

18.01.2019

Appellant with counsel present, requested for withdrawal of the present service appeal and submitted an application to that effect. Consequently the present service appeal shall be treated as withdrawn. No order as to costs. File be consigned to the record room.



Member

Camp Court A/Abad




ANNOUNCED.

18.01.2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 1182/2018 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/09/2018	<p>The appeal of Mr. Shujjah Ali resubmitted today by Choudhary Abdur Rauf Chohan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	27-08-2018	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>16-11-2018</u></p> <p> CHAIRMAN</p>
16.	11.2018	<p>Clerk to Counsel for the appellant present. Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 18.01.2019 at camp court Abbottabad.</p> <p> Registrar A/Abad</p>

The appeal of Mr. Shujah Ali son of Shah Zaman resident of village havelian Mohallah Astam Abad District A.Abad received to-day by post i.e. on 18.09.2018 is returned to the counsel for the appellant with the direction to submit Two more copies/sets of the appeal along with annexures i.e. complete in all respect (In file cover) within 15 days.

No. 18-TS/S.T.

Dt. 19-9/2018.

Choudhary Abdur Rauf Chohan
Adv. High Court A.Abad.


Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

19/9/18

BEFORE THE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA, PESHAWAR.

Appeal No. 1182 / 2018

Shujah Ali S/o Shah Zaman.

...APPELLANT

VERSUS

Secretary Finance, Government of Khyber Pakhtunkhwa Peshawar & Others.

...RESPONDENTS

APPEAL

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Shujah Ali
...APPELLANT

Through:

(Signature)

(CHOUDHARY ABDUR RAUF CHOHAN)

Advocate High Court, Abbottabad.

Dated: 17/09 /2018

BEFORE THE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA, PESHAWAR.

Appeal no. 1182/2018.

Shujah Ali S/o Shah Zaman resident of Village Havelian Mohallah Astam Abad, Tehsil
Havelian District Abbottabad

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1450

Dated 18/9/18 APPELLANT

VERSUS

1. Govt; of K.P.K through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary & Secondary Education, Peshawar.
3. Secretary Finance, Government of Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. District Accounts Officer, Abbottabad.

...RESPONDENTS

=====

APPEAL UNDER SECTION 4 OF THE K.P.K SERVICE
TRIBUNAL ACT 1974, TO THE EFFECT THAT THE
DEDUCTION IN THE CONVEYANCE ALLOWANCE
AND RECOVERY OF THE AMOUNT ALREADY PAID
IS ILLEGAL, AGAINST THE LAW, UN-
CONSTITUTIONAL, MALAFIDE, DISCRIMINATORY
AND WITHOUT ANY LAWFUL AUTHORITY HENCE
IN EFFECTIVE ON THE RIGHTS OF THE
APPELLANT.

Filed to-day
Registrar
18/9/18.

Re-submitted to -day
and filed.

Registrar
25/9/18

PRAYER:-

ON ACCEPTANCE OF THE INSTANT APPEAL, DIRECTIONS MAY KINDLY BE ISSUED TO THE RESPONDENTS TO MAKE THE PAYMENT OF ALL OUTSTANDING CONVEYANCE ALLOWANCE AND THE AMOUNT WHICH IS DEDUCTED FROM THE APPELLANT AND RESPONDENTS MAY KINDLY BE RESTRAINED TO MAKE ANY DEDUCTION OF CONVEYANCE ALLOWANCE FOR THE VACATIONS FROM APPELLANT AND ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM FIT AND THE FACTS AND CIRCUMSTANCES OF THE CASE TO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth,

1. That, the appellant is serving in Education Department and performing duties as a SST General at Govt; High School Hari Khaiteer in District Abbottabad.

2. That, the conveyance allowance is admissible to all the Civil Servants and to this effect Notification was issued. **(Copy of Notification is annexed as Annexure "A")**
3. That, the appellant was receiving the conveyance allowance as admissible under the law.
4. That, the respondents without any valid reason not only stopped the payment of conveyance allowance under the pretext that the same is not allowed for the leave period but also started making the recovery of the amount which was paid for the period of vacation. **(Copies of Pay roll are annexed as Annexure "B")**
5. That, as the act of respondents is illegal, unconstitutional, without any legal authority and discriminatory.
6. That, the appellant have many time requested the respondents for redressal his grievances but no avail consequently appellant submitted the writ petition before the Hon'ble Peshawar High Court Circuit Bench Abbottabad on 25-01-2018, the Hon'ble High Court converted the Writ Petition as a departmental representation. **(Copy of Writ Petition is annexed as annexure "C")**

7. That, the respondents have not taken any action on the departmental representation despite elapse of sufficient long time. (Copy of order of High Court Bench Abbottabad dated 15-02-2018 is annexed as annexure "D")
8. That, feeling aggrieved the appellant is now come to this Hon'ble Tribunal assailing the impugned order being unwarranted law and facts inter alia.

