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

Appeal No. 931 /2015

Dr. Abdul Latif Ex- Director Health Services, Peshawar, (BPS-20) R/o  
House No. 106/A Street No. 4 Gulbahar No. 1 Peshawar City.

(Appellant)

**VERSUS**

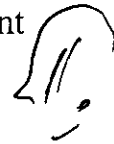
Govt. Of Khyber Pakhtunkhwa through Chief Secretary, Khyber  
Pakhtunkhwa Civil Secretariat Peshawar and others.

(Respondents)

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Appellant  
Through



**IJAZ ANWAR**  
Advocate, Peshawar

&



**SAJID AMIN**  
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 931/2015

K.W.P. Province  
Service Tribunal  
Diary No. 925  
Dated 04-8-2015

Dr. Abdul Latif Ex- Director Health Services, Peshawar, BPS-20, R/o  
House No. 106/A Street No. 4 Gulbahar No. 1 Peshawar City.

(Appellant)

**VERSUS**

1. Govt. Of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Govt. Of Khyber Pakhtunkhwa through Secretary Health Department, Civil Secretariat Peshawar.
3. Govt of Khyber Pakhtunkhwa through Secretary Finance, Civil Secretariat, Peshawar.
4. Accountant General Khyber Pakhtunkhwa Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the discriminatory treatment of the respondents by not allowing the orderly allowance to the appellant as is allowed to the other civil servants/ similarly placed employees i.e officers of BPS-20 and above, for the grant of which the departmental appeal of the appellant dated 06.04.2015, has not been responded despite the lapse of 90 days statutory period

Prayer in Appeal: -

On acceptance of this appeal the respondents may please be directed to treat the appellant at par with other similarly placed employees and to allow the appellant the orderly allowance from the date when it has been allowed to other similarly placed employees i.e officers serving in BPS-20 and above with all back wages and benefits.

Re-submitted to  
and filed

19/8/15

Respectfully Submitted:

1. That the appellant was the employee of health department of the Provincial government and is a civil servant within the meaning of law.
2. That During the course of his service the appellant was promoted to BPS-20 vide Notification dated 10.02.2011 and while serving as Director Health Services, Peshawar (BPS-20), the appellant stood retired w.e.f 11.04.2011, on attaining the age of superannuation. ***(Copies of the Promotion Notification dated 11.02.2011, and retirement order is attached as annexure A & B)***
3. That the others Federal/Provincial departments/autonomous bodies like Civil Secretariat, WAPDA, Peshawar University and Sind Govt. and Pak Army are allowing the orderly allowance to their employees in BPS-20 or above. ***(Copies of the Notifications/orders of Orderly Allowances in favor of similarly placed employees are attached as Annexure C)***
4. That similarly the Provincial Government through its notification dated 17.9.2003 has allowed the same in favour of the officers in BPS 20, 21 and 22 but only to those who are working in the Civil Secretariat. The same was further extended to those officers of the secretariat officers working in BPS-20 and above on their temporary transfer from the secretariat vide order dated 18.02.2006. Similarly the allowance was also enhanced/revised from time to time by the Federal and Provincial Government vide orders 04.05.2004, 26.02.2008, 16.07.2012, 09.08.2012, and 26.12.2012. ***(Copies of the Notification dated 17.09.2003, and orders dated 04.05.2004, 26.02.2008, 16.07.2012, 09.08.2012, and 26.12.2012 are attached as annexure D, E, F, G, H & I).***
5. That the Govt. of Pakistan Ministry of Finance Division vide letter No. F.1(2)-Reg.6/91-vol-IX dated Islamabad the 24<sup>th</sup> December, 2012 clearly articulates that all officers in BPS-20 and above are entitled to draw orderly allowance on the orders of the Supreme Court of Pakistan. ***(Copy of the letter dated 24.12.2012 is attached as Annexure J).***

