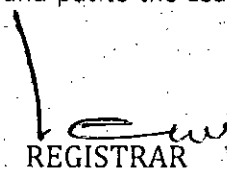



Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 14941 /2020 20

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/11/2020	<p>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.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>1/3/21</u></p> <p style="text-align: right;">MEMBER(J)</p>
2-	01.03.2021	<p>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.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2020

NAZANEEN AKHTAR VS EDUCATION DEPARTMENT

INDEX

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5	Departmental appeal		9
6.	Vakalat nama	10

APPELLANT

THROUGH:


SHAHZULLAH YOUSAFZAI
ADVOCATE

Flat no 4, Upper Floor,
Juma khan plaza near FATA secretariat,
Warsak road, Peshawar
0302-8578851

Khyber Pakhtunkhwa
Service Tribunal

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 14961 /2020

Diary No. 15347
Dated 24/11/2020

Mrs Nazneen Akhtar D/O Bahadar Khan, SST (BPS-16) Personal
No.00791679, GGHS Kumbar Maidan, Dir
Lower.....**APPELLANT**

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 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.

R/SHEWETH:

ON FACTS:

- 1- That the appellant is serving in the elementary and secondary Education Department as secondary school teacher (BPS-16) 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

Filed to-day
ew
Registrar
24/11/20

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

Nazneen
Nazneen Akhtar

THROUGH: *Shahz*
Shahzullah yousafzai
& *Kamran*
Kamran khan advocates

BETTER COPY PAGE-4

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION 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.

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 of Khyber Pakhtunkhwa.
8. All Political Agents/District & Session Judge in Khyber Pakhtunkhwa.
9. The Registrar Peshawar High Court, Peshawar.
10. The Chairman Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Service Tribunal, Khyber Pakhtunkhwa.

Subject: REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA, PROVINCIAL GOVERNMENT BPS-1-19

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 1st 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

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

A - 9



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FDSO/SR/11/8-52/2012
Dated Peshawar the 20-12-2012

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

To: All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa,
The Senior Member, Board of Revenue, Khyber Pakhtunkhwa,
The Secretary to Government, Khyber Pakhtunkhwa,
The Secretary to Chief Minister, Khyber Pakhtunkhwa,
The Secretary, Finance Wing, Khyber Pakhtunkhwa,
All Heads of Attached Departments in Khyber Pakhtunkhwa,
All District Coordinators, Office of the Chief Minister, Peshawar,
All Political Agents, Districts, Khyber Pakhtunkhwa,
The Registrar, Peshawar High Court, Peshawar,
The Chairman, Public Service Commission, Khyber Pakhtunkhwa,
The Chairman, Services Tribunal, Khyber Pakhtunkhwa.

REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE
CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA PROVINCIAL
GOVERNMENT BPS 1-19

Dear Sir,
The Government of Khyber Pakhtunkhwa has been pleased to enhance the rate of Conveyance Allowance admissible to all the Provincial Civil Servants of Khyber Pakhtunkhwa (working at BPS-1 to BPS-19) with effect from 1st September 2012 at the following rates. However, the conveyance allowance for employees in BPS-15 to BPS-19 will remain unchanged.

S.NO	BPS	EXISTING RATE (PM)	REVISED RATE (PM)
1.	1-4	Rs. 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 vehicles.

Yours Faithfully,

(Sanjida Saad Ahmad)
Secretary Finance

Encl: NO. FDSO/SR/11/8-52/2012

Dated Peshawar the 21st December, 2012.

