


FORM OF ORDER SHEET

Court of _____

Case No.- 355/2023

S No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/02/2023	<p>The appeal of Mr. Muhammad Ishaq resubmitted today by Mr. Muhammad Anwar Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Ishaq Retired Accounts Officer Abshar Colony no.2 Warsak road Peshawar received today i.e. on 17.02.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Affidavit be got attested by the Oath Commissioner.
- 4- Necessary party be made in the heading of the appeal.
- 5- Copy of departmental appeal is not attached with the appeal.

No. 839 /S.T,

Dt. 20/2 /2023



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Anwar Khan Adv.
High Court Peshawar.

Resubmitted after compliance.

*Departmental appeal allowed
on 19/2*

21-2-2023


M. Anwar Khan
Adv

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Service Appeal No 355 2023

Muhammad Ishaq.....(Appellant)

V E R S U S


Secretary Finance and others.....(Respondents)

I N D E X

S NO.	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1.	Memo of Appeal	-	1-4
2.	Affidavit	-	5
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4.	Copy of the DC Karak and order of Commissioner Kohat	'A & B'	7-8
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Appellant

Through:


(MUHAMMAD ANWAR KHAN
PUSHTOON GARRI)
Advocate,
High Court, Peshawar

Dated:-17-02-2023

(1)

BEFORE THE KPK SERVICES TRIBUNAL,

PESHAWAR

Service Appeal No. 355 /2023

Mr. Muhammad Ishaq Retired accounts officer(OPS)
Abshar colony no 2 Warsak road Peshawar.

.....Appellant

V E R S U S

1. Secretary to Government finance department KPK Peshawar.
2. Secretary to Government Establishment department KPK Peshawar.
3. Deputy Commissioner Karak.
4. District account office Karak.

.....Respondents

Appeal under section 4 of the kpk service tribunal act 1974 with request for direction of the respondents to grant/ allow the benefit of the higher pay scale/ post with all back benefits admissible under the rules and law since from the date of arrival on 15/05/2014 till Retirement on to 10/03/2018. The acts of denial and refusal of the Respondent are illegal, unlawful and based on malafide and not in accordance with law.

Prayer:

That on the acceptance of this appeal the respondents may be directed to grant/ allow the benefit of the higher post/ pay scale admissible under the rules with all back benefits since performed duty as account officer at deputy commissioner office karak against the vacant / permanent post of account officer. The

(7)

respondents be directed to allow the benefit of the higher post since adjustment against the post on 15/05/2014 till the date of retirement on superannuation on 10/03/2018.

Respectfully Sheweth:

The Appellant most respectfully submits as under:

1. That the appellant was appointed as sub accountant in 1986 in treasury and accounts of finance department.
2. During the course of service the appellant was promoted to post of assistant Accountant BPS-16.
3. That in the year 2014 the appellant was transferred from district accounts office Karak to district comptroller of accounts swat.
4. That the post of account officer was lying vacant in the office of deputy commissioner Karak since 15/05/2014 till 10/03/2018.
5. That the appellant obtained proper requisition from deputy commissioner Karak and commissioner Kohat division (Copy attached as annexure A & B).
6. That with the approval of the finance department, the secretary establishment adjusted the appellant in the office of deputy commissioner Karak and the appellant assumed the charge on 15/05/2015 (Copy of Charge Report is attached as annexure C).
7. That after proper arrival the appellant started performing his duties quiet efficiently and up to the entire satisfaction of his superiors. (Copy of Arrival report is attached as Annexure D).
8. That in spite of regular performance of duty the appellant was deprived of his legal rights.

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- 9. The appellant aggrieved filed department appeal at 22/10/22 for allowing the benefit of higher pay scale but no replayed has been made so far (Copy of Appeal is attached as Annexure E).
- 10. that having no other remedy the appellant filed this instant appeal on the following grounds among others

GROUND S:

- A. that the inaction of the respondent by not allowing the benefits of higher pay scale since 15/05/2014 till retirement on 10/03/2018 is against the law facts and norms and natural justice.
- B. That the appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated article 4 and 25 of the constitution of the Islamic republic of Pakistan.
- C. That the respondent department acted arbitrary and in malafide manner by not allowing the benefits of the higher post / pay scale.
- D. That respondent department has also violated the principle of "work done must be paid".
- E. that there are number of judgments in identical cases, therefore respondents are bound to follow the same and should have acted in accordance with law and judgments of august supreme court of Pakistan reported in (Copy of Judgment is attached annexure F).