6. That the Govt. of Khyber Pakhtunkhwa Finance Department vide its letter dated 12.12.2013 in pursuance of above orders, allowed the same facility/ orderly allowance to the serving officers w.e.f 01.01.2013 or the date of his retirement whichever is later with the proviso that whenever the Govt. revises the rate of orderly allowance in future, the same increase shall be made applicable to the special additional pension of the retired officers, however again restricted it only to a special category of civil servants, i.e APUG/PCS (Executive) and PCS Secretariat. *(Copy of the letter dated 12.12.2013 is attached as K).*
7. That the appellant and his colleagues despite being similarly placed employees i.e. serving/served in BPS-20 and above, but discriminated in terms of not allowing the orderly allowance, therefore filed a writ petition no 3900-P/2014, in the Honourable Peshawar High Court Peshawar, however the writ petition was dismissed in limine due to lack of jurisdiction with direction to the appellant to approach proper forum i.e. this Honorable Tribunal for the redressal of his grievance vide judgment and order dated 24.02.2015, copies of which was received by the appellant 04.04.2015. *(Copies of the memo of writ petition and judgment and order dated 24.02.2015 are attached as Annexure L & M)*
8. That thereafter the appellant also filed his departmental appeal dated 06.04.2015, however the same has not been responded despite the lapse of 90 days. hence the instant appeal. *(Copies of the departmental appeal is attached as Annexure N)*
9. That the appellant prays for the acceptance of his appeal inter alia on the following grounds: -

GROUND OF APPEAL:

- A. That the appellant has not been treated in accordance with law. The respondents have not followed the Law and Rules, thus the secured and guaranteed rights of the appellant have been violated.

- B. That the conduct of the respondents is highly deplorable, amounts to discrimination and as a matter of act is discriminatory and the denial of the concept of equality before the law and equal protection of law as enunciated under article 4, 8 and 25 of the Constitution of Pakistan, 1973.
- C. That the action and inaction of respondents is a clear example of discrimination and a blatant violation of Article 4, 18, 27 and 25 of the Constitution of Islamic Republic of Pakistan, as observed by the Superior courts, ~~as stated by the Superior courts.~~
- D. That the action and inaction of the respondents by withholding/not paying the orderly allowance in favour of the appellant is a classic example of discrimination, malafide intention, negligence, incompetency and inefficiency so as to deprive the appellant of his legal and constitutional rights.
- E. That the act of the respondents is destined to occasion irreparable loss to the appellant's precious time and scarce monetary resources and also amounts to mental torture and to dishonoring and degrading the legal and social status of the appellant on the part of the respondents.
- F. That it has been consistently held by the Superior Courts that similarly placed employees be treated similarly without any discrimination. Since the appellant is/ has been a civil servant, served in BPS-20, therefore deserves to be treated alike with his counterparts i.e other civil servants of the province serving in BPS-20 and are allowed the orderly allowance but denied to the appellant. Even the Apex Courts has discouraged dragging those similarly placed employees to litigation.
- G. That the act of respondents is not in accordance with law and is in complete deviation from the norms governing the subject.
- H. That the very act of the respondents where by the appellant are not treated alike with their corresponding official of BPS-20 and above is highly discriminatory and against the very basic of Shariah and the very provisions of the constitution, as stated by the superior courts.

- I. That the said orderly allowance may kindly be directed to be paid to the appellant from the very start ab-initio (2003) as directed earlier by the concerned department but not implemented in letter and spirit. Orderly allowance was allowed in 2003. This was restricted to secretariat workers, later on this was extended to the bureaucrats posted outside the secretariat, benefit given to special class of civil servants, the same is malafide as it is only allowed to special class which is against the spirit or sharia and the constitution of Pakistan 1973.
- J. That the very act of the respondents is against the natural justice and it smacks malafide upon the part of the respondents and not tenable in the eye of law.
- K. That due to the refusal of the appellant is suffering loss in his pension, since the matter of pay and pension is a continuous wrong and recurring cause of action hence no limitation is applicable to his case.
- L. That the appellant seeks the permission of this Honorable Court to rely on additional grounds at the hearing of this appeal.


*It is therefore prayed that on acceptance of this appeal the respondents may please be directed to treat the appellant at par with other similarly placed employees and to allow the appellant the orderly allowance from the date when it has been allowed to other similarly placed employees i.e officers serving in BPS-20 and above with all back wages and benefits.*

  
Appellant

Through

**IJAZ ANWAR**  
Advocate Peshawar

&

  
**SAJID AMIN**  
Advocate Peshawar

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

Appeal No. \_\_\_\_\_/2015

Dr. Abdul Latif Ex- Director Health Services, Peshawar (BPS-20),  
R/o House No. 106/A Street No. 4 Gulbahar No. 1 Peshawar City.

(Appellant)

**VERSUS**

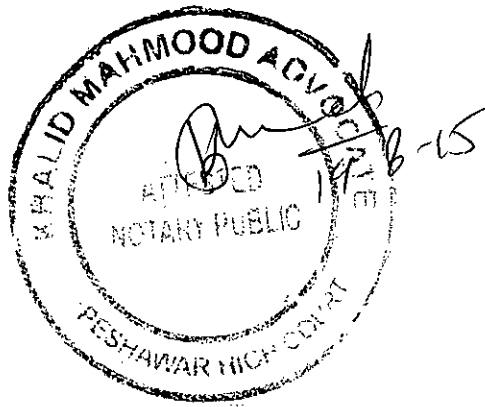
Govt. Of Khyber Pakhtunkhwa through Chief Secretary, Khyber  
Pakhtunkhwa Civil Secretariat Peshawar and others.