GRUNDS:-

- a) That, the deduction of conveyance allowance for vacation period and recovery of amount already paid is illegal, against the law, without any legal authority, discriminatory and in clear violation of fundamental rights duly conferred by the constitution and is liable to be declared null and void by this Hon'ble Court.
- b) That, there is clear difference between leave and vacation as leave is applied by the Civil Servant while the vacations are always announced by the Government.

c) That, the rules governing the leave matters clearly explain that the civil servants who avail the vacations are allowed only one leave in a month whereas the other civil servants may avail 4 days leave in a calendar months and the same are credited to his account and in this way he may avail 48 days earned leave with full pray, whereas the Government servants to avail vacation such as petitioners are allowed one day leave in a month and twelve (12) days in a year and earned leave for twelve days in a year are credited to his account and there is no question of deduction of conveyance allowance for vacation period, the respondents while making the deduction of conveyance, allowance lost sight of this legal aspects and illegally and without any authority started the recovery and deduction of conveyance allowance from appellant.

d) That, the appellant has the vested right of equal treatment before law and the act of the respondents to deprive the appellant from the conveyance allowance is unconstitutional and clear violation of fundamental rights.

e) That, vacations are holidays are same and not leave of any kind. Summer/winter vacation of employees of

vacation department is to be counted as duty under rule 747-A of Special & Ordinary Rule, like as teacher is called for winter/ summer camp to teach the student in vacation teachers are bound to perform the duty. Teachers cannot leave the own station without permission in vacation period. All these shown vacations are duty.

- f) That, the appellant seeks the permission of this Hon'ble Court to raise any other grounds available at the time of arguments.

PRAYER:

It is, therefore, humbly prayed that on acceptance of the instant Appeal, directions may kindly be issued to the respondents to make the payment of all outstanding conveyance allowance and the amount which is deducted from the appellant and respondents may also kindly be restrained to make any deduction of conveyance allowance for the vacations from the appellant and any other relief which this Honourable Court deem fit in the circumstances of the case to be granted to the appellant.


INTERIM RELIEF:-

In the meantime, respondents may kindly be restrained to make any deductions of conveyance allowance for vacations from the appellant till the final disposal of instant appeal.


...APPELLANT

Through:

Dated: 17/09/2018



(CHOUDHARY ABDUR RAUF CHOCHAN)
Advocate High Court, Abbottabad.

VERIFICATION:-

Verified that the contents of the instant *Appeal* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated: 17/09/2018


...APPELLANT

attested
Ch: Abdur Rauf Chohan
Advocate High Court
Office 28 Lawyer's Plaza I
0347-3446975


BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.

Shujah Ali S/o Shah Zaman.

...APPELLANT

V E R S U S

Secretary Finance, Government of Khyber Pakhtunkhwa Peshawar & Others.

...RESPONDENTS

APPEAL

ADDRESSES OF THE PARTIES

Respectfully Sheweth,

Correct addresses of the parties are as under;

APPELLANT:

Shujah Ali S/o Shah Zaman resident of Village Havelian Mohallah Astam Abad, Tehsil
Havelian District Abbottabad

RESPONDENTS:

1. Secretary Finance, Government of Khyber Pakhtunkhwa Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer, Abbottabad.


...APPELLANT

Through:

Dated: 07/09 /2018


(CHOUDHARY ABDUR RAUF CHOCHAN)

Advocate High Court, Abbottabad.

attested
Ch: Abdur Rauf Chohan
Advocate High Court
Lawyer's Plaza |
16975

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.

Shujah Ali S/o Shah Zaman.

...APPELLANT

VERSUS

Secretary Finance, Government of Khyber Pakhtunkhwa Peshawar & Others.

...RESPONDENTS

APPEAL

AFFIDAVIT

I, **Shujah Ali S/o Shah Zaman** Appellant, do hereby solemnly affirm and declare on oath that the contents of foregoing Appeal are true and correct to the best of my knowledge, and belief and nothing has been concealed or suppressed from this Honourable Court.


DEPONENT

Dated:- 17/09/2018

attested
Ch: **Abdur Rauf Chohan**
Advocate High Court
Office 28 Lawyer's Plaza
0347-3146975




GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (PRC) 1-1/2011

Dated Peshawar the: 14th July, 2011

From:

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

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa
4. The Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All District Coordination Officers in Khyber Pakhtunkhwa.
8. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
9. The Registrar, Peshawar High Court, Peshawar.
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

Subject:

REVISION OF BASIC PAY SCALES, ALLOWANCES AND PENSION
OF CIVIL SERVANTS OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

The Governor, Khyber Pakhtunkhwa Province has been pleased to sanction, *w.e.f. 01-07-2011* and until further orders, revision of Basic Pay Scales, Allowances and Pension for the Civil Servants of the Provincial Government, detailed as follows:-

PART-I (PAY)