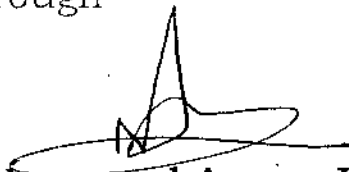
It is therefore most humbly prayed that on acceptance of the instant appeal may be very graciously considered with all back benefits.

Any other remedy which is deemed fit by this honorable tribunal in the interest of justice may also be granted in favour of the appellant

The appeal may very kindly be accepted in favour of the appellant against Respondents with cost.


Appellant

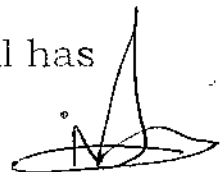
Through


Muhammad Anwar Khan
(Pushtun Ghari)
Advocate, High Court

Date: __/__/2023

Certificate:-

It is certified that no such like appeal has been submitted before this appeal.


Advocate.

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2023

Muhammad Ishaq account officer(R) office of the deputy commissioner Karak

.....Appellant

V E R S U S

Secretary finance and others KPK Peshawar.

.....Respondents

AFFIDAVIT

I, Muhammad Ishaq S/O Abdul Malik (Accounts Officer) (R) employee of finance department Khyber Pakhtukhwa, do hereby solemnly affirm and declare on oath that the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing have been concealed from this tribunal



DEPONENT

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2023

Mr. Muhammad Ishaq Retired accounts officer (OPS)
Abshar colony.no 2 Warsak road Peshawar.

.....Appellant :

V E R S U S

Secretary finance and others KPK Peshawar.

.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Mr. Muhammad Ishaq Retired accounts officer (OPS)
Abshar colony no 2 Warsak road Peshawar.

RESPONDENTS

- 1. Secretary to Government finance department KPK Peshawar.
- 2: Deputy Commissioner Karak.
- 3: District account office Karak.

Qishq
Appellant

Date: / / 2023

Through

Muhammad Anwar Khan
(Pushtun Ghari)
Advocate, High Court
Peshawar.

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DEPUTY COMMISSIONER
KARAK

Amr A

No. 236 /S/EA/General
Dated Karak the 28 /02/2014

To
The Commissioner,
Kohat Division, Kohat.

Subject:- ADJUSTMENT / TRANSFER.

Memo.

Mr. Essa Khan Accounts Officer of this office has proceeded on superannuation pension w.e.f 12/02/2014 and the post is lying vacant. Previously, the services of Mr. Khalid Usman AAO were requisitioned through your good office, however, the request so made has been filed.

It would be appropriate if the services of Mr. Muhammad Ishaq Assistant Accountant (BPS-16) presently posted with District Comptroller of Accounts Swat are placed at the disposal of the undersigned, please.

[Signature]
Deputy Commissioner
Karak

28/2
Deputy Commissioner
Karak

[Handwritten initials]

[Handwritten initials]
3/2/14

[Handwritten initials]
3/3

[Handwritten initials]
04/3/14

Commissioner's Office
Kohat Division, Kohat
Diary No. 427
Dated: 04-03-14

[Handwritten signature]
Attested



OFFICE OF THE
COMMISSIONER KOHAT DIVISION
KOHAT

No. 633 /EA/Cmr-Kt

Dated Kohat March, 04, 2014.

To

The Secretary,
Establishment Deptt.,
Govt: of Khyber Pakhtunkhwa, Peshawar.

SUBJECT: ADJUSTMENT/ TRANSFER.

Memo:

I am directed to refer to the above noted subject and to say, that Deputy Commissioner, Karak vide his letter No. 836/S/EA/General dated: 28-02-2014 (copy enclosed), has intimated that Mr. Essa Khan, Accounts Officer of his office has proceeded on superannuation pension w.e.f 12-02-2014 and the post is lying vacant and has requested that Mr. Muhammad Ishaq, Assistant Accountant (BPS-16) presently posted with Distt: Comptroller of Accounts, Swat may be posted as Accounts Officer in Deputy Commissioner's office, Karak.

I am further directed to request that the above named officer may be posted as Accounts Officer in Deputy Commissioner's office, Karak, in public interest, please.

07
h
Assistant to Commissioner (Rev/GA),
Kohat Division, Kohat

Encls: No. & Date Even

Copy forwarded to the:

1. Deputy Commissioner, Karak.
2. P.S to Commissioner, Kohat Division, Kohat.

15
Assistant to Commissioner (Rev/GA),
Kohat Division, Kohat.

Attended
2
[Signature]

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Annex



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the May, 13, 2014

NOTIFICATION

NO. SOE-II(ED) 1-6/2014

The Provincial Government is pleased to transfer Mr. Muhammad Ishaq, Assistant Accountant (BS-16), office of the District Comptroller of Accounts, Swat and post him as Accounts Officer(OPS) in office of Deputy Commissioner, Karak on deputation basis, in the public interest, with immediate effect.