A copy is forwarded for information to the:

- 1. Assistant General, Khyber Pakhtunkhwa, Peshawar
- 2. Secretaries to Government of Khyber Pakhtunkhwa, Finance Department
- 3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa

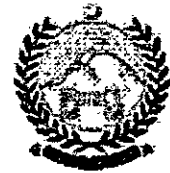
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18

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



B-5

Personal Information of Mr NAZANEEN AKHTAR d/w/s of BAHADAR KHAN

Personnel Number: 00791679 CNIC: 1530558387566 NTN:
Date of Birth: 18.06.1992 Entry into Govt. Service: 07.03.2016 Length of Service: 04 Years 05 Months 026 Days

Employment Category: Active Temporary

Designation: SECONDARY SCHOOL TEACHER 80001491-DISTRICT GOVERNMENT KHYBE

DDO Code: DA6101-GGHS KUMBAR

Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: Yes GPF Balance: 0.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 3

Wage type		Amount	Wage type		Amount
0001	Basic Pay	23,470.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1924	UAA-OTHER 20%(16 G/NG)	1,500.00
1974	Medical Allowance 2011	1,136.00	2148	15% Adhoc Relief All-2013	425.00
2199	Adhoc Relief Allow @10%	274.00	2211	Adhoc Relief All 2016 10%	1,588.00
2224	Adhoc Relief All 2017 10%	2,347.00	2247	Adhoc Relief All 2018 10%	2,347.00
2264	Adhoc Relief All 2019 10%	2,347.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3501	Benevolent Fund	-800.00	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

Deductions - Income Tax

Payable: 0.00 Recovered till AUG-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 43,161.00 Deductions: (Rs.): -1,600.00 Net Pay: (Rs.): 41,561.00

Payee Name: NAZANEEN AKHTAR
Account Number: 7900264301
Bank Details: HABIB BANK LIMITED, 221 104 KUMBER DIR KUMBER, KUMBER DIR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KOTKY Domicile: - Housing Status: No Official

Temp. Address:

City: Email: nazaneen93@gmail.com

ATTESTED

[Signature]



100

Personal Information of Mr. NAZANEEN AKHTAR Wives of SAADAT KHAN
Personal Address: F-10, Sector 10, Faisalabad
Date of Birth: 15/07/1975
Length of Service: 01 Year 01 Month 05 Days

Employment Category: Active/Temporary
Grade: GS-17
Pay Band: BS-17 - 2117
Pay Scale Type: Civil BS-17
GPF Balance: 0.00
Interest Applied: 0.00
Cash Credit: 0.00

NAZANEEN AKHTAR

SS T

Sl. No.	Particulars	Amount	Sl. No.	Particulars	Amount
001	Basic Salary	1200.00	001	Basic Salary	1200.00
002	Dearness Allowance	100.00	002	Dearness Allowance	100.00
003	Medical Allowance	100.00	003	Medical Allowance	100.00
004	Gratuity	0.00	004	Gratuity	0.00
005	House Rent Allowance	100.00	005	House Rent Allowance	100.00
006	Conveyance Allowance	100.00	006	Conveyance Allowance	100.00
007	Telephone Allowance	100.00	007	Telephone Allowance	100.00
008	Food Allowance	100.00	008	Food Allowance	100.00
009	Medical Allowance	100.00	009	Medical Allowance	100.00
010	Other Allowances	0.00	010	Other Allowances	0.00
011	Total	2000.00	011	Total	2000.00

Cell: 0302-8525495

Sl. No.	Particulars	Amount	Sl. No.	Particulars	Amount
012	Provisional Fund	0.00	012	Provisional Fund	0.00
013	Other Funds	0.00	013	Other Funds	0.00
014	Total	0.00	014	Total	0.00

Sl. No.	Particulars	Amount	Sl. No.	Particulars	Amount
015	Opening Balance	0.00	015	Opening Balance	0.00
016	Availed	0.00	016	Availed	0.00
017	Balance	0.00	017	Balance	0.00

Sl. No.	Particulars	Amount	Sl. No.	Particulars	Amount
018	Income Tax	0.00	018	Income Tax	0.00
019	Provisional Tax	0.00	019	Provisional Tax	0.00
020	Total	0.00	020	Total	0.00

