. 1 Hangu.	13.9.87	01.3.96
48/183		Akbar Jan CT GHS, Bahadur Khel.	13.9.87	01.3.96
49/184		Sabz Ali Khan-GHSS, Billitang.	13.9.87	01.3.96
50/185		Ishtiaq Ahmad GHS, Togh Bala.	13.9.87	01.3.96
51/186		Zafar-ur-Rehman CT GHS, No. 1 Kohat.	13.9.87	01.3.96
52/187		Arshad Mehmood GHS, No. 2 Kohat.	13.9.87	01.3.96
53/188		Syed Badshah GHS, Gurguri, Krk.	13.9.87	01.3.96
54/189		Liaqat Ali GHS, Kohat.	13.9.87	01.3.96
55/190		Mohammad Ali GHS, Dhand Saghri.	14.9.87	01.3.96
56/191		Noor Saleem GHS, Dhand Saghri.	14.9.87	01.3.96
57/192		Subhan-ud-Din GHSS, Shakardara.	14.9.87	01.3.96
58/193		Javid Iqbal GHS, Sheikhan, Kht.	14.9.87	01.3.96
59/194		Abdus Samad GHS, Mami Khel, Krk.	14.9.87	01.3.96
60/195		Mohammad Nageer GHS, Rehmat Abad.	15.9.87	01.3.96
61/196		Gul Payo Noor GHSS, Jehangiri.	16.9.87	01.3.96
62/197		Farid Akbar GHS, Nari Panos.	16.9.87	01.3.96
63/198		Mir. Piro Khan GHS, Shahidan, Krk.	20.9.87	02.1.97
64/199		Rehmatullah GHS, Mami Khel.	20.9.87	02.1.97
65/200		Shamshad Ali GHS, Latamber.	20.9.87	02.1.97
66/201		Mokhtiar Ali GHS, Bogara, Krk.	20.9.87	02.1.97
67/202		Gul Ragim GHS, Bogara, Krk.	21.9.87	02.1.97
68/203		Khalid Rehman GHSS, Karak.	22.9.87	02.1.97
69/204		Reham Khalig GHS, Tapi, Kark.	22.9.87	02.1.97
70/205		Pir Aslam GHS, Warana, Krk.	01.10.87	02.1.97
71/206		Hajat Hussain GHS, Nari Panos.	08.10.87	02.1.97
72/207		Inayatullah G.S., Nurran, Krk.	19.10.87	02.1.97
73/208		Iftikhar-ul-Mulk GHS, Bangi Kila.	21.10.87	02.1.97
74/209		Alamdar Hussain GHS, No. 2 Hangu.	21.10.87	02.1.97
75/210		Ibrahim Mohammad GHS, Keri Dhand, Karak.	22.10.87	02.1.97
76/211		Hassan Mehmood GHS, No. 1 Hangu.	23.10.87	02.1.97
77/212		Syed Rehman GHS, No. 1 Hangu.	24.10.87	02.1.97

Next Sheet Please

Attested
Z. M. M.