2. **Revision of Basic Pay Scales:-**

Basic Pay Scales – 2011, as contained in the Annexure to this letter, will replace Basic Pay Scales – 2008, *with effect from 01-07-2011.*

3. **Fixation of Pay of the Existing Employees (w.e.f 01-07-2011):-**

- i. Basic pay of an employee, who was in service on 30-06-2011, will be fixed in Basic Pay Scale – 2011 on point-to-point basis, i.e. at the stage corresponding to that occupied by him / her above the minimum of Basic Pay Scales – 2008.
- ii. In case of Personal Pay being drawn by an employee as part of his / her basic pay beyond the maximum of his / her pay scale as on 30-06-2011, he / she shall continue to draw such pay in the Basic Pay Scales – 2011 *at revised rates.*

4. **Annual Increment:-**

Annual increment will continue to be admissible, subject to the existing conditions, on 1st of December each year.

attested
Sh: Abdur Rauf Chohan
Advocate High Court
Office 76 Lawyer's Plaza
347-3146975

PART-II (ALLOWANCES)5. Ad-hoc Relief Allowances granted upto 01-07-2009:-

The following Ad-hoc Relief Allowances sanctioned upto 01-07-2009 will be discontinued with effect from 01-07-2011.

S.No.	Name of Allowance	Sanctioned vide Letter No. & Date	Admissible Rate
i.	Special Additional Allowance	FD (PRC) 1-1/99 Dated: 26-07-99	BPS 1-16 25% BPS 17-22 20%
ii.	Special Relief Allowance -	FD (PRC) 1-1/2003 Dated: 09-07-2003	15% of the basic pay for all employees
iii.	Ad-hoc Relief	FD (PRC) 1-1/2004 dated 17-07-2004	15% of the basic pay for all employees
iv.	Dearness Allowance	FD (PRC) 1-1/2006 dated 5-07-2006	15% of the basic pay for all employees
v.	Ad-hoc Relief Allowance	FD (PRC) 1-1/2008 dated 25-07-2009	BPS 1-16 20% BPS 17-22 15%

6. Ad-hoc Allowance - 2010 (if admissible):-

- Ad-hoc Allowance - 2010, allowed @ 50% of the running basic pay in Basic Pay Scales - 2008, where admissible to Civil Servants, will be frozen at the level of its admissibility as on 30-06-2011.
- All new entrants will be allowed Ad-hoc Allowance - 2010, if admissible to them, @ 50% of the minimum of relevant Basic Pay Scales - 2008 on notional basis, the amount of which will remain frozen at the same level until further orders.

7. Ad-hoc Relief Allowance - 2011:-

- An Ad-hoc Relief Allowance - 2011, @ 15% of the basic pay, as admissible on 30-06-2011 in Basic Pay Scales - 2008, is allowed, with effect from 01-07-2011, to:-

- all the Civil Servants of the Provincial Government,
- contingent paid staff, and
- contract employees employed against civil posts in Basic Pay Scales on standard terms and conditions of contract appointment.

The amount of Ad-hoc Relief Allowance - 2011, as admissible on 01-07-2011, will remain frozen at the same level until further orders.

- With effect from 01-07-2011 and onwards, all new entrants in the three categories mentioned in Para-7(i) above, will also be allowed Ad-hoc Relief Allowance - 2011 @ 15% of the minimum of the relevant Basic Pay Scales - 2008 on notional basis, the amount of which will remain frozen at the same level until further orders.
- The term "Basic Pay" will also include the amount of Personal Pay granted on account of annual increment(s) beyond the maximum of the existing pay scales.

iv. The Ad-hoc Relief Allowance

- will be admissible during leave, and entire period of LPR,
- will not be treated as part of emoluments for the purposes of calculation of Pension / Gratuity and recovery of House Rent.
- will not be admissible to the employees during the tenure of their posting on deputation abroad,
- will be admissible to the employees on their repatriation from posting / deputation abroad at the rate and amount which

attested
Ch: Abdur Rauf Chohan
Advocate High Court
Office 201, Lawyer's Plaza
0347-3146975

would have been admissible to them had they not been posted abroad,

e) will be admissible during the period of suspension.

8. Medical Allowance:-

- i. Medical Allowance admissible to Civil Servants in BPS-16 to BPS-22 @ 15% of the basic pay, as admissible to them on 30-06-2011, in *Basic Pay Scales - 2008*, will continue to be admissible but will remain frozen at the level of its admissibility as on 30-06-2011.
- ii. With effect from 01-07-2011 and onwards, all new entrants in civil service in BPS-16 to BPS-22 will also be allowed Medical Allowance @ 15% of the *minimum of relevant Basic Pay Scales - 2008 on notional basis*, the amount of which will remain frozen at the same level until further orders.

