

21st Feb, 2023

Learned counsel for the appellant present.

Learned counsel for the appellant seeks adjournment. Last chance is given to the appellant to argue the case on the next date. To come up on 27.04.2023 before S.B at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

27th April, 2023

1. Register
2. Learned counsel for the appellant present.
3. The office has reported that the appeal was returned to the learned counsel for the appellant on 18.04.2022 for completion and resubmission within fifteen days but the appeal was re-filed on 24.08.2023 i.e after 112 days and that too without removal of objections. Learned counsel for the appellant submits that it was a financial matter and no limitation ran. Let pre-admission notice be given to the other side to file reply also responding the late/ resubmission of file on or before 20.06.2023 before S.B at camp court Abbottabad. The appellant shall deposit the expenses of TCS for summoning of respondent No.6. P.P given to the parties.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Adnan Shah, P.A

22nd Nov, 2022

This case was directed to be fixed before camp court Abbottabad for 16.11.2022 but the Reader has neither placed these appeals nor brought in the cause list. Explanation of the Reader be called as to why he should not be proceeded under the relevant Law. His explanation should reach my table within three days. The matter be posted on 14.12.2022 before S.B at camp court Abbottabad. Notices be issued to the petitioner and his counsel through ordinary means as well as through Whatsap of the counsel.



(Kalim Arshad Khan)
Chairman

14th Dec 2022

Clerk of learned counsel for the appellant present.

Counsel are on strike. To come up for preliminary hearing on 21.02.2023 before S.B at camp court Abbottabad.

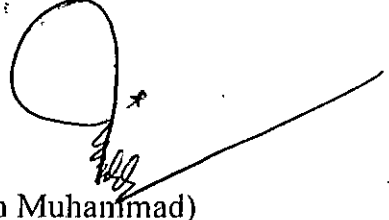


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

26.09.2022

Nemo for the appellant.


Notice be issued to the appellant and his counsel to attend the court on the next date. Adjourned. To come up for arguments on office objections before the S.B on 04.11.2022.


(Mian Muhammad)
Member (E)

4th Nov, 2022

None for the petitioner present.

Because of strike of the Bar, this matter is adjourned to 16.11.2022 before S.B at camp court Abbottabad. Office is directed to notify the next date on the notice board as well as on the website of this Tribunal.


(Kalim Arshad Khan)
Chairman

Respected Sir,

It is submitted that the present appeal was received on 15.04.2022 after thoroughly scrutinizing the same many deficiencies were found in it which was returned to the counsel for the appellants for completion and resubmission within 15 days which was to be resubmitted on 03-05-2022 but counsel for the appellant re-filed the same on 24.08.2022 late by 112 days without removing objections.

The appeal is submitted to your Honour under rule-7(c) of Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

REGISTRAR

eu
24/8/2022

Worthy Chairman

The appeal of Mr. Muhammad Tahir Director Agriculture, District Kohistan received today i.e. on 15.04.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of recruitment rules of 1981 mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it. Annexure-B is an act of 2012 but not a service rules.
- 2- Annexure-F of the appeal is illegible which may be replaced by legible/better one.

No. 982 /S.T,

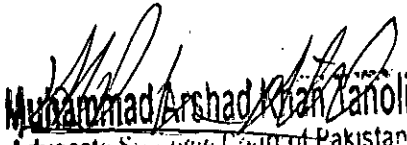
Dt. 18-4-2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Arshad Khan Tanoli Adv.
High Court A.Abad.

Sir,

1. Correct date of service Rules is 1983 which are placed at Annex "D",
2. The other objections have been removed as required.


Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
Distt: Bar Abbottabad

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Muhammad Tahis vs Govt of Pakhtunkhwa & others

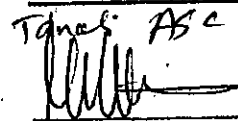
S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>M. Arshad Khan Tanoli Adv. S.C.</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on	—	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	—	
26.	Whether copies of comments/reply/rejoinder submitted? on	—	
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on	—	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

M. Arshad Khan

Signature:

Taqi ABC


Dated:

20/3/22

0346-9588583

BEFORE THE CHAINMAN SERVICE TRIBUNAL KP
PESHAWAR

Service Appeal No. _____/2022

Muhammad Tahir () District Director Agriculture, District Kohistan.
...APPELLANT

VERSUS

Govt. of Pakhtunkhwa through Chief Secretary, Peshawar & others.
....RESPONDENTS

SERVICE APPEAL

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S. #	Description	Page #	Annexures
1.	Service appeal alongwith affidavit	1 to 9	
2.	Copy of appointment order of appellant	10	"A"
3.	Copy of relevant rule at time of appointment of the appellant	11-13	"B"
4.	Copy of degree of MSC honour in Agriculture of the appellant	14	"C"
5.	Copy of relevant notification dated 24.08.1983	15-16	"D"
6.	Copy of departmental appeal dated 25.06.2020 along with covering letter dated 25.06.2020	17-18	"E"
7.	Copies of notification dated 07/05/1992 wherein, advance increments have been granted to similarly placed employees	19-22	"F"
8.	Wakalatnama	23	


