

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Shuaib Alam

Versus

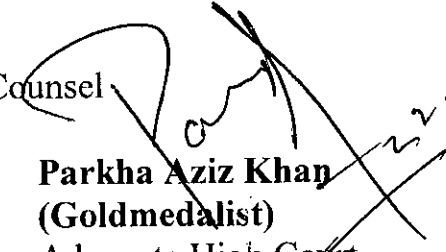
Government of Khyber Pakhtunkhwa through chief secretary and others.

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Dated:

Through Counsel


Parkha Aziz Khan
(Goldmedalist)
Advocate High Court
Legal Advisor
Excise Taxation & Narcotics Control
Khyber Pakhtunkhwa

06-11-2023

Peshawar.

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

Service Appeal No. 978 /2023

Shuaib Alam (Appellant)

Versus

Govt of Khyber Pakhtunkhwa through Chief Secretary & others.....(Respondents)

PARA-WISE COMMENTS ON BEHALF ON RESPONDENTS NO 1 TO 4

Respectfully Sheweth:

Preliminary Objections

1. That the appeal in hand is not maintainable and incompetent in the eyes of law.
2. That the appellant has got no cause of action and locus standi to file the instant appeal.
3. That the appellant has not come to the tribunal with clean hands.
4. That the appellant has suppressed all the relevant and material facts.
5. That the appeal is mis-constructed and mistakenly drawn , hence liable to be rejected.
6. That the appellant is estopped by his own conduct to file the appeal.
7. That as stated in the objection supra, the appeal is bereft of cause of action and is liable for dismissal.

8. That the respondents have the power to change the rules any time for better running of its department and the rules mentioned in the instant appeal have been made for the whole province, not for any specific person/ individual.

On Facts

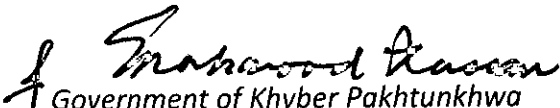
1. Para No.1 is correct to the extent of filing of earlier appeal, i-e SA NO. 500/2022. Similarly, the appeal was disposed off.
2. Pertains to record, needs no comments.
3. Correct to the extent that Govt. of Khyber Pakhtunkhwa Finance Department vide notification No. FD(SO SR-II)2-5/2021 /IT Prof Allow dated 07-07-2021 sanctioned IT Professional Allowance to the tune of one initial basic pay per month as per basic pay scale of 2017 to the IT officers (BPS -17 & above) having designations mentioned in the notification w.e.f 01-07-2021
(copy of notification attached as annexure A)
4. Incorrect hence denied. IT allowance has been sanctioned by the Provincial Government having designations with required qualification mentioned in the notification.
5. The case was placed at the agenda of GRC meeting held on 02-08-2023 ^{under the} ~~the~~ Chairmanship of Minister Finance. Minutes of meeting have been submitted for approval of competent authority.


Grounds

- a) Incorrect hence denied. As replied in facts.
- b) Incorrect and already explained above.
- c) Already explained.
- d) Explained above
- e) Pertains to record.

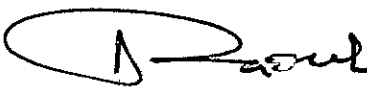
Prayer:

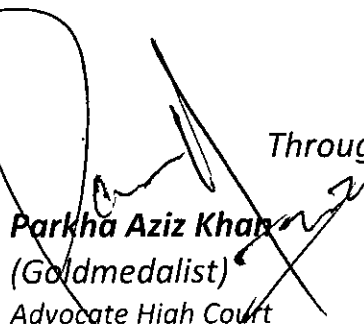
It is therefore humbly prayed, that on acceptance of parawise comments, the instant appeal being devoid of facts and merits may kindly be dismissed.


