

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Service Appeal No.1405/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5727

Dated 31/5/2023

Wajid ur Rehman.....Appellant


V E R S U S

Govt. of KPK & others.....Respondents

I N D E X

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| 1. | Parawise Comments/Reply | | 1-3 |
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Through Respondents No.1 to 4


foi District Education Officer
Male District Hangu

(2)

2. That Para No 2 of the appeal pertains to record.
3. Para No 3 is incorrect. M. Phil allowance is allowed to the appellant from the date of approval of competent authority and no arrears claim can be entertained being not covered under the policy on the subject. Therefore, the claim of the appellant in this respect is null and void in the eye of law and the present appeal is liable to dismissed alone on this score. (Copy of Notification dated 13-02-2020 is annexure A)
4. That Para No 4 of the appeal is incorrect, the appellant has applied for M. Phil allowance in the year 2020 and the competent authority accepted the plea of appellant and allowed the allowance for M. Phil degree to the appellant with immediate effect. (Application etc annexure B)
5. That Para No 5 of the appeal is incorrect and misleading.
6. That Para No 6 of the appeal is incorrect. The appellant has dealt in accordance with law, rules and regulation. In this regard Finance Department issued Notification No FD/(SOSR-II)/8-14/2018/03 dated 13-02-2020 wherein it is clearly mentioned that "Allowance is allowed to the appellant from the date of approval of competent authority and no arrear claim can be entertained" (Copy of Finance Department notification is attached as annexure C).
7. That Para No 7 of the appeal is incorrect. The appellant has been dealt in accordance with law, rules laid down procedure, now at this belated stage the appellant has no right to approach this Honorable Tribunal. Hence, the instant Service Appeal is liable to be dismissed, inter alia on the following grounds:-

Grounds:-

- A. That statement of appellant is against the facts and circumstances of the case, as the appellant have been treated as per law and rules.
- B. That Para B of the ground of appeal is incorrect and denied. As explained in Para No 6 of the facts.
- C. That whichever has been done, was in accordance with law rules and policy and no vested right of the appellant is violated.
- D. That Para No D of the appeal is incorrect and denied. As explained in Para No 6 of the facts.

- E. Incorrect & denied. As explained in Para-06 of the Facts. Respondents departments have fully complied with the policy/ Law. The impugned Notification/ order of the Respondent is within legal sphere and is liable to be maintained.
- F. Incorrect and denied. As explained in Para-06 of the Facts.

In view of the above made submissions, it is therefore, most humbly prayed that this Hon'able Tribunal may very graciously be pleased to dismiss the instant Service Appeal.

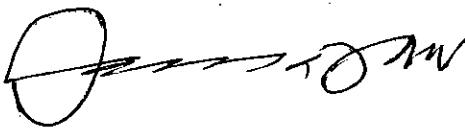
RESPONDENTS



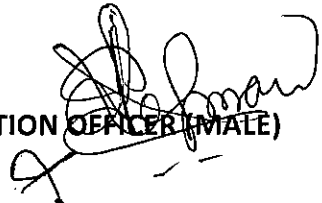
- 1. **SECRETARY to Govt;**
Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
Respondent No.1



- 2. **SECRETARY to Govt;**
Finance Department,
Khyber Pakhtunkhwa, Peshawar.
Respondent No.03



- 3. **DIRECTOR,**
Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
Respondent No.02



- 4. **DISTRICT EDUCATION OFFICER (MALE)**
DISTRICT HANGU
Respondent No.04

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(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

Service Appeal No.1405/2022

Wajid ur Rehman.....**Appellant**

VERSUS

Govt. of KPK & others.....**Respondents**

AFFIDAVIT

I, Muhammad Nawaz Son of Haji Rawan Shah, ADEO (BPS-17) Male District Hangu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Comments** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT
CNIC#: 14101-6348419-7
Cell No.0332-9615220

ATTESTED:



14-05-2023



(5)
Annex A

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

NO.FD/SOSR-II)/8-14/2018/03
Dated Peshawar the 13.02.2020

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject:- REQUEST FOR M.PHIL ALLOWANCE ARREARS.

