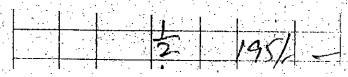
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#### INSTRUCTION FOR PREPARING TRAVELING ALLOWANCE BILLS

- 1. Journeys of different kinds, journeys and halls should not and be entered on the same line. Only one kind of allowance should, therefore, be filled in the same line and amount carried be out separately into the last money column.
- 2. Permanent traveling, conveyance and the Horse allowance should be drawn along with the pay of the Government servants and not on Traveling Atlowance bills.
- 3. Fractions of a nile in the total for any one journey should not be charged, for.
- 4. When the first item of traveling allowance to officer is a half, the date of commencement of that half should be stated in the "Remarks" column.
- 5. If daily allowance is claimed in respect of a road journey, the number of miles traveled Should be entered in column 14 and daily allowance in column. 17 to 19.
- 6. When traveling allowance is claimed in respect of a journey to or from hill station, it shuold be mentioned in the remarks column whether or not the halts has exceeded ten days.

Ordinary where a return journey is performed by a Government Servant audit will presume that it must have been performed on a return journey ticket in case where under the rules of the Railways company such ticket is allowed. In which the controlling officer is satisfied that the officer making the journey could not purchase a return ticket either because he could not expect to return with in the time allowed on return tickets or because it was not possible for other reason, it will be necessary for the controlling officers to indicate for the facility of audit either on the traveling allowance bill at one place of preferably against the recent journey's in the bill that he satisfied that in respect of the specific journey it was either not possible or . not considered necessary in the intersects of public service to purchase return ticket.

## DETAILS OF TRAVELING ALLOWANCE REFUNDED

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Note: When the Bill is presented at the audit office of preaudit the words "Contents received" for any equivalent expression) should not appear on it nor should any receipt stamp be affixed there on as a separate acknowledgment complete in all respects would be required at the time of delivery of cheque.

HEAD OF SERVICE CHARGEARL

Major Head

Minor Head

Sub Head

#### Detalled Head CERTIFICATE

- 1. Certified that I have satisfied myself the amount included in bills drawn previous to
- This date with the exception of those detailed below (of which amount Month
- 2, Month
- has been refunded by deduction from this bill; have been disbursed to the office there in names and their 3. Month receipts taken in the Acquittance or the office copies of the traveling Allowance bills field in my office with
- receipt stamps duly cancelled for every payment in excess of Rs.20.00 2. Certified that the journeys for which mileage allowance have been claimed under punjab T.A Rule 2.69 for
- non-gazetted ministerial or mental Government servant were made by public or hired conveyance and
- Certified that It was necessary for the Government servants for whom halting allowance at head quarters is drawn to keep up the whole or part of their camp equipage during such halt. (Rule 2.77 of the Punjab
- Government Traveling Allowance Rules.) Certified that the journey beyond jurisdiction was performed under proper authority. Certified that an entry of the journey for which Traveling Allowance has been claimed in this bill has been
- 5
- made in proper cheek Register proscribed in T.A. Roues Car, Lorry, Taxl or Motor Omnibus.
- Not being my own property/being my own property/ being a Government Vehicle.

Pay Rupees in word and figures Sub - Treasury, Treasury Officer + Form Examined and entered Accountant . 200 For use in Account General's Office

Audit Register Page Admitted

...Objected to Audhor, Assistant Supdt. Superintendent

Clause 2 should be scored ink when no mileage is claimed under fluies No.2.68 of the Punjsb Government Traveling Allowance Rules and clause 3 when there is no claim under Rule 2.77 of the Punjab Government

Traveling Allowance Rules.

Dated -

One line be used and the other scored out.

(Controlling Officer)

(Head Office).

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Sub - Treasury Officer Incorporated in the Account

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Account



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# Office of the SDEO(M) PRYEDU; kacak Revised tour programme in R/O NISAR AHMAD SDEO(M) pry;edu;KARAK

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SDEO

## TRAVELLING ALLOWANCE BILLOF THE ESTABLISHMENT SUB: DIVISI: EDU: OFFICER (M) (KARAK) FOR THE MONTHS OF 01/2015 KK

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Certificates:

<u>ates:</u> 1. 2. Certified that the journey was performed in the interest of p/service. Certified that the claim has not been paid to me before this bill: Certified that the time of journey Govt: Vehicle was provided.

Budget for 2014-2015.

Rs.

Exp: including this bill Rs.\_\_\_\_

Balance

(Ali Mar Khan B-05) SDEO (M) Karak

> Sub divis:Edu: Officer (Male) Karak

Voucher No. List of Payment 200 For

## Instructions for preparing travelling allowance bills

Journeys of different kinds and journeys and haits should not be entered on the same line only entered of allowance should, therefore, in the same line and its amount carried out separately into the last money column.

Permanent travelling, conveyance and house allowance should be drawn along with the pay of the Government servant and not in T.A. Bills.

Fractions of mile in the total bill of any one journey for each person should not be

When the first item of T.A. Bills is a halt, the date of commencement of the halt charged for. should be stated in the "Remarks" column.

Daily Allowance is claimed in respect of a road journey the number of miles traveled should be entered in column 14and the daily allowance in columns 17 to 19.

Journey performed beyond Pakistan Territory should be indicated separately and the distance traveled should stated in each case.

When Travelling Allowance is claimed in respect of journey to or from a Hill Station, should be mentioned in "Remarks" column whether or not the halt has exceeded ten days.

(Space for pre-audit enforcement's in respect of Bills submitted for pre-audit)

## FOR USE IN ACCOUNTANT GENERAL'S OFFICE

Head of service chargeable:-09-E/A&Services 091-Pre-Pry: E/A & Services 0911-Pre-Pry E/A & Services 091103-Pry: Administration 03805-TA/DA

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7.

Admitted for Rs.\_\_\_\_ Objected to Rs. Reasons of Objections:-

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Senior Accountant

CERTIFICATE Certified that I have satisfied my self that all emoluments included in the bills drawn i month/ 2 months / 3 months previous of this date, with the exception of these details given below which the amount has been returned by deduction from this bill/have been disbursed to the Government servants named therein and their receipt taken in Acquittance Roll filed in my office with receipt stamp duly cancelled for every payment in excess of Rs.20/-

Also that the journey for which mileage has been claimed under Supplementary Rule is for Non-Gazetted ministerial or menial Government Servants were made by public or hired conveyance under my order.

Also that it was necessary for the Government Servant for whom halting allowance at headquarters is drawn to keep up the whole or part of their camp equipage during such halt and that the expense incurred on this account was not loss than the halting allowance shown (Supplementary Rule 91).

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## Office of the SDEO(M)PRY,EDU;karak.

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For the mouth of December,2014.

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Submitted to the DFOIM)ELE; & SEC; EDU: karak for NEAtion p

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#### INSTRUCTION FOR PREPARING TRAVELING ALLOWANCE BILLS

- 1. Journeys of different kinds, journeys and halts should not and be entered on the same line. Only one kind of allowance should, therefore, be filled in the same line and amount carried be out separately into the last money column.
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- 3. Fractions of a mile in the total for any one journey should not be charged, for.
- 4. When the first item of traveling allowance to officer is a half, the date of commencement of that half should be stated in the "Remarks" column.
- If daily allowance is claimed in respect of a road journey, the number of miles traveled Should be entered in column 14 and daily allowance in column, 17 to 19.
- 6. When traveling allowance is claimed in respect of a journey to or from hill station, it should be mentioned in the remarks column whether or not the halls has exceeded ten days.
- 7. Ordinary where a return journey is performed by a Government Servant audit will presume that it must have been performed on a return journey ticket in case where under the rules of the Rallways company such ticket is allowed. In which the controlling officer is satisfied that the officer making the journey could not purchase a return ticket either because he could not expect to return with in the time allowed on return tickets or because it was not possible for other reason, it will be necessary for the controlling officers to indicate for the facility of audit either on the traveling allowance bill at one place of preferably against the recent journey's in the bill that he settisfied that in respect of the specific journey it was either not possible or not considered, necessary in the intersects of public service to purchase return ticket.

#### DETAILS OF TRAVELING ALLOWANCE REFUNDED

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Note: When the Bill is presented at the audit office of preaudit the words "Contents received" for any equivalent expression) should not appear on it nor should any receipt stamp be affixed there on as a separate acknowledgment complete in all respects would be

required at the time of delivery of cheque.