4

S.No./No. in S/List.	Name/School.	Date of Prom.to P/Post.	D/O Award of S/Grade.
78/213	Gul Piao Khan GHS, Official Colony Karak.	27.10.87	02.1.97
79/214	Gul Shah Jehan GHS, Warana, Karak.	18.11.87	02.1.97
80/215	Gul Mamoor Jan GHS, Dabb (Karak).	24.10.87	02.1.97
81/216	Khádmát Ali CT GHSS, Usterzai, Khat.	29.11.87	02.1.97
82/217	Nasir Usman GHS, Mittha Khel, Karak.	29.11.87	02.1.97
83/218	Maula Khan GHSS, Jehangiri (Karak).	29.11.87	02.1.97
84/219	Abdul Samid GHS, Mittha Khel, Karak.	29.11.87	02.1.97
85/220	Anwar Saeed GHS, Surati Killa, Karak.	29.11.87	02.1.97
86/221	Pio Khan GHS, Tapi Kanda, Karak.	29.11.87	02.1.97
87/222	Ahmad Wali Shih GHSS, Bakhti Nasrati.	29.11.87	02.1.97
88/223	Sami-ud-Din GHS, No. 1 Hongu.	29.11.87	02.1.97
89/224	Mohammad Farooq GHS, Toli Mela, Kerk.	29.11.87	02.1.97
90/225	Fahimullah GHS, Town Committee, Karak.	29.11.87	02.1.97
91/226	Gul Habib GHS, Mandawa, Karak.	29.11.87	02.1.97
92/227	Noor Islam GHS, Ahmad Abad, Kerk.	29.11.87	02.1.97
93/228	Salchullah GHS, Sundag, Karak.	29.11.87	02.1.97
94/229	Hamidullah GHS, Malgin, Kohat.	29.11.87	02.1.97
95/230	Abdul Haleem GHS, Hayat Abad, Kerk.	29.11.87	02.1.97
96/231	Mohammad Ayaz GHS, Feri, Karak.	29.11.87	02.1.97
97/232	Rayat Khan GHS, Samana, Kohat.	29.11.87	02.1.97
98/233	Mohammad Maqsood GHSS, Karak.	29.11.87	02.1.97
99/234	Abidur Rohmah GHS, Dabb, Kerk.	29.11.87	02.1.97
100/236	Masam Shah GHS, Ghundi Mir Khan Khel.	29.11.87	02.1.97
101/235	Naseem Gul GHS, No. 2 Kohat.	01.12.87	02.1.97
102/237	Dilawar Khan GHS, No. Kohat.	04.2.88	02.1.97
103/238	Mohammad Zaman GHS, Warana, Kerk.	11.5.88	02.1.97
104/238	Anirullah GHS, Lodhi Kohat.	23.5.88	02.1.97
105/239	Tehsil-ur-Rehman GHS, Mohammad Khoja.	01.8.88	02.1.97
106/240	Mohammad Farid GHS, Kanzini, Karak.	01.8.88	02.1.97
107/241	Mohammad Jamal GHS, Banjakh, Karak.	01.8.88	02.1.97
108/242	Khushal Khan GHS, Sundag, Karak.	01.8.88	02.1.97

(Next sheet please).

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R/D

S. No. / No. in S/List.	Name/School.	Date of Prom: to P/Post.	D/O of S/Grade.
09/243	Mumtaz Khan GHSS, Karak.	01.8.88	02.1.97
10/244	Ghani-ur-Rehman GHS, Usterzai Bala.	01.8.88	02.1.97
11/245	Qaisar Gul CT GHS, Sabir Abad, Karak.	01.8.88	02.1.97
12/246	Niamatulillah GMS, Zar Khan Killa, Karak.	01.8.88	02.1.97
13/247	Mohammad Nazir GHS, No. 4 Kohat.	01.8.88	02.1.97
14/248	Aziz-ur-Rehman GHS, Sabir Abad, Karak.	01.8.88	02.1.97
15/249	Zarmast Khan GHS, Surgul, Kohat.	01.8.88	02.1.97
16/250	Shoaib Khan GHS, Doaba, (Kohat).	01.8.88	02.1.97

Note:- Necessary entry to this effect should be made in their S/Books. An undertaking on the prescribed form below should be obtained from the above named CTs and pasted in their books duly attested by their respective heads of institutions to the drawal of payment of arrears.

UNDERTAKING. (Duly Attested)

I _____ hereby given an undertaking to the effect that if any overpayment is made to me as a result of incorrect award of S/Grade and detected later on, it will be made good by recovery from my pay/pension/gratuity as may be fixed by the Govt.

Sign: of Teacher. _____

- Arrears due to the award of S/Grade should be drawn and disbursed to them.
- All concerned should be informed accordingly, if any one of them is not working at the school mentioned against his name he may be informed at his present school through the H.K.
- The above award is subject to condition that no judicial, departmental, or any kind of enquiry/adverse remarks exist against them.

Hafiz Bahadur Khan
Divl: Director of Education (Schools)
Kohat Division, Kohat.

Encl: No. 4129-4228 /S-Grade/CTs/III-AE. Dt: Kohat the 11.9. /1997.

- Copy forwarded for information and n/action to the:-
- Director of Secondary Education NWFP Peshawar.
 - Distt: Education Officer, (Male) Secondary Kohat/Karak.
 - Principal/Headmasters concerned.
 - P/A Local office.

