FORM OF ORDER SHEET

Form-A

Case No.- 14930

Court of

/2020

 Date of order proceedings
 Order or other proceedings with signature of judge

 2
 3

 24/11/2020
 The appeal presented today by Mr. Shahzaullah Yousafzai

 Advocate may be entered in the Institution Register and put to the Learned.

 Member for proper order please.

This case is entrusted to S. Bench for preliminary hearing to be put up there on  $\frac{1/3/21}{2}$ 

MEMBER(J)

REGIST

01 03.2021

S.No.

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The learned Member Judicial Mr. Muhammad Jamal Khan is on leave, therefore, the case is adjourned. To come up for the same before S.B on 26.07.2021.

Reader

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

### APPEAL NO. \_\_\_\_/ 2020

# MALIK AHMAD VS EDUCATION DEPARTMENT

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-	<b>DOCUMENTS</b> Memo of appealNotificationPay slipsService tribunal judgmentDepartmental appealVakalat nama	DOCUMENTSANNEXUREMemo of appealNotificationAPay slipsB & CService tribunal judgmentDDepartmental appeal			

### .

# APPELLANT

# THROUGH: SHAHZULLAH YOUSAFZAI ADVOCATE

Flat no 4, Upper Floor, Juma khan plaza near FATA secretariat, Warsak road, Peshawar 0302-8578851 BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

# APPEAL NO. 14930 /2020

#### VERSUS

Diary No. 1539 Dated

- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2-The Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar
- 3-The Secretary Finance Department; Khyber Pakhtunkhwa, Peshawar.
- 4-The Accountant General, Khyber Pakhtunkhwa, Peshawar.
  5-The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE OF THE APPELLANT DURING WINTER & SUMMER VACATIONS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed not to make deduction of conveyance allowance during vacations period (Summer & Winter Vacations) and make the payment of all outstanding amount of Conveyance allowance which have been deducted previously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

### <u>R/SHEWETH:</u>

### ON FACTS:

- 1-That the appellant is serving in the elementary and secondary Education Department as subject specialist (BPS-17) quite efficiently and up to the entire satisfaction of his superiors.
- 2-That the Conveyance Allowance is admissible to all the Civil Servants and to this effect a Notification No. FD (PRC)1-1/2011 dated 14.07.2011 was issued. That later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees working in BPS 1 to 15 were enhance/revised while employees from BPS- 16 to 19 have been treated under the previous Notification by not enhancing their conveyance allowance. Copy of the

ΛĽ,

- 5-That the appellant filed departmental appeal against the illegal action of deduction of conveyance allowance, but the same has not been responded by respondents within statutory period of ninety days. Copy of departmental appeal is annexed as annexure......E.
- 6-That feeling aggrieved from action and inaction of the respondents and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

### <u>GROUNDS:</u>

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- A-That the action and inaction of the respondents regarding deduction of conveyance allowance for vacations period/months is illegal, against the law, facts, norms of natural justice.
- B-That the appellant have not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C-That the action of the respondents is without any legal authority, discriminatory and in clear violation of fundamental rights duly conferred by the Constitution and is liable to be declared as null and void.
- D-That there is clear difference between leave and vacation as leave is governed by Government Servant Revised Leave Rules, 1981 while vacations are always announced by the Government, therefore under the law and Rules the appellant is fully entitle for the grant of conveyance allowance during vacations period.
- E-That the Government Servants Revised Leave Rules, 1981 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 04 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 pay, whereas the Government servants to avail vacation such as appellant is 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.

- F-That as the act of the respondents is illegal, unconstitutional, without any legal authority and discriminatory hence not tenable in the eye of law.
- G-That appellant has 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.
- H-That according to Government Servants Revised leave Rules, 1981 vacations are holidays and not leave of any kind, therefore, the deduction of conveyance allowance in vacations is against the law and rules.
- I-That according to Article 38 (e) of the Constitution of Islamic Republic of Pakistan, 1973 the state is bound to reduce disparity in the income and earning of individuals including persons in the services of the federation, therefore in light of the said Article the appellant is fully entitle for the grant of conveyance allowance during vacations.
- J-That the petitioners seeks permission of this Honorable Court to raise any other grounds available at the time of arguments.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for

APPELLANT

Milik

Malik Ahmad

THROUGH: Shahzullah yousafzai

& Kamran khan advocates

BETTER COPY PAGE-

### GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGUALTION WING)

## NO.FD/SO(SR-II)/52/2012 Dated Peshawar the: 20.12.2012

From

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

0:

All administrative Secretaries to Govt: of Khyber Pakhtunkhwa.

