



# GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

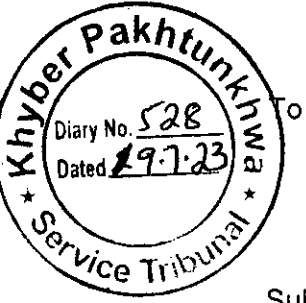
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NO. FD(SOSR-1)1-1/2023/Mr.Khush Muhammad Khan

Dated Peshawar the: 14-07-2023



The Secretary to Govt. of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department,  
**Peshawar.**

Subject: - **EXECUTION PETITION NO. 102/2023 IN SERVICE APPEAL NO.103/2019  
KHUSH MUHAMMAD KHAN VS GOVT OF KHYBER PAKHTUNKHWA ETC**

Dear Sir,

I am directed to refer to your Department's letter No. E & A (HD)lit-II/2023 dated 24-05-2023 on the subject noted above and to state that in compliance with Hon'ble Service Tribunal's judgment dated 01-09-2021 in Service Appeal No 1036/2019 and Order dated 07-06-2023 in Execution Petition No 102/2023 in the said Service Appeal, Finance Department agrees to convey concurrence to the grant of pay of higher post to **Mr. Khush Muhammad Khan** (PMS BS-17) when he was posted as Assistant and Superintendent in Home Department and was authorized to hold the charge of the post of Section Officer (BPS-17) Home Department w.e.f 25-05-2009 till 13-06-2016 subject to the following conditions:-

- i. The pay & allowances of the higher post will be fixed presumptively w.e.f 25-05-2009 till 13.06.2016 and it will include the increments of the pay scale of the higher post for the period of higher post appointment on that post. In such cases premature increment shall not be admissible.
  - ii. On relinquishment of charge of the higher post or on transfer or on regular promotion to that higher post, the pay will be re-fixed with reference to original scale of pay of the post, held by the officer and increments carried (if any) on higher post will count for increments in his original scale as per provisions of FR-26.
  - iii. The pay of the higher post shall not be accounted for the calculation of emoluments towards the pension.
2. The above concurrence is subject to final outcome of CPLA in the Supreme Court of Pakistan i.e in case decision in CPLA comes against the appellant then the benefits received on account of higher post will be recovered.

Your's faithfully

SECTION OFFICER (SR-1)

**Endst: No & Date even**

**Copy of the above is forwarded to:-**

1. Accountant General, Khyber Pakhtunkhwa for information & necessary action.
2. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. Section Officer (E-II), Establishment Department, Khyber Pakhtunkhwa w.r.t his letter No SOE-II(ED)/3(1043)2018 Dated 14-04-2023 addressed to Home & Tribal Affairs Department, Peshawar.
4. Section Officer (Lit-III), Establishment Department, Khyber Pakhtunkhwa.
5. Section Officer (Lit-II), Finance Department, Khyber Pakhtunkhwa.
6. Master file.

SECTION OFFICER (SR-1)



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

NO.SOE-II(ED)/3(1043)2018  
Dated Peshawar the **July 18, 2023**

To

The Deputy Secretary (Judicial),  
Establishment Department.

**Subject:- EXECUTION PETITION NO.102/2023 IN SERVICE APPEAL NO. 1036/2019 KHUSH MUHAMMAD KHAN VS GOVT. OF KHYBER PAKHTUNKHWA ETC.**

Dear Sir,

I am directed to refer to the captioned subject and to enclose herewith a copy of letter No.FD(SOR-I)1-1/2023/Mr. Khush Muhammad Khan dated 14.07.2023, with the request that the matter may kindly be pursued/followed up vigorously with quarter concerned with a view to ensure filing of compliance report with Khyber Pakhtunkhwa Service Tribunal, Peshawar, under intimation to all concerned, please.

**Being Court matter, top priority may be accorded to it, please.**

Yours faithfully,

(ZAHID PERVEZ)  
SECTION OFFICER (E-II)

**ENDST: NO & DATE EVEN**

Copy forwarded to the:-

- 1) Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- 2) Section Officer (SR-I), Finance Department w/r to his letter quoted above.
- 3) Section Officer (Litigation-III), Judicial Wing Establishment Department.
- 4) PS to Secretary Establishment Department, Khyber Pakhtunkhwa.
- 5) PS to Secretary Home TAs Department, Khyber Pakhtunkhwa.
- 6) PS to Secretary Finance Department, Khyber Pakhtunkhwa.
- 7) PS to Special Secretary (Estt:), Establishment Department.

SECTION OFFICER  
(ESTABLISHMENT-II)

18/07/23