



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.

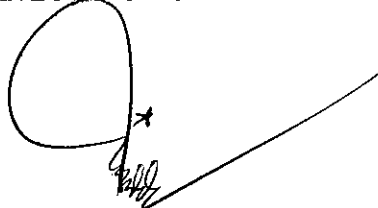

(Salah-ud-Din)
Member (J)


(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)

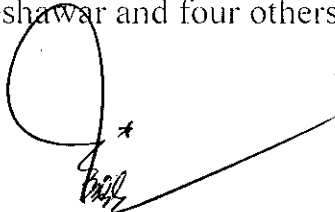


(Salah-Ud-Din)
Member (Judicial)

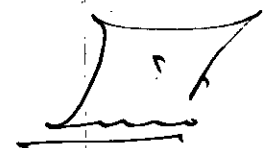
29.11.2022

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.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

24.01.2023

Proper D.B is not available, therefore the case is adjourned to 3-05-2023 for the same as before.

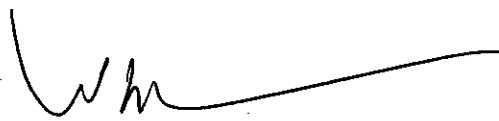


Reader

SCANNED
KPOT
Peshawar


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

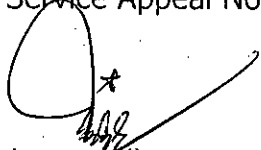
11-7-2022 Due to Holidays of Eid Ul Azha
the case is adjourned to 14-9-2022

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.

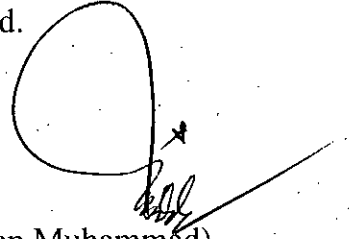

(MIAN MUHAMMAD)
MEMBER (E)

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.



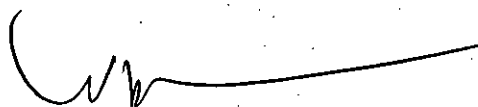
Chairman

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. - 755/2019

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. Naeem Ullah 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>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.

~~Nareem Ullah~~ Service Appeal # 755/2019

Nareem Ullah 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

Asl → 710

Ashraf Ali Advocate
cell # 0332-9931676

The appeal of Mr. Naeemullah Senior Arabic Teacher 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 appellant for completion and resubmission within 15 days.

Copy of departmental appeal mentioned in para-13 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 928 /S.T,

Dt. 16/5 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ashraf Ali Khattak Adv. Pesh.

Re-submitted after compliance
Objections attended.

Isl 9/10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 755 /2019

Naeem Ullah,
Senior Arabic Teacher,
GCMHS, ChokaraAppellant.

Versus

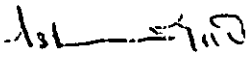
The Secretary Education (E&SE),
Govt: of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar & others.....Respondents.

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 Service Record.		A	9
3.	Copy of Notification No. <u>FD(PRC)1-1/89</u> , dated 07-08-1991		B	10-11
4.	Copy of Notification dated 01-09-1993		C	12-13
5.	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.		D	14-23
6.	Copy of W.P No.413 / 2016 alongwith order of the Hon'ble Peshawar High Court, Bannu bench dated 03-092018		E	23-1
7.	Copy of Departmental Appeal		F	24-29
8.	Wakalat Nama			30


Appellant

Through


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

Dated: 43 /05 /2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 755 /2019

Naeem Ullah,
Senior Arabic Teacher,
GCMHS, ChokaraAppellant.

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 Arabic Teacher. He has long standing service at his credit **(Annexure-A)**.
2. That vide Notification dated 07-08-1991 **(Annexure-B)** all the present and future Arabic Teachers who possesses the qualification of Trained Fazil with BA / BSC (second division) and five years teaching experience or MA Arabic or

equivalent qualifications shall be placed in BPS-14 with one third in selection grade BPS-15.