...APPELLANT

Dated: _____/2022

Through


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

0346.9588583

BEFORE THE CHAINMAN SERVICE TRIBUNAL KP
PESHAWAR

Service Appeal No. _____/2022

Muhammad Tahir (~~Retiree~~) District Director Agriculture, District Kohistan.
...APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 584

Dated 15/4/2022

VERSUS

1. Govt. of Pakhtunkhwa through Chief Secretary, Peshawar.
2. Secretary Agriculture Lives Stock and Cooperative Department KP Peshawar.
3. Secretary Finance KP Peshawar.
4. Secretary Establishment KP Peshawar.
5. Director General Agriculture Extension Department KP Peshawar.
6. District Director Agriculture District Kohistan.

...RESPONDENTS

Filed to-day

Registrar
15/4/2022

SERVICE APPEAL U/S 4 OF KP SERVICE
TRIBUNAL ACT 1974 FOR DECLARATION TO THE
EFFECT THAT THE APPELLANT GOT
APPOINTMENT AS AGRICULTURAL OFFICER
HAVING MASTER OF SCIENCE HONRS IN
AGRICULTURE VIDE APPOINTMENT ORDER
DATED 21-04-1987 THE APPELLANT AS PER
COMMENT OF KP NOTIFICATION DATED
24.08.1983, IS ENTITLED TO FOUR ADVANCE

INCREMENTS WHICH WERE GRANTED TO OTHER SIMILARLY PLACED EMPLOYEES HAVING THE SAME AND SIMILAR QUALIFICATION VIDE ORDER DATED 07.05.1992. HENCE, THE APPELLANT IS ALSO ENTITLED TO BE GRANTED FOUR ADVANCE INCREMENT FROM THE DATE OF HIS INITIAL APPOINTMENT I.E. 21.04.1987 RESPONDENT'S DEPARTMENT IS NOT GOING TO ALLOW THE SAID INCREMENTS TO THE APPELLANT WHICH IS PERVERSE, DISCRIMINATORY, AGAINST THE LAW.

PRAYER:- ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO ALLOW FOUR ADVANCE INCREMENTS TO THE APPELLANT W.E.F. THE DATE OF HIS APPOINTMENT I.E. 21.04.1986 AND ARREARS THEREOF MAY ALSO BE GRANTED AND THE SAME MAY BE CONVERTED TOWARDS PENSION OF THE APPELLANT. ANY OTHER RELIEF WHICH THIS HON'BLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth,

The facts forming the background of the instant service appeal are arrayed as under:

1. That, the appellant has got appointment as Agricultural Officer in the office of respondent No. 2 vide appointment order dated 21st April, 1987. (Copy of appointment order of appellant is annexed as Annexure "A").
2. That at the time of appointment of the appellant, requisite qualification for the post of Agricultural Officer was "MSC, Agri, or equivalent qualification from the recognized university" vide recruitment rule notification dated 1st February 1981. (Copy of relevant rule at time of appointment of the appellant is attached as Annexure "B").
3. That the qualification of the appellant at the time of appointment was MSC honour Agriculture. (Copy of degree of MSC honour in Agriculture of the appellant is annexed as Annexure "C").

4. That as per notification of Finance Department dated 24th August 1983 04 increments are to be granted on the basis of possessing higher qualification. (Copy of relevant notification dated 24.08.1983 is attached as Annexure "D").

5. That the appellant started shuttling in the respondents' offices for grant of advance increments from the date of his initial appointment but the respondents' department did not allow the said increments to the appellant so far. Hence, the appellant filed department appeal on 25.06.2020 vide covering letter No.230 dated 25.06.2020 but the respondents did not bother to reply to the appellant so far. (Copy of departmental appeal dated 25.09.2020 along with covering letter dated 25.06.2020 are attached as Annexure "E").

Hence, the instant service appeal is filed inter-alia on the following grounds:

GROUND:-

- a) That, the conduct of respondents towards the appellant is malafide, perverse, discriminatory, against the law as well as against the notifications in vogue regarding grant of increments. The respondents' department is supposed to have one yard stick while granting increments on the basis of possessing higher qualification.

- b) That Article-25 of the Constitution of Islamic Republic of Pakistan 1973, envisages that all the persons are to be treated equally. Besides, equal protection of law is the fundamental rights of every citizen/ employee as enshrined in the Constitution of Islamic Republic of Pakistan 1973.

- c) That the appellant has been discriminated as the department granted increments to other employees having the same qualification and similarly placed vide notification No. 18/81(5-1)5754-59-/DGA dated 07.05.1992.