Dear Sir,

I am directed to refer to your letter No. SO(B&A)E&SED/1-16/2019/Misc dated 09.01.2020 on the subject noted above and to state that M.Phil allowance is allowed to the applicant from the dated of approval of competent authority and no arrear claim can be entertained, being not covered under the policy on the subject, please.

Yours faithfully,

Copy for Master File.

SECTION OFFICER (SR.II)

SECTION OFFICER (SR.II)

Attested by

ADEO (Litigation)
D.E.O. (M)
Hangu

Pawa-87-81
105-111

(6)

Annexure B

No. 138

Dated 01/09/2020

To,

The District Education Officer, (M),
Distt; Hangu.


Through: Head Master GHS Tari Bnada.


Subject: M.Phill Allowance

Dear Sir,

With humble submission, it is stated that I have qualified M.Phill Degree in June, 2012. The Gove; has announced M.Phill allowance @ Rs:2500/- p/month. Furthermore, I am bonafied of M.Phill allowance.
2). In view of above facts, it is therefore, requested that M.Phill allowance @ Rs:2500/- p/month, may kindly be processed for approval, please.

Hope your favorable consideration.


Yours faithfully,
Wajid Ur Rehman, SPET-16,
GHS Tari Bnada, Distt; Hangu.

9/09/2020
GHS
Distt; Hangu
Attested by


Supdt
A 9/9/2020

ADEO (Litigation)
D.E.O. (M)
Hangu

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Annexure B



OFFICE OF THE DISTRICT EDUCATION OFFICER(M)HANGU



No _____

Dated: ___/___/2020

To

The Director
Elementary & Secondary Education
Khyber Pakhtun khwa Peshawar.

Subject: SANCTION APPROVAL OF M.PHIL ALLOWANCE.

Memo,

Enclosed please find here with attached Verified M.Phil degree in respect of Mr.Wajid Ur Rehman SPET GHS Tari Banda Hangu for sanctioning M.Phil Allowance please.

DISTRICT EDUCATION OFFICER
(MALE) HANGU.

Endst; No. 287878 Dated: 09/09/2020

Copy to the;

1. Head Master GHS Tari Banda Hangu
2. Wajid Ur Rehman SPET GHS Tari Banda Hangu
3. Office Copy.

(Signature) 9/9/2020
 DISTRICT EDUCATION OFFICER
 (MALE) HANGU.

Attested by

(Signature)

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) HANGU
KHYBER PAKHTUNKHWA



GOVERNMENT OF PAKISTAN
 FINANCE DIVISION
 (Regulations Wing)
 FBC Building, Near State Bank of Pakistan

Annexure B

F.No.3(6)Imp/2016-Vol-II-4

Islamabad, the 4th January,

OFFICE MEMORANDUM

Subject: GRANT OF M. PHIL ALLOWANCE @ RS.2,500/- PER MO.

The undersigned is directed to refer to Finance Division O.M.No.F.3(6)Imp/2016-336, dated 01-07-2016 and to state that various quarters have approached Finance Division to enquire whether the M. Allowance as allowed under Finance Division's O.M. referred to above covers those cases also where the employees concerned acquires/possesses educational qualification equivalent to M.Phil Degree duly recognized Higher Education Commission(H.E.C). It is clarified that O.M. dated 01-07-2016 has explicitly defined that all those who acquires/possesses degree of M. Phil recognized by the Higher Education Commission(H.E.C) be allowed M. Phil Allowance @ 25% of the existing amount of M. Allowance @ (i.e. Rs.2,500/- per month).

2. Other degree or qualification, whether having an H.E. equivalence or not, is not admissible for the allowance.

(Signature)
 (Faisal Nadeem)
 Accounts Officer (Imp)

ALL MINISTRIES/DIVISIONS/DEPARTMENTS

Web Administrator, Finance Division, Islamabad (for uploading a Finance Division's website i.e. www.finance.gov.pk)

Secretary Finance
 Islamabad
 456
 09/01/17

SSF
 AFS(R)
 25/1/17
 FS
 19/1/17
 Govt of Punjab

Attested by
(Signature)

ADEO (Litigation)
 D.E.O. (M)
 Hangu



GOVERNMENT OF PAKISTAN
FINANCE DIVISION
(Regulations Wing)
FBC Building, Near State Bank of Pakistan