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#### CERTIFICATE

- . Certified that I have satisfied myself the amount included in bills drawn previous to
- 1. Month

**Detailed Heat** 

Sub Head

- 2. Month This date with the exception of those detailed below (of which amount
- .3. Month

has been refunded by deduction from this billy have been disbursed to the office there to camed and their receipts taken in the Acquittance or the office copies of the traveling Allowance bills date in my office with receipt stamps duly cancelled for every payment in excess of Rs.20.00

- Certified that the journeys for which mileage allowance have been claimed under punjab T.A. Rula 2.68 for non-gazetted ministerial or menial Government servant were made by public or hired conveyance and under my orders.
- 3. Certified that it was necessary for the Government servants for whom halting allowance at head quarters is drawn to keep up the whole or part of their camp equipage during such halt. (Rule 2.17 of the Punjab Government Traveling Allowance Rules.)
- Certified that the journey beyond jurisdiction was performed under proper authority.
- Certified that an entry of the journey for which Traveling Allowance has been claimed in this bill has been made in proper cheek Register proscribed in T.A.: Roues Car, Lorry, Taxi or Mater Omnibus.
- Or which was private vehicle for buy moto cycle. "

Not being my own property/being my own property/ being a Government Vehicle.



(Head Office) (Controlling Officer)

Incorporated in the Account

(Provincial)

Account

Clause 2 should be scored ink when no mileage is claimed under Fules No.2.68 of the Punjab Government Travelling Allowance Rules and clause 3 when there is no claim under Rule 2.77 of the Punjab Government Traveling Allowance Rules. One line be used and the other scored out.

## Office of the SDEO(M)PRY;EDU;karak.

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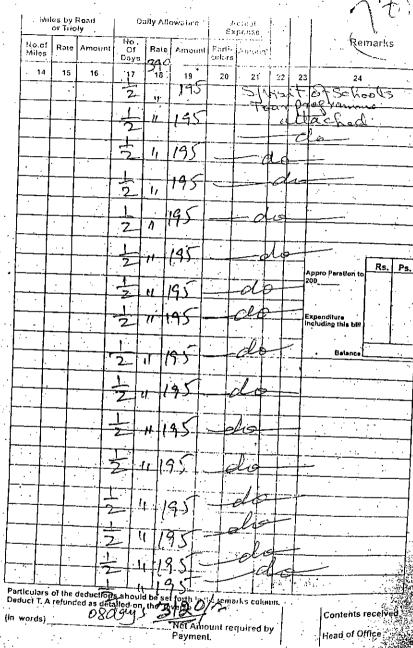
## For the month of November2014.

Submitted to the DEO(M)ELE;&SEC;EDU;karak for N/action please.

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#### INSTRUCTION FOR PREPARING TRAVELING ALLOWANCE BILLS

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Note: When the Bill is presented at the audit office of preaudit the words "Contents received" for any equivalent expression) should not appear on it nor should any receipt stamp be affixed there on as a separate acknowledgment complete in all respects would be required at the time of delivery of cheque. HEAD OF SERVICE CHARGEADLE

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Minor Head \_\_\_\_\_

Detailed Head \_\_\_\_\_

#### CERTIFICATE

1. Certified that I have satisfied myself the amount included in bills drawn previous to 1. Month

2. Month 3. Month 3. Month

has been refunded by deduction from this bill), have been disbursed to the office there in named and their receipts taken in the Acquittance or the office copies of the traveling Allowance bills field in my office with receipt stamps duly cancelled for every payment in excess of Rs.20.00

 Certified that the journeys for which mileage allowance have been claimed under punjab T.A Rute 2.68 for non-gazetted ministerial or menial Government servant were made by public or hired conveyance and under my orders.

- under my orders, 3. Certified that II was necessary for the Government servants for whom halting allowance at head quarters is drawn to keep up the whole or part of their camp equipage during such halt.(Rule 2.77 of the Punjab Government Traveling Allowance Rules.)
- Gertified that the journey beyond jurisdiction was performed under proper authority.
  Certified that ari entry of the journey for which Traveling Allowance has been claimed in this bill has been made in proper cheek Register proscribed in T.A.: Roues Car, Lorry, Taxl or Motor Omnibus.

(Head Office). (Controlling Officer

Treasury Officer

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Clause 2 should be scored ink when no mileage is claimed under Fulcs No.2.68 of the Runjab Government Traveling Allowance Rules and clause 3 when there is no claim under Rule 2.77 of the Punjab Government Traveling Allowance Rules.

One line be used and the other scored out...

## Cifice of int SDEO(M)PRY, DU; karak.

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DAO/AG Ref\_

#### TRAVELLING ALLOWANCE BILL

TRAVELLING FARE (AIR TICKETS, ETC) TRAVELLING ALLOWANCE (MILEAGE) 27 RO 151201 \_\_\_\_ OTHER ALLOWANCES ົາ 🥑 FR-1 GRAND TOTAL: Rs ----LESS DEDUCTION (TA ADVANCE) 312 F ٠١. NET AMOUNT PAYABLE R

## Certified that the journey was performed in the interest of Put-tic Service.

CERTHICATE

Certified that I was not on Casual Leave during the journey performed.

Certified that I was not provided with Government Vehicle.

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Certified that the halts for which Daily Allowance have been claimed were essr 4 Public interest.

Certified that I was not provided with Government Residential facility and stayed in Hotel and claimed Hotel charges.

SIGNATURE OF GOVT. SERVANT

	FOR DDO OFFICE	
ENTITY CODE		•
OBJECT CODE	A-03805-TRAVELLING ALLOWANCE.	

APPROPRIATION FOR THE YEAR: EXPENDITURE UPTODATE:

BALANCE AVAILABLE:

FOR USE IN AUDIT / TREASURY OFFICE Admitted: Objected: Reason of Objection and

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AUDITOR

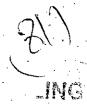
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ASSTT: ACCOUNT OFFICER

SIGNATURE OF GOVERNMENT SERVANT WHO TRAVELLED.

CONTROLLING OFFICER.

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#### Office of the SDEO(M)PRY;EDU;karak.

Revised tour programme in respect of NISAR AHMAD SDEO(M)PRY;EDU;KARAk

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Submitted to the DEO(M)ELE;&SEC;EDU;karak for N/action please.

NISAR AHMAD SCED(M) PRY;EDU;KARAK

DEO(M) ELE:&SEC:EDU:KARAK.

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#### INSTRUCTION FOR PREPARING TRAVELING **ALLOWANCE BILLS**

- Journeys of different kinds, journeys and halts should not and be entered on the same line. Only one kind of allowance should, therefore, be filled in the same line and amount carried be out separately into the last money column.
- Permanent traveling, conveyance and the Horse allowance should be drawn along with the 2. pay of the Government servants and not on Traveling Allowance bills.
- 3. Fractions of a mile in the total for any one journey should not be charged, for.
- 4. When the first item of traveling allowance to officer is a half, the date of commencement of that half should be stated in the "Remarks" column.
- 5. If daily allowance is claimed in respect of a road journey, the number of miles traveled Should be entered in column 14 and daily allowance in column, 17 to 19,
- 6. When traveling allowance is claimed in respect of a journey to or from hill station, it should be mentioned in the remarks column whether or not the halls has exceeded ten days.

Ordinary where a return journey is performed by a Government Servant audit will presume that it must have been performed on a return journey ticket in case where under the rules of the Railways company such ticket is allowed . In which the controlling officer is satisfied that the officer making the journey could not purchase a return ticket either because he could not expect to return with in the time allowed on return tickets or because it was not possible for other reason, it will be necessary for the controlling officers to indicate for the facility of audit either on the traveling allowance bill at one place of preferably against the recent journey's In the bill that he satisfied that in respect of the specific journey it was either not possible or: not considered necessary in the intersects of public service to purchase return ticket.

#### DETAILS OF TRAVELING ALLOWANCE REFUNDED

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Note: When the Bill is presented at the audit office of preaudit the words "Contents received" for any equivalent expression) should not appear on it nor should any receipt stamp be affixed there on as a separate acknowledgment complete in all respects would be required at the time of delivery of cheque.

(Provinciai) HEAD OF SERVICE CHARGEABLE

Malor Head

Minor Head Detailed Head

Sub Head

CERTIFICATE

- 1. Certified that I have satisfied myself the amount included in bills drawn previous to 1. Month
- This date with the exception of those detailed below (of which amount 2. Month
- 3. Month

has been refunded by deduction from this bill); have been disbursed to the office there in named and their receipts taken in the Acquittance or the office copies of the traveling Allowance bills field to my office with receipt stamps'duly cancelled-for every payment in excess of Rs.20.00

- Certified that the journeys for which mileage allowance have been claimed under punjab TA Rule 2.65 for non-gazetted ministerial or menial Government servant were made by public or hired conveyance und under my orders.
- 3. Certified that it was necessary for the Government servants for whom halting allowance at head guarters Is drawn to keep up the whole or part of their camp equipage during such halt. (Rule 2.77 of the Puniab **Government Traveling Allowance Rules.)**
- Certified that the journey beyond jurisdiction was performed under proper authority.
- Certified that an entry of the journey for which Traveling Allowance has been claimed in this bill has been made in proper cheek Register proscribed in T.A., Roues Car, Lorry, Taxi or Motor Omnibus. which was private vehicle for buy moto cycle.

Not being my own property/being my own property/ being a Government Vehicle.

(Head Office) (Controlling Officer) Pay Rupees In word and figures + Form Sub - Treasury, Examined and entered Accountant Dated -- 200 For use in Account General's Office Audit Register Page ...Admitted ...Objected to ... Auditor, Assistant Supdt. Superintendent

Clause 2 should be scored ink when no mileage is claimed under Fules No.2.68 of the Punjab Governmen Traveling Allowance Rules and clause 3 when there is no claim under Rule 2.77 of the Punjab Government Traveling Allowance Rules, One line be used and the other scored out.

Treasury Officer Sub - Treasury Officer Incorporated in the Account

Account

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar. /F.No. A-20/c-iv/drivers appeal Dated Peshawar the

All the District Education Officer (Male/Female) in Khyber Pakhtunkhwa

COMPLAINT REGARDING NON ENTERTAINING THE TAJDA BILLS

Memp

Subject:

То

I am directed to refer to the subject cited above and to state that Drivers, of various Districts have complained that the DEOs/SDEOs in the District/Sub Division are not entertaining their TA/DA bills despite the fact that they are performing their duties with their officers regularly.

The worthy Director has recorded the following remarks on their complaint/application "All the DEOs to instruct that TA/DA of their respective drivers to be paid to them in time. Furthermore log book to be properly maintained by the Drivers"

Therefore I am directed to request you that grievance of the drivers be redressed to your level best regarding their TA/DA claim on merit.

Assistant Director (Admr.) Directorate of E&SE K.P. Peshawar

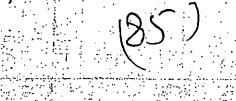
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Copy forwarded to the: -PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

> Assistant Director (Adron) Directorate of É&SE K.P. Peshawar

المحصر حداب في شرك في المسطرى المد سان در الحريس مستحد فرواه د مغرست مرد ستظوری آدار کی مرالتوا مرتی اندار ڈی اسے ملبز جاميك متجنزارس فيصبحه سأتليحكم حذامين فتلف دعاس فالمفن مرجى انجام وسي تملعد وسارج علية كرساية سال ممرى جدكو بينج كررشانزد يليح فيسلمكم شيطور بالطمساون س سألماس متذكره بالدبل وتراللوا، مېنى جىنى لەمبىل دىچ خېلىيى مدت بلز د متر ملازمت مم واحبب الإدا EO (زیانہ) کرک 32601 مون <u>دامد</u> 2012 54457. فروری شاعے 114401-المربل داەند 99001-مع جد (مردرن) کرک ابربل باند ماحولان <sup>210</sup> \_// • 878 DEO (مردان کرک 2175231\_ د - الكست كامع ما فرورك 100 . عالمجاه رامتها فى عاجزى كسا كم كرار س كماتى م مسلقة دما مركو هدايت ك جاور کہ وہ زمردست فنڈات س سے ساہل سے طرا کا کرنے کا مرطوع سابت فرمانے لوارس توتى . مريع لعميل جدم ماري فولو عابى لف درجواست عير فت مورض د 15 منى 18 ما 20 - المعارض على سطن درايور ريثا شرط مد شاه نور سل كرك شي (بالطربر 1888 1179 300 م DE DINTE Work Cr. Driver prison De lot Dr love lie man al love of the love love the love



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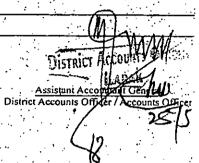
Department

Office of ыX ict Education Offices (Ferale) Kan On the State Bank of Pakistan ALL HAR KHAR National Bank of Pakistan Pay to

Rs: \*\*\* 11, 4501-\*\*\* 

and charge the same against the District Fund of District N.E. This cheque is current for three months only after the month of issue.

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# DISTRICT FUND OF DISTRICT

A/C No\_\_\_\_\_\_A/C Type \_\_\_\_\_ACCOUNT 4 (KARRAK) Pre-Audit Cheque Dated.\_\_\_\_\_\_17.04.2023

Office of <u>111 presentet Education Officer (Female) Kara</u>

Rs.\_\_\_\_\_Rosi, \*\*\*\* Rupees <u>EIGHTEEN THOUSAND SIX HUNDRED FIVE ONLY</u> and charge the same against the District Fund of District

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District Accounts Officer / 4/201

Construction Accounts Officer



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8.	Peshawar	14.2.2013, Back, Journey to Karaka 3,00pm, Back,	145. K. M40	
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13.	Peshawar	21.2.2013. Back Journey to Karaka	145. K. H.	Back Journey to Karake
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19	Peshawar.	and a second and a second second second the second s	145. K. M.	Attednedt meeting and back to far

#### ( ZAIBUN NISA) DISTRICT EDUCATION OFFICER (FEMALE) DISTT: KARAK.

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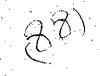
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## TRAVELLING ALLOWANCE BILL



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Employee Details ~ Employee Name<sup>2</sup>

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## TRAVELLING ALLOWANCE BILL

1. TRAVELLING FARE (AIR TICKETS, ETC) -TRAVELING ALLOWANCE (MILEAGE) TOTAL DAILY ALLOWANCE ACTUAL EXPENSES (HOTEL CHARGES) OTHER ALLOWANCES **GRAND TOTA** -6. LESS DEDUCTION (TA ADVANCE) NET AMOUNT PAYA

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## CERTIFICATE

- 1. Certified that the journey was performed in the interest of Public Service.
- 2. Certified that I was not on Casual Leave during the journey performed.
- Certified that I was not provided with Government Vehicle. З.
- 4. Certified that the halts for which Dally Allowance have been claimed wore essential in Public interest.
- 5. Certified that I was not provided with Government Residential facility and stayed in Hotel and claimed Hotel charges,

#### SIGNATURE OF GOVERNMENT SERVANT WHO TRAVELLED

•	FOR DDO OFFICE	
ENTITY CODE		- - -
OBJECT CODE	A-03805-THAVELLING ALLOWANCE.	

APPROPRIATION FOR THE YEARS EXPENDITURE UPTODATE: BALANCE AVAILABLE:

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AUDITÓR

ASSTT: ACCOUNT OFFICER

## CERTIFICATE

- Certified that the journey was performed in the interest of Public Service.
- 2. Certified that I was not on Casual Leave during the journey performed.
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- Certified that the halts for which Daily Allowance have been claimed were essential in Public interest.
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APPROPRIATION FOR THE YEAR EXPENDITURE UPTODATE:

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TRAVELLING ALLOWANCE BILL TRAVELLING FARE (AIR TICKETS, ETC) 1. Rs. TRAVELING ALLOWANCE (MILEAGE) 2. Rs. 11460 Ξ. TOTAL DAILY ALLOWANCE 3. Rs. ACTUAL EXPENSES (HOTEL CHARGES) . - 4. Ŕs OTHER ALLOWANCES 5. Rs. GRAND TOTAL:-Rs. T. JV 1. ι. LESS DEDUCTION (TA ADVANCE) Rs. Q 0 NET AMOUNT PAYABLE Rs <u>ل</u>ال 1. . . . . . Sec. ۶, ΨV ¢+₽ 6 760000 0 ίĊ Ć SIGNATURE OF GOVERNMENT SERVANT WHO TRAVELLED ا المركب J. P. F. I SIRVIEDUCATION OFFICER FEILE KARAK CONTROL ING OFFICER (Fernale) Karali :Ír ۱ź FOR USE IN AUDIT / TREASURY OFFICE Admitted:-Rs. ... 111 Objected:- ----Reason of Objection and 460 ų 1.1.1.1.1.1.1.1 . . ASSTT: ACCOUNT OFFICER AUDITOR ASSTT: ACCOUNTANT GENERAL

ACCOUNTS OFFICER.

TRAVELLING ALLOWANCE BILL 1. TRAVELLING FARE (AIR TICKETS, ETC) 2. TRAVELING ALLOWANCE (MILEAGE) Ň 3. TOTAL DAILY ALLOWANCE 9<u>4-</u> Rs. 4. ACTUAL EXPENSES (HOTEL CHARGES) Rs. (1) VO. 5. OTHER ALLOWANCES Rs. GRAND TOTAL:-¥, 9900 Rs. 6. LESS DEDUCTION (TA ADVANCE) Ξ. Rs. NET AMOUNT PAYABLE Hudset fillet 2021-226 7000000 Storent to June 1 359500/2' June 1 Rs. 600 SIGNATURE OF GOVERNMENT SERVANT 8000 WHO TRAVELLED STRUT EDUCATIC NOTIFICER FEILALEI KARAK CONTROLLING OFFICER Strict Education Officer (Bomolo) Karak ..... • • • • • FOR USE IN AUDIT / TREASURY OFFICE Admitted:-Objected:-Rs Reason of Objection and · · · · ИŊ 24 ASSTT: ACCOUNT OFFICER AUDITOR ASSTT: ACCOUNTANT GENERAL ACCOUNTS OFFICER.