(Respondents)

**AFFIDAVIT**

I, **Dr. Abdul Latif Ex- Director Health Services, Peshawar BPS-20, R/o House No. 106/A Street No. 4 Gulbahar No. 1 Peshawar City**, do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

*Deponent*  
Deponent





(7)

Approved

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT**

Dated Peshawar, the 10<sup>th</sup> February 2011

**NOTIFICATION**

**NO. SO(E-I)E&AD/9-133/2011.** The competent authority, on the recommendations of the Provincial Selection Board, is pleased to promote the following doctors of Health Department (Health Management Cadre) from BS-19 to BS-20, on regular basis with immediate effect:-

S.#.	NAME OF OFFICER
1.	Dr. Abdul Latif
2.	Dr. Muhammad Salim
3.	Dr. Muhammad Rahim Jan
4.	Dr. S. Luqman Ahmad Shah

2. The officers on promotion shall remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon the above, the following postings/transfers are ordered:-


S.#	NAME OF OFFICERS	FROM	TO
1.	Dr. Abdul Latif (BS-20)	Provincial Manager, Provincial TB Control Program	Director Health Service, office of Director General Health Service, Khyber Pakhtunkhwa
2.	Dr. Mohammad Salim (BS-20)	Medical Superintendent, City Hospital, Peshawar	Medical Superintendent, City Hospital, Peshawar
3.	Dr. Muhammad Rahim Jan (BS-20)	Medical Superintendent, Lady Reading Hospital, Peshawar.	Medical Superintendent, Lady Reading Hospital, Peshawar.
4.	Dr. S. Luqman Ahmad Sahah (BS-20)	DMS, Hayatabad Medical Complex, Peshawar	Director, Provincial Health Services Academy, Peshawar.

**CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. Number and date even

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Director General Health Services, Khyber Pakhtunkhwa.
6. Chief Executive, Govt. LRH/KTH/HMC, Peshawar.
7. Provincial Manager, Provincial TB Control Program, Peshawar.
8. Medical Superintendent, City Hospital, Peshawar.
9. Medical Superintendent, Lady Reading Hospital, Peshawar.
10. Director, Provincial Health Services Academy, Peshawar.
11. PS to Chief Secretary, Khyber Pakhtunkhwa
12. P.S. to Secretary Establishment, Khyber Pakhtunkhwa
13. P.S. to Minister for Health, Khyber Pakhtunkhwa
14. Officers concerned.
15. Manager, Govt Printing Press Peshawar.

  
(ZUBAIR AHMAD)  
SECTION OFFICER (ESTT. I)  
PH: & FAX# 091-9210529





8

ANNEX B



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar the 24-03-2011

**NOTIFICATION.**

**NO.SOH(EV)2-220/08.** In terms of provisions of Rule-20 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules 1981 and instructions there under issued from time to time, sanction is hereby accorded to the encashment of Leave Preparatory to Retirement, equal to 180 days leave in favour of Dr. Abdul Latif s/o Abdul Aziz Director Health Services (BPS-20) DGHS, Khyber Pakhtunkhwa, Peshawar with effect from 11.04.2011.

2. In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act 1973, he shall stand retired from service on 11/04/2011 on attaining the age of superannuation as his date of birth is 11-04-1951.

SECRETARY HEALTH

**Endst. No. & Date even.**

Copy to :-

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. The EDO (Health), Peshawar.
4. PS to Minister Health.
5. PS to Secretary Health.
6. Doctor concerned.

DIRECTOR (Administration)  
Directorate General Health Services  
N. W. F. P. PESHAWAR.

(MUHAMMAD IRSHAD)  
Section Officer - EV

OFFICE OF THE  
**MILITARY ACCOUNTANT GENERAL**

Kashmir Road, Rawalpindi Cantt.

9  
Armed - C  
Circular

No. 34/AT/Pen/3308 Orderly allowance

03 October, 2014

To

- 18
- i). The CCMA GHQ  
Rawalpindi
  - ii). All Pension Controllers of Military Accounts

CCMA (OP) Rawalpindi

Subject: GRANT OF SPECIAL ADDITIONAL PENSION TO BRIG. AND ABOVE WITHOUT CUT OF DATE.