2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

3. The Secretary to Governor, Khyber Pakhunkhwa

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 of Khyber Pakhtunkhwa.

8. Al: Political Agents/District & Session Judge in Khyber Pakhtunkhwa.

9. Th. Registrar Peshawar High Court, Peshawar.

10. The Chairman Public Service Commission, Khyber Pakhtunkhwa,

11. The Chairman, Service Tribunal, Khyber Pakhtunkhwa:

Subject: <u>REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE</u> <u>CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA. PROVINCIAL</u> <u>GOVERNMENT BPS-1-19</u>

Dear Sir,

The Government of Khyber Pakhtunkhwa has been pleased to enhance/revise the rate of Conveyance Allowance admissible to all the Provincial Civil Servants Govt: of Khyber Pakhtunkhwa (working in BPS-1 to BPS-15) w.e.f from  $1^{st}$  September, 2012 at the following rates. However, the conveyance allowance for employees in BPS-16 to BPS-19 will remain unchanged.

S.No.	BPS	Existing Rate (PM)	Revised Rate (PM)
1.	1-4	Rs. 1.500/-	Rs 1,700/-
2.	5-10	Rs. 1,500/-	Rs. 1,840/-
3.	11-15	Rs. 2,000/-	Rs. 2,720/-
4.	16-19	Rs. 5,000/-	Rs. 5,000/-

2. Conveyance Allowance at the above rates per month shall be admissible to those BPS-17, 18 and 19 officers who have not been sanctioned official vehicle.

Your Faithfully

(Sahibzada Saeed Ahmad) Secretary Finance

Endst No. FD/SO(SR-II)8-52/2012 Dated Peshawar the 20th December, 2012

# GOVERNMENT OF KHYBER PAXIFTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

### NO. FEISCISR-IIkd-52(2012) Dated Pashawar the: 20-12-2012

#### The Secretary to Gov! of Knyber Pachtuniziwa: Finance Department. Perthawar.

Adi Administrațive Secondaries to Gove al Kingler Pathtaritina. The Senior Member: Board of Revenue, Physics Pathtaritina. The Secondary Io Child Minoria: Kingler Pathtaritina. The Secondary Io Child Minoria: Kingler Pathtaritina. The Secondary, Frankrick Angeley, Kingler Pathtaritina. All Heads of Angeles Desarration Kingler Pathtaritima. All Heads of Angeles Desarration Kingler Pathtaritima. All Cistor Costaination Officience States Pathtaritima. All Pathtariti Costaination Officience States Indiana All Pathtaritima.

The Charmen Public Sensice Constraints in Styles Pokhunikaas

The Charman, Services Tribunal Kayoor Pakhtunahiwa.

REVISION IN THE PATE OF CONVEYANCE ALLOWANCE FOR THE CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA, PROVENCIAL

Dear Sit. The Government of Knyber Pokhastings has been pleased to enhance / revise the rate of Conveyance Allowance admissible to all the Provinces Ovil Servants Gate of Anyone Pexhamichine (viorking in BPS-1 to EPS-15) well from 1<sup>11</sup> Sectember, 2012 at the following rates. However, the conveyance allowance for employees in SPS-15 to BPS-19

SNO 625	ECISTING RATE (PM)	REVISED RATE (PM)-
<u>S.NO</u> 625	24 1 2001	Rs 1,7001-
	0.3.700;	R. 1.840/-
2 5-10	<u> </u>	
3, 11-15	<u> </u>	<u> </u>
15:19	95,5,000/	R\$ 5,000/-

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2. Conveyance Allowance of the poore rates ber month shall be acreatible to Those SPS-17. 18 and 19 enters who have not been sanctioned allicial vehicles.

Yours Faithiully,

(Sahibzada Sacod Almad) Socialary Fazares

Dated Personan the 21" Thereingher, 2007

Endsti NO. FD.SOXSR-ID-8-522012

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#### Dist. Govt. KP-Provincial District Accounts Office Dir at Timargar Monthly Salary Statement (August-2020)



#### Personal Information of Mr MALIK AHMAD d/w/s of MAQBOOL AHMAD

Personnel Number: 00285592 Date of Birth: 10.06.1977 CNIC: 1530515964151 Entry into Govt. Service: 02.11.2005 NTN:

Length of Service: 14 Years 10 Months 000 Days

Employment Category: Ac	tive Temporary			
Designation: SUBJECT SPECIALIST		80001468-DISTRICT GOVERNMENT KHYBE		
DDO Code: DA6074-GHSS	S LAL QILLA			
Payroll Section: 001	GPF Section: 001	Cash Center:	:	
GPF A/C No: 285592	Interest Applied: Yes	GPF Balance:	479,987.00	
Vendor Number: -				
Pay and Allowances:	Pay scale: BPS For - 2017	Pay Scale Type: Civil BPS	: 17 Pay Stage: 8	
· · · · · · · · · · · · · · · · · · ·				

	Wage type	Amount	· Wage type	Amount
0001	Basic Pay	48,770.00	1000 House Rent Allowance	4,433.00
1210	Convey Allowance 2005	5,000.00	1925 UAA-OTHER 20%(17-22)	2,000.00
1947	Medical Allow 15% (16-22)	1,576.00	2148 15% Adhoc Relief All-2013	860.00
2199	Adhoc Relief Allow @10%	582.00	2211 Adhoc Relief All 2016 10%	3,509.00
2224	Adhoc Relief All 2017 10%	4,877.00	2247 Adhoc Relief All 2018 10%	4,877.00
2265	Adhoc Relief All 2019 05%	2,438.00		0.00

#### **Deductions - General**

	Wage type	Amount	•	Wage type	Amount
3017	GPF Subscription	-4,270.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-1,085.00	3990	Emp.Edu. Fund KPK	-250.00
4004	R. Benefits & Death Comp:	-900.00		l	0.00

#### **Deductions - Loans and Advances**

Loan	Descri	ption	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal		295,000.00	-11,800.00	35,400.00
Deduction Payable: Gross Pa	ns - Income Tax 17,103.40 Recovered	ہ ed till AUG-2020: 1, Deductions: (Rs.):	983.00 Exempted		ble: 10,845.00 <b>817.00</b>
Account	ame: MALIK AHMAD Number: 3744-4 tails: HABIB BANK LIMIT	ED, 221104 KUMBER I	DIR KUMBER, KUMBE	R DIR	
Leaves:	Opening Balance:	Availed:	Earned:	Balance:	
	nt Address: AGH MAIDAN Adress:	Domicile: NW - KI	nyber Pakhtunkhwa	Housing Status	: No Official
City:		Email: malikahmad	11975@gmail.com		
				Shit Sik	

System generated document in accordance with APPM 4.6.12.9(SERVICES/28.08.2020/18:53:45/v2.0) \* All amounts are in Pak Rupees \* Events & amounts documented

Malik Ahmad S/O Maybool m S village and plo Bagh maidan Tehsiste Lal Qille Dir Lover

33 statistics GHSS Lal Qilla

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Dis Lover 0300-5881816 Contact No:

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# Dist. Govt. KP-Provincial District Accounts Office Dir at Timargar Monthly Salary Statement (July-2020)



•	•		-	
Personal Information of Mr M	ALIK AHMAD d/w/s of MAG	QBOOL AHMAD	• -	
Personnel Number: 00285592	CNIC: 1530515964151	NTN:		43.5
Date of Birth: 10.06.1977	CNIC: 1530515964151 Entry into Govt. Service: 02.			14 Years 09 Months 000 Days
Employment Category: Active	Tourset	·		
Designation: SUBJECT SPECIA	LIST	80001468-DISTRICT G	OVERNME	NT KHYBE
DDO Code: DA6074-GHSS LA	LQILLA			
Payroll Section: 001	GPF Section: 001	Cash Center:	•	
GPF A/C No: 285592	Interest Applied: Yes	GPF Balance:		463,917.00
Vendor Number: -		•		
Pay and Allowances:	Pay scale: BPS For - 2017	Pay Scale Type: Civil	BPS: 17	Pay Stage: 8
Wage type	Amount	i. Wag		Amount

<b>-</b>	Wage type	Arnount	i .	- Wage type	٠	Amount
0001	Basic Pay	48,770.00	1000	House Rent Allowance		4,433.00
1925	UAA-OTHER 20%(17-22)	2,000.00	1947	Medical Allow 15% (16-22)		1,576.00
2148	15% Adhoc Relief All-2013	860.00	2199	Adhoc Relief Allow @10%		582.00
2211	Adhoc Relief All 2016 10%	3,509.00	2224	Adhoc Relief All 2017 10%		4,877.00
2247	Adhoc Relief All 2018 10%	4,877.00	2265	Adhoc Relief All 2019 05%		2,438.00

#### **Deductions - General**

1999年1999年1999年1999年19月1日,1999年1999年1999年19日1日1日,1999年1999年19月1日1日1日,1999年1999年19月1日1日1日1日1日1日1日1日1日1日

Wage type	Amount	Wage type	Amount
3017 GPF Subscription	-4,270.00	3501 Benevolent Fund	-800.00
3609 Income Tax	-898.00	3990 Emp.Edu. Fund KPK	-250.00
4004 R. Benefits & Death Comp:	-900.00		0.00

#### Deductions - Loans and Advances

Loan	Descr	iption	Principal amount	Deduction	Balance
6505 (	<b>GPF Loan Principal Instal</b>		295,000.00	295,000.00 -11,800.00	
Deductions Payablc:	- Income Tax 14,353.43 Recover	ed till JUL-2020: 89	98.00 Exempted:	3587.44 Recove	rable: 9,867.99
Gross Pay (	Rs.): 73,922.00	Deductions: (Rs.):	-18,918.00	Net Pay: (Rs.): 5	5,004.00
Account Nu	e: MALIK AHMAD umber: 3744-4 ls: HABIB BANK LIMIT Opening Balance:	ED, 221104 KUMBER D Availed:	DIR KUMBER, KUMBE Earned: <sup>†</sup>	R DIR Balance:	
Account Nu Bank Detail Leaves:	umber: 3744-4 ls: HABIB BANK LIMIT Opening Balance:				
Account Nu Bank Detail Leaves: Permanent A	umber: 3744-4 ls: HABIB BANK LIMIT Opening Balance: Address:	Availed:	Earned: `		
Account Nu Bank Detail Leaves:	imber: 3744-4 ls: HABIB BANK LIMIT Opening Balance: Address: H MAIDAN		Earned: `		

APPELLANI

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRISIN PESHAWAR

## APPEAL NO. 1452 /2019

Mr. Maqsad Hayat, SCT (BPS-16), GHS Masho Gagar, Peshawar.....

### VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary (E&SE) Department, Khyber Pakhtunkhwa; Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
  - RESPONDENTS

APPEAL UDNER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE OF THE APPELLANT DURING WINTER & SUMMER VACATIONS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed not to make deduction of conveyance allowance during vacations period (Summer & Winter Vacations) and make the payment of all outstanding amount of Conveyance allowance which have been deducted Facte-day previously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in

Registrar favor of the appellant.

**R/SHEWETH:** ATTESTON FACTS:

24/10/19

ERAMBER

englee Tribunal. Weshawar

1- That the appellant is serving in the elementary and secondary education department as Certified Teacher (BPS-15) quite efficiency Kithe Pakironkiws and up to the entire satisfaction of the superiors.

> 2- That the Conveyance Allowance is admissible to all the civil servants and to this effect a Notification No. FD (PRC) 1-1/2011 dated 14.07.2011 was issued. That later ion vide revised Notification dated 20.12.2012 whereby the conveyance, allowance for employees

> > A MARK AND A MARKAGE

Appeal No. 1452/2019 Markad Hayat vs Giovt

11.11.2019

Counsel for the appellant present.