TRAVELLING ALLOWANCE BILL ä 11--2012 TRAVELLING FARE (AIR TICKETS; ETC) 1. 2012 12. 2. TRAVELING ALLOWANCE (MILEAGE) Rs Rs TOTAL DAILY ALLOWANCE З. ACTUAL EXPENSES (HOTEL CHARGES) Rs. 4. Rs. OTHER ALLOWANCES 5. Rs: GRAND TOTAL:-Rs. LESS DEDUCTION (TA ADVANCE) 6... Rs NET AMOUNT PAYABLE Rs.  $\sim$ X Bucks-1-2021-221 700 `(D` S-1Ronalika + J760 Pala- a 123/95 SIGNATURE OF GOVERNMENT SERVANT WHO TRAVELLED 1096 CI EQUCATION OFFICER FEMALE) KARAK CONTROLLING OFFICER Ŀ a Shira Tioniale) Karak FOR USE IN AUDIT / TREASURY OFFICE Admitted:-Objected:-Reason of Objection and  $\hat{P}_{s,i,j}$ in . P.2. 41 -AUDITOR ASSTT: ACCOUNT OFFICER ASSTT: ACCOUNTANT GENERAL/ ACCOUNTS OFFICER

TRAVELLING ALLOWANCE BILL 1. TRAVELLING FARE (AIR TICKETS, ETC) Rs. TRAVELING ALLOWANCE (MILEAGE) 2. Rş. C 3 TOTAL DAILY ALLOWANCE 3.1 Rs. ACTUAL EXPENSES (HOTEL CHARGES) 4. Rs. OTHER ALLOWANCES 5. Rs: 260 GRAND TOTAL:-Ŕs. **LESS DEDUCTION (TA ADVANCE)** 6. Rs. Rs.\_\_\_ Spield Alter France ٦ř 3 Suchs F C.E 31990/--<u>- \</u> 1:11 71 ٠ĩ SIGNATURE OF GOVERNMENT SERVANT WHO TRAVELLED 11 117 1 2098 .2 22.2. CONTROLLING OFFICER instrict Education Utilicer (Female) Marak FOR USE IN AUDIT / TREASURY OFFICE • : Admitted:-Rs. Objected:- ... Rs. Reason of Objection and AUDITOR ASSTT: ACCOUNT OFFICER ASSTT: ACCOUNTANT GENERAL ACCOUNTS OFFICER.

Parties present.

Vide my summary judgment of today comprising of (03) pages, separately placed on file, it is held that plaintiff has got a strong cause of action and he is entitled for decree as prayed for. Defendant No.01 is directed to do the needful and defendants No.02 and 03 are directed to comply with the court orders and to make payment of -decretal amount as soon as possible. Cost shall follow the events.

1/2 2020 292/ 1/2 2020 292/ 0/12 2020 292/

File be consigned to record room after its necessary completion and compilation. Moharrir is directed to do the needful.  $\wedge$ 

ESTER

Judge-II

Announced: 27.09.2022

in har sing

58:05

<u>Order No.36</u> 27.09.2022

Page ; 1 بعدالت جناب سينترسول بجح كرك على مرخان دلدِترين خان سابق درائيو دمحكمة تعليم دستركث الجوكيش آفيسر (مردانه) ساكن محلّه شاه نورخيل كرك يخصيل وضلع كرك (مگ) بنام gfiziter ڈسٹر کٹ ایجو کیشن آفیسر (مردانہ) کرک K.D.A کرک بجب اینڈا کا دنٹس آ فیسرمحکم تعلیم ایلیمنٹر ی اینڈ سینڈری ایجو کیشن دفتر D.E.O ( مردانہ ) کرک تخصیل دختلع کرک \_٢ ڈ سٹرکٹ آفیسرفنانس اینڈیلاننگ (منصوبہ ہندی+ خزانہ)ضلع کرک \_٣ دعویٰ استفتر اربہ: د د وکا استراریه برائے حصول ڈکری وصد و رَحِم امتناعی عارضی ، دوامی د تا کیدی بدیں امر که مدعی حکومت کی طرف سے منظور شد ہ و جاری شد ہ مراعات بصیغہ یومیدالا ونس (Daily Allowance ) یعنی (D.A ) کامتعلقہ خدمات کی انجام دبی کے بعد قانونی طور پر متعلقہ قواعد کی رو ے مستحق اور *حقد*ار ہے۔ ید که مدعا علیم متعلقه قواعد کی روسے قانونی و اخلاقی طور پر پابند ہیں کہ وہ مطلوبہ ومتعلقہ خدمات بمطابق ( Revised Tour "الف"

Programme) انجام دینے کے بعد مدعی کومطلوبہ واجب الا دارم برطایق D.A. Bill حب تو اعد وضابط ادائیکی کرے۔ '' ب' عدالت دیوانی پیچی قرار دے کہ مدعاعلیہم ہرگز مجازنہیں کہ دہ مدی کو مذکورہ رقم کی ادائیگی میں سی قسم کی تاخیر ی حرب استعال کریں ، ٹال مٹول سے کام لے پاانکار کرے۔ یہ کہ مدعاعلیہم کو گئ بار کہاا در کہلوایا گیا کہ مدمی کو D.A Bill میں درج محد ہ رقم کی ادائیگی ممکن بنا تمیں۔اور مدمی کے ساتھ کی قشم کا امتیازی سلوک نہ کریں گر

مسلسل انکاری ہے۔لہذا دعویٰ هذا مجبوراً داخل کرر ما ہوں۔جو کداندرمعیا دواندر دن حدودِ اختیار ساعت عدالتِ حضور ہے۔اگرکورٹ ضروری ہوا تو حسب تھم عدالتِ حضور چسپاں کردی جائیگی۔

جناب عالى! مدى ذيل عرض رسال ب

بیک مدی مورجہ 8 مارچ 2018 کو محکمة علیم (ایلیمنز ی اینڈسینڈری ایجوکیشن) صلع کرک سے بحسیفیت ڈرائیور 8- B.P.S ریٹائرڈ

۲۔ یہ کہ اس دوران مدی نے (Revised Tour Programme) کے تحت مدعا علیہ نمبر 1 کو مختلف علاقوں میں داقع سکولوں کو پہنچانے اور دانیں دوران مدی نے اور دانی دفتر اور اور میں داقع سکولوں کو پہنچانے اور دانیں دفتر لانے کی ڈیوٹی انجام دی۔اور یومیدالاؤنس ( D.A ) کے مدین -Rs. 217523 کے بلز (Bills) مدعا علیہ نمبر 1 کے دفتر میں پش

EX JAPIO-12

961 ا مرمد ماعلیہ نمبر 2 نے واپس کر کے بعد میں داخل کر کے کاظلم دیا۔ Page : 2 13 (Revised Tour Programme) اوربلز کے نقولات لف ہیں۔ سا۔ بیکہ بلز (D.A Bills) پیش کرنے کے بعد سید متعاملیہ کی قانونی واخلاقی ذمہ داری تھی کہ وہ اِن بلوں پر ضروری کاروائی کر کے ضلعی اکا ونٹس آفس سے پاس کرا کرمدی کومطلو بہرقم کی ادائیگی کرنے ۔ گھرمد عاعلیہ اپنی اِس ذمہ داری کوانجام دہی میں سلسل ٹال مٹول ادرا نکار کررہی ہے۔ س سید کہ مدعی کے D.A Bills سے کافی عرصہ بعد داخل ہونے والے منظور نظرافراد کے بلز پر کاروائی کرکے أسے اکاؤنٹس آفس سے clear کر کے رقم ادا کی گئی۔اور مدمی کوتا حال محروم رکھا گیا ہے۔ **۔** سیکہ بدعی نے مورجہ 15 متی 2018 کو جناب صوبائی ڈائر کیٹر محکمہ تعلیم ایلیمنڑی اینڈ سینڈری ایجوکیشن کو درخواست ارسال کر دی۔ جس پر جناب ڈائر کیٹرصاحب نے مدعاعلیہ نمبر 1 کومدی کی درخواست پرترجیحی بنیا دوں پر کاروائی کر سے معاملہ حل کرنے کی تا کید کی ۔ مگر مدعاعلیہم پھر بھی پس سے مس نہیں ہوئے۔اور اِس دوران دیگر ملاز مین کے بلز پر کاروائی کرتے رہے۔ ید کم بر او 2 کومد عاعلیہ نمبر 3 نے می بار D.A کی مدمیں لاکھوں روپہ کی رقم بجٹ میں جاری کر دی مگر مدعاعلیہ نمبر 1 نے اُس میں ۲\_ سے مدعی کوکوئی حصہ ہیں دیا۔ بیک مدعا علیه نمبر 1 مندزور، ضدی اورجت دھرم ہے۔اور میرٹ کی بجائے بجٹ ذاتی پینداور ناپیند کی بنیاد پر تقسیم کرتا ہے۔اور اِس سلسلے میں ميرب ،انصاف ادرتو اعد داخلاقي اقد اركاكوني لحاظ نبيس ركفتا \_ میر که مدعا علیه نمبر 3 سے بھی باربار استدعا کی گئی ، که مدعاعایہ نمبر 2،1 کو خاطر خواہ بجٹ فراہم کرے تا کہ تمام Pending D.A بلز clear ہو سکے ،مگروہ سمجھی کسی کی نہیں سنتا،اپنی من مانی کررہا ہے۔اورغریب وکم تر سکیل / گریڈ کے ملازمین کی تکالیف اور مشکلات کا کوئی احساس نہیں 0.1 لہذا۔اب مدع مجبور ہے کہ اپنے حق کیلیے عدالتِ انصاف سے رجوع کرے دادرس کی استد عاکرے۔ اِس لیے استد عابے کہ بمظوری دعویٰ ھذاہدی کا دعویٰ حسب عنوان دعویٰ مدع، برخلاف مدعاعلیہ ڈکری کرنے کا تکم صا درفر کا تعلیہ کی کوئی ادر Relief جو که عدالت حضور مناسب خیال کرے مگر دعویٰ مدع میں مذکور نہ ہو، بھی عطا کرنے کی ڈکری بھی صا درفر مائی جاتے۔ 7-12-2020 تصرر بق بمقام كرك: تصدیق کیجاتی ہے کہ جملہ مرا تہر دعویٰ تاحدعلم ویفتین میرے درست ہیں۔اورکوئی امر نہ پوشیدہ رکھاہے، نہ جھوٹ پر بنی ہے۔ می مرکزیان بذریته دلیل خو د موبائل نمبر: 9711388-973 ATTESTED En Silvion