Account Number: 200204101
NAZANEEN AKHTAR
Account Holder: NAZANEEN AKHTAR

Sl. No.	Particulars	Amount	Sl. No.	Particulars	Amount
021	Opening Balance	0.00	021	Opening Balance	0.00
022	Availed	0.00	022	Availed	0.00
023	Balance	0.00	023	Balance	0.00

City: Faisalabad
District: Faisalabad
Home Address: F-10, Sector 10, Faisalabad
Phone Number: 0302-8525495

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



Personal Information of Mr NAZANEEN AKHTAR d/w/s of BAHADAR KHAN

Personnel Number: 00791679 CNIC: 1530558387566 NTN:
 Date of Birth: 18.06.1992 Entry into Govt. Service: 07.03.2016 Length of Service: 04 Years 04 Months 026 Days

Employment Category: Active Temporary

Designation: SECONDARY SCHOOL TEACHER 80001491-DISTRICT GOVERNMENT KHYBE
DDO Code: DA6101-GGHS KUMBAR
Payroll Section: 001 **GPF Section: 001** **Cash Center:**
GPF A/C No: **Interest Applied: Yes** **GPF Balance: 0.00**
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 3

Wage type	Amount	Wage type	Amount
0001 Basic Pay	23,470.00	1000 House Rent Allowance	2,727.00
1924 UAA-OTHER 20%(16 G/NG)	1,500.00	1974 Medical Allowance 2011	1,136.00
2148 15% Adhoc Relief All-2013	425.00	2199 Adhoc Relief Allow @10%	274.00
2211 Adhoc Relief All 2016 10%	1,588.00	2224 Adhoc Relief All 2017 10%	2,347.00
2247 Adhoc Relief All 2018 10%	2,347.00	2264 Adhoc Relief All 2019 10%	2,347.00

Deductions - General

Wage type	Amount	Wage type	Amount
3501 Benevolent Fund	-800.00	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

Deductions - Income Tax

Payable: 0.00 Recovered till JUL-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 38,161.00 Deductions: (Rs.): -1,600.00 Net Pay: (Rs.): 36,561.00

Payee Name: NAZANEEN AKHTAR
Account Number: 7900264301
Bank Details: HABIB BANK LIMITED, 221104 KUMBER DIR KUMBER, KUMBER DIR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

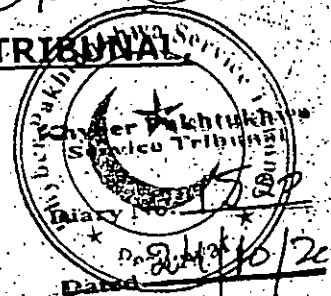
City: KOTKY Domicile: - Housing Status: No Official
Temp. Address:
City: Email: nazaneen93@gmail.com

C-6

D-7B-0

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 1452 /2019



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

APPELLANT

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 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 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.

Filed to-day
Registrar
24/10/19

R/SHEWETH:

ATTENTION FACTS:

- 1- That the appellant is serving in the elementary and secondary education department as Certified Teacher (BPS-15) quite efficiency 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 on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

6/11/19

ATTENDED

To

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

E-9

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ACTION OF THE CONCERNED AUTHORITY BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE DURING WINTER & SUMMER VACATIONS

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: 01.08.2020

Your Obediently
Nazneen
Nazneen Akhtar

SST, GGHS Kumbar Maidan, Dir Lower.

ATTESTED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2020

(APPELLANT)

Nazaneen Akhtar

(PLAINTIFF)

(PETITIONER)

VERSUS

(RESPONDENT)

EDUCATION DEPTT: _____ (DEFENDANT)

I/We Nazaneen Akhtar

Do hereby appoint and constitute **SHAHZULLAH 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

Nazaneen

CLIENT(S)

ACCEPTED
SHAHZULLAH YOUSAFZAI

&

Kamran Khan
KAMRAN KHAN
ADVOCATES