SECRETARY ESTABLISHMENT

ENDST: NO & DATE EVEN

A copy is forwarded to:-

1. Divisional Commissioners, Malakand/Kohat
2. Deputy Commissioner, Karak.
3. Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
4. The District Comptroller of Accounts, Swat.
5. District Accounts Officers, Swat/Karak.
6. Section Officer (Estt), Finance Department
7. Officer concerned.
8. SO(Secret) /SO(Admin)/ EO/Librarian, E&A Department.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary Establishment.
11. PS to Special Secretary (Estt), Establishment Department.
12. PS to Special Secretary (Reg), Establishment Department.
13. PAs to AS(HRD)/DS(E) Establishment Department.
14. Office order file.
15. Personal file of the officer.

Noted - AM
by

13/5/14
13/5/14

SECTION OFFICER (E-1)

ATTACHED

To

Annex D

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The Deputy Commissioner
Kashmir.

Subject: Arrival Report

Sir,
In compliance with the
Establishment Deptt. KP notification
No. SOE-II (EO) 1-6/2014 dated
13/5/2014, I hereby submit my
arrival report as Accounts Officer
(OPS) Deputy Commissioner's Office
Kashmir today on 15/5/2014 (FN).

Supdt./BA

A. mi
DCKR
16/5/2014


(Muhammad Ishaq)
Accounts Officer
DC's Office Kashmir.

Approved


No. 3693/DZ
16/05/2014
p-2

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AMMGE E

To *[Handwritten mark]*

The Secretary to Government of Khyber Pakhtunkhwa,
Finance Department

Subject: APPLICATION FOR GRANT OF BENEFIT OF HIGHER PAY SCALE & APPROVAL OF RE-CALCULATION OF PENSION & ALL OTHER BENEFITS ACCORDING ENCASHMENT ETC. TO HIGHER PAY SCALE LEAVE

Respected sir.

Kindly refer to the photo copy of the order of the Establishment Department. I have been remained as Accounts Officer under your kind control.

As per law, I am entitled the benefit of higher Pay Scale. Therefore it is humbly prayed that I may please be granted all the back benefits of higher Pay Scale and oblige.

Thanks

[Handwritten signature]
72-10-22

Mul ammaed Ishaq (Advocate)
Ex Account Officer (OPS) of
Deputy Commissioner Karak.
127 New Bar Room District
Peshawar
031-2836012

Attended
[Handwritten signature]

(12)

To

The Secretary to Govt

Finance Deptt KPK

Peshawar

Subject APPLICATION for grant
of allowing benefits of
higher pay scale

Respected Sir. kindly refer to
the photocopy of the order of
Establishment (Photocopy attach)
I have been transferred as
accounts officer against the
vacant post in BPS 17.

Under the rules it is admissible
to draw the pay of BPS 17.
It is therefore requested to
allow a grant me the benefits
of higher pay scale and oblige.

Thanking you

Muhammad Ishaq
Muhammad Ishaq
Accounts Officer (AS)

No. 1485 For Ins RAD00716806

Rs. P. 13

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered* addressed to

Initials of Receiving Officer *Write here "letter", "postcard", "packed parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words) Insurance fee Rs. Ps. (in words) Weight Kilo Grams Name and address of sender

No. 1486 For Insurance RAD00716807

Rs. Ps.

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered* addressed to

Initials of Receiving Officer *Write here "letter", "postcard", "packed parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words) Insurance fee Rs. Ps. (in words) Weight Kilo Grams Name and address of sender

No. 1487 For Insurance RAD00716808

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Initials of Receiving Officer *Write here "letter", "postcard", "packed parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words) Insurance fee Rs. Ps. (in words) Weight Kilo Grams Name and address of sender

قیمت 50 روپے	62348			
ایڈویٹ: محمد ذوالفرقان لیشن گریجویٹ				
بار کونسل / ایسوسی ایشن نمبر: 13C10-8797				
رابطہ نمبر: 0333 9262 374		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		

بعدالت جناب:

منجانب: محمد اسماعیل	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے سے تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو کوئی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الموقع: 
 PESHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHWA

العبد _____ العبد _____
 کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی کوئی کاپی ناقابل قبول ہوگی۔

Attested
 & Accepted