9. Special Pays and Allowances:-

All Special Pays, Special Allowances or Allowances admissible as percentage of pay (*excluding those which are capped by maximum limits*), including House Rent Allowance, Risk Allowance, Judicial Allowance, Incentive Allowance and Allowance/Special Allowances equal to one month Basic Pay/ one-and-half of the initial pay, granted to Provincial Government employees, irrespective of his/her posting in any Department, including civil employees in BPS 1-22 of Judiciary, will *stand frozen at the level of its admissibility as on 30-06-2011*.

10. Conveyance Allowance:-

- i. Conveyance Allowance will be admissible to all civil servants in BPS-1 to 15 on revised rates as under:-

BPS	Existing	Revised (Rs. P.M.)
BPS 1-4	Rs.680/- p.m.	Rs.850/- p.m.
BPS 5-10	Rs.920/- p.m.	Rs.1150/- p.m.
BPS 11-15	Rs.1360/- p.m.	Rs.1700/- p.m.

- ii. All Civil Servants of the Provincial Government (excluding those who are allowed monetized value of Transport or who avail Transport Facility) will be allowed Conveyance Allowance at the prescribed rates irrespective of their place / station of duty.

11. Miscellaneous Allowances:-

Following Allowances will be admissible at revised rates, as noted against each:-

S. No.	Name of Allowance	Existing Rates	Revised Rates
i.	Integrated Allowance for N/Qasid, Qasid & Daftaris	Rs.150/- p.m.	Rs.300/- p.m.
ii.	Washing Allowance for Farash, Chowkidar, Sweeper, Sweepress, Dispatch Rider, Mechanic, Cleaner, Driver, Mali, Behishti, Head Mali, Sweeper Jamadar	Rs.30/- p.m.	Rs.100/- p.m.
iii.	Dress Allowance for Farash, Chowkidar, Sweeper, Sweepress, Dispatch Rider, Mechanic, Cleaner, Mali, Behishti, Head Mali, Sweeper Jamadar	Rs.25/- p.m. Rs.35. p.m. Rs.40/- p.m.	Rs.100/- p.m.
iv.	Uniform Allowance for Nurses	Rs.300/- p.m.	R.600/- p.m.

Pension

12. All the existing Civil Pensioners of the Khyber Pakhtunkhwa Government are allowed an increase in their pension at the following rates w.e.f 1st July, 2011 and until further orders:-

S.No.	Category of Pension	Increase Allowed
i.	Pensioners who retired on or after 01.7.2002	@15% of the net pension
ii.	Pensioners who retired on or before 30/6/2002	@20% of the net pension

13. For the purpose of admissibility of increase in pension, as aforesaid, the term "Net Pension" means "Pension being drawn" *minus* "Medical Allowance", as admissible.

14. Increases in pension allowed vide Para-3 of Finance Department letter No.FD(SOSR-II)4-111/2010 dated 15/7/2010 will *not* be allowed to civil servants who retired on, or would retire after, 01/7/2011, and who opt to draw pension under the Scheme of Basic Pay Scales-2011.

15. However, 15% increases in pension allowed vide Para-2 of Finance Department letter No.FD(SOSR-II)4-111/2010 dated 13/7/2010 will continue to be admissible to those civil servants who retired on, or would retire after, 01/7/2011, and who opt to draw pension under the Scheme of Basic Pay Scales-2011.

16. 15% increase in pension, as mentioned at Para-12/S.No:(i) above, will also be admissible to civil servants who retired on, or would retire after, 01/7/2011.

17. Increase in pension, as mentioned in Para-12 above, will also be admissible on *family pension* granted under the Pension-cum-Gratuity Scheme 1954, Liberalized Pension Rules, 1977, on pension sanctioned under the Provincial Civil Servants Pension Rules (Extra Ordinary Pension) as well as on Compassionate Allowance allowed under CSR-353.

18. If the gross pension sanctioned by the Provincial Government is shared with any Government in accordance with the rules laid down in part-IV of Appendix III to the Accounts Code, Volume-I, the amount of increase in pension shall be apportioned between this Provincial Government and the other Government concerned on proportionate basis.

19. Increase in pension, mentioned in Para-12 above, will not be admissible on Special Additional Pension allowed in lieu of pre-retirement Orderly Allowance.

20. Increase in pension, mentioned in Para-12 above, will not be admissible during the period of re-employment of a pensioner, but the increase will be allowed after the termination of the re-employment contract. However, the increase in pension admissible to the pensioners of the Provincial Government before their re-employment on contract basis will continue to be admissible to

attested
Ch: Abdur Rauf Chohan
Advocate High Court
Office 202, Lawyer's Plaza I
0347-3146975

16

(iii)

them, provided that they are not in receipt of any increases allowed as allowances with their pay in lieu of increases in pension.

21. The benefit of increase in pension sanctioned through this letter will also be admissible to those Civil Pensioners of the Provincial Government who are residing abroad (other than those residing in India and Bangladesh) who retired on or after 15/8/1947, and are not entitled to, or are not in receipt of pension increase under the British Government's Pension (increase) Acts. The payment shall be made at the applicable rate of exchange.

22. Medical Allowance for the Pensioners.

- (i) Medical Allowance admissible to the existing retired Civil Servants in BPS-1 to BPS-15 and in BPS-16 to BPS-22 @ 25% and @ 20% of their net pension respectively, will continue to be admissible, but the amount will remain frozen at the level of its admissibility as on 30/6/2011, and until further orders.
- (ii) All Civil Servants in BPS-1 to BPS-15 and in BPS-16 to BPS-22, who retired on, or will retire after, 01/7/2011, will be allowed Medical Allowance @ 25% and @ 20% of their net pension respectively, which amount will remain frozen at the same level, until further orders.

23. Option.

- (i) The Department/Office to which an employee belongs, and/or on whose pay roll he/she is borne, shall obtain an option in writing from such employee, *within 60 days* commencing from the date of issue of this letter, either to continue to draw salary *either* in the Scheme of Basic Pay Scales-2008 or in the Scheme of Basic Pay Scale-2011 as specified in this letter. Option once exercised shall be considered final, which will then be communicated to the concerned Accounts Office or DDO, as the case may be.
- (ii) An existing employee, who does not exercise and communicate his/her option within the specified time limit, shall be deemed to have opted for the Scheme of Basic Pay Scales-2011.

24. All the existing rules/orders on the subject shall be considered to have been modified to the extent indicated above. All the existing rules/orders *not so* modified shall continue to remain in force as such.

25. Anomalies:

An Anomalies Committee will be constituted in the Provincial Finance Department to resolve anomalies, if any, arising out of implementation of the scheme of Basic Pay Scales – 2011 or out of other changes notified through this letter.

attested
Ch: Abdur Rauf Chohan
Advocate High Court
Office 28 Lawyer's Plaza
0347-3146975

Yours Faithfully,

Sahibzada Saeed Ahmad
(Sahibzada Saeed Ahmad)
Secretary Finance

Endst: No .FD (PRC) 1-1 /2011

Dated Peshawar the 14th July, 2011

A Copy is forwarded for information to the:-

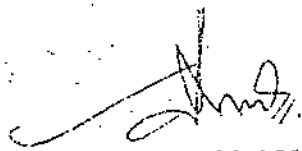
1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Government of Punjab, Sindh and Balochistan.
3. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.


(MASOOD KHAN)
DEPUTY SECRETARY (REG-II)

Endst: No & Date even.

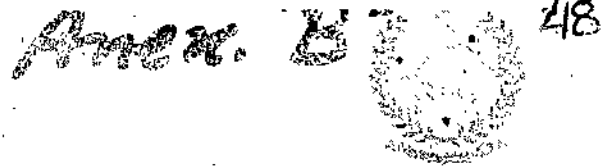
A copy for information is forwarded to:-

1. All District Comptrollers of Accounts in Khyber Pakhtunkhwa.
2. All Senior District Accounts Officers in Khyber Pakhtunkhwa.
3. All District & Agency Accounts Officers in Khyber Pakhtunkhwa.
4. The District Accounts Officer (Treasury Wing) Peshawar
5. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
6. The Director, Local Fund Audit, Peshawar.
7. The Director, FMIU, Finance Department.
8. All Section / Budget Officers in Finance Department.
9. The Private Secretary to Secretary / P.As to Additional Secretaries / Deputy Secretaries in Finance Department.
10. Zonal Chiefs of All Commercial Banks, Khyber Pakhtunkhwa.


(KHURSHID ALAM)
SECTION OFFICER (SR-1)

attested
Ch: Abdur Rauf Chohan
Advocate High Court
Office 201, Lawyer's Plaza
0347-3146975

Dist. Govt. NWFP-Provincial
District Accounts Office Abbottabad
Monthly Salary Statement (March-2017)



Personal Information of Mr SHUJAH ALLI d/w/s of SHAH ZAMAN.

Personnel Number: 00007379 CNIC: 1310103515163 NTN: 0
Date of Birth: 02/02/1972 Entry into Govt. Service: 10.10.1994 Length of Service: 22 Years 05 Months 023 Days

Employment Category: Active Temporary

Designation: SECONDARY SCHOOL TEACHER 80346379-DISTRICT GOVERNMENT KHYBE

DDO Code: AD6257-HEAD MASTER, GHS HARI KHATER ABBOTTABAD

Payroll Section: 003 GPF Section: 001 Cash Center: 0

GPF A/C No: EDU 018268 Interest Applied: Yes GPF Balance: 284,441.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2016 Pay Scale Type: Civil BFS: 16 Pay Stage: 19

Wage type		Amount	Wage type		Amount
0001	Basic Pay	40,200.00	1000	House Rent Allowance	1,818.00
1947	Medical Allow 15% (16-22)	2,239.00	1948	Adhoc Allowance 2010@ 50%	5,760.00
2148	15% Adhoc Relief All-2013	1,090.00	2199	Adhoc Relief Allow (@10%)	762.00
2211	Adhoc Relief All 2016 10%	4,070.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2806	-2,806.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-526.00	3990	Emp. Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp.	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	225,000.00	-6,250.00	218,750.00
6506	Recovery loan Pri. Instal	66,110.00	-5,000.00	56,110.00

Deductions - Income Tax

Payable: 11,188.63 Recovered till March-2017: 5,136.00 Exempted: 4475.26 Recoverable: 1,577.37

Gross Pay (Rs.): 55,889.00 Deductions: (Rs.): -16,182.00 Net Pay: (Rs.): 39,707.00

Payee Name: SHUJAH ALLI

Account Number: 516-00-8

Bank Details: THE BANK OF KHYBER, 080088 HAV BRANCH HAVELIAN, (HAV) ABBOTTABAD

Leaves: Opening Balance: Available: Earned: Balance:

Permanent Address:

City: ATD Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email: shujjahali7379@gmail.com

attested

Ch: Abdur Rauf Chohan
Advocate High Court
Office 15, Lawyer's Plaza I
0347-3146975

System generated document in accordance with APPM 4.6.12.0 (SERVICES/29.03.2017/11.39.12/VI.1)

* All amounts are in Pak Rupees

* Errors & omissions excepted

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BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD.

Shujah Ali S/o Shah Zaman & Others.

...PETITIONERS

VERSUS

Secretary Finance, Government of Khyber Pakhtunkhwa Peshawar & Others.

...RESPONDENTS

WRIT PETITION

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attested
Ch. Abdur Rauf Chohan
Advocate High Court
Office 281 Lawyer's Plaza I
0347-3146975

Through:

[Signature]
...PETITIONERS

[Signature]
(CHAUDHARY ABDUR RAUF CHOHAN)

Advocate High Court, Abbottabad.

Dated: _____/2018

BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD.

1. Shujah Ali S/o Shah Zaman resident of Village Havelian Mohallah Astam Abad, Tehsil Havelian District Abbottabad
2. Muhammad Sohail S/o Aurangzeb resident of Village Dheri Maira, Salhad Tehsil & District Abbottabad and other Teaching Staff mention in list annexed with petition and other teaching staff which are not mentioned in list.

...PETITIONERS

VERSUS

1. Secretary Finance, Government of Khyber Pakhtunkhwa Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer, Abbottabad.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,
1973 TO THE EFFECT THAT THE DEDUCTION IN THE
CONVEYANCE ALLOWANCE AND RECOVERY OF THE
AMOUNT ALREADY PAID IS ILLEGAL, AGAINST THE
LAW, UN-CONSTITUTIONAL, MALAFIDE,
DISCRIMINATORY AND WITHOUT ANY LAWFUL
AUTHORITY HENCE IN EFFECTIVE ON THE RIGHTS
OF THE PETITIONERS.

attested
n. Abdur Rauf Chohan
Advocate High Court
Office 28 Lawyer's Plaza I
347-3146975

PRAYER:-

ON ACCEPTANCE OF THE INSTANT WRIT PETITION, DIRECTIONS MAY KINDLY BE ISSUED TO THE RESPONDENTS TO MAKE THE PAYMENT OF ALL OUTSTANDING CONVEYANCE ALLOWANCE AND THE AMOUNT WHICH IS DEDUCTED BY ALL THE TEACHERS AND RESPONDENTS MAY KINDLY BE RESTRAINED TO MAKE ANY DEDUCTION OF CONVEYANCE ALLOWANCE FOR THE VACATIONS FROM ALL TEACHERS WHICH ARE MENTIONED IN THE LIST ANNEXED AND NOT MENTIONED OTHERS TEACHER AND ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM FIT AND THE FACTS AND CIRCUMSTANCES OF THE CASE TO BE GRANTED TO ALL TEACHERS STAFF.

Respectfully Sheweth,

1. That, the petitioners and persons names mentioned in list annexed herewith and other teacher which not mentioned in the list are serving in Education Department and posted at different schools in District Abbottabad.
2. That, the conveyance allowance is admissible to all the Civil Servants and to this effect Notification was issued.