Copies of notification dated 07/05/1992 wherein, advance increments have been granted to similarly placed employees are attached as Annexure "F").

- d) That it has now been settled by the superior courts that once a benefit is granted to an employee that benefit may also be granted to all the employees to are similarly placed. When respondents granted increments to other similar and similarly placed employees having the same qualification to that of the appellant, then the appellants is also entitled for the said increments.

- e) That when law prescribe a thing which is to done in a particular manner that must be done in that manner and not otherwise. Superior courts also held in so many cases once a benefit is allowed, the same may also be granted to other similarly placed employees without forcing them to indulge in litigation.

- f) That this fact may not be left to fade in oblivion that the appellant on the analogy of similarly placed employees is eligible and entitled to receive advance increments from the date of his initial appointment.
- g) That it is a sorrow state of affairs, that respondents' department is not going to allow the benefits to the appellant which are admissible to the appellant. In such like situations, court should not fold up its hand while granting relief to the aggrieved party.
- h) That the matter relates to the terms and conditions of service, therefore, this Honourable tribunal has jurisdiction to entertain the instant service appeal U/S 212 of the constitution.
- i) That the appellant being in service employee has got a continuing cause of action to agitate the matter before the competent forum. Hence, question of limitation does not arise.

PRAYER:


It is prayed that on acceptance of the instant service, appeal, respondents may graciously appeal, respondents may graciously be directed to allow four advance increments to the appellant w.e.f. the date of his appointment i.e. 21.04.1987 and arrears thereof may also be granted and the same may be converted towards pension of the appellant. Any other relief which this Honourable Tribunal deemed appropriate in the circumstances of the case may also be granted to the appellant.



....APPELLANT

Through;

Dated:- _____/2022



(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

VERIFICATION:-

Verified that the contents of the instant **Service Appeal** are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

Dated:- _____/2022



...APPELLANT

BEFORE THE CHAINMAN SERVICE TRIBUNAL KP
PESHAWAR

Service Appeal No. _____/2022

Muhammad Tahir (Retired) District Director Agriculture, District Kohistan.
...APPELLANT

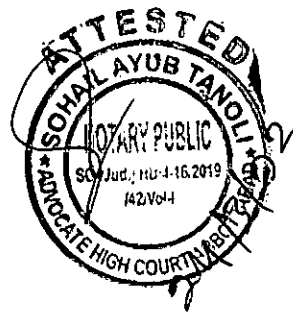
VERSUS

Govt. of Pakhtunkhwa through Chief Secretary, Peshawar & others.
....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Muhammad Tahir (Retired) District Director Agriculture, District Kohistan*, do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



Faisal

DEPONENT

Annex- A

①

GOVERNMENT OF N.W.F.P.
AGRICULTURE, FORESTS & COOPERATION
DEPARTMENT

DATED PESHAWAR THE ___/87

NOTIFICATION

A-10

NO. SOE(AD)II(2)282/87. The Governor NWFP is pleased to appoint the following candidates as ~~...~~ in Basic Pay Scale No. 17 (Rs. 1000-120-3040) *on adhoc basis* with immediate effect for a period of six months or till the availability of the selectees of NWFP Public Service Commission whichever is earlier, on the terms and conditions given below:

- 1- Mr. Iqbal Hussain s/o Mardan Ali, Village & P.O. Alizai, Kurram Agency.
- 2- Mr. Ismail Safi s/o Haji Fazal Haq, Arab Momund Bajawar Malakand Agency.
- 3- Mr. Mazullah Khan S/O Mohammad Azim, Village Tangi Shamrang P.O. Khar (Bajawar Agency).
- 4- Mr. Inayatullah s/o Fazli Rehman, Village Daru P.O. Kumbar, Teh: Lal Qilla Maidan District Dir.
- 5- Mr. Aurangzeb s/o Abdur Razzaq, Village Bathu Bandi P.O. Shergarh, Tehsil & District Mansehra.
- 6- Mr. Mohammad Tahir s/o Saeedur Rehman, C/O Principal Muslim Public High School Mansehra.
- 7- Mr. Farmanullah s/o Bahram Gul, College Road, Village & PO Thana, Malakand Agency.
- 8- Mr. Zakir-ullah s/o Abdul Qasim Shamsi Khan (Talash) Dir.