Reference: This office circular letter No. AT/Pen/3308 Orderly allowance dt: 16/09/2014.

In continuation to this office circular letter referred above, it is stated that this office sought clarification from Finance Division (Regulations Wing) Islamabad regarding effective date of their O.M. No. 1(2)-Reg.6/91-Pt 665 dt: 25/07/2014 wherein SAP has been allowed to retired Brig. and above without cut of date.

2. The Finance Division vide their letter No. F.1(2)-Reg.6/91-818 dt: 26/09/2014 (copy reproduced overleaf) has clarified that Finance Division vide O.M. No. 1(2)-Reg.6/91-Pt 665 dt: 25/07/2014 has extended the benefit contained in all the letters / O.M. mentioned in the O.M. dt: 25/07/2014 to retired officers of Armed Forces in BPS 20-22 or equivalent by implementing all those letters / O.M. mutatis mutandis. Therefore, the effective date of all those letters / O.M. would be which the civilian officers in BPS 20-22 are enjoying.

Accounts Officer  
AT-V (Pension)

Copy to:

- i. The CCMA GHQ, Rawalpindi
- ii. The Director MATI Rawalpindi
- iii. PS to the MAG
- iv. PA to Dy. MAG
- v. All Officers in MAG's Office
- vi. All Sections in MAG's Office
- vii. AT/Pen/03161, 03278, 03284, 03286, 03308, 03309, 03310, 03335, 03336, 03339, 03135.

Accounts Officer  
AT-V (Pension)

Armed

10

Government of Pakistan  
Finance Division  
(Regulations Wing)

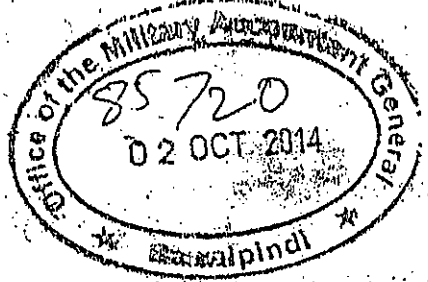
\*\*\*\*\*

No. F. 1(2)-Reg.6/91-818

Islamabad, the 26<sup>th</sup> September, 2014.

To,

The Accounts Officer (AT-V Pension),  
Office of the Military Accountant General,  
Kashmir Road, Rawalpindi.




Subject: - GRANT OF SPECIAL ADDITIONAL PENSION TO BRIG AND ABOVE WITHOUT CUT OF DATE.

Dear Sir,

I am directed to refer to Office of the Military Accountant General U.O. NO. 49/AT/Pen/3308-Ord Allowance dated 11.09.2014 on the above subject and to clarify that Finance Division vide O.M. No. 1(2)-Reg.6/91-pt 665 dated 25<sup>th</sup> July, 2014 has extended the benefit contained in all the letters/O.M mentioned in the O.M. dated 25.07.2014 to retired officers of Armed Forces in BPS 20-22 or equivalent by implementing all those letters/O.M mutatis mutandis. Therefore, the effective date of all those letters/O.M. would be which the civilian officers in BPS 20-22 are enjoying.

Yours faithfully,

  
(Muhammad Khalil)  
Section Officer (R.6)

*Pl circulate it immediately*

*[Handwritten signature]*

*AKW*

*[Handwritten signature]*

(11)

**OFFICE OF THE  
CONTROLLER MILITARY ACCOUNTS (OFFICERS PENSION)  
RAWALPINDI**

No. G/AN/OP/ Misc/Cir  
July 24, 2014


To

*Post audit - III*

All Pre-Audit / Post Audit Groups,  
Grant Section and Computer Section  
(Local)

Subject: - **GRANT OF SPECIAL ADDITIONAL PENSION TO BRIG AND ABOVE  
WITHOUT CUT OF DATE.**

A copy of MAG office Rawalpindi letter No. 193/A1/Pen/3308 Orderly allowance dated 18.07.2014 alongwith copy of specimen of undertaking is enclosed herewith for further necessary action / compliance by all concerned.

  
(AURANGZEB)  
Accounts Officer (AN)

*Attd*



# Pakistan Water and Power Development Authority

Tel & Fax. 042-99202482  
042-99202211/  
Ext. 2287

Finance Division  
(Admn & Regulations)  
223-Wapda House, Lahore.

No. FO(B&F)/3-50/Vol-IV/9241-9340

Date: 12/09/2012.

## OFFICE MEMORANDUM

Subject:- REVISION ON THE RATