

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT
AT SWAT

APPEAL NO: 1484/2022

Muhammad Faisal.....Appellant.

V/S

Government of KP through Chief Secretary Peshawar & others.....Respondents

(Para wise reply on behalf of Respondent No.3 & 5)

INDEX

S.NO.	PARTICULAR.	ANNEXURE.	PAGE.
1.	Reply	-----	1-3
2.	Affidavit	-----	4
3.	Pay Revision Rule 1978	A	5-6
4.	Finance Department Letter Dated: 09.05.2023	B	7


Department

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT
AT SWAT

APPEAL NO. 1484/2022

Muhammad Faisal.....Appellant.

V/S

Government of KP through Chief Secretary Peshawar & others.....Respondents

(Para wise reply on behalf of Respondent No.3 & 5)

Preliminary Objections:-

- 1) That the Appellant has no cause of action and locus standi.
- 2) That the Appellant has not come to this Court with clean hands.
- 3) That the Appellant has concealed material facts from this honorable Court.
- 4) That the instant appeal is badly time barred.
- 5) That in the instant case Finance Department Peshawar is the competent authority as well as most necessary party which the appellant has not made as respondent.

Respectfully Sheweth:-

- 1) No Comments.
- 2) Relates to record however liable to be proved by the Appellant.
- 3) That in Rule 7 of Pay Revision Rule 1978 (Annex-A) it is clearly mentioned that:-

“The Increments in the Revised National Pay Scale fall due on 1st day of December, following the completion of at least six months service at a stage in the relevant Revised National Pay Scale”.

It is pertinent to mention here that the policy of pay Revision Rules 1983 was introduced by the Provincial Government of Khyber Pakhtunkhwa in 1983. Hence the Finance Department Peshawar is in better position to clarify the admissibility of the said annual increments on 01.12.2007 to the Appellant but they have not made as Respondent in the instant case.

- 4) That Finance Department Peshawar vide letter No. FD (SOSR-I) 2 -123/ 2023, dated: 09.05.2023 (Annex-B) clearly shows that:-
“they are not entitled for annual increment in Basic Pay Scale falling due on 01.12.2007”.
- 5) As mentioned in Para “3” above if any Government Servant is receiving the illegal increments in their salary are liable to be recovered from the date on which he is receiving.
- 6) As mentioned in Para “4” above to the extent that the Appellant is not entitled for annual increments on 01.12.2007 under the rules-7 of Pay Revision Rules-1978.
- 7) As mentioned in Para “5” above the Appellant is required to show the detail of the employees who are getting the illegal said annual increments.
- 8) As mentioned in Para “4” above the appellant is not entitled for annual increment under the rules.
- 9) Correct and under the rules.
- 10) That Finance Department Peshawar is competent authority and most necessary party should be made as respondent in the instant appeal.


Grounds:-


- A. That Respondent No. “3 & 5” are bound to follow the rules and instruction issued by Provincial Government of KP from time to time.
- B. That Respondent No. “3 & 5” are bound to follow the rules and instructions issued by the Provincial Government of KP from time to time.
- C. That Respondent No. “3 & 5” have not violated any rules or Law and if other employees are getting the illegal increments are liable to be recovered under the rules.
- D. Incorrect as mentioned in Para “B” above.
- E. That by not making the Finance Department Peshawar as respondent in the instant appeal is not maintainable liable to be dismissed.

F. As mentioned in Para "8" above.

G. No comments.

Keeping in view the above mentioned facts it is, therefore, humbly prayed that the appeal in hand having no merits may kindly be dismissed with cost.


DISTRICT ACCOUNTS OFFICER
CHITRAL 7


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT
AT SWAT**

APPEAL NO. 1484/2022

Muhammad Faisal.....Appellant.

V/S

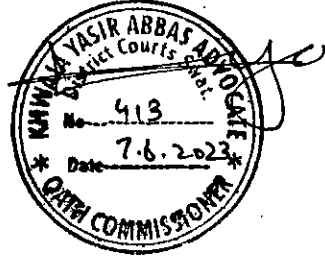
Secretary Govt of KP through Chief Secretary Peshawar & others.....Respondents

(Para wise reply on behalf of Respondent No.3 & 5)

AFFIDAVIT

I, Yasir Qadeem, Assistant Accounts officer, Office of the Accountant General Khyber Pakhtunkhwa Peshawar do hereby solemnly affirms & declare that the contents of reply submitted on behalf of Respondent No.3 & 5 is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

ATTESTED



[Handwritten Signature]
DEPONENT

DF

83

ANNEX: "

27

145

The N.W.F.P. Civil Services Pay Revision Rules, 1978

NOTIFICATION.

31st May, 1978.

No. F. D. S. O. (PRC)/1-2/77.—In exercise of the powers conferred by section 26 of the North-West Frontier Province, Civil Servants Act, 1973, the Governor of the North-West Frontier Province is pleased to make the following rules namely:—

THE NORTH-WEST FRONTIER PROVINCE, CIVIL SERVICES PAY REVISION RULES, 1978.

1. Short title application and commencement.—(1) These rules may be called the North-West Frontier Province, Civil Services Pay Revision Rules, 1978.

Annex

[Signature]
ACCOUNTS OFFICER
Olo A.G. Khyber Pakhtunkhwa

1. APPROVED
FORWARDED

43

Senior
Director

4

Provided further that the pay of the existing civil servants already fixed in the Revised National Pay Scales under Letter No. FD (SO) PRC/1-2/77, dated the 16th May, 1977, shall be deemed to have been so fixed under these rules.

(3) The dearness allowance, special dearness allowance and additional dearness allowance referred to in the preceding sub-rule shall not be admissible to those who draw pay in the Revised National Pay Scales.

(4) No specific orders for crossing of efficiency bar will be necessary if by virtue of the formula given in sub-rule (2), the pay of a civil servant is fixed at a stage beyond the efficiency bar.

(5) The pay of every civil servant covered by this rule shall be fixed both in the scale of his substantive post and the scale of the post held by him in a temporary/officiating capacity or on ad hoc basis or if already fixed under Letter No. FD (SO) PRC/1-2/77, dated 16th May, 1977, shall be deemed to have been fixed under these rules.

7. Increments in the Revised National Pay Scales.—The increments in the Revised National Pay Scales shall fall due on 1st day of December, following the completion of, at least six months' service at a stage in the relevant Revised National Pay Scale.

8. Admissibility of next higher Revised National Pay Scale—

(1) A civil servant holding post in the Revised National Pay Scales 1 to 15, who has reached the maximum of a Revised National Pay Scale shall be allowed the next higher Revised National Pay Scale with effect from the 1st day of December of the year in which he completes one year of such service at the said maximum as counts for increment under these rules, subject to the condition that there is no adverse entry in the Annual Confidential Reports of the civil servant in Revised National Pay Scale 4 to 15 for the last four years. If this condition is not fulfilled, he shall wait at the said maximum till he has earned in succession four Annual Confidential Reports without any adverse entry and his move over to the next higher Revised National Pay Scale shall take effect from the 1st day of December of the year, following the year for which he earns the fourth such annual confidential report.

Major case

(2) (a) A civil servant who has reached the maximum of Revised National Pay Scale 16 or 17 shall be brought to Revised National Pay Scale 17 or 18, respectively, with effect from the 1st day of December of the year in which he completes three years of such service at the aforementioned maximum as counts for increment under these rules subject to the condition that there is no adverse entry in his Annual Confidential Reports from the year of reaching of maximum upto the year of moving over (both years inclusive). If this condition is not fulfilled he shall wait at the maximum till he has earned in succession four annual confidential reports without any adverse entry and his move over to the next higher Revised National Pay Scale shall take effect from the 1st day of December of the year following the one for which the last such report is earned.

(b) A civil servant holding post in Revised National Pay Scale 16 shall be allowed to move over only to Revised National Pay Scale 17 and the one holding post in Revised National Pay Scale 17 shall be allowed to move over only to the Revised National Pay Scale 18.

[Signature]
ACCOUNTS OFFICER
O/o A.G. Khyber Pakhtunkhwa



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)2-123/2023/Mst.Sultan Amina
Dated Peshawar the: 09-05-2023

To

The Accounts Officer (HAD),
Office of the Accountant General, Khyber Pakhtunkhwa

Subject: - ADMISSIBILTY OF ANNUAL INCREMENT OF FIRST APPOINTMENT PAY REVISION YEAR TO THOSE WHO HAVE LESS THAN SIX MONTH SERVICE.

I am directed to refer to your letter No.H-24/Upper Chitral/2021-22/243 dated 10.04.2023 on the subject noted above and to state that, as evident from Rule-7 of Government of Khyber Pakhtunkhwa Civil Services Pay Revision Rules & Allowances 1978 which provides that:-

"The increment in the Basic Pay Scales shall fall due on 1st day of December, following the completion of at least six months service at a stage in the relevant Basic Pay Scale".

2. The employees concerned were appointed on 07.06.2007 and have not completed the required six months service on 1st day of December 2007, therefore, they are not entitled for annual increment in Basic Pay Scale falling due on 01.12.2007.

HAD

ACCOUNTS OFFICER
O/o A.G. Khyber Pakhtunkhwa
SECTION OFFICER (SR-1)
09/05/23

1313

123

29/C