Checked and found correct.

Khadija Ali Dealing Assistant.

Mr. Shaukat /-

11-9-1997
DY: DE(S)
for/Divl: Director of Edu: (Schools)
Kohat Division Kohat.

Attested
Zawod

58 P.B

Copy Directorate of Secondary Education Peshawar No. 2724/P-9/SNE/Conv
sion Dated Pesh: the 27-9-95. Director Section Officer (E. III) Edu: De
Govt: of NWFP, Peshawar and Indst: No. 2725-74.

Subject: - CONVERSION OF S.V. POSTS INTO C. POSTS
Memo: -

I am directed to refer to Section Officer (Schools) Edu:
Deptt: Govt: of NWFP letter No. SO(2)7-2/95/CE dated 22-9-1995 (Copy encl:
read with the Finance Department letter No. FD/10/95 dated 12-1-95
(Copy enclosed) on the subject cited above.

It has been decided with the concurrence of the Finance Deptt
that the posts of S.V. are hereby merged/converted into C posts.

It is, therefore, requested that Finance Department may kindly
be approached to reflect the existing number of S.V. posts of both Male
Female as CTs (M&F) in the Budget books for 1996-97.

Asst. Dir. (SNE)
For/ Director of Secy: Education,
Peshawar.

OFFICE OF THE DISTRICT EDUCATION OFFICER (E) SECONDARY KOHAT.

Indst: No. 14591-14648 /1990(2) Dated 22/10/95.

56. Copy of the above is for order to all the principals/
Headmasters GMS/GSS/Gas in district for information and
necessary action.

57. Dy: D.E.O. Local office for information.

58. Director Secondary Education for information with
reference your No. cited above.

M.Y. BANGASH.

DISTRICT EDUCATION OFFICER
(E) SECONDARY KOHAT.

*Atul
Zawar*

7/10/95

To

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

Subject: UP-GRADATION OF VARIOUS POSTS OF
TEACHERS/CAREER STRUCTURE IN SCHOOLS &
LITERACY DEPARTMENT GOVERNMENT OF N.W.F.P.

Sir,

I am directed to refer to your letter No SO(G)S&L/1-47/2007 dated 01-10-2007 on the subject noted above and to inform that the Chief Minister NWFP has been pleased to 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.

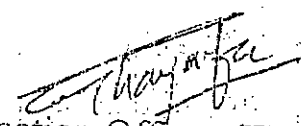
S.#	Designation/Existing Pay Scale	Qualification	Revised Pay Scale
1.	Primary School Teacher (PST) BPS-07	F.A/F.Sc. at least 2 nd Division with PTC/Diploma in Education	09
2.	PST with requisite experience renamed as Head Teacher/Head Mistress of Primary School BPS-07	On the basis of 10 years service/experience as Primary School Teacher in BPS-09	12
3.	C.T BPS-09	B.A/B.Sc. at least 2 nd Division with Diploma in Education/CT	15
4.	AW/CT (Technical)/Industrial Arts/Home Economics BPS-09	B.A/B.Sc. at least 2 nd Division with Diploma in Education/ Certificate from Directorate of Curriculum & Teachers Education NWFP Abbottabad in Agro. Tech./ Industrial Arts/Home Economics	15
5.	D.M. BPS-09	B.A/B.Sc. at least 2 nd Division with Drawing Master Course.	15
6.	PET BPS-09	B.A/B.Sc. at least 2 nd Division with JDPE	15
7.	Qari/Qaria BPS-07	Hafiz-e-Quran with SSC at least 2 nd Division and Sanad in Qir'at	12
8.	SSTs/SST Tech./Agri: with requisite experience renamed as Sr. SST/Sr. SST Tech./Sr. SST Agri: BPS-16	M.A/M.Sc. at least 2 nd Division with B.Ed/M.Ed/MA Edu. or equivalent qualification	17
9.	DPE BPS-16	M.Sc. at least 2 nd Division in (HPE)	17
10.	Librarian BPS-16	Master degree in Library Science, at least 2 nd Division	17

2. The Promotion/Direct Recruitment against the upgraded posts shall be made 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

(Signature)

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.