3. That appellant being eligible and qualified as per criteria laid down in the Notification ibid was granted BPS-14 in the year 1991 and his pay was fixed accordingly.
4. That later on selection grade was also awarded to the appellant and he was granted BPS-15 vide Notification dated 01-09-1993 (**Annexure-C**) w.e.f 26-11-1992 and his pay was also fixed accordingly.
5. That vide Government of Khyber Pakhtunkhwa Notification No. FD(SR.I)6-4/2005 dated Peshawar the, May 23, 2006 all the Arabic Teacher BPS-9 who possesses the qualification of SSC with Shahadatul Alamia Fil- Uloomul-Arabia Wal Islamia at least 2nd Division from Tanzimatul- Wafaqaul Madaris; OR M.A (Arabic) at least 2nd Division from a recognized University were upgraded to BPS-15.
6. That it is pertinent to mention here that the appellant was serving as AT BPS-15 about more than 15 years prior to the upgradation of the post. Meaning thereby that the appellant was Senior Teacher of the Cadre.
7. 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**).
8. 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.

9. 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.
10. 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.
11. That appellant and his other colleagues who have been brought on the strength of basic pay 15 much prior to the Notification dated 23-05-2006 (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.
12. 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)

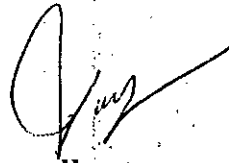
13. That in the light of the order of the Hon'ble Peshawar High Court Peshawar dated 03-09-2018 appellant also preferred departmental appeal (Annexure-F) through proper channel but the respondents paid no heed to the legitimate rights of the appellant and the same is still pending without disposal, hence 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 23-05-2006 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 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.

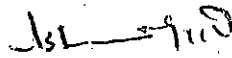
In view of the above submission and on acceptance of the instant appeal, this Hon'ble Tribunal may graciously be pleased to

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: 03/05/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2019

Naeem Ullah,
Senior Arabic Teacher,
GCMHS, ChokaraAppellant.

Versus

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

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

Dated: 03/05/2019

Affidavit

I, Naeem Ullah, Senior Arabic Teacher, GCMHS, Chokara, 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



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

Annex: A P. 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	15-04-1967	20-09-1987	02-01-1997	01-9-2007
2.	Muhammad Iqbal S.C.T	Ali Gardar	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	Noora Jan	25-12-1958	01-02-1978	01-12-1992	"
7.	Nacer 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	"

Muhammad Ali
Principal
Govt: Centennial Model High
School Chokara (Karak)

Muhammad Ali
Principal
Govt: Centennial Model
High School Chokara (Karak)

NOTIFICATION

Annex-B

P.10

Peshawar, dated the 7th August, 1991.

No.FD(PRC)1-1/89- In exercise of all the powers enabling him in this behalf the Governor of the North-West Frontier Province is pleased to order the following scales of pay/benefit to various categories of Teachers with effect from 1-7-1991.

Sl. No.	Name of the Post.	Benefits extended
---------	-------------------	-------------------

1. Primary School Teachers (PTC/J.V)

All the present and future primary school teachers who hold the qualification of F.A/F.Sc. (2nd Division) plus existing prescribed professional training shall be placed in BPS-9 with 1/3rd in selection grade BPS-10.

All other teachers who do not possess higher qualification shall continue getting existing pay scale with selection grade accordingly.

However, the higher scales/grades allowed to these teachers will be personal to them and the inter-seniority will remain intact.

2. Elementary school Teachers (E.S.T/ S.V/P.E.T/ Drawing Masters/PTI.

All the present and future elementary school teachers who possess the qualification of B.A/B.Sc (2nd Division) plus existing prescribed professional training shall be placed in BPS-14 with 1/3rd in Selection Grade BPS-15.

All other teachers who do not possess higher qualifications shall continue getting existing pay scales with Selection Grade accordingly.

However, the higher scales/grade allowed to these teachers will be personal to them and the inter-seniority will remain intact.

3. Arabic Teachers.

All the present and future Arabic Teachers who possess the qualification of Trained Fazil with B.A/B.Sc. (2nd Division) and five years teaching experience or M.A. Arabic or equivalent qualifications shall be placed in BPS-14 with 1/3rd in Selection Grade BPS-15.