(Copy of Notification is annexed as Annexure 2A)

attested
 Ch: Abdul Rauf Chohan
 Advocate High Court
 Office 28 Lawyer's Plaza
 0347-3146975

- 3. That, the petitioners and the persons whom petitioners represent were also receiving the conveyance allowance as admissible under the law.
- 4. That, the interest of the persons names mentioned in the list and others not mentioned the petitioner and other is same as all. *(Copy of List of Other petitioners is annexed as annexure "A-1")*
- 5. That, the respondents without any valid reason not only stopped the payment of conveyance allowance under the pretext that the same is not allowed for the leave period but also started making the recovery of the amount which was paid for the period of vacation. *(Copies of Pay roll are annexed as Annexure "B")*
- 6. That, as the act of respondents is illegal, unconstitutional, without any legal authority and discriminatory.
- 7. That, having no alternate, efficacious remedy the petitioners invoke the constitutional jurisdiction of this Hon'ble Court on the following amongst the other grounds:-

attested
 Ch: Abdul Waif Chohan,
 Advocate High Court
 Office 20, Lawyer's Plaza I
 0347-3146975

GROUNDS:-

- a) That, the deduction of conveyance allowance for vacation period and recovery of amount already paid is illegal, against the law, without any legal authority, discriminatory and in clear violation of fundamental rights duly conferred by the constitution and is liable to be declared null and void by this Hon'ble Court.
- b) That, there is clear difference between leave and vacation as leave is applied by the Civil Servant while the vacations are always announced by the Government.
- c) That, the rules governing the leave matters clearly explain that the civil servants who avail the vacations are allowed only one leave in a month whereas the other civil servants may avail 4 days leave in a calendar months and the same are credited to his account and in this way he may avail 48 days earned leave with full pray, whereas the Government servants to avail vacation such as petitioners are allowed one day leave in a month and twelve (12) days in a year and earned leave for twelve days in a year are credited to his account and there is no question of deduction of conveyance allowance for vacation period. the

attested
Ch: Abdur Rauf Chohan
Advocate High Court
Office 20, Lawyer's Plaza I
0347-3146975

respondents while making the deduction of conveyance allowance lost sight of this legal aspects and illegally and without any authority started the recovery and deduction of conveyance allowance from petitioners.

d) That, the petitioners and the other teaching staff names mentioned in the list annexed herewith and other teacher are not mentioned in list have the vested right of equal treatment before law and the act of the respondents to deprive the petitioners from the conveyance allowance is unconstitutional and clear violation of fundamental rights.

e) That, vacations are holidays are same and not leave of any kind. Summer/winter vacation of employees of vacation department is to be counted as duty under rule 747-A of Special & Ordinary Rule, like as teacher is called for winter/ summer camp to teach the student in vacation teachers are bound to perform the duty. Teachers cannot leave the own station without permission in vacation period. All these shown vacations are duty.

attested
for: Abdur Rauf Chohan
Advocate High Court
Office 202 Lawyer's Plaza I
0347-3146975

- f) That, the petitioners seeks the permission of this Hon'ble Court to raise any other grounds available at the time of arguments.
- g) That the notice of this writ petition alongwith copy of petition have been sent to the respondent under registered Cover A/D. Copy of notice and receipt are **attached as annexure "C"**
- h) That court fee annexed Rs.500/- **as annexure "D"**

PRAYER:

It is, therefore, humbly prayed that on acceptance of the instant Writ Petition, directions may kindly be issued to the respondents to make the payment of all outstanding conveyance allowance and the amount which is deducted by all the teachers and respondents may kindly be restrained to make any deduction of conveyance allowance for the vacations from all teachers which are mentioned in the list annexed and not mentioned others teacher and any other relief which this Honourable Court deem fit and the facts and circumstances of the case to be granted to all teachers staff.

attested

In: *Abdur Raziq Chohan*
Advocate High Court
Office 28 *Lawyer's Plaza*
0347-3146975

INTERIM RELIEF:-

Respondents may kindly be restrained to make any deductions of conveyance allowance for vacations from teacher staff mentioned in list and remaining person till the final disposal of instant petition.

...PETITIONERS

Through:

Dated:- ____/2018

(CHOUDHARY ABDUR RAUF CHOCHAN)
Advocate High Court, Abbotabad.

VERIFICATION:-

Verified that the contents of the instant *Writ Petition* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated:- ____/2018

...PETITIONERS

attested
Ch: Abdur Rauf Chohan
Advocate High Court
Office 26 Lawyer's Plaza I
0347-3146975

BEFORE THE PESHAWAR HIGH COURT,
BENCH ABBOTTABAD.

1. Shujah Ali S/o Shah Zaman resident of Village Havelian Mohallah Astam Abad, Tehsil Havelian District Abbottabad
2. Muhammad Sohail S/o Aurangzeb resident of Village Dheri Maira, Salhad Tehsil & District Abbottabad and other Teaching Staff mention in list annexed with petition and other teaching staff which are not mentioned in list.