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


Section Officer (FR)

Enclt: of even No. & Date

Copy for information & necessary action to:

1. Accountant General NWFP
2. Director Schools & Literacy NWFP Peshawar
3. Director of Education FATA NWFP Peshawar
4. PSO to Chief Minister NWFP
5. PSO to Chief Secretary NWFP
6. - - PS to Secretary Finance Department NWFP
7. All District/Agency Accounts Officers in NWFP


Section Officer (FR)



GOVERNMENT OF NWFP
FINANCE DEPARTMENT
(REGULATION WING)

P-15

Dated Peshawar, the 26th January, 2008.

NOTIFICATION

NO.FD/SO(FR)10-22/2007. In supersession of this Department's letter No.SO(FR)10-22(B)/2005 dated 01-10-2007 and in pursuance 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 incumbents of the posts as per details given below w.e.f. 1-10-2007:-

S.NO	Existing Designation and Pay Scale	Qualification	Upgraded Scale
1	Primary School Teacher (PST) (BPS-07).	FA/BSc and are trained teachers	BPS-09 (one time only)
2	Primary School Teacher (PST) with requisite experience renamed as Head Teacher/Head Mistress of Primary Schools (BPS-07).	Having 10 years service	BPS-12 (one time only)
3	CT (BPS-09).	BA/BSc and are trained teachers	BPS-15 (one time only)
4	SETs (BPS 16)	With at least ten years service. Upgradation to the post shall be made through DPC as per laid down procedure.	BPS-17
5	Qari/Qaria (BPS-07)	Half Quran with SSC	BPS-12

SECRETARY TO GOVT. OF NWFP
FINANCE DEPARTMENT

Encl No. & Date even.

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.
- 3) Accountant General, NWFP, Peshawar.
- 4) Director Schools & Literacy NWFP, Peshawar.
- 5) Director of Education FATA NWFP, Peshawar.
- 6) PSO to Chief Minister, NWFP.
- 7) PSO to Chief Secretary, NWFP.
- 8) PSO to Secretary Finance Department, NWFP.
- 9) All District/Agency Accounts Officers in NWFP.

Handwritten signature and notes in Urdu, including a phone number 0333-5079597.

Handwritten signature and stamp: (NAIB KHAN) SECTION OFFICER (FR)

Large handwritten signature and notes in Urdu at the bottom of the page.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Annex D
P-16

NO. FD (SOSR-1) 2-123/2014

Dated Peshawar the 21st February, 2014

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The 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.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. 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, Election Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject: GRANT OF PREMATURE INCREMENT ON PROMOTION
WITHIN THE SAME SCALE.

Dear Sir,

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.

2. Now, in pursuance to the Government of Pakistan, Finance Division, Islamabad Office Memorandum No.F.11(30)R-2/2010-1:150 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.

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

Yours faithfully,


(RAZAULLAH KHAN)

Addl: Secretary (Regulation)

Endst: No. FD (SOSR-1) 2-123/2014

Dated 21st Feb, 2014

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, FMU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
8. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
9. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.


(MASOOD KHAN)

Deputy Secretary (Reg-II)

P.T.O

P-17

-2-

Endst: No. 8. Date Even

Copy for information is forwarded to:-

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

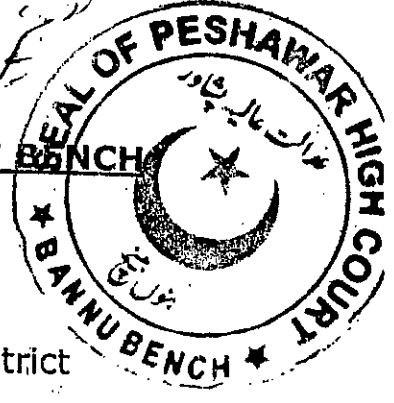
Section Officer (SF-1)