Sl. No.	Name of the Post.
1.	2.

All other teachers who do not possess higher qualification shall continue getting existing pay scale with Selection Grade accordingly.

However, the higher scale/grade allowed to these teachers will be personal to them and the inter-se-seniority will remain intact.

Secondary School Teachers.

All the present and future Secondary School Teachers with prescribed qualification under the Rules shall be placed in BPS-16 with 1, 3rd in Selection Grade BPS-17.

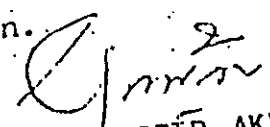
The advance increments sanctioned by Finance Department vide Para 9 of its letter No. FD (SR-I) 1-67/82 dated 24-8-1983 will not be admissible on acquiring/possessing qualifications for which higher pay scales are being sanctioned through this notification.

SECRETARY TO GOVERNMENT OF
North West Frontier Province,
Finance Department.

Endst. No. FD (PRC) 1-1/89.

Dated Peshawar the, 7th August, 1991

A copy is forwarded to the Accountant General, NWFP, Peshawar for information and necessary action.


(CHULAM-DASTGIR AKHTAR)
Deputy Secretary (Regulation)
Finance Department.

Endst. No. FD (PRC) 1-1/89.

Dated Peshawar, the 7th August, 1991.

A copy is forwarded to:-

1. All Administrative Secretaries to Govt. of NWFP.
2. All Commissioners of Division, N.W.F.P.
3. All Heads of Attached Departments NWFP
4. The Secretary to Governor, NWFP
5. The Registrar, Peshawar High Court, Peshawar.
6. The Secretary Public Service Commission, NWFP.
7. The Registrar Service Tribunal, NWFP.
8. All Div. Commissioners/Political Agents/District and NWFP.

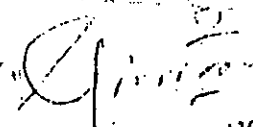
P. 11

FD(PRC)1-1/89

Dated Peshawar, the 7th August, 1991.

Copy forwarded for information to:-

1. The Secretary to Government of Punjab, Finance Department, Lahore.
2. The Secretary to Government of Sindh, Finance Deptt., Karachi.
3. The Secretary to Government of Baluchistan, Finance Department, Quatta.



 (GHULAM D. STGIR AKHTAR)
 Deputy Secretary (Regulation)
 Finance Department.

Dated Peshawar, the 7th Aggst, 1991.

Endst. No. FD(PRC)/1-1/89.

Copy forwarded to:-

1. All District/Agency Accounts Officers.
2. The Treasury Officer, Peshawar.
3. The Private Secretary to Finance Minister, NWFP.
4. The Private Secretary to Finance Secretary, NWFP.
5. PAs to Additional Secretaries/Deputy Secretaries in Finance Department.
6. All Section Officers/Budget Officers in Finance Department.


 (ABDUR RASHID)
 Section Officer (PRC)
 Finance Department.

maqbool/

Handwritten notes and stamps at the bottom of the page.

Ph.No. 510207

OFFICE OF THE DIVL. DIRECTOR OF EDUCATION (SCHOOLS) KOHAT DIVN. KOHAT.

AWARD OF SELECTION GRADE.

Under the Provision of 1953-1983 Rules, the following Arabic Teachers are hereby awarded Selection Grade BPS-12 and 13-15 with effect from the dates mentioned against each.

S.No.	S.No. in S/List.	Name and Designation with School.	Date of Promotion to the P/Post.	Date of Award of S/Grade.
1.	15	Zar Gul Khan, AT G. L. M. S. Behzadi, Kohat.	10.2.85	26.11.92
2.	16	Ghulam Dravi, AT, GMS Hardi Banda, Karak.	13.4.85	-do-
3.	17.	Mohammad Jabrial, AT GHSS Bilitang, Kohat.	24.9.85	-do-
4.	18	Mohammad Hafeez, AT, GHS Gumbat, Kohat.	1.10.85	-do-
5.	19	Gul Hayat, AT GHS Mandawa, Karak.	15.10.85	-do-
6.	20.	Zabibullah, AT GHS Ahmadabad, Karak.	16.10.85	-do-
7.	21	Niaz Fero Khan, AT GHS Takhti Nasrati, Karak.	19.10.85	-do-
8.	22	Hayatullah, AT GHS Lachi Payan, Kohat.	5.11.85	-do-
9.	22(a)	Maeemullah, AT, GHS Surdag, Karak.	11.11.85	-do-
10.	23.	Mijat ali, AT, GHS Ibrahimzai, Kohat.	3.12.85	-do-
11.	24	Mohammad Qasim, AT GHS Zarki Nasrati, Karak.	7.12.85	-do-
12.	25	Mohammad Saleem, AT GHS Tor Dhand, Karak.	10.12.85	-do-
13.	26	Abdullah, AT, GHS No.1 Kohat.	12.12.85	-do-
14.	27	Mohammad Sahib Khan, AT GMS Darshi, Kohat.	16.12.85	-do-
15.	28	<i>Deleted</i>	10.2.85	-do-

S.No.	S.No. in S. List.	Name & Designation with School.	Date of Promotion the F/Post.	Date of award of S/Grade.
14.	29	Abdul Haq, T. GHS Mangru, Kohat.	3.10.86	26.11.92
15.	30	Faqir Ghani, T. GHS Bask Khumari, Karak.	12.10.86	-do-
16.	31	Shahzad Mir, T. GHS Ghoriaki, Kohat.	13.10.86	-do-
17.	32	Rehman Gul, T. GHS Shah Salim, Karak.	2.11.86	-do-
18.	33	Mohammad Zub, T. GHS Parshad, Kohat.	3.11.86	-do-
19.	34	Amir Ali, T. GHS Barki Jawaghar, Karak.	23.11.86	-do-
20.	35	Imad ud Din, T. GHS Jandri Karak.	13.12.86	-do-
21.	36	Rasool Nawaz, T. GHS Machi, Kohat.	15.12.86	-do-
22.	37	Noor Mohammad, T. GHS Jabbar, Kohat.	1.1.87	-do-
23.	38	Mohammad Mustafeem, T. GHS Dapi, Kohat.	3.1.87	-do-
24.	39	Shamsul Haq, T. GHS Shadi Khel, Kohat.	4.3.87	-do-
25.	40	Abdul Waqar, Haldem, T. GHS Sada Khel, Kohat. (Muslim Sect.).	5.3.87	-do-
26.	41	S. Iqbal Hussain, T. GHS Lardi Machi, Kohat.	5.3.87	-do-
27.	42	Johar Ali, T. GHS Wasternai Pawan, Kohat.	23.4.87	-do-
28.	43	Khan Waqar, T. GHS Sheikhah, Kohat.	10.6.87	-do-
29.	44	Mohammad Islam, T. GHS Town Committee, Karak.	2.9.87	-do-
30.	45	Mohammad Bahoor, T. GHS Surgul, Kohat.	12.9.87	-do-
31.	46	Abdul Jabbar, T. GHS Chandi Sada Khel, Karak.	14.9.87	-do-
32.	47	Nasirullah, T. GHS Barki Jawaghar	15.10.87	-do-

(Better Copy)

Ph. No. 510207

Amere-ceOFFICE OF THE CIVIL DIRECTOR OF EDUCATION (SCHOOLS) KOHAT DIVN.
KOHAT.

P12

AWARD OF SELECTION GRADE.

Under the Provision of -1983 Rule, the following Arabic Teachers are hereby awarded Selection Grade BPS-12 and BPS -15 with effect from the dates mentioned against each.