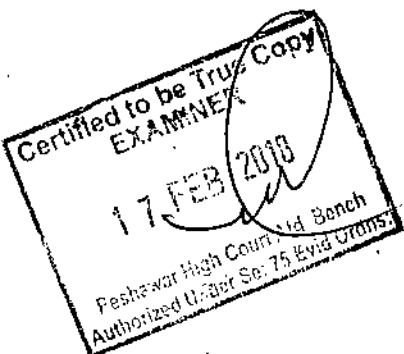
...PETITIONERS

VERSUS

1. Secretary Finance, Government of Khyber Pakhtunkhwa Peshawar.
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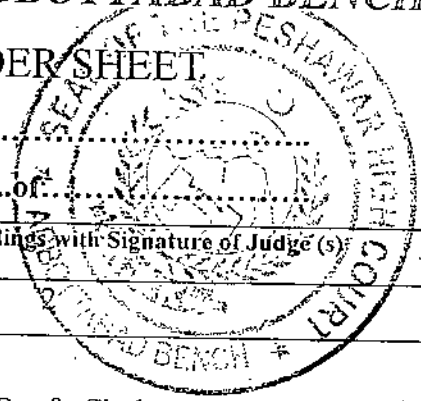


PESHAWAR HIGH COURT, ABBOTTABAD-BENCH.

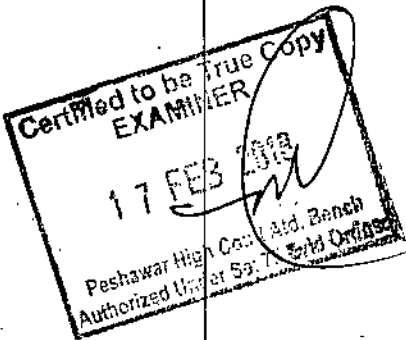
FORM OF ORDER SHEET.

Court of.....

Case No..... of.....



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	
15.02.2018	<p><u>WP No. 100-A/2018.</u></p> <p>Present: Ch: Abdur Rauf Chohan, Advocate, for the petitioner.</p> <p style="text-align: center;">***</p> <p><u>LAL JAN KHATTAK, J.</u> Learned counsel for the petitioner after arguing the case at some length on second thought stated at the bar that he would not press the present writ petition, if same is treated as representation and sent to the respondent No. 3 for its decision, in accordance with law.</p> <p>In view of the above, we send this petition to the respondent No.3 with direction to treat it as representation and try on his end to look into the petitioner's grievance and after hearing him, pass an appropriate order, under the law but within a period of two months.</p> <p style="text-align: right;"><i>Sd/ Judge</i> <i>Sd/ Judge</i></p>



Tahir (P.S)

Hon'ble Justice Lal Jan Khattak & Hon'ble Justice Syed Muha

DBA number 292
 BC No. 10-1375
 Name of Advocate Ab. Rauf

S.No 76114



HEAD CLERK
District Bar Association
Abbotabad

وکالت نامہ

بعدالت جناب سر جسٹس کپک
 عنوان: شیخ اعلیٰ وغنیہ بنام سیکریٹری منائرس علیہ
 منجانب: ایبٹا ٹرسٹ نوعیت مقدمہ سر جسٹس ایبٹا
 باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی وجوہات کی برائے پیشی یا تفسیر مقدمہ بمقام ایبٹا کے لیے
چوہدری عبدالرزاق چوہان اور چوہدری عابد علی
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روز عدالت حاضر ہوں گا اور بروقت پکارے
 جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ
 سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام چکھری کے
 علاوہ کسی جگہ یا چکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ چکھری کے علاوہ کسی اور جگہ
 ساعت ہونے پر یا بروز تعطیل یا چکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے
 کسی معاوضہ کے ادا کرنے یا عائد کرنے کے واسطے صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساخت پر داختم صاحب موصوف
 مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی ایبل مگرانی دہرتم
 درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے
 اور ہر قسم کے بیان دینے اور اس پر پیشی درامنی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات
 از چکھری صدر ایبل و درآمدی مقدمہ یا منسوخی ڈگری یا کٹرفر درخواست حکم استثنائی یا قرائی یا قرائی قبل از قرائی یا اجراءے ڈگری بھی صاحب
 موصوف کو بشرط ادا یعنی علیحدہ و مختانہ بیرونی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے
 کسی جزو کی کاروائی کے یا بصورت ایبل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں
 وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جائنہ التوا پڑے گا وہ صاحب موصوف
 کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری نسیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ
 کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔
 مورخہ: 17/09/18
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن 17 ماہ 09 سال

Accepted

Ch: Abdur Rauf Chohan
 Advocate High Court
 Office, 28 Lawyer's Plaza
 0347-3146975

سید اعلیٰ ولد شاہ زمان سکندر ایبٹا ٹرسٹ
 منظر

Before the service Tribunal camp
Court Abbottabad

Shujah Ali v/s Secretary Finance and
Others.

Service Appeal

Application for withdrawal of Appeal

- ① That the titled Appeal pending before this
honourable Tribunal fix for today for preliminary
argument.
- ② That there is no need to continue this appeal
further more.

③ ~~That the if request~~

It is therefore humbly prayed that
titled appeal ^{may} be withdrawn.

Dated 18/01/2019

Shujah Ali through counsel

Choudary Abdus Rauf Chohan Advocate