~~Amir~~

P. 18

P. 18

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH



Writ Petition No. 413 /2016

1. Mukhtiar Ali S.C.T Teacher GCMHS Chokara District Karak
2. Ghani Rahman SET Teacher GCMHS Chokara District Karak
3. Muhammad Iqbal CT Teacher GCMHS Chokara District Karak
4. Pio Khan SCT Teacher GCMHS Chokara District Karak
5. Riayat Khan SCT Teacher GCMHS Chokara District Karak
6. Muhammad Kamal S.D.M Teacher GCMHS Chokara District Karak
7. Sher Abbas SPET Teacher GCMHS Chokara District Karak
8. Naeem Ullah SAT Teacher GCMHS Chokara District Karak
9. Ahmad Wali Shah SCT Teacher GHS Sarki Lawarghar District Karak
10. Saddique Rahman SCT Teacher GHS Garang Siraj Khel District Karak
11. Anwar Ali SCT Teacher GHS Garang Siraj Khel District Karak
12. Hamid Ullah D.M Teacher GHS Zarkhan Killa District Karak
13. Sabar Nawaz D.M Teacher GHS Toopi Killa District Karak
14. Muhammad Ayaz SCT Teacher GHSS Jehangiri District Karak
15. Muhammad Yasin SCT Teacher GHSS Jehangiri District Karak
16. Asmat Ullah Khan SCT Teacher GHSS Jehangiri District Karak

Zarwal

Filed To
26/4/2016
Additional Registrar

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

17. Rauf Khan SCT Teacher GHSS Jehangiri District
Karak
18. Noor Kamal SCT Teacher GHSS Jehangiri District
Karak
19. Muhammad Sadique SDM Teacher GHSS Jehangiri
District Karak
20. Rasool Khan PET Teacher GHS Gardi Banda
District Karak
21. Muhammad Zaman SCT Teacher GHSS Warana
District Karak
22. Zaheer Ud Din CT Teacher GHSS Warana District
Karak
23. Muhammad Naseer Khan SCT Teacher GHS
Latamber District Karak
24. Naimat Ullah SCT Teacher GHSS Bogara District
Karak
25. Anayat Ullah SCT Teacher GHS Ahmad Abad
District Karak
26. Sher-Aslam SCT Teacher GHSS Kandu Khel District
Karak
27. Sher Aslam SAT Teacher GHSS Kandu Khel District
Karak
28. Muqabila Khan SCT Teacher GHSS Bogara District
Karak
29. Jamil Ur Rehman SCT Teacher GHSS Bogara
District Karak
30. Ikram Ullah Khan SPET Teacher GHSS Bogara
District Karak Petitioners

Versus

1. Government of K.P Through Secretary of Elementary
& Secondary Education K.P, Peshawar
2. Government of K.P Through Director of Elementary &
Secondary Education K.P, Peshawar.

ATTESTED
EXAMINER
Peshawar High Court
Bhanu Bhatt

Filed To
26/11/2016
Additional Registrar

P.21

- 3. Government of K.P Finance Department Regulation
Wind, Peshawar.
- 4. District Account Officer Karak. Respondents

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

⇄<=>⇄<=>⇄<=>⇄<=>⇄

Respectfully Sheweth:

This Writ Petition rising up from the following facts:

- 1. That all the petitioners are working in education department in different cadre and in the year 2003 the posts of the petitioners were up-graded in the basis of seniority through Selection Grade whereby all the petitioner have obtained the up-gradation of posts-cum-one pre-mature increment. (Copy of the Performa of petitioners and Selection Grade is annexed as "A").
- 2. That on 01-09-2007 the Government of K.P Finance department (Regulation Wind) generally up-graded all the posts of different cadre through notification. (Copy of the notification dated 28-07-2007 is annexed as "B").
- 3. That on 04-04-2009 the Government of K.P Finance department (Regulation Wind) have sanctioned one special advance increment to the Assistant Auditor,

Filed To: V
 26/11/2016
 Additional Registrar

ATTESTED
 EXAMINER
 Peshawar High Court
 Shaukat Bhatti

Senior Clerk and junior Clerk etc who have obtained the up-gradation through Selection grade.(Copy of the notification dated 04-04-2009 is annexed as "C").

4. That on 31-12-2013 the Government of K.P Finance department (Regulation Wind) have issued a notification the one advance increment of the basis of selection grade and endorsed the earlier letter of the finance department.(Copy of the notification dated ~~31-12-2013~~ 34-02-2003 is annexed as "D").

5. That on 07-02-2014 the Government of K.P Finance department (Regulation Wind) have issued a notification regarding the clarification of the earlier notification that one advance increment be given to those teachers who have obtained selection grade. (Copy of the notification dated 07-02-2014 is annexed as "E").