S.No	S.No in S/List	Name and Designation with School	Date of Promotion of the P/ Post	Date of award of S/Grade
1.	15	Zar Gul Khan, AT G.L.N.S. Behzadi, Kohat	10.2.85	25.11.92
2.	16	Ghulam Dravi, AT GMS Gardi Banda, Karak.	13.4.65	-do-
3.	17	Mohammad Jabrial, AT GHSS Bilitang, Kohat.	24.9.65	-do-
4.	18	Mohammad Hafeez, AT GHS Gumbat, Kohat.	1.10.85	-do-
5.	19	Gul hayat, AT GHS Mandawa, Karak.	15.10.85	-do-
6.	20	Zabihullah, AT GHS Ahmad Abad, Karak.	16.10.65	-do-
7.	21	Niaz Payo Khan, AT GHS Takhti Nasrati, Karak.	19.10.85	-do-
8.	22	Hayatullah, AT GHS Lachi Payan, Kohat.	5.11.85	-do-
9.	22(a)	Naeemullah, AT GHS Surdag, Karak.	11.11.65	-do-
10.	23	Nijat Ali, AT GHS Ibrahimzai, Kohat.	3.12.85	-do-
11.	24	Mohammad Qasim, AT GHS Zarki Nasrati, Karak.	7.12.85	-do-
12.	25	Mohammad Saleem, AT GHS Tor Dhand, Karak.	10.12.85	-do-
13.	26	Abdullah, AT GHS No.1 Kohat.	12.12.85	-do-
14.	27	Mohammad Sahib Khan, AT GMS Darshi, Kohat	16.12.85	-do-
15.	28		10.2.85	-do-

(Better Copy)

P. 13

AT(M)

S.No	S.No in S/List	Name and Designation with School	Date of Promotion of the P/ Post	Date of award of S/Grade
16.	29	Abdul Haq, AT GHS Hangu, Koahat.	3.10.86	26.11.92
17.	30	Fazal Ghani, AT GHS Esak Khumari, Karak.	12.10.86	-do-
18.	31	Shahzad Mir, AT GHS Chorlaki, Kohat.	13.10.86	-do-
19.	32	Rehman Gul, AT GHS Shah Salim, Karak.	2.11.86	-do-
20.	33	Mohammad Ayub, AT GHS Pershai, Kohat.	3.11.86	-do-
21.	34	Anwar Ali, AT GHS Sarki Lawagher, Karak.	23.11.86	-do-
22.	36	Imad ud Din, AT GHS Jandri Karak.	13.12.86	-do-
23.	37	Rasool Nawaz, AT GHSS Lachi, Kohat.	15.12.86	-do-
24.	38	Noor Mohammad, AT GHS Jaber, Kohat.	1.1.87.	-do-
25.	39	Mohammad Mustaqeem, AT GHS Tapi, Kohat.	3.1.87	-do-
26.	40	Shamsul Haq, AT GHS Shadi Khel, Kohat.	4.3.87	-do-
27.	41	Abdul Haleem, AT GHS Sada Khel, Kohat. (Muslim Abad).	5.3.87	-do-
28.	42	S. Absar Hussain, AT GHS Landi Kachi, Kohat.	5.3.87	-do-
29.	44	Johar Ali, AT GHS Usterzai Payan, Kohat.	28.4.87	-do-
30.	45	Khan Nawaz, AT GHS Sheikhan, Kohat.	10.6.87	-do-
31.	46	Mohammad Aslam, AT GHS Town Committee, Karak.	2.9.87	-do-
32.	47	Mohammad Zahoor, AT GHS Surgul, Kohat.	12.9.87	-do-
33.	48	Abdul Jabbar, AT GHS Dhand Edal Khei, Karak.	19.9.87	-do-
34.	49	Nazirullah, AT GHS Darband.	15.10.87	-do-

(Better Copy)

AT(M)

P. 13

Note:

1. Necessary entry to the effect should be made in their S/Books.
2. In undertaking on the prescribed form below should be attained from the above named A.Ts and pasted in their S/Books daily attested by their respected heads of institutions before the drawal of payment of arrear.

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 selection grade and detected later on, it will be made good by recovery from my pay/pension/gratuity as may be fix by the Govt.

Sign: of teacher _____

3. Arrears due to the award of S/Grade should be drawn and disbursed to them.
4. 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.M.
5. The above award is subject to condition that no judicial, departmental or any kind of / adverse remarks exist against them.