Government of Khyber Pakhtunkhwa
Through Chief Secretary
Civil Secretariat.
(Respondent 01)


Secretary to Government of Khyber Pakhtunkhwa
Finance Department
✓ **(Respondent 02)**


Secretary to Government of Khyber Pakhtunkhwa
Excise, Taxation & Narcotics Control Department
(Respondent 03)


Chairman Grievance Redressal Committee
Government of Khyber Pakhtunkhwa
(Respondent 04)


Through Counsel
Parkha Aziz Khan
(Goldmedalist)
Advocate High Court
Legal Advisor
Excise Taxation & Narcotics Control
Khyber Pakhtunkhwa

BEFORE The SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

SERVICE APPEAL NO. 978/2023

Shuaib Alam..... (Apellant)

Versus

Government of KPK through Chief Secretary and others..... (Respondents)

AFFIDAVIT

I, Mr. Sheryar Ahmed, Section Officer (Litigation), Govt of Khyber Pakhtunkhwa, Excise Taxation & Narcotics Control Department do hereby solemnly affirm and verify on oath that contents of accompanying " **Para-wise Comments and annexures** " on behalf of respondents are true and correct to the best of my knowledge and belief, and nothing has been concealed from this honorable court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defence has been struck off/cost levied.

Sheryar Ahmed

THE DEPONENT

CNIC # 16101-0268486-7

Parkha Aziz Khan

Identified By

Parkha Aziz Khan
Goldmedalist
Advocate High Court
Legal Advisor
Excise Taxation & Narcotics Control
Khyber Pakhtunkhwa



25-9-23

Annex C (5) (A)

Annex C (19)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the: 07-07-2021

NOTIFICATION

No. FD(SO SR-II)2-5/2021-22/IT Prof Allow: The Government of Khyber Pakhtunkhwa has been pleased to accord sanction to IT Professional Allowance to the tune of one initial basic pay per Month as per Basic Pay Scales 2017 to all IT officers (BPS 17 & above) in Khyber Pakhtunkhwa with effect from 01.07.2021:

The above allowance will be admissible subject to the following conditions:

1. It will be subject to Income Tax.
2. It will be admissible to the IT Officers (BPS 17 & above) of all Departments having following designations:

S.No.	Designation
1	ASSISTANT DATABASE ADMINISTRATOR
2	ASSISTANT DIRECTOR (IT)
3	ASSISTANT DIRECTOR (MIS)
4	ASSISTANT DIRECTOR DATABASE
5	ASSISTANT DIRECTOR PROGRAMMING
6	ASSISTANT DIRECTOR (IT)/NETWORK ADMINISTRATOR
7	ASSISTANT I.T MANAGER
8	DATA ANALYST
9	DATA PROCESSING OFFICER
10	DATABASE ADMINISTRATOR
11	DEPUTY DATABASE ADMINISTRATOR
12	DATABASE MANAGER
13	DEPUTY DIRECTOR - IT
14	DEPUTY DIRECTOR DATABASE
15	DEPUTY DIRECTOR IT/MANAGER IT
16	DEPUTY DIRECTOR OPERATION IT
17	DIRECTOR IT/ DIRECTOR MIS
18	GIS-CUM-WEB DESIGNER
19	I.T OFFICER/DESKTOP
20	I.T OFFICER/NETWORK
21	I.T OFFICER/WEB
22	M.I.S. MANAGER
23	MANAGER GIS/SYSTEM ANALYST
24	MIS COORDINATOR
25	NETWORK ADMINISTRATOR
26	NETWORK ENGINEER
27	NETWORK MANAGER
28	PROGRAMMER
29	SOFTWARE ENGINEER
30	SYSTEMS ANALYST
31	SENIOR PROGRAMMER
32	WEB ADMINISTRATOR
33	WEB DEVELOPER
34	WEB PORTAL MANAGER
35	LAN ADMINISTRATOR
36	ANDROID DEVELOPER
37	ASSISTANT DIRECTOR(GIS)
38	COMPUTER PROGRAMMER
39	DATA ANALYST/DATA BASE ADMN.
40	DEPUTY DATABASE ADMINISTRATOR
41	DEPUTY DIRECTOR (IT)/MIS MANAGER(IT)
42	HARDWARE ENGINEER
43	INTERNET & INFORMATION SERVICE MANAGER
44	MOBILE APPLICATION DEVELOPER
45	SENIOR PROGRAMMER
46	ASSISTANT DIRECTOR (I.T)/WEB ADMINISTRATOR