## IN THE COURT OF LEANRED CIVIL JUDGE-II. KARAK.

Ali Mar Khan (Plaintiff)

VERSUS

D.E.O(Male), Karak & (Defendants)

#### DECLARATORY SUIT

A

Respectfully Sheweth

10/1/20

Written Statement on behalf of Defendants No. 1

## Preliminary Objections.

- That the suit of plaintiffs does disclose any cause of action. 1.
- That the suit of the plaintiff is wrong, against law and facts. 2.
- That the suit of the plaintiff is not within time. 3.
- That the plaintiff is estopped by his own conduct to file suit 4. against the defendants.
- That the suit of the plaintiff is liable to be dismissed due to mis-5. joinder and non-joinder of necessary parties.
- That the plaintiff has not come to this Hon'ale court with clean 6. hands.
- That the suit of the plaintiff is not maintainable and 7 entertainable in its present form.
- That the suit of plaintiff is badly time barred. 8.
- That the suit liable to be dismissed under Order-7 Rule-10 CPC. 9.

#### Factual Objections

1.

2.

3.

Para No. 1 pertains to record.

Para No. 2 is incorrect and wrong hence denied. As stated by the plaintiff in Para No. 1 that the plaintiff was retired on 3rd March, 2018 while the defendant No. 1 resumed his charged as District Education Officer (Male), Karak on 1<sup>st</sup> January, 2020.

Para No. 3 is incorrect and wrong hence denied as because the defendant No. 1 has no competency to proceed more than three years old D.A Bills as Khyber Pakhtunkhwa Delegation of Financial Powers Rules, 2018, however, the defendant No. 1 has sent his bill to the worthy Director Elementary & Secondary Education KP, Peshawar under subject titled " Arrear of Investigation of TA/DA w.e.f. August, 215 to December, 2016 amounting to Rs. 217523/- vide letter No. 1252-53/Additional Demand File, dated Karak the 24/03/2021. Thereafter reminder of the above mentioned letter dated 24/03/2021 was also setted to the worthy Director Elementary & Secondary Education KP, Peshawar vide letter No. 421 dated 14/10/2021. As and when the response of Arrears of Investigation of TA/DA of the above mentioned period received to the defendant No. 1 the case will be further proceeded.

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فمتتهيج

4. Para No. 4 pertain to record.

5. Para No. 5 is incorrect and wrong.

6. Para No. 6 is incorrect and wrong.

7. Para No. 7 pertains to defendant No. 2 & 3.

It is, therefore, most humbly and respectfully prayed that the suit of the plaintiff may kindly be dismissed keeping in view the above mentioned explanation.

Dated:- 12/02/2022

Defendant No. 1 District Education Officer (Male), Karak.

Through

**District** Attorney Districi Attorney , Karak. Karak

### IN THE COURT OF LEARNED CIVIL JUDGE-II, KARAK.

Ali Mar Khan (Plaintiff)

VERSUS

District Education Officer (M), Karak & others -(Defendants)

Written Reply

Written reply on behalf of official defendant. Respectfully Sheweth

1. Para No. 1 is correct.

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2.

Para No. 2 of the application is incorrect and wrong. The defendant has submitted detailed written statement and the defendant also submitted an application under Order -7 Rule-11 CPC as the matter relates with the terms and conditions of service as the present plaintiff remained government servant. Under the law the application filed by the defendant under Order -7 Rule-11 CPC needs to be decided before deciding application of summary trial.

Para No. 3 is also incorrect and wrong. The plaintiff himself has delayed his case. Being old case the defendant has sent letters to worthy Director Elementary & Secondary Education Department KP, Peshawar under subject titled "<u>arrear of investigation of TA/DA</u>" for obtaining sanction which is necessary:

Reply of Para No. 4 is that there is no need of summary trial of the above titled suit. The defendant has sent letters to Director E & SE Department KP, Peshawar to obtain sanction which is necessary.

That any other point will be agitated at the time of arguments with permission of this Hon'able court.

It is, therefore, most humbly and respectfully prayed that the application of plaintiff may kindly be dismissed and with further requested to first decide the application filed under order -7 rule-11 CPC.

Dated:- 19/09/2022

Defendant District Education Officer (Male), Karak.

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Through

Attorney District Alle Rarak.

## IN THE COURT OF RAZIA GUL CIVIL JUDGE-II, KARAK

#### Civil Suit No. 292/1 OF 2020

00

Ali Mar Khan son of Tareen Khan ex-driver of District Education office (Male) Department, resident of Mohalla Shah Noor Khel Karak, Tehsil and District Karak.

#### .....(PLAINTIFF)

a de la compañía de la

#### ....*VERSUS*....

1- District Education Office-DEO (Male), Karak KDA Karak and
 02 others

....(DEFENDANTS)

Date of institution:		 09.12.2020
Date of decision:	 	 27.09.2022

#### SUIT FOR DECLARATION CUM PERMANANENT MANDATORY INJUNCTION

SUMMARY JUDGMENT

27.09.2022

This summary judgment of mine is intended to dispose of the declaratory suit filed by the plaintiff against the defendants.

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OURTOF

Summarized facts of case are that plaintiff has filed the instant suit for declaration cum perpetual injunction to the effect that he has entitled for daily allowance (D.A) of **Rs.217,523**/- against the defendants. Plaintiff averred in the plaint that plaintiff was working on the post of driver in Education Department and retired from BPS-08 on 03.03.2018. That during his service, plaintiff visited various schools in different areas with the defendant No.01 being a driver. That as per Revised Tour Programme, plaintiff has submitted D.A bills (Daily Allowance bills) but defendants were reluctant to pay the said bills with one pretext and another and using delaying tactics. That defendants were privately asked to deposit the suit amount to the plaintiff, but in vain, hence the present suit.

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Defendants were summoned through process of law who appeared before the court and contested the plaintiff's suit by filing written statement, wherein they raised various legal and factual objections.

Under newly Amended rules of Case Management and Scheduling Conference got held between the parties. Detailed discussion and arguments during the conference took place between the parties. Parties gone through each other pleadings by getting aware of each other's claim.

Perusal of record reveals that plaintiff filed the instant suit for

Arguments heard and record gone through.



declaration cum permanent perpetual injunction that plaintiff is entitled for Rs.217,523/- as Daily Allowance (D.A) being driver in Education Department with defendant No.01. It has been observed by the court that defendants have decisively admitted the plaintiff's stance in their written statement as well as during arguments, however, the reason behind none payment of the suit amount to plaintiff is that T.A claims more than 03 years old requires sanction of the Finance Department after investigation of the Audit. Defendant No.01 has no competency to proceed more than 03 years old D.A bills as per *KPK Delegation of Financial Powers Rules,* 2018. Defendant No.01 further stated that the bills of plaintiff have been sent to worthy Director Elementary and Secondary Education KPK, Peshawar under subject titled arears of investigation of D.A/T. A w.e.f August 2015 to December 2016 amounting to Rs. 217,523/- vide letter No. 1252-53/Additional Demand file, dated: 24.03.2021 Karak. Remainders were sent several times but the process is still under progress, however, it has been established from the record produced by plaintiff that plaintiff is entitled for the D.A amount claimed in the plaint and there is no need for further investigation of the same as the representative of concerned department time and appeared and have categorically admitted the stance of plaintiff. Moreover, the attested copy of details of travelling allowance bills of Ali Mar Khan (plaintiff) which is placed on file clearly depicts that veracity of plaintiff's claim which needs no more evidence and verification.