Terms and conditions of appointment

- 1- The offer is purely temporary and on adhoc basis for a period of six months or till the selectees of the NWFP Public Service Commission are available, whichever is earlier. Further extension will be accorded subject to the approval of Competent Authority;
- 2- They will join duty at their own expenses;
- 3- This appointment will not confer any right of seniority or regular appointment to these posts or any other post in the Agriculture Department;

Attested
Muhammad Arshad Khan Tancy
ADVOCATE
Supreme Court of Pakistan
General Office No. 33
Kulbaba, Peshawar

kept pending till the arrival of appointment

25/8

10/2/87
M. K. Khan
19/11/87

Z

- 4- Their services will be liable to termination at any time without assigning any reasons before expiry of the period of adhoc appointment/extended period of adhoc appointment if their work and conduct during this period is not found satisfactory. In case an event they shall be given a month's notice of termination of service or one month's pay in lieu thereof. In case they wish to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited;
 - 5- They shall be liable to serve anywhere within or outside NWFP in any post under the Federal Government or any Provincial Government or Local Authority, Corporation or body serving the Government;
 - 6- They will be governed by such rules and regulations that may be issued by the Government for the category of Government Servants to which they belong from time to time;
 - 7- Their appointment is subject to the conditions that they are domicile of the NWFP;
 - 8- Director General, Agricultural Extension, NWFP would check their original degrees;
 - 9- They should report for duty to the Director General, Agricultural Extension, NWFP, Peshawar on or before 31-5-1987 at the latest, failing which this appointment order may be treated as cancelled in respect of the candidate concerned;
 - 10- The Director General, Agriculture Extension, NWFP should furnish a certificate after one month of the issue of this notification to the effect that the candidates joined their posts or otherwise;
 - 11- They will get no T.A/D.A etc. on their appointment and joining the first place of posting;
- The Director General, Agriculture Extension, NWFP will issue further posting orders of the candidates concerned

Interested
 Approved by
 Faqir Muhammad Khan
 Director General
 Agriculture Extension
 NWFP
 Peshawar
 Date: 21/4/1987

(FAQIR MUHAMMAD KHAN),
 SECRETARY TO GOVERNMENT OF NWFP,
 AGRICULTURE, FORESTS & COOPERATION
 DEPARTMENT

No. SOE(AD)II(2)282/87/15052-111

Dated Pesh: the 21/4/1987

Copy forwarded to:

- 1- Director General, Agriculture Extension, NWFP, Peshawar.
- 2- Accountant General, NWFP, Peshawar.
- 3- Secretary, NWFP Public Service Commission, Peshawar.
- 4- All District/Agency Accounts Officers in NWFP.
- 5- All candidates concerned.
- 6- Manager, Government Printing Press, Peshawar.
- 7- Office file
- 8- P. File. office concerned.

65703

1215

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PII
GAZETTE

Annex-B

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 15TH MAY, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

P-11

NOTIFICATION

Dated Peshawar, the 15th May, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/20711.—The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 8th May, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 11th May, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa

**THE KHYBER PAKHTUNKHWA CESSATION OF PAYMENT OF ARREARS ON
ADVANCE INCREMENTS ON HIGHER EDUCATIONAL QUALIFICATION
ACT, 2012.**

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)

*(first published after having received the assent of the Governor of the Khyber
Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa
(Extraordinary), dated the 15th May, 2012).*

AN
-ACT

*to cease the payment of arrears accrued on account of advance increments on
higher educational qualification.*

WHEREAS advance increments have been granted to certain Provincial Government employes on the basis of acquiring or possessing higher educational qualification over and above the prescribe educational qualification from time to time;

8931

Muhammad Arshad Khan Taseer
ADVOCATE
Supreme Court of Pakistan
Plaza Office No 33
Kulchery Abbottabad

P-12

AND WHEREAS the Provincial Government vide Notification No: (P/GC)1-1/2001, dated 27.10.2001, had already discontinued the scheme of advance increments on higher educational qualification;

AND WHEREAS due to financial constraints, it is not possible for Provincial Government to pay the claimed and unclaimed arrears accrued from the said increments;

It is hereby enacted as follows:-

1. Short title, application and commencement.— (1) This Act may be called the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012.

(2) It shall apply to all the employees of the Provincial Government, who were entitled to received advance increments on higher educational qualification.

(3) It shall come into force at once and shall be deemed to have taken effect on and from 1st day of December, 2001.

2. Cessation of payment of arrears on advance increments on higher educational qualification.—(1) Notwithstanding anything contained in any decision, judgment and order of any Tribunal or Court including High Court or Supreme Court of Pakistan, for the purpose of any claim for payment of arrears on account of advance increments on higher educational qualification sanctioned in pursuance of any order, letter, office memoranda, notification, instructions and other instruments issued before 1.12.2001, such orders, letters, office memoranda, notifications, instructions and other instruments shall be deemed to be non-existent, ceased or revoked and no further claim whatsoever on the basis of these instruments shall be entertained and all cases in respect of such claims pending in any Court or Tribunal including High Court and Supreme Court of Pakistan shall stand abated.