Sd/-

(MOHAMMAD FARID KHAN)
 DIVL. DIRECTOR OF ECUDATION (SCHOOLS)
 KOHAT DIVISION, KOHAT.

Endst: No. 9470 - 512 /S/Grade/AT/TV - AE Dt: Kohat the 1 - 9 - /93

Copy forwarded to the :-

1. Director of Secondary Education, NWFP, Peshawar.
- 2 - 3. District Education Officer (M) Kohat & Karak. (Secy).
- 4 - 38. Principals/ Headmasters of concerned High Schools.
- 39 - 12. S.D.E.O (M) Kohat, Hangu, Karak & B.D Shah.

Sd/-

DIVL. DIRECTOR OF ECUDATION (S) Kohat.

P.13

31(M)

Note:

1. 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 T's and pasted in their S/Books duly attested by their respective heads of institutions before the drawal of payment of arrears.

UNDERTAKING (DULY ATTENDED)

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

Signature of Teacher _____

3. Arrears due to the award of S/Grade should be drawn and disbursed to them.
4. 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.M.
5. The above award is subject to condition that no judicial, departmental or any kind of enquiry/adverse remarks exist against them.

(MOHAMMAD FARID KHAN)
 DIVL. DIRECTOR OF EDUCATION (SCHOOLS)
 KOHAT DIVISION, KOHAT.

Endst: No. 9470-542 /S/Grade/ T/IV-2 Dt: Kohat the 1-9- / 95.

Copy forwarded to the :-

1. Director of Secondary Education, WFF, Peshawar.
- 2.-3. Distt. Education Officer. (M) Kohat & Karak. (Secy).
- 4-38 Principals/ Headmasters of concerned High Schools.
- 59-12. S. G. E. O. (M) Kohat, Tangu, Karak & D. D. Shah.

DIVL. DIRECTOR OF EDUCATION (S) Kohat.

1997

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT

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

"Annex-D"

P 14

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.

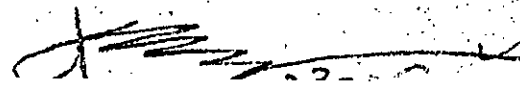
Dear Sir,

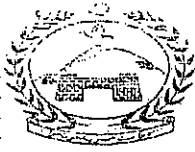
I am directed to refer the subject noted above and to state that the Chief Minister NWFP has been pleased to allow the following Pay Scales to the Arabic and Theology Teachers, who possess or acquires the following qualifications on or after the date of issue of this circular:-

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

2. This order shall take immediate effect.

Yours faithfully





GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

P.15

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, Quercus Tribunal, Khyber Pakhtunkhwa.
13. The Assistant 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 (SQSR-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, FMIU, 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.

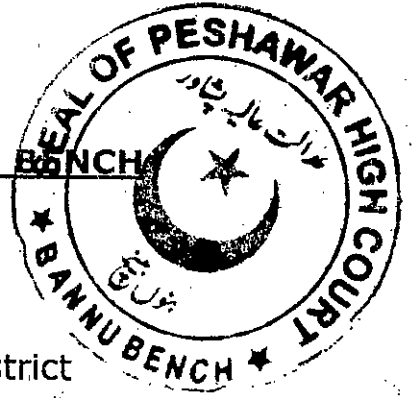


Section Officer (SI-1)

Annex - E

P-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
25/07/2016
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.

Filed
26/04/2016
Additional Registrar

ATTESTED
EXAMINER
Peshawar High Court
Bannu Head

P.19

- 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 petitioners 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
8/6/2009
Additional Registrar

ATTESTED
EXAMINER
Peshawar High Court
Shaukat Khan

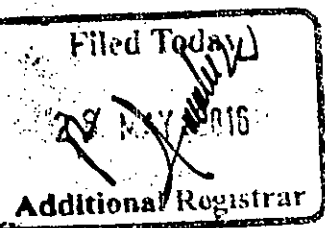
P.20

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;

G R O U N D 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



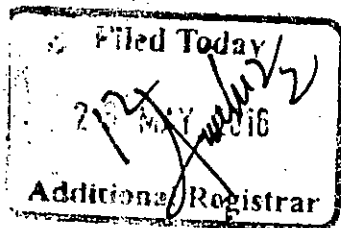
ATTESTED
EXAMINER
Bastawar High Court
Dera Ismael Khan

P-21

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



EXAMINER
District High Court
Gujranwala

P.22

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.