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With these submissions, it is held that plaintiff has got a strong cause of action and he is entitled for decree as prayed for. Defendant No.01 is directed to do the needful and defendants No.02 and 03 are directed to comply with the court orders and to make payment of decretal amount as soon as possible. Cost shall follow the events.

File be consigned to record room after its necessary completion and compilation. Moharrir is directed to do the needful.

<u>Announced:</u> 27.09.2022

a stand a stand as a stand and a

AZIA **&**UĿ Civil Judge-II, Karak

### CERTIFICATE

Certified that this summary judgment consists of (03) pages and each page is read over, checked and corrected wherever necessary.

### DECREE SHEET IN THE COURT OF RAZIA GUL CIVIL JUDGE-II, KARAK

### Civil Suit No. 292/1 OF 2020

Ali Mar Khan son of Tareen Khan ex-driver of District Education office (Male) Department, resident of Mohalla Shah Noor Khel Karak, Tehsil and District Karak.

.....(PLAINTIFF)

### ...VERSUS...

1- District Education Office-DEO (Male), Karak KDA Karak and 02 others

.....(DEFENDANTS)

 	_ 09.12.2020
 . :	27.09.2022

SUIT FOR DECLARATION CUM PERMANANENT MANDATORY INJUNCTION

> ال در مرد مرد مران جناب ال الساب حرصاد الماحل

Order No.36 27.09.2022

Parties present.

Vide my summary judgment of today comprising of (03) pages, separately placed on file, it is held that plaintiff has got a strong cause of action and he is entitled for decree as prayed for. Defendant No.01 is directed to do the needful and defendants No.02 and 03 are directed to comply with the court orders and to make payment of decretal amount as soon as possible. Cost shall follow the events.

File be consigned to record room after its necessary completion and compilation. Moharrir is directed to do the needful.

Announced: 27.09.2022

Civil Judge-II, Karak

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5 ى*زچپ ۋر بىيا*ن زجب فكرما ماجم NIL NIL ماریخ 27/22 کو ست قیرے دستی اور فیرعدالت سے جاری شار-مر عد ال STIR. Jan 2 4 4 F 5 Certified Tobetrue Copy a al fit he had and he head and Examiner Spyring Branchio 20 54-10-2 11-10-2 6480 5-10.22 11is a j 11-10-22 11-10-22

23-0-23 1100 (104) - 10-57 (1 GN RCA: -22 - 26 2022 13 - 202 13 - 202 13 مشق کم ا DEO(M بى والس oby juit for ، سمان ندرم ، درم ، القاران 04/01/2023 می ویام اور د کما ترت الال فتل مراب كارورائى تخت براييل تقرر سے میں را ایا بڑت نے اس روں سے Ciconi pained Contraction سماری مرم در ارون متل متل مرم فتل مرابع فت الراميل مود له في اه كو يست كانبون في ا Asif Rashi District Judge, Kara 5.1620 2. 2. 2. 1. 1. 1. 1. 1. 2. 2. 2. 2. D. D. E. O. D. E. O. L. J. M. 10 5 . 2. 0. الفاون من مديم مرمر ريساندين رمان مرد ول عسرالنام العروب في بحث مر ربيل سماعت ست ا متل مر -STTESTED 2-3-23 مررسيل مرزفر في دل كوب في مع وج + the last the other

# IN THE COURT OF ASIF RASHID DISTRICT JUDGE, KARAK

# R.C.A No.52/13 of 2021.

<u>D.E.O (Male) Karak etc...Versus...Ali Mar Khan.</u>

<u>ORDER</u> 23.02.2023

ATTESTED

Parties present. Arguments have already been heard and record perused.

Vide my detailed judgment of today consisting of four (04) pages, placed on file, instant appeal is allowed and the impugned summary judgment dated 27.09.2022 is set aside. The case is remanded back to the learned trial Court with direction to decide the same on merits by formulating proper issues and extend opportunity to both the parties to adduce their respective evidence, preceded by submission of amended plaint by respondent/plaintiff. Learned trial Court inter-alia, is also directed to look into the matter in respect of jurisdiction and requisite Court Fee. Parties are directed to appear before the learned trial Court on 02.03.2023.

Requisitioned record be sent back to the quarter concerned whereas file of this Court be consigned to record room after completion and compilation

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Announced in open Court: Today on 23rd day of February, 2023.

e SESSig

Asif Rashid,

District Judge, Karak

# (100)



# IN THE COURT OF ASIF RASHID, DISTRICT JUDGE, KARAK

1. District Education Officer (Male) Karak 2. Budget & Account Officer, Elementary & Secondary Education (Male), Karak......Appellants/Defendants.

Versus

Ali Mar Khan S/o Tareen Khan Ex-Driver of District Education Officer (Male) Karak.......Respondent/ plaintiff.

#### <u>JUDGMENT:-</u> 23.02.2023

1. Through instant Regular Civil Appeal, the appellants has challenged the validity of summary judgment dated; 27.09.2022 passed in Civil Suit No. 292/1 of 2020 titled "Ali Mar Khan...Vs...District Education Officer (Male) Karak etc." whereby learned Civil Judge-II, Karak has decreed summarily suit of the plaintiff.

2. Brief facts of the case as narrated in the plaint are that the respondent/plaintiff Ali Mar Khan has instituted suit against appellants/defendants seeking therein decree for declaration-cum-perpetual injunction to the effect that he is entitled for daily allowance of Rs. 2,17,523/- with averment made in the plaint that he (plaintiff), being driver, visited various schools in different areas with defendant No. 1 and that as per Revised Tour Program, plaintiff has submitted

ATTESTED

District Judge, Kuruk

Asif Rashic

Daily Allowance Bills but defendants were reluctant to pay the said bills on one pretext and other by using delaying tactics. It has lastly been added that defendants were privately asked to the accede to his claim, but in vain, hence,

the suit. The learned Trial Court summoned defendants 3. through process of the Court who appeared and contested the suit by filing written statement raising therein various and factual objections. Case Management & legal Scheduling Conference was held between the parties and after hearing arguments, the learned trial Court vide summary judgment dated; 27.09.2022 decreed the suit of

plaintiff as prayed for.

care.

Feeling aggrieved with the impugned summery judgment dated; 27.09.2022, the appellants/defendants have preferred instant Regular Civil Appeal before this Court, notice whereof was given to respondent and record of the

case was requisitioned. I have heard arguments of learned counsel for the parties and perused the record with considerable degree of

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Asit Rashid District Judge, Kar

Essentially, respondent/plaintiff has a cause of action 6. and his Daily Allowance claim has not been denied by appellants/defendants explicitly, however, law requires an act to be done in a particular manner and such dictate of law cannot be termed as mere technicality, thus, having seen with this angle, it is held that frame of the suit by which the impugned declaration was sought in relation to a monetary benefit, was not legally tenable. In fact, it should have been a straight suit for recovery of money in the shape Daily Allowance, all the more when the impugned allowance was being claimed for past period. Furthermore, the amount claimed in the plaint has not been overtly mentioned in the heading of the plaint rendering it defective because averments made in the pleadings cannot constitute specific claim but the evidence led in support of the pleadings must be consistent therewith, however, the case in hand has been decided in hasty manner without reaching to the crux of the matter by not recording pro and contra evidence. Apart from the above, the point involved in the case suggests payment of Daily Allowance to the respondent/plaintiff which does not seem to have been denied by appellants/defendants but the pleadings i.e. plaint does not clearly mention the monetary claim of respondent/plaintiff rather the same speaks for declaration

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Ash Rashid District Judge, Karak

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instead of recovery which does not cover the claim of respondent/plaintiff.

7. For what has been discussed above, instant appeal is allowed and the impugned summary judgment dated 27.09.2022 is set aside. The case is remanded back to the learned trial Court with direction to decide the same on merits by formulating proper issues and extend opportunity to both the parties to adduce their respective evidence, preceded by submission of amended plaint by respondent/plaintiff. Learned trial Court inter-alia, is also directed to look into the matter in respect of jurisdiction and requisite Court Fee. Parties are directed to appear before the learned trial Court on 02.03.2023.

Requisitioned record be sent back to the quarter concerned whereas file of this Court be consigned to record room after completion and compilation

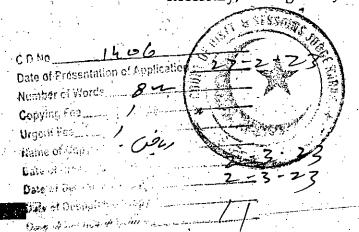
Announced in open Court: Today on 23rd day of February, 2023.