17/8
Annexure B

F.No.3(6)Imp/2016-Voi-III-572

Islamabad, the 9th August, 2017

From: *Mr. Faisal Nadeem,*
Accounts Officer (Imp)

To: Section Officer (SR-II),
(Mr. Moazzam Khan),
Finance Department,
Regulation Wing,
Government of Khyber Pakhtunkhwa (KPK),
Peshawar

Subject: GRANT OF M. PHIL ALLOWANCE @ RS.2,500/- PER MONTH

Reference Finance Department (Regulation Wing) Government of Khyber Pakhtunkhwa (KPK)'s letter No.FD(SOSR-II)8-14/2017/2016, dated 27-07-2017 on the above noted subject and to say that no change in the existing policy is under consideration, at the moment in the subject matter.

Faisal
(Faisal Nadeem)
Accounts Officer (Imp)
051-9245869

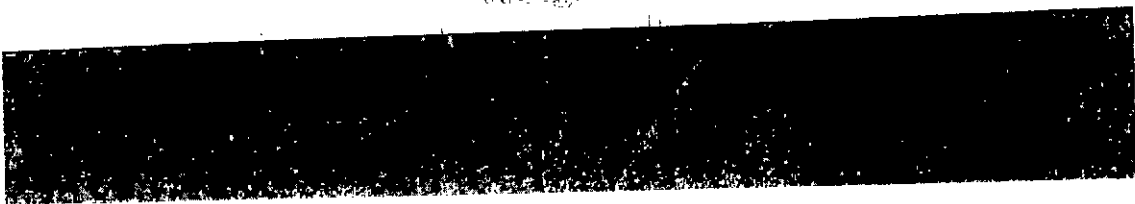
R put up.
16/8
Sipat

Attested by
[Signature]

ADCO (Litigation)

B.S.C. (IV)

[Signature]





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Annexure B

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD/SO(SR-II)/8-14/2016
Dated Peshawar the: 14/07/2016

1. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Principal Secretary to Governor, Khyber Pakhtunkhwa
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All Commissioners in Khyber Pakhtunkhwa.
8. All Deputy 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, Services Tribunal, Khyber Pakhtunkhwa.
13. The Chairman, Provincial Ombudsman Secretariat, Khyber Pakhtunkhwa.

Subject: GRANT OF M.PHIL ALLOWANCE @ RS.2,500/- PER MONTH

Dear Sir,

The Competent Authority, is pleased to decide that, all those who acquires/possesses the degree of M.Phil recognized by the H.E.C. shall be allowed M.Phil allowance @ 25% of the existing amount of Ph.d Allowance (i.e. Rs.2,500 per month) with effect from 01/07/2016 subject to the following conditions:-

- a) M.Phil allowance will not be admissible to those who are getting Ph.D allowance @ Rs.10,000/- per month.
- b) M.Phil allowance will not be admissible to those who have already got the benefit of advance increments possessing on / acquiring M.Phil degree prior to 01/12/2001 under Finance Department circular letter No.FD(SR-I)/1-67/82 dated 24/08/1983.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: FD (SOSR-II)/8-14/2016,

Dated Peshawar the 14th July, 2016

A Copy is forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Government of Punjab, Sindh and Balochistan, Finance Department.
3. All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.

Attested by

(RAZAULLAH)
Additional Secretary (Reg:)

ADEO (Litigation)
D.E.O. (M)
Hangu

Endst. No & Date even.

A copy for information is forwarded to:-

1. The Director General, Provincial Disaster Management Authority, Khyber Pakhtunkhwa.
2. The Director, Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The District Comptrollers of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
6. All the *District/Agency* Accounts Officers in Khyber Pakhtunkhwa / FATA.
7. The Treasury Officer, Peshawar.
8. All the Section Officers/Budget Officers in Finance Department.
9. P.S to Minister for Finance Khyber Pakhtunkhwa.
10. P.S to Chief Secretary, Khyber Pakhtunkhwa.
11. P.S to Secretary Finance Khyber Pakhtunkhwa.
12. HR Finance Department (Assistant Director Web).
13. Section Officer (Reg.5) Govt. of Pakistan, Finance Division, (Regulation Wing) with reference to his O.M No.F.4(2)-Reg.5/2006 dated 01/07/2016 for information and record.


(MOAZZAM KHAN)
Section Officer (SR-II)