(2) Any order made, instruction issued, decision, judgment or order of any Court or Tribunal including a High Court or the Supreme Court, implemented immediately before the commencement of this Act, shall be deemed to have been validly made, issued and implemented by the date of commencement of this Act, and any amount already paid there-under on account of advance increments or arrears thereof shall be deemed to have been validly paid and shall not be recoverable from the recipient Government employees.


Muhammad Arshad Khan Tanch
ADVOCATE
Supreme Court of Pakistan
Prize Office No 33
Kutchery Abbottabad

THE PAKHTUNKHWA GOVERNMENT ACT, 1974 (LAW NO. 1 OF 1974)

3. Removal of difficulty. If any difficulty arises, in giving effect to the provisions of this Act, the Provincial Government may make such orders, as it may deem just and expedient.

4. Report. The Khyber Pakhtunkhwa Creation of Payment of Arrears on Advance Increments on Higher Educational Qualification Ordinance, 2012 (Khyber Pakhtunkhwa Ordinance NO. 1 of 2012), is hereby repealed.

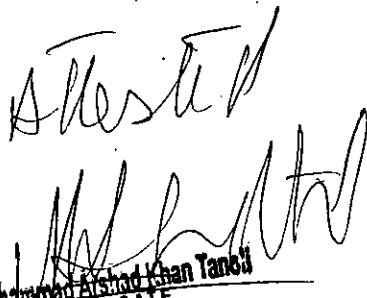
BY ORDER OF MR. SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)

Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Sady, 317, Deptt., Khyber Pakhtunkhwa, Peshawar



Muhammad Asghar Khan Tandi
ADVOCATE
Supreme Court of Pakistan
Jinnah Plaza Office No 33
Kutchery Abbottabad

Annex-C

Serial No. 00979



P-14

Having passed all the prescribed examinations for the
Degree of
MASTER OF SCIENCE HONOURS IN AGRICULTURE WITH SPECIALIZATION
in
AGRONOMY

MUHAMMAD TANIR son of SAIED UR REHMAN
~~DAUGHTER~~

is this TWENTY FOURTH day of MARCH 19 86 admitted to

the above Degree by this University.

Issue date 30-05-2001

Registered No. 81-AGR-U-71

Muhammad Arshad Khan Tanoli
ADY. C.A.Y.E.
Supreme Court of Pakistan
Jinnah Park, Dera Ismail Khan
Kuitony, Abadkand
[Signature]

[Signature]
Registrar

[Signature]
Vice Chancellor

1983

Annex - D

The Secretary to Government of NWFP.,
Finance Department.

P-15

1. All Administrative Secretaries to Govt: of NWFP.
2. The Senior Member, Board of Revenue NWFP.
3. All Heads of Attached Departments in NWFP.
4. All Commissioners/Deputy Commissioners/Political Agents/District and Session Judges in NWFP.
5. The Registrar, High Court, Peshawar.
6. The Secretary to Governor, N.W.F.P.
7. The Chairman, Public Service Commission NWFP.
8. The Chairman, Services Tribunal NWFP.
9. The Secretary, Board of Revenue NWFP.

SUBJECT:- SCHEME OF BASIC PAY SCALES AND FRINGE BENEFITS OF PROVINCIAL CIVIL SERVANTS(1983).

Sir,

In pursuance to the decision of the President of Pakistan, the Governor, N.W.F.P has been pleased to sanction, with effect from 1st July, 1983, a Scheme as detailed below, of the Basic Pay Scales, Allowances and other Fringe Benefits, 1983 for the Provincial Civil Servants:-

PART-I-BASIC SCALES AND ALLIED MATTERS.

Basic Scales of Pay:- The Basic Scales of Pay, 1983, as

shown in Annexure-I to this circular letter shall replace the existing Scales of Pay (RNPS). The Basic Scales shall not be added as "grades" and shall not be referred to as grades in official communications. Officials shall henceforth be appointed/promoted to posts not in grades.

Handwritten signature and stamp:
Muhammad Arshad Khan Jatoi
ADVOCATE
Court of Sessions
Peshawar

Initial Fixation of Pay:-(i) The initial pay of an existing employee, i.e. an employee, who has been in Government Service since before the 1st of July, 1983, shall be fixed at the stage in the relevant Basic Pay Scales which is as many stages above the minimum as the stage occupied by him above the minimum of the existing revised National Pay Scales, provided that where the pay so determined does not give the employee concerned a minimum advantage of 10% of his existing Basic Pay plus Dearness Allowance over and above the present emoluments drawn by him, his pay shall be fixed at the lowest stage in the Basic Scale that gives him that advantage; provided further that the maximum of the relevant Basic Scale shall not be exceeded in any case. In this fixation formula, "emoluments" would mean the sum of pay, Dearness Allowance and Local Compensatory Allowance, if any.

P.T.O.

4

10

P-16

10.

Advance increments to Technical and Professional categories on possessing/acquiring higher qualifications.

Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Geologists, Meteorologists, Archaeologists, Experts in Agriculture, Animal Husbandry and Forestry working in Universities, Colleges, Research Institutions or Technical Departments shall be allowed advance increments on possessing/acquiring higher qualifications as under:-

- (i) In case a technical/professional employee of the above category possesses D.Sc., Ph.D degree from a foreign university, he shall be allowed six advance increments on entry into service in B-17.
- (ii) Those of the above categories of officers who possess M.A/M.Sc/M.S or equivalent from a foreign university or Ph.D or M.Phil from a university in Pakistan will receive four advance increments on induction in service in B-17.
- (iii) Those of the above categories of employees who while in service obtain a degree shall be allowed four advance increments in case of (i) above and two advance increments in case of (ii) above.

In cases where it is intended to extend the concession of advance increments to the categories of Officers other than Doctors, Engineers, Educationists, Experts in Agriculture, Animal Husbandry and Forestry mentioned above, prior concurrence of Finance Department shall be obtained.

(ix)
 Advocate
 Supreme Court of Pakistan
 Mashaf Plaza Office No. 43
 Kulliyah, Abbottabad

11. Advance increments to Stenographers:- The orders contained in the Government of NWFP, Finance Department circular letters No.FD(SRI)20-1/74 dated 13.5.1981 and No.FD(SRI)2-56/72 dated 13.9.1982 regarding grant of four advance increments to Steno-typists, Stenographers, Personal Assistants, Judgement Writers, Private Secretaries shall stand rescinded on the introduction of Basic Pay Scales with effect from 1-7-1983.

PART-II-ALLOWANCES.

12. Dearness Allowance, Local Compensatory Allowance and Rest and Recreation Allowance.

(i) As from the 1st of July, 1983, the existing Dearness Allowance, Local Compensatory Allowance wherever admissible, and Rest and Recreation Allowance shall cease to be admissible to a provincial civil servant who draws pay in the Basic Pay Scales.

(ii) The existing rules and orders regulating the grant of House Rent Allowance, Conveyance Allowance and Washing Allowance shall continue to be applicable.

Contd:- - -



**OFFICE OF THE DISTRICT DIRECTOR
AGRICULTURE KOHISTAN**



Annex- E

To,

The Honourable Secretary,
Department of Agriculture, Livestock & Cooperative,
Government of Khyber Pakhtunkhwa Peshawar

P-17

Through: **PROPER CHANNEL**

Subject: **GRANT OF ADVANCE INCREMENTS**

Memo;

Reference office letter No.8847-50/DGA(E), Dated Peshawar the 17-04/2020.

As per the Notification FD(SR-I) 1-67/82 Government of NWFP Finance Department Dated, Peshawar, the 24th August,1983.(Copy enclosed as Annexure-I). Your good office is requested to please review once again admissibility of advance increment to the undersigned officer w.e.from 24-08-1983.

Moreover, while keeping in view order No.SOE(AD)2(2)16/91-II, Dated Peshawar, the 02/04/1992 (Copy enclosed as Annexure-II) officers of Agriculture Extension Department holding MSc (Hons) Degree were allowed for advance increment under the above quoted notification of Finance Department. Your kind consideration will make this over long overdue right of graduates to be restored, let justice be prevailed and revive of serving public.

Muhammad Arshad Khan Tancil
ADJUTANT
Commissioner of Agriculture
Government of Khyber Pakhtunkhwa
Peshawar

Yours Faithfully

**(Muhammad Tahir)
District Director
Agriculture Kohistan**

Date: 25/08/2020



**OFFICE OF THE DISTRICT DIRECTOR
AGRICULTURE KOHISTAN**



No. 230 /DDA Kohistan,

Dated: 25 / 06 /2020.

To,

The Director General,
Agriculture (Extension)
Khyber Pakhtunkhwa Peshawar

P-18

Subject: **GRANT OF ADVANCE INCREMENTS**

Memo;

Reference your office letter No.8847-50/DGA(E), Dated Peshawar the 17-04/2020.

Enclosed please find herewith the above subject cited letter for information and onward submission to the quarter concerned.

Enclosed: (04 No's)


District Director
Agriculture Kohistan

Muhammad Arshad Khan Tanoli
ADVOCATE
Supreme Court of Pakistan
Jinnah Plaza Office No 33
Kulenery Abbottabad

COPY

GOVERNMENT OF NWFP
AGRICULTURE, FOOD & COOPERATION
DEPARTMENT.

63

DATED PESH:THE _____/1992.

P-19

ORDER

No. SOE(AD)2(2)16/91-II. The Governor NWFP, on verification of the degree of M.Sc(Hons) Agri: by Director General Agri:(Extension)NWFP, and Director Water Management NWFP, Peshawar, is pleased to allow two advance increments to the following Officers of Agri:Department from the date of issuance of their M.Sc(Hons)Agri:Degrees noted against each as admissible in terms of para-10(iii) of Finance Deptt: circular letter No. PD(SR-I)1-67/82 dated 24.5.1983.