**Asif Rashid,** District Judge, Karak

### <u>CERTIFICATE</u>

Certified that this judgment consists of four (04) pages, each page has been read, corrected wherever it was necessary, and signed by me.

Asif Rashid, District Judge, Karak



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### IN THE COURT OF ASIF RASHID DISTRICT JUDGE KARAK

1: District Education Officer (Male) Karak 2. Budget & Account Officer, Elementary & Secondary Education (Male), Karak.

.....Appellants/Defendants.

#### <u>Versus</u>

Civil Appeal Against the Summary Judgment, order and clacsee date 27.09.2022 of learned Civil Judge-II Karan. Passed in Civil Suit No. 293/, 67 2020 Whereby the Suit of Plaintiff Mas decreed Against the Appellant/Defendant. Nas decreed Against the Appellant/Defendant. Drives: For the aforesaid facts and Joands it is therefore, must bumply and respectfully proyed that on acceptance Corrist may very graeicrusly be pleased to set aside the Impugned order J. Judgment and clearee date 27.09.2020 and be declarged as illegal, Maniful We case be remainded back to the tial court to decide on wersit. Parties present. Arguments have already been heard and record perused.

Vide my detailed judgment of today consisting of four (04) pages, placed on file, instant appeal is allowed and the impugned summary judgment dated 27:09.2022 is set aside. The case is remanded back to the learned trial Court with direction to decide the same on merits by formulating proper issues and extend opportunity to both the parties to adduce their respective evidence, preceded by submission of amended plaint by respondent/plaintiff. Learned trial Court inter-alia, is also directed to look into the matter in respect of jurisdiction and requisite Court Fee. Parties are directed to appear before the learned trial Court on 02.03.2023.

Requisitioned record be sent back to the quarter concerned whereas file of this Court be consigned to record room after completion and compilation

Announced in open Court: Today on 23rd day of February, 2023.

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3.02.2023

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2023

(-Sd-) (Asif Rashid) District Judge, Karak

### MEMO OF COSTS

Si N	Appellant		Amount	Respondent	Amount .
1 9	Stamps for Memorandum of appeal	Rs.	NIL	Stamps for Memorandum of a	ppeal Rs.
Ν	NIL Stamp of Power	Rs.	NIL	Stamp of Power	Rs. NH.
3 S	Service of fee	Rs.	NIL	Service of ree	Rs NIL
4 I	leader fee	Rs.	NIL	Pleader fee	Rs. NIL
	liscellaneous	Rs.	NIL	Miscellaneous	Rs. NIL
Tota	A Standard Standard	Rs.	NIL	Total	NIL

Notes Counsel fee of the parties are not allowed as the required certificate under the rule have been not filed.

Giver under my hand and the seal of this Court this day of 23rd February.

District Judge Karak

# IN THE COURT OF SHOAIB AHAMD CIVIL JUDGE-II, KARAK

25-15 No .9-12 12/ 2020 127 1 -2023 - 2020 - 1/200 L 711 1

Misc. Petition No. 56/6

#### Order----03 05.06.2023

Plaintiff/petitioner alongwith learned counsel present. Petitioner/plaintiff has moved an application that plaint in civil suit No. 27/1 R of 2020/2023 is already <u>returned vide</u> <u>order dated: 25.05.2023</u>. Now, petitioner/plaintiff has submitted the instant misc application for return of court fee, hence, this order.

Arguments heard and requisitioned record perused. Perusal of record indicates that petitioner/plaintiff Ali Mar Khan instituted suit for declaration-cum-injunction and recovery of Rs. 217,523/- suit title <u>"Ali Mar Khan ...vs...</u> <u>DEO (M) etc.</u>" on dated 09.12.2020. Similarly, plaintiff has affixed court fee of Rs.15000/-. On 25.05.2023 suit of plaintiff was returned.

The suit was in its initial stages when plaint was returned, no evidence was recorded so for, and no contesting judgment was delivered. Superior Courts in such like scenario encourages, return of court fee. Even otherwise, it is not mandate of judiciary to generate revenue for the state but to provide free of cost justice to all the citizens as much as possible.

Therefore, application in hand is allowed. Plaintiff/petitioner is entitled for withdrawal of court fee of Rs.15000/- under Section-13 of Court Fee Act read with Section-151 CPC.

Page-2

A CERTIFICATE is issued to the petitioner/plaintiff. Muharrir is directed to hand over Original Certificate to the petitioner/plaintiff namely Ali Mar Khan. Muharrir is also directed to place copy of certificate in the instant suit as well as in misc. application. Muharrir is further directed to procure copies of court fee/stamp papers (if any) and placed the same in the main suit, if required.

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File be consigned to record room after its necessary. completion and compilation.

Announced .05.06.2023

SHOAIB AHMAD Civil Judge-II, Karak

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# TO WHOM IT MAY CONCERN

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It is certified that plaintiff/petitioner namely Ali Mar Khan S/O Tareen Khan is entitled to refund/returned of court fee amounting to Rs.15000/- deposited in case 27/1-R of 2020/2023 titled "Ali Mar Khan ... Vs... DEO (M) etc":

Dated:05.06.2023.

SHOAIB AHMAD Civil Judge-II, Karak

### 25.5.23 Jei 712.2e c 2.200 Jei 27/Remain <math>ie 25.5.23 Jei 712.2e c 2.200 Jei 27/Remain <math>ie 2.3.23 Jei 7/Remain <math>ie JEO( 2842JIN THE COURT OF SHOAIB AHMAD 23CIVIL JUDGE-II, KARAK.

<u>Order...01</u> 02.03.2023

The instant suit received (remanded) from the Hon'ble District Sessions Judge, Karak.

Plaintiff in person while defendant through representative present. Plaintiff is directed to submit amended plaint in the light of Order dated: 23-02-2023 of Hon'ble DSJ, Karak on 28 03 1-3.

Muharrir is directed to register the instant case with its old number as neem remand.

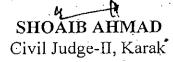
Raintiff in perior present alongeith counsel. Defendent absent, & noticed for <u>24.4.23</u> Today plaintiff submitted amended plaint Today plaintiff submitted amended plaint alonguith court fa, which is placed on file.

 $\frac{O R D E R}{20.04.2023} - 3$ 

Today reader put up the case before the court.

Vide letter No. 4411-36/Admn Order of the Hon'ble Chief Justice; 21<sup>st</sup> to 25<sup>th</sup> April 2023 were declared Eid-ul-Fitr holidays and all the courts, benches and subordinate Courts in Khyber Pakhtunkhwa were declared to remain closed.

To come up for proceedings as mention in previous order sheet on  $11 \cdot 5 \cdot 2023$ 



SHOATB AHMAD Civil Judge-II, Karak

14 日本語構成

مى مرجان سابي دسترمسر الحوس وجراحارى متر خر في مالى ما المسلم 11-5-23 SHOALBAHMAB Civil Judge-il, Karak. (1) (1) and a sing a partie of a lo con - all and a con - 22.5.23 لنا ما معاميم في معم مدرم من جعا ملى مرا) - ام ور حا ار 23 <u>5</u> 23 <u>5</u> <del>(1)</del> <del>(1) <del>(1)</del> <del>(1)</del> <del>(1)</del> <del>(1)</del> <del>(1)</del> <del>(1)</del> <del>(1) </del></del> المحترسين محر SHOAE AHMAD Civil Jurige-II, Karak

Order--06 24.05.2023

Plaintiff alongwith learned counsel present. District Attorney for contesting defendants present.

Written statement submitted, pleading stage completed.

Case Management and Scheduling Conference is not held in the instant case after remand back of the case.

On the other hand, pleading stages completed and both the parties places their relies on certain documents.

Contrary to the position, defendants in written statement have mainly taking a plea that this court has got no jurisdiction.

Moreso, Worthy DSJ, Karak has directed this court to look into the matter in respect of jurisdiction.

Thus, in the light of above stated discussion, learned counsels for both the parties are informed to go through pleading and assist the court in all respect including question of jurisdiction for the next date fixed. Similarly, they are put on notice under order XV-A as to why not the case may be decided on the bases of summary judgment in the light of available record.

To come  $u_{\mu}$  for arguments/court assistance under newly Case Management and Scheduling Conference Rules on  $\frac{25}{5}/\frac{20-3}{2}$ 

> SHOAIB AHMAD Civil Judge-II, Karak

Ali Mar Khan ... vs... DEO ETC

(11/5)

### Order --- 07 25.05.2023

Plaintiff in person alongwith learned counsel present. Representative of contesting defendants alongwith Learned District Attorney present.

Vide my summary judgment of today comprising of 06 pages, separately placed on file, **amended plaint** which was <u>presented on dated 28.03.2023 is hereby returned on dated</u> <u>25.05.2023 to the plaintiff namely Ali Mar Khan to approach</u> proper forum. Munarrir of the court is directed to do the need full in this regard

It is pertinent to mention here that plaintiff is entitled for return of court fee. In this respect, he may file an application for return of court fee, if he desires so.

File be consigned to record room after its necessary completion and compilation. Moharrir is directed to do the 'needful.

<u>Announced:</u> 25.05.2023

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SHOAIB AHMAD Civil Judge-II, Karak

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Ali Mar Khan ...vs... DÉO ETC

Page-1

# IN THE COURT OF SHOAIB AHMAD CIVIL JUDGE-II, KARAK

## Civil Suit No. 27/1-R 2020/2023

Ali Mar Khan son of Tareen Khan ex-driver of District Education office (Male) Department, resident of Mohalla Shah Noor Khel Karak, Tehsil and District Karak.

### .....(PLAINTIFF)

### ...VERSUS....

District Education Office-DEO (Male), Karak KDA Karak and 02 others

### .....(DEFENDANTS)

Date of institution:		 09.12.2020
Date of remand:	,	 02.03.2023
Date of decision:		 25.05.2023

# SUIT FOR DECLARATION-CUM-INJUNCTION AND RECOVERY

# SUMMARY JUDGMENT

25/5/2023

Plaintiff in person alongwith learned counsel present. Representative of contesting defendants alongwith Learned District Attorney present.

As case Management and Scheduling Conference was not held in the instant case, therefore, under newly Amended rules **Case Management and Scheduling Conference** got held between the parties on last date. Detailed discussion and arguments during the conference took place between the parties. Parties gone through each other's pleadings by becoming aware of each other's claim. Notice under order XV-A was already given to the parties on previous date which they accepted, hence, this summary judgment.

Page-2

During course of arguments learned counsel for the plaintiff argued that his client is Ex-Government Servant, and the present suit is filed as citizen of Pakistan. That plaintiff was a driver in defendants' department and during service some of D.A bills were due, however, the same are not paid since date. He further argued that civil court has got exclusive jurisdiction to entertain the present *lis* and to issue any order in this regard as the fundamental rights of plaintiff has been infringed and declaratory cum recovery suit may be filed in case of any such infringement, in civil court.

Learned District attorney for Contesting defendant negated the stance of learned counsel for plaintiff and vehemently argued that plaintiff through instant suit is asking for a decree of declarationcum-injunction and recovery against the defendants, however, this court has got no jurisdiction to entertain the present suit. Learned District Attorney further submitted that if plaintiff is aggrieved by any action of defendants, then he can seek his remedy by approaching proper forum i.e. Departmental Authority and then to the Service Tribunal: Learned District Attorney further added that, owing to the bar laid down in Article 212 of the constitution, civil

y Khan ...vs... DEO ÉTC

· Page- 3

court has got no jurisdiction to entertain the present suit of plaintiff and same is liable to be rejected or to be teturned to the proper forum. Brief facts of case are that plaintiff has filed the instant suit for declaration-cum-injunction and recovery to the effect that he is entitled for daily allowance (D:A) of Rs.217,523/- against the defendants. Plaintiff alleged that he was working on the post of driver in Education Department and retired from his service on 03.03.2018. Plaintiff contended that during his service, he visited various schools in different areas with defendant No.01 being a driver. That as per Revised Tour Programme, he submitted D.A bills (Daily Allowance) but defendants were reluctant to pay the said bills on one pretext and another, thus, using delaying tactics. That defendants were asked time and again for payment of outstanding bills, but all in vain.

Defendants were summoned, who appeared before the court and contested the plaintiff's suit by filing written statement, wherein they raised various legal and factual objections.

Before going to discuss the case, court deems it appropriate to mention here that plaintiff filed the instant suit on 09.12.2020, which was contested by defendants. On 27.09.2022, the suit was decreed. Feeling aggrieved from said order/decree, defendants approached appellate forum. On 23.02.2023, Worthy District and Sessions Judge; Karak set aside judgment/decree dated: 27.09.2022 and

# Ali Mar Khan ...vs... DEO ETC

Page- 4

remand back the case with the direction to decide the case on merits by formulating issue and offering parties to adduce their evidence with further direction to the plaintiff to submit amended plaint. The Worthy Appellate Court also directed this court to look into the matter in respect of jurisdiction etc.

There could be no escaping from the fact that plaintiff was civil servant in Education Department, and he was serving as driver in BPS-08. Admittedly, he retired from service on 03.03.2018. There is also no doubt at all that the impugned D.A bills are the outcome of the services he rendered during his job. Similarly, D.A allowance are paid to a civil servant in addition to his salary and as such it is not honorarium to which civil servant is entitled without any liability. In other words, it could be safely said that cause of action accrued to the plaintiff during continuation of the job and this fact is even admitted by plaintiff in para-02 of the plaint.

All the above-stated facts show that the relief sought by plaintiff in shape of declaration-cum-recovery suit is related to terms and conditions of his service. Besides, it is irrelevant as to whether plaintiff has approached civil court during continuation of his job or after his retirement.

SHOATE AHMAD Law provides service tribunal as the forum before which civil servant can vindicate his grievance. Service Tribunal • is a constitutional forum established under Article 212, having exclusive

5/2023

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#### I Mar Khan ... vs... DEO ETC

jurisdiction in matter relating to the terms and conditions of a person who is or has been in service of Pakistan.

Page-5

The same question was considered in case title: "Ali Azhar Khan Baloch ... vs... Province of Sindh (2015 SCMR 456)" by August Supreme Court of Pakistan in the following words:

"Article 212 of the constitution of Islamic Republic of Pakistan, 1973 ousts the jurisdiction of High Courts and conditions of the matters pertaining to terms and conditions of civil servants. In other words, the Provisions of Article 212 do not confer a concurrent jurisdiction to Civil Courts, High Courts and Tribunals. The ouster contemplated under the said Article is a Constitutional command and, therefore, of necessity restricts the jurisdiction of civil courts and High Courts on the subject, which squarely falls within the exclusive domain of Tribunal."

No doubt, adequate and efficacious remedy is available to the plaintiff under the law in the form of approaching Service Tribunal for redressal of his grievance.

Even otherwise, when law provides a remedy to another authority fully competent to give relief, any indulgence to the contrary by the court who is not competent to adjudicata upon, would for sure means defeat of legislative intent. Ali Mar Khan ...vs... DEO ETC .

The main objective of Case Management Rules is to take control of the case and to see whether the case is worth a trial or not. Thus, court is of the view that this court being civil court has no jurisdiction to entertain the suit in hand.

Page-6

Hence, in the light of the above discussion **amended plaint** which was <u>presented on dated 28.03.2023 is hereby returned on dated</u> <u>25.05:2023 to the plaintiff namely Ali Mar Khan to</u> approach proper forum. Muharrir of the court is directed to do the need full in this regard.

It is pertinent to mention here that plaintiff is entitled for return of court fee. In this respect, he may file an application for return of court fee, if he desires so.

File be consigned to record room after its necessary completion and compilation.

Pronounced in open Court at Karak and given under my hand and seal of the Court of this 25<sup>th</sup> day of May, 2023.

<u>Announced</u> 25.05.2023

> SHOAIB AHMAD Civil Judge-II, Karak

CERTIFICATE

Certified that this order consists of (06) pages and each page is read over, checked, and corrected wherever necessary.

SHOAIB AHMAD Civil Judge-II, Karak

SHÇARB AHMAD Civil Judge-II, Karak

### DECREE SHEET IN THE COURT OF SHOAIB AHMAD CIVIL JUDGE-II, KARAK.

いんろ

# Civil Suit No. 27/1-R 2020/2023

Ali Mar Khan son of Tareen Khan ex-driver of District Education office (Male) Department, resident of Mohalla Shah Noor Khel Karak, Tehsil and District Karak.

....(PLAINTIFF)

....*VERSUS*....

District Education Office-DEO (Male), Karak KDA Karak and 02 others

.....(DEFENDANTS)

Date of institution:	09.12.2020
Date of remand:	02.03.2023
Date of decision:	25.05.2023

SUIT FOR DECLARATION-CUM-INJUNCTION AND RECOVERY

<u>Order --- 07</u> 25.05.2023

> Plaintiff in person alongwith learned counsel present. Representative of contesting defendants alongwith Learned District Attorney present.

میں بیش ہوا۔ بس یہ تم صادر سوائے

Vide my summary judgment of today comprising of 06 pages, separately placed on file, **amended plaint** which was <u>presented on dated 28.03.2023</u> is hereby returned on dated 25.05.2023 to the plaintiff namely Ali Mar Khan to approach proper forum. Muharrir of the court is directed to do the need full in this regard.

It is pertinent to mention here that plaintiff is entitled for return of court fee. In this respect, he may file an application for return of court fee, if he desires so.

File be consigned to record room after its necessary completion and compilation. Moharrir is directed to do the needful.

Announced: 25.05.2023

15/2023

---SD---Civil Judge-II, Karak

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