mm

Attended
Secretary, Government of Khyber Pakhtunkhwa
Peshawar

L

P. Hassan
A. H.

3. The Computer Allowance shall stand discontinued for employees entitled for IT Professional Allowance.
4. Those IT officers who are posted against other posts and are in receipt of IT Professional allowance other than regular allowances shall only be entitled to one of the allowances, whichever is more beneficial.
5. IT Professional Allowance shall not be counted towards pension and gratuity.
6. It will not be admissible in any kind of leave (except casual leave) as well as posting against OSD and Leave Reserve Posts.
7. All Autonomous/Semi-Autonomous/Medical Teaching Institutions/Other Institutions and Authorities under Provincial Government shall adopt this notification within their respective organizations with the approval of concerned Competent Forum subject to availability of their resources.

-sd-
Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Endst: No. & Date even.

A copy of the above is forwarded for information & necessary action to the:

1. The Controller General of Accounts, Islamabad with the request to create G/L head for the said allowance.
2. The Accountant General, Khyber Pakhtunkhwa.
3. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. All Administrative Secretaries to government of Khyber Pakhtunkhwa.
6. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
7. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
8. All the Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. All Heads of Attached Departments in Khyber Pakhtunkhwa.
12. All Heads of Autonomous/Semi-Autonomous Bodies, Khyber Pakhtunkhwa.
13. All the District Accounts Officers in Khyber Pakhtunkhwa.
14. The Director-FMIU, Finance Deptt. With the request to upload the same on FD's Website.
15. PSO to Chief Secretary, Khyber Pakhtunkhwa.
16. All Section Officers/Budget Officers in Finance Department, Khyber Pakhtunkhwa.
17. The Manager, Government printing Press, Peshawar.
18. The Private Secretary to Secretary, Finance Deptt. Khyber Pakhtunkhwa.
19. PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
20. PAs to Additional Secretaries/Deputy Secretaries in Finance Department, Peshawar.

MM
(Muhammad Ilyas Khattak)
Section Officer (SR: II)

Handed
 Section Officer (SR: II) Assembly
 Extra Taxation and Narcotic Control
 Department Khyber Pakhtunkhwa

Ate



(7)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION AND NARCOTICS CONTROL
DEPARTMENT**

Dated Peshawar the, 25th September, 2023

AUTHORITY LETTER

Mr. Shehryar Ahmad, Section Officer, Litigation Excise, Taxation & Narcotics Control Department is hereby authorized to submit the Parawise comments in Khyber Pakhtunkhwa, Service Tribunal, Peshawar in Appeal No. 978/2023 case titled "**Shuaib Alam VS Secretary to Govt. of Khyber Pakhtunkhwa & others**" on behalf of the undersigned.

Mahmood Hussain

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION AND NARCOTICS CONTROL
DEPARTMENT**

**DIRECTORATE GENERAL EXCISE, TAXATION & NARCOTICS CONTROL
DEPARTMENT KHYBER PAKHTUNKHWA**

بجدرالت

جناب خیر بخشخواہ سروس
نٹرائینڈونل بسٹاؤ

Respondent
3

2 جناب
بنام حکومت

شعبہ عالم

S.A No 978/2023

موزخہ
مقدمہ
دعویٰ
پریم

باعث تحریراً شکہ

مقدمہ عدہ رجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی کی کارروائی حوالہ
کے مقام بسٹاؤ کیلئے ایڈولٹ لیٹریچر نر خان

مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
ڈیکلر صاحب کو رضامندی نامہ کرنے کے وقت تالیف فیصلہ برحلاف دیے جناب وہی اور اقبال دعویٰ اور
باجورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا کٹ طرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا سائل
پر واختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادا کالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 27
ماہ ستمبر 2023

واہ العیب
مقام بسٹاؤ
Accept

DIRECTOR GENERAL
Excise, Taxation & Narcotics Control
Khyber Pakhtunkhwa