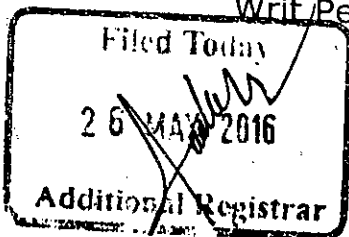
- D. That the said benefit of the one advance pre-mature increment are availing the clerical staff of the audit etc which is clear cut discrimination with the petitioners and action of the respondents is against the principle of equity and also violated the norms of justice.

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

ATTESTED
EXAMINER
Sudhakar High Court
Bhawan Bhat

FORM "A"
FORM OF ORDER SHEET

Amrullah E.
P. 20

23

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>Office 03/9/2018</p>

Annex-F

221

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} 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 1 to 2

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 - Anah m.
23/10/18

PRINCIPAL
Centennial Model High School
Chokara, Distt: Karak

22/18

"Reference No does not cover the subject claim"

Copy attached as Annex "C" at page 13

3) That we like 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.

4) 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)2-123 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,

[Signature]
Petitioners:
Naeem Ullah

- 1) MUHAMMAD IQBAL SGT @ CMHS Chokara
- 2) Ghani Rahman S.S.T — do — *[Signature]*
- 3) Piro Khan S.S.T — do — *[Signature]*
- Riaval Khan S.S.T — do — *[Signature]*
- Muhammad Kamal S.D.M — do — *[Signature]*
- Naeem Ullah S.A.T — do — *[Signature]*

Writ Petitioners.

Dated 22-10-2018

(Better Copy)

Armed P. 24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No _____/2019

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

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 Arabic Teacher. He has long standing service at his credit.
2. That vide Notification dated 07-08-1991 all the present and future Arabic Teachers who possesses the qualification of Trained Fazil with BA / BSC (second division) and five years teaching experience or MA Arabic or equivalent qualifications shall be placed in BPS-14 with one third in selection grade BPS-15.
3. That appellant being eligible and qualified as per criteria laid down in the Notification ibid was granted BPS-14 in the year 1991 and his pay was fixed accordingly.
4. That later on selection grade was also awarded to the appellant and he was granted BPS-15 vide Notification dated 01-09-1993 w.e.f 26-11-1992 and his pay was also fixed accordingly.
5. That vide Government of Khyber Pakhtunkhwa Notification No. FD(SR.I)6-4/2005 dated Peshawar the, May 23, 2006 all the Arabic Teacher BPS-9 who possesses the qualification

*Enclt No 2129
dated
13-X-18*

of SSC with Shahadatul Alamia Fil- Uloomul-Arabia Wal Islamia at least 2nd Division from Tanzimatul- Wafaqaul Madaris; OR M.A (Arabic) at least 2nd Division from a recognized University were upgraded to BPS-15.

6. That it is pertinent to mention here that the appellant was serving as AT BPS-15 about more than 15 years prior to the upgradation of the post. Meaning thereby that the appellant was Senior Teacher of the Cadre.
7. 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.
8. 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.
9. 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.

10. 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.
11. That appellant and his other colleagues who have been brought on the strength of basic pay 15 much prior to the Notification dated 23-05-2006 (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.
12. 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.”

13. 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 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,


Naeem Ullah,
SAT, GCMHS,
Chokara, Karak.

Dated: ____/____/2018

WAKALAT NAMA

30

IN THE COURT OF Khyber Pakhtunkhwa Service Tribunal
Peshawar

Naeem Ullah SAT

GCMHS - Chokara Kanak Appellant(s)/Petitioner(s)

VERSUS

The Secretary Education and others

Respondent(s)

I/We Naeem Ullah 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

Ashraf Ali Khattak

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

[Signature]
Signature of Executants

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