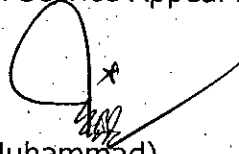


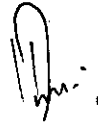
21.01.2021

Nemo for the appellant. 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.



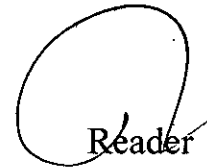
(Mian Muhammad)
Member(E)



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.

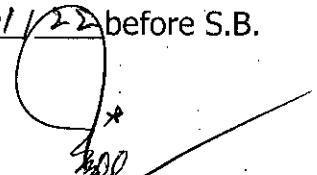


Reader

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.



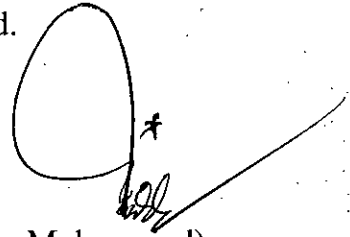
(MIAN MUHAMMAD)
MEMBER (E)

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.

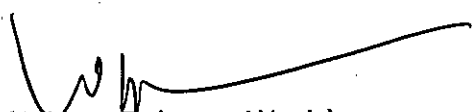

Chairman


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

76/9/15


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.


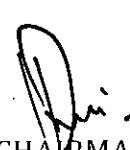
In view of the available record and contention of learned counsel, instant appeal is admitted for regular hearing but subject to all just exceptions regarding the delay. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To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


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 754/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/06/2019	<p>The appeal of Mr. Muhammad Kamal 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 <u>20/6/19</u></p>
2-	<u>24/06/19</u>	<p>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 # 754 /2019

Muhammad Faizal 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

AS

Ashraf Ali Advocate


cell # 0332-9931676

The appeal of Mr. Muhammad Kamal SDM 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.

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.

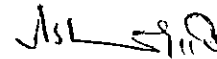
No. 929 /S.T,

Dt. 10/5 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ashraf Ali Khattak Adv. Pesh.

Re-submitted. Objections attended



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2019

Muhammad Kamal,
SDM, 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 SDM. He has long standing service of about 40 years plus with unblemished and clean sheeted conduct record.
2. That vide Notification No.8513-55/S/Grade DM/IV-AE dated 01-09-1993 (copy of abstract from service book is attached as Annexure-A) selection grade in BPS-15 was awarded to the

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 754/2019

Muhammad Kamal,
SDM, 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 of delay.			1-8
2.	Copy of abstract from service book.		A	11-12
3.	Copy of Notification No. <u>SO(B&A)1-18/Ess:E//2008</u> dated 08-11-2008		B	13
4.	Copy of Notification dated 23-05-2006 alongwith Notification No. <u>FD (SOSR-1)2-123/2014</u> Dated Peshawar the 21 st February, 2014.		C	14-16
5.	Copy of W.P No.413 / 2016 alongwith order of the Hon'ble Peshawar High Court, Bannu bench dated 03-092018		D	17-25
6.	Copy of Departmental Appeal		E	26
7.	Wakalat Nama			

Muhammad Kamal
Appellant

Through

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

Dated: 03/05/2019

appellant w.e.f 26-11-1992. The salary of the appellant was fixed accordingly.

3. That vide Govt of Khyber Pakhtunkhwa Finance Department Notification No. SO(B&A)1-18/Ess:E//2008 dated 08-11-2008, (**Annexure-B**) the post of DM was upgraded to BPS-15.
4. That it is pertinent to mention here that the appellant was serving as DM BPS-15 about more than 16 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-C**).
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 two increment 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 08-11-2008 (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-D)

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-E~~) 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 08-11-2008 was 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 1992, 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 1992 deprived. Appellant and likewise 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.

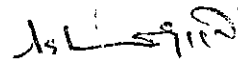
In view of the above submission and on acceptance of the instant appeal, this Hon'ble Tribunal may graciously be pleased to

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: ___/___/2019

Service Appeal No. _____/2019

Muhammad Kamal,
SDM, GCMHS, Chokara,
Karrak.....Appellant.