Learned counsel referred to the judgment passed by learned Federal Service Tribunal in Appeal No. 1888(R)CS/2016 which was handed down on 03.12.2018. Through the said judgment the issue of payment of Conveyance Allowance to a civil servant during summer and winter vacations was held to be within his entitlement and the deduction already made from him was to be reimbursed. Similar reference was made to the judgment by Honourable Peshawar High Court passed on 01.10.2019 in the case of appellant.

Learned counsel, when confronted with the proposition that the issue, in essence, was dilated upon by the Federal Service Tribunal and, more particularly, by the Honourable Peshawar High Court in the case of appellant, stated that in case the respondents are required to execute the judgment of Peshawar High Court, the appellant will have no cavil about disposal of instant appeal..

The record suggests that while handing down judgment in the Writ Petition preferred by the appellant, the Honourable High Court not only expounded the definition of "Pay" as well as "Salary" but also entitlement of a civil servant for the Conveyance Allowance during the period of vacations. It is important to note that the respondents were represented before the High Court during the proceedings.

In view of the above noted facts and circumstances and in order to protect the appellant from a fresh round of litigation which may protract over a formidable period, the appeal in hand is disposed of with observation that the judgment of Honourable Peshawar High Court passed in Writ Petitions including W.P. No. 3162-P/2019 shall be honoured and implemented by the respondents within shortest possible time. The appellant shall, however, be at liberty to seek remedy in accordance with law in case his grievance is not redressed by the respondents within a reasonable time.

File be consigned to the record

ANNOUNCED

11.11.2019

Chairmán

Certified (1) he ture copy viceAnibunal Peshawar

The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

Subject:

	DEPARTMENTAL APPEAL AGAINST THE IMPUGNE	D
	ACTION OF THE CONCERNED AUTHORITY B	Ŷ
2	<b>ILLEGALLY AND UNLAWFULLY DEDUCTING TH</b>	Ē
	CONVEYANCE ALLOWANCE DURING WINTER	&
	SUMMER VACATIONS	—

E-9

### Respected Sir,

With due respect it is stated that I am the employee of your good self Department and was serving as SST (BPS- 16) quite efficiency and up to the entire satisfaction of the superiors. It is stated for kind information that Conveyance Allowance is admissible to all the civil servants and to this effect a Notification No. FD (PRC) 1-1/2011 dated 14.07.2011 was issued. Later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees working in BPS 1 to 15 were enhance/revised while employees from BPS-16 to 19 have been treated under the previous Notification by not enhancing their conveyance allowance. Respected Sir, I was receiving the conveyance allowance as admissible under the law and rules but the concerned authority without any valid and justifiable reasons stopped/deducted the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed for the leave period. One of the employee of Education Department in Islamabad filed service appeal No.1888 (R) CS/2016 before the Federal Service Tribunal, Islamabad regarding conveyance allowance which was accepted by the Honorable Service Tribunal vide its judgment dated 03.12.2018. That I am also the similar employee of Education Department and under the principle of consistency I am also entitled for the same treatment meted out in the above mentioned service appeal but the concerned authority is not willing to issue/grant the same conveyance allowance which is granting to other employees. Copy attached. I am feeling aggrieved from the action of the concerned authority regarding deduction of conveyance allowance in vacations period/months preferred this Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal the concerned authority may very kindly be directed the conveyance allowance may not be deducted from my monthly salary during the winter & summer vacations.

Dated: .01.38.2020

Sung S

Your Obediently Malik Ahmad SST, GHSS Lal Qila Maidan, Dir Lower.

### VAKALATNAMA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,** PESHAWAR

OF 2020

Malik Ahmad

(APPELLANT) (PLAINTIFF) (PETITIONER)

### **VERSUS**

EDUCATION DEPTT:

(RESPONDENT) \_(DEFENDANT)

Marlite Ahmad

and constitute SHAHZULLAH hereby appoint Do YOUSAFZAI, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated.\_\_\_\_/2020

I/We

Malik CLIENT(S)

ACCEPTED SHAHZULLAH YOUSAFZAI

KAMRAN KHAN **ADVOCATES**