S.No.	Name & Designation of the Officer.	Date from which advance increment are allowed.
1.	Mr. Maroof Shah, Agriculture Officer,	17.2.1991.
2.	Mr. Mukhtar-ar-Rehman, Agriculture Officer.	8.7.1991.
3.	Mr. Qasir Alam Khan, Agril:Officer.	12.9.1989.
4.	Mr. Inamullah, Agricultural Officer.	26.3.1991.
5.	Mr. Mohammad Navid, Agril:Officer	26.3.1991
6.	Mr. Haq Nawaz Water Management Ext:Specialist.	26.3.1990.
7.	Mr. Haji Mohammad, Agriculture Officer	26.3.1991.
8.	Mr. Asif Saleem, Agril:Officer.	17.7.1989.
9.	Mr. Nasibur Rshman, Water Management Officer.	6.1.1991.

Muhammad Arshad Khan Tanvir
 ADVOCATE
 Supreme Court of Pakistan
 Pesh Plaza Office No 33
 Kutchery, Abbottabad

Sd/-SECRETARY AGRICULTURE.

Endst: No. SOE(AD)2(2)16/91-II/102COR-215 Dated Pesh:the 2/4/1992.

- Copy forwarded for information and N/Action to the: Director General Agri:Exted:N.W.F.P. Peshawar.
- Director Water Management NWFP, Peshawar, & Accountant General N.W.F.P., Peshawar.
- All Distt://Agency Accounts Officers. (5) Officer concerned
- Personal file of the officers. (7) Office order file. (8) Section Officer (SR-II) Govt: of NWFP, Finance Deptt: w/r to his letter referred to above.

Sd/- (NISAR ALI SHAH),
SECTION OFFICER (ESTABLISHMENT).

No. 18/B1(S-1)5754-59 /SGA, Dated Pesh:the 7/5 /1992.

Copy to the D.D.A. Hazara Division Abbottabad.

Sd/-
deputy director of agriculture,
ECONOMIC

Better Copy
Annex F

GOVERNMENT OF NWFP
AGRICULTURE, FOOD & COOPERATION
DEPARTMENT

P-18-11

DATE: PESHAWAR THE _____/1992

O R D E R

No. SOG(AD)2(2)16/91-II. The Governor NWFP, on verification of the degree of B.Sc. (Hons) Agriculture by Director General, Agril. (Extension) NWFP and Director, Water Management, NWFP, Peshawar, is pleased to allow the advance increments to the following officers of Agriculture Department from the date of issuance of their B.Sc. (Hons) Agri. Degree noted against each as admissible in terms of para-10(11) of Finance Department Circular letter No. FD(SR-I) 1-67/82 dated 24-8-1983:-

<u>Sl. No.</u>	<u>Name and Designation of the officer</u>	<u>Date from which advance increments are allowed</u>
1-	Mr. Haroof Shah, Agricultural Officer.	17-2-1991
2-	Mr. Mukhtar-ur-Rahman, Agricultural Officer.	8-7-1991 ✓
3-	Mr. Chisrar Alam Khan, Agril. Officer.	12-9-1989
4-	Mr. Inasullah, Agricultural Officer.	26-3-1991
5-	Mr. Mohammad Nawood, Agricultural Officer.	26-3-1991
6-	Mr. Iqbal Nawaz, Water Management Extn. Specialist.	26-3-1990
7-	Mr. Haji Mohammad, Agricultural Officer.	26-3-1991
8-	Mr. Asif Saloon, Agricultural Officer.	17-7-1989
9-	Mr. Nasibur Rahman, Water Management Officer.	6-1-1991

Copy

SECRETARY AGRICULTURE

Encl: No. SOG(AD)2(2)16/91-II/ 10208-215

Dated Peshawar the 2/4/1992

Copy forwarded for information and reaction to the:

- 1- Director General, Agricultural (Extension) NWFP, Peshawar w/r to his Memos No. 18/81(D-1)9858/DG (Ext) dated 30-7-1991, No. 18/81(D-1)9860/DG (Ext) dated 30-9-1991, No. 18/81(D-1)11179/DG (Ext) dated 3-9-1991, No. 18/81(D-1)11539/DG (Ext) dated 10-9-1991, No. 18/81(D-1)12194/DG (Ext) dated 28-9-1991, No. 18/81(D-1)12196/DG (Ext) dated 28-9-1991, No. 18/81(D-1)12314/DG (Ext) dated 1-10-1991, & No. 18/81(D-1)15737/DG (Ext) dated 7-12-1991
- 2- Director, Water Management, NWFP, Peshawar w/r to his Memos No. 5411/2/16/DWM dated 18-8-1991 & No. 6412/2/16/DWM dated 9-10-91.