Versus

The Secretary Education (E&SE),
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar an 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

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

Dated: ____/____/2019

Affidavit

I, Muhammad Kamal, SDM, 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.

Handwritten signature

Deponent



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

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

Annex: A- P.9

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 Jardar	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.	Pio Khan S. C.T	Muhammad Amin	11-11-1959	03-11-1982	01-01-1997	"
5.	Rayat Khan S.C.T	Sailani	23-10-1963	09-12-1982	02-01-1997	"
6.	Muhammad Kamal S.D.M	Noera Jan	25-12-1958	01-02-1978	01-12-1992	"
7.	Nasir 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)

The name in this page should be renewed or re-attested at least every five years, and the signature in lines 9 and 10 should be dated.

verified

Name

M. A. H. 1

Mohammad Kamal

W

Race

Govt. High School
Chokara (Karak)

Alghan (Khattak)

Residence

Village Chokara, Tahsil Karak Distt Kohat (N.W.F.P.)

Father's name and residence

Noora Jan Vill up P.O Chokara Tah, Karak Distt Kohat.

(25-12-1958)

Date of birth by Christian Era as early as can be ascertained.

Twenty fifth December N.H. fifty eight.

Exact height by measurement

5-8

Personal marks for identification

Injure mark on the Right foot.

Left hand thumb and finger impression of (non-gazetted) officer

Little Finger.



Ring Finger.



Middle Finger



Fore Finger.



Thumb



Signature of Government servant

Mohammed. Kamal

Signature and designation of the Head of the Office, or other Attesting Officer

Z. N. Qureshi
HEAD MASTER
G.H. School Kaghan
(Hazara)

Attested
B. W. ...
SST (Sr. II) M.Sc. M.Ed
G.C.M.H.S Chokara (Karak)

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating state - (i) substantive appointment or (ii) whether service counts for pension under Art. 371, C. S. R.	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "Pay"	Date of appointment	Signature of Government servant
Training Master	Grade No. 8		370/-	15-514/18-640		1.2.1978	Kamal
High School Teacher	Sub/officiating		370/-			24.7.78	Kamal
"	"		370/-			1.12.78	Kamal
Training Master	Officiating		386/-			1.12.78	Kamal
"	"		382/-			1.12.78	Kamal
Training Master	"		402/-			17/9/80 (R.N.)	Kamal
"	"		418/-			1/12/80	Kamal
do	do		450/-			1/12/81	
do	do		466/-			1/12/82	

Accepted
B...

SST (S...)
C.M.H.S. Ch...

10	11	12	13		14	15
				Leave		
				Allocation of periods of leave on average pay up to four months for which leave salary is debit-able to another (Government)		
				Government to which debit-able		
				Period		

option
 hereby exercised my option - Awarded Selection Grade to BPS-15 with effect from 26-11-1992 vide Director of Education (Schools) Kohat Division Kohat Endorsed NO 9513-85/S/Grade DM/IV-AE dated 1-9-93.

[Signature]
 (MOHAMMAD KAMAL DM)

[Signature]
 Director
 Kohat Division
 Kohat

Under taking
 30/11/93
 I hereby exercise my undertaking that I will recover any overpayment made to me as a result of wrong location in BPS-15 Dated later on

[Signature]
 (Mohammad Kamal DM)

T.N.O. 1273 dt. 25.9.93.
 Drawn Rs. 2010/- as diff. of pay & allow. due to selected S/grade in BPS-15 w.e.f. 1.12.93 to 30-9-93.