6. That being aggrieved from the inaction of the respondent No.2,3 being not extended the benefit of the notification dated 31-12-2013, the petitioners approaches this Honourable Court, inter alia, on the following grounds;

GR OUNDS:

A. That the petitioners are related to education department, working in different cadre and have obtained the selection grade by all the petitioners in the

ATTESTED
 EXAMINER
 Beshwar High Court
 Sagar Bhandari

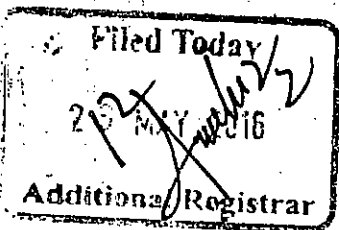
Filed Today

Additional Registrar

session 2003 whereby all posts of the petitioners were up-graded-cum-one pre-mature increment but when generally the government of K.P up-graded the posts of different cadre with one increment then all the petitioners are deprived from the benefits of the order because the junior in rank of all posts are equal to the petitioners whom posts have been up-graded through Selection Grade and having not extended the benefit of the notification dated 31.12.2013 by the respondent to the petitioners is appealable to mind and also unwarranted by the law.

- B. That in year 2007 the posts of education were up-graded by the respondents (government of K.P) through notification but the petitioners senior in teaching have no benefit of the said notification because the remedy in shape of pre-mature increment stopped by the respondents through notifications and letter to deviate the concentrations of the petitioners from one Advance increment which is basic and fundamental right of the petitioner thus, the benefit of the notification dated 31-12-2013 of the respondent intact through spirit and letter so, the inaction of the respondents is not appealable to prudent mind and is against the article 4 and article 25 of the constitution of Pakistan 1973

- C. That all the petitioners are senior teachers and after Selection grade they are entitled of the benefit of the notification dated 31-12-2013 issued by the respondent (Finance Department) but without any cogent reason and rhyme the respondents have reluctant regarding the extension of benefit of said notification being used



ATTESTED
EXAMINER
Government High Court
District Dera

colourful exercise of powers, vested in the functionaries of the Government through Constitution of Pakistan, which is against the basic principles of the equality of citizens.

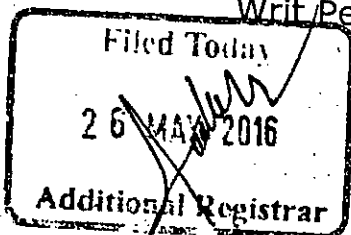
- D. That the said benefit of the one advance pre-mature increment are availing the clerical staff of the audit etc which is clear cut discrimination with the petitioners and action of the respondents is against the principle of equity and also violated the norms of justice.

It is, therefore, humbly prayed that on acceptance of this Writ Petition, the respondents may kindly be directed to extend the benefit of the notification dated 31-12-2013 and one pre-mature increment be awarded to the petitioners on the basis of Selection Grade Awarded to others cadre in accordance with law.

Any other efficacious remedy may also be granted in favour of the petitioner.

INTERIM RELIEF:

By way of interim relief, the respondents provisionally be allowed to extent the benefit of the notification dated 31-12-2013 till final disposal of this Writ/Petition.



Petitioners
Through

Masood Iqbal Khattak
Masood Iqbal Khattak

ATTESTED
BY
CLERK
Registrar High Court
Lahore

FORM "A"
FORM OF ORDER SHEET

P.25

Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
03.9.2018	<p><u>W.P No. 413-B/2016 with IR.</u></p> <p><u>Present:</u></p> <p>Mr. Masooq Iqbal Khattak advocate for petitioner.</p> <p>*****</p> <p><u>ABDUL SHAKOOR, J.---</u></p> <p>At the very out-set, learned counsel for the petitioner states that his client will be satisfied if the instant writ petition is sent to the concerned department for its treatment as departmental appeal.</p> <p>Therefore, in the light of above, the instant writ petition is sent to the concerned department / authorities with the direction to treat the same as departmental appeal and decide the same within one (01) month positively, but, strictly in accordance with law.</p> <p>Disposed of accordingly.</p> <p><u>Announced.</u> 03.9.2018</p> <p>Sd/- Mr. Justice Abdul Shakoor-J Sd/- Mr. Justice Shakeel Ahmad J</p> <p>CERTIFIED TO BE TRUE COPY</p> <p>Examiner Peshawar High Court Barou Bench Authorised Under Article 87 of The Qanun-e-Shahadat Order 1988</p> <p>Office 03/9/2018</p>

Imranullah (D.B) Justice Abdul Shakoor and Justice Shakeel Ahmad

SCANNED

Annex - F

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Departmental Appeal

WPN 413-B/2016

Decision dt. 3/9/2018

Petition converted into departmental Appeal.