Contd.....P/2-

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DAO N. Akhond

- 3
- 4
- 5
- 6
- 7
- 8

Accountant General, NWFP, Peshawar.

All Districts/Agency Accounts Officers.

Officers concerned.

Personal files of the officers.

Office order file.

Section Officer (SR-II) Government of NWFP, Finance Department w/r to his letter referred to above.

(NISR ADP SERVE)

SECTION OFFICER (ESTABLISHMENT)

Misal/*
31-3-92

1-12-90: D. 2220 ✓

1-6-91: D. 3085 ✓
8-7-91: D. 3515 ✓

~~1-12-91: D. 3300 ✓~~

8-7

1-12-91: D. 3730 ✓

1-12-90: D. 2221 ✓

1-6-91: D. ~~2375~~ 3085 ✓
1-12-91: D. ~~2531~~ 3300 ✓



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK FISHERIES &
COOPERATIVE DEPARTMENT

No. SOE(AD)5-106/2020/Ext/Kc
Dated Peshawar, the January 04th, 2021

P. 20

To

The Director General,
Agriculture (Extension),
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: APPEAL FOR GRANT OF ADVANCE INCREMENTS.

I am directed to refer to your letter No.Acctt. 3000/DGAE dated 11.11.2020 on the subject noted and to enclose herewith a copy of letter No. FD (SOSR-1)2-123/2020 dated 28.12.2020 of Finance Department, Khyber Pakhtunkhwa, Peshawar alongwith its enclosures which is self-explanatory for your information, please.

Enc. As Above.

SECTION OFFICER-ESTT:
AGRICULTURE DEPARTMENT

Endst. of Even No. & Date.

Copy forwarded to:-

1. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
2. P.S to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. Master File.

Attested
 Asad Khan Tanoli
 ADVOCATE
 Court of Pakistan
 Peshawar, No. 33
 Chakri Bazar, Peshawar

SECTION OFFICER-ESTT:
AGRICULTURE DEPARTMENT



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

NO.SOE(AD)2(2)16/2020/Ext/KC/837
Dated Peshawar, the December 16th, 2020

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department.

SUBJECT: APPEAL FOR GRANT OF ADVANCE INCREMENTS

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Director General Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar letter No. Acctt:/23000/DGA(E) dated 11.11.2020, which is self-explicit and to state that some Agriculture Officers have applied for grant of advance increments as they have completed their higher qualification i.e M.Sc (Hons) before joining the Agriculture Department, while the qualification for the post of Agriculture Officer is Graduation i.e B.Sc (Hons).

It is further added that the Government of Khyber Pakhtunkhwa upheld the advance increments during 1989, through Inter Provincial Finance Committee and most of the officers of the same batches were awarded advance increments, while the officers mentioned in the letter could not avail the facility due to miscommunication.

It is therefore, requested to kindly examine the case and guide this department whether the Officers of Agriculture Extension who are in service before 1989 and could not avail the advance increment are entitled for advance increment or otherwise, please.

Encls. As Above:

Attested
Advocate
Supreme Court of Pakistan
Khyber Pakhtunkhwa

Yours faithfully,

SECTION OFFICER-ESTT:

Endst. No. & Date Even.

Copy Forwarded to the:

1. The Director, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar w/r to his letter No. quoted above.
2. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative. Department Khyber Pakhtunkhwa, Peshawar.
4. Master File

SECTION OFFICER-ESTT:

P-22



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPFD](https://www.facebook.com/GoKPFD) twitter.com/GoKPFD

**NO. FD (SOSR-1) 2-123/2020
Dated Peshawar the: 28-12-2020**

To:

The Section Officer-Estt:
Agriculture Livestock & Cooperative Department,
Peshawar.

Subject: -

Please refer to your letter No.SOE(AD)2(2)16/2020/KC/837 dated 16-12-2020 on the subject noted above and to state that advance increments on higher educational qualification has been stopped in light of Pay Revision 2001 as well as through an Act, 2012 (copy enclosed).

Rehmata Khan Tanoli
Supreme Court of Pakistan
Room: Press Office No 33
Kuching, Abbottabad

(REHMAT KHAN)
SECTION OFFICER (SR-1)

کورٹ فیس

وکالت نامہ

بعدالت Chairman Service Tribunal KPK Peshawar

عنوان: Court of KPK etc نام Muhammad Tahir

منجانب: Appellant

نوعیت مقدمہ: Service Appeal

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام ATO M. Arshad Khan Tanoli Asc 1 کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا تم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

المقوم:

بہد وکالت نامہ تحریر کیا تاکہ سند رہے۔
M. Arshad Khan Tanoli

بمقام M. Arshad Khan Tanoli
STATE
of Pakistan
Office No 33
Kutchery Abbottabad