[Signature]
 T.N.O. Kohat

[Signature]
 SSI (Sc-I) M.Sc. M.Ed.
 G.C.M.H.S Chokara Kohat

P

4661

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating, and whether permanent or temporary	If officiating state - (i) substantive appointment or (ii) whether service counts for pension under Art. 371. C. S. R.	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term 'Pay'	Date of appointment	Signature Government servant
<p>Received by <i>[Signature]</i> No. 2180-177-4845 (A-15)</p>							
<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	6/94	<i>[illegible]</i>
do	do	Rs	3783/- P.M			12/94	<i>[illegible]</i>
<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	Rs.	3783/- P.M.		2-2-95	<i>[illegible]</i>
<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	Rs.	3960/- P.M.		1-12-95	<i>[illegible]</i>
<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>
<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>
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<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>
<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	Rs	3960/- P.M		9-1-1996 (C.F.N)	<i>[illegible]</i>
do	do	Rs:	4137/- P.M.			12/1996	<i>[illegible]</i>
do	do	Rs	4314/- P.M			12/1997	<i>[illegible]</i>
<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	<i>[illegible]</i>	12/98	<i>[illegible]</i>
do	do	Rs:	4663/- P.M			12/99	<i>[illegible]</i>

[Handwritten signature]

CMR

1	2	3	4	5	6	7
Name of Post	Whether Substantive or officiating and whether permanent or temporary	If officiating state- (i) substantive appointment (ii) whether service counts for pension under C.S.R. (Pb.) Volume II	Pay in substantive position	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment
52m Ac.M.45 Ch. K. 219 (K.K.)	Day Revisal	BPS-16	Rs. 10000/-	Rs. 800/-	34000/-	1/3/2013
-do-	-do-		Rs. 28400/-			1/12/2013
-do-	-do-		Rs. 29200/-			1/12/2013
-do-	-do-		Rs. 30000/-			1/12/2014
Pay Revised BPS-16 vide Govt. of K.P.K Finance Deptt. (Regulation wing) Notification No. FD (FRC) 1-1/2015 dated Peshawar the 27th July 2015 BPS-16 (Rs. 12910-1035-43960)						
-do-	-do-		Rs. 38795/-			1/7/2015
-do-	-do-		Rs. 39820/-			1/12/2015
Pay Revised vide Govt. of K.P.K Finance Deptt. (Regulation wing) Notification No. FD (FRC) 1-1/2016 dated Peshawar the 14-7-2016 BPS-16 (Rs. 15830-1280-54280)						
-do-	-do-		Rs. 49160/-			1/7/2016
-do-	-do-		Rs. 50440/-			1/12/2016

Attested
 By: [Signature]

GOVERNMENT OF K.P.K
 PESHAWAR

Handwritten signature

Under the provision of Finance Department Notification No. 30 (B.A.) ...
 ... action is hereby accorded to the award of ...
 ... on the basis of passing of ... examination ...
 ... under the rules No. ...

<u>S.No.</u>	<u>Name of Candidate</u>	<u>Grade</u>	<u>School</u>
1.	GHS ...
2.	GHS ...
3.	GHS ...
4.	GHS ...
5.	GHS ...
6.	GHS ...
7.	GHS ...
8.	GHS ...
9.	GHS ...
10.	GHS ...
11.	GHS ...
12.	GHS ...
13.	GHS ...
14.	GHS ...
15.	GHS ...
16.	GHS ...
17.	GHS ...
18.	GHS ...
19.	GHS ...
20.	GHS ...
21.	GHS ...
22.	...	P.T. B / P.T.	GMS ...

Note: ... entry to ... effect may be made in their ...

Handwritten mark

DISTRICT OFFICE (ELEMENTARY & M.C.)
 EDUCATION ...

... dated ...

- ...
- ...
- ...

Handwritten signature

DISTRICT OFFICE (ELEMENTARY & M.C.)
 EDUCATION ...

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

(Regulation Wing)

NO.FD/SO(FR)/10-22(B)/2007Vol-II
Dated Peshawar, the 12.11.2008

To

Secretary to Govt. of NWFP,
Elementary & Secondary Education Department
Peshawar.