Mukhtiar Ali Set GHS & others (As per original petition) **Petitioners:**

Versus

1. Govt of KP through Secretary & Elementary Education Peshawar.
2. Director Elementary & Secondary Education Peshawar.
3. The District Education Officer Karak.

Subject: Grant of one Pre mature Increment to selection graded teachers scale upgraded.

R/Sir,

1. That we the petitioners (as per petition) approached the honorable Peshawar High Court Bannu Bench for extension of the benefits of one special increment to the selection graded upgraded posts incumbents admissible in light of Govt of KPK Finance department.

Notification No FD(SOSR-1)2-123/2013 dt. 31-12-2013 duly clarified vide FD even NO dt 7.2.2014.

Copy of the ^{notification} Appeal annexed as Annex -A (Page ~~23~~ to 25)

2. That the honorable Peshawar High Court Bannu Bench vide kind decision dt. 3-9-2018, decided the petition as "Departmental Appeal" copy attached Annex "B" Page 6 to 12

Cause of Action

(A) That one of our colleagues / Petitioners namely Muhammad Kamal SDM Government Centennial Model High School Chokara Karak Placed SNO 06 presented an arrear bill to District Accounts office Karak bearing TNO 349 B/1 allowing one special increment 2014 departmentally pay increased in light of Govt of KP FD letter No FD(SOSR-1)2-123/2013 dt 31.12.2013.

The claim was unfortunately returned with observation as overleaf:

2921 Dated 23 October 2018
Forwarded to DEO (M)
Karak. Anwar ul
23/10/18

PRINCIPAL
Govt. Centennial Model High School
Chokara, Distt. Karak

"Reference No does not cover the subject claim"

Copy attached as Annex "C" at page. 13

That we the other petitioners also approached the District Accounts office Karak. However, our request was not accepted and we are deprived of our due rights of one special advance increment on up gradation of the post.

That having no other alternate remedy we (the petitioners) lodged an Appeal copy is attached Appendix as Annex "A" 6 to 12

PRAYER:

That the District Accounts office Karak may very graciously be directed to implement the Finance Department of KP Notification NO FD(SOSR-1)2-23 dt 31.12.2013 duly clarified vide FD even No dt 7.2.2014 and as a result the pay of the petitioners be got fixed with one advance increment, 1-9-2007/efrom the date of up gradation of scale of the respective petitioners

Yours Obediently,

[Signature]

Petitioners:

Gaur U. Rehman

MUHAMMAD IQBAL SGT *FCMHS Chokana*

Fhani Rahman S.S.T — do — *[Signature]*

Deo Khan S.S.T — do — *[Signature]*

Naval Khan S.S.T — do — *[Signature]*

Muhammad Kamal S.D.M — do — *[Signature]*

zeem ullah S.A.T — do — *[Signature]*

6/10/18 - Petitioners

Dated 22-10-2018

(Better Copy)

*Annex E***BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No _____/2019

*P. 98***Departmental Appeal**

WPN 413-B/2016 Decision dt.3/9/2018

Petition converted into departmental Appeal.

Mukhtiar Ali Sct GHS & others (As per original petition) **Petitioners:**

Versus

1. Govt of KP through Secretary & Elementary Education Peshawar.
2. Director Elementary & Secondary Education Peshawar.
3. The District Education Officer Karak.

Subject: Grant of one Pre mature Increment to selection graded teachers scale upgraded.

R/Sir,

1. That we the petitioners (as per petition) approached the honorable Peshawar High Court Bannu Bench for extension of the benefits of one special increment to the selection graded / upgraded posts incumbents admissible in light of Govt of KPK Finance department.

Notification No. FD(SOSR-1)2-123/2013 dt. 31-12-2013 duly clarified vide FD even NO dt 7.2.2014.

Copy of the Notification annexed as Annex "A" (Page 03 to 05)

2. That the honorable Peshawar High Court Bannu Bench vide kind decision dt. 3-9-2018 decided the petition as "Departmental Appeal" copy attached Annex "B" Page 6 to 12.

Cause of Action

- (A) That one of our colleague | Petitioners namely Muhammad Kamal SDM Government Centennial Model High School Chokara Karak Placed SNO 06 presented an arrear bill to District Accounts office Karak bearing TNO 349 B/I allowing one special increment 2014 departmentally pay increased in light of Govt of KPK FD letter No. FD(SOSR-1)2-123/2013 dt 31.12.2013

The claim was unfortunately returned with observation as overleaf:

To

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The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL REPRESENTATION / APPEAL.

Respected Sir,

With due respect, appellant humbly submits as to the following;

1. That appellant has been serving against the post of Senior CT. He has long standing service of about 35 years plus with unblemished and clean sheeted conduct record.
2. That vide Notification dated 11-09-1997, selection grade in BPS-15 was awarded to the appellant w.e.f 02-01-1997. The name of the appellant lies at serial No.97/232 of the list. The salary of the appellant was fixed accordingly.
3. That vide Govt of Khyber Pakhtunkhwa Finance Department Notification No. SO(FR) 10-22(B)/2005 dated 01-10-2007, and Notification No. FD/SO(FR)10-22/2007 dated 26-01-2008 the post of CT alongwith other posts were upgraded to BPS-15.
4. That it is pertinent to mention here that the appellant was serving as CT BPS-15 about more than 10 years prior to the upgradation of the post. Meaning thereby that the appellant was Senior Teacher of the Cadre.
5. That it is also pertinent to bring into the notice of this Hon'ble Tribunal that Senior SST Teachers working against BPS-17

Encl: 2921
dated: 23-X-18
L

in accordance with law, rules and policy, hence the
decisions of appellant alongwith other fellow petitioners
asked your good office to take exercise and determine the
have been converted into departmental appeal and the
Court, Bampur Bench dated 03-08-2018 the Writ Petition
11. That in the light of the order of the Hon'ble Peshwar High

Disposed of accordingly.:

strictly in accordance with law.

the same with one (01) month positively, but
rest the same as departmental appeal and decide
department / authorities with the direction to
instant writ petition is sent to the concerned

Therefore, in the light of above, the
appeal.

department for its treatment as departmental
the instant writ petition is sent to the concerned
petitioner states that his client will be satisfied if
"At the very outset, learned counsel for the

which was disposed of in the following words:


Peshwar High Court Bampur Bench in W.P. No. 413-2018
invoked the Constitutional jurisdiction of the Hon'ble
treatment the appellant alongwith his other aggrieved fellows
10. That being aggrieved from the unfair and discriminatory
discussed above.

Promotion to the next stage or in shape of two increments as
like with others staff members either in the shape of
the post to basic pay 12) were deserved / entitled to be treated
Notification dated 01-10-2007 (i.e. before the upgradation of
promoted on the strength of basic pay 12 much prior to the
0. That appellant and his other colleagues who have been

12

departmental representation / appeal is submitted for consideration and determination.

It is therefore, humbly requested to extend financial benefits in shape of one next stage increment and one another premature increment to the appellant accordingly or promote him to the next higher pay scale.


Yours faithfully,

**Ghani UR Rehman,
SCT GCMHS,
Chokara, Karrak.**

Dated: 23 / X / 2018

WAKALAT NAMA

31

IN THE COURT OF Khyber Pakhtunkhwa Service Tribunal
Peshawar

Gani Uv Rehman

Appellant(s)/Petitioner(s)

VERSUS

The Govt of KPK and others

Respondent(s)

I/We Gani Uv Rehman do hereby appoint
Mr. Ashraf Ali Khattak, Advocate High Court, Peshawar in the above
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

اشرف علی خٹاک

Ashraf Ali Khattak,
Advocate, High Court
Peshawar
9-B, Haroon Mansion
Off: Tel: 091-2213445

AB
Signature of Executants

اشرف علی خٹاک