Subject: - UPGRADATION OF THE VARIOUS POSTS OF THE TEACHERS
/CAREERS STRUCTURE IN ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT, GOVERNMENT OF NWFP.

Dear Sir,

I am directed to refer to your letter No. SO(B&A)/1-18/2008/Upgradation dated 03-11-2008 on the subject noted above and to state that competent authority has approved the upgradation of the following posts in Elementary & Secondary Education Department with effect from 01-10-2007.

S.NO	Existing Designation and Pay Scale	Qualification	Upgraded Scale
1	DM (BPS-09)	BA/BSc/ equivalent qualification with Drawing Master Course.	EPS-15 (one time only)
2	PET (BPS-09)	BA/BSc/ equivalent qualification with JDPE.	BPS-15 (one time only)

Audit may be prepared and sent to this department for authentication.

Yours faithfully,


(MOHAMMAD ALAM)
SECTION OFFICER (FR)

رضوان گل

Annex C P.14

~~Annex D~~

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

NO.FD(SR.1)6-4/2005
Dated Peshawar the, May 23, 2006.

From :- The Secretary to Govt. of NWFP,
Finance Department.

To

1. The Secretary to Govt. of NWFP,
Schools & Literacy Department.
2. The Secretary to Chief Minister,
NWFP.
3. The Accountant General,
NWFP.
4. All District/Agency Accounts Officers,
NWFP.

SUBJECT:- GRANT OF PAY SCALE 15 TO ARABIC TEACHERS AND 14 TO
THEOLOGY TEACHERS.

Dear Sir,

I am directed to refer the subject noted above and to state that the Chief Minister NWFP has been pleased to allow the following Pay Scales to the Arabic and Theology Teachers, who possess or acquires the following qualifications on or after the date of issue of this circular:-

S. No.	Designation/ Existing Pay Scale	Qualification	Revised Pay Scale
1.	Arabic Teacher BPS-9	<p>i. SSC with Shahdatul Alamia Fil-Uloomul-Arabia Wal Islamia at least 2nd Division from Tanzimatul- Wafaqaul Madaris; OR</p> <p>ii. MA (Arabic) at least 2nd Division from a recognized University</p>	15 M.A
2.	Theology Teacher BPS-7	<p>i. SSC with Shahdatul Aalia at least 2nd Division from anyone of the recognized Tanzimatul- Wafaqul Madaris ; OR</p> <p>ii. BA 2nd Division with Islamic Studies and Arabic and Shahdatul Khasa from anyone of a recognized Tanzematul Wafaqul Madaris</p>	14

2. This order shall take immediate effect.

Yours faithfully



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SQSR-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.

P-15

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-2/2010-1150 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.

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

Yours faithfully,



(RAZAULLAH KHAN)

Addl: Secretary (Regulation)

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

Dated 21st Feb, 2014

Copy for information & necessary action to the:-

1. The Director, Treasury & Accounts, Khyber Pakhtunkhwa
2. All the District Controller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, F.M.U. 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-16

-2-

Endst: No. & Date Even

Copy for information is forwarded to:-

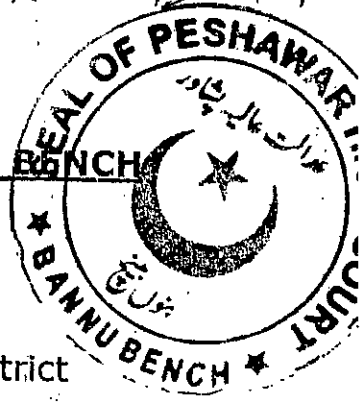
1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt.



Section Officer (SP-1)

~~Annex E~~ F 7/23/2016 D.17

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
25/11/2016
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 Kandou Khel District
Karak
27. Sher Aslam SAT Teacher GHSS Kandou 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.

Filed To
26 MAY 2016
Additional Registrar

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

P. 10

- 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
8/6/2010
Additional Registrar

ATTESTED
EXAMINER
Peshawar High Court
Peshawar Bench

P-21

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~~ 31-12-2013 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;

GROUND S:

- 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
 Bhatnagar High Court
 Bikaner

Filed Today

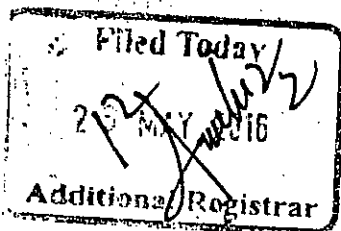
28 MAY 2016

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
Muzaffargarh

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.

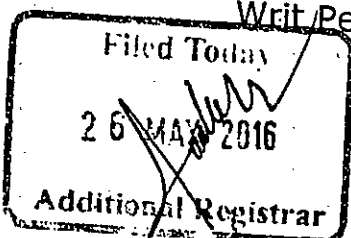
It is, therefore, humbly prayed that on acceptance of this Writ Petition, the respondents may kindly be directed to extend the benefit of the notification dated 31-12-2013 and one pre-mature increment be awarded to the petitioners on the basis of Selection Grade Awarded to others cadre in accordance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

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

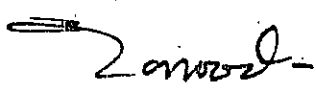
INTERIM RELIEF:

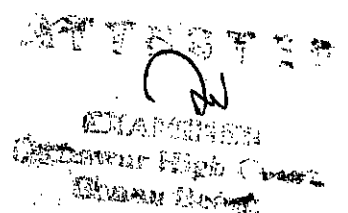
By way of interim relief, the respondents provisionally be allowed to extent the benefit of the notification dated 31-12-2013 till final disposal of this

Writ/Petition.



Petitioners
Through


Masood Iqbal Khattak



FORM "A"
FORM OF ORDER SHEET

P.24

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 Bangu Bench Authorised Under Article 87 of The Qanun-e-Shahadat Order 1988</p> <p>8/9/18</p>

Office
03/9/2018

(Better Copy)

Annex E

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No _____/2019

P. 25

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:

~~Annex F~~

P-25

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)3-123 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 from the date of up gradation of scale of the respective petitioners.

Yours Obediently,

Muhammad Kamal

Petitioners:

Muhammad Kamal

MUHAMMAD IOBAL SGT ECNHS Chokara

Ghani Rahman S.S.T

Dio Khan S.S.T

Riazal Khan S.S.T

Muhammad Kamal S.D.M

Iaem ulah S.A.T

—do— *[Signature]*
 —do— *[Signature]*
 —do— *[Signature]*
 —do— *[Signature]*
 —do— *[Signature]*

with Petitioners,

Dated 22-10-2018

27

Enrolst No. 2921
dt = 23-11-2008

To

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 40 years plus with unblemished and clean sheeted conduct record.
2. That vide Notification dated 11-09-1993, selection grade in BPS-15 was awarded to the appellant w.e.f 26-11-1992. The salary of the appellant was fixed accordingly.
3. That vide Govt of Khyber Pakhtunkhwa Finance Department Notification No. SO(B&A) 1-18/Ess:E/2008 dated 08-11-2008, the post of DM 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.

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 two increment 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.”

11. That in the light of the order of the Hon'ble Peshawar High Court, Bannu Bench dated 03-09-2018 the Writ Petition have been converted into departmental appeal and have asked your good office to take exercise and determine the grievances of appellant alongwith other fellow petitioners in accordance with law, rules and policy, hence this departmental representation / appeal is submitted for consideration and determination.

It is therefore, humbly requested that 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,

**Muhammad Kamal,
SDM, GCMHS,
Chokara, Karrak.**

Dated: ___ / ___ /2019

WAKALAT NAMA

31

IN THE COURT OF K.P.K. Service Tribunal Peshawar

Muhammad Kamal

Appellant(s)/Petitioner(s)

VERSUS

Chief Secretary K.P.K.

and others.

Respondent(s)

I/We Muhammad Kamal 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

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

Muhammad Kamal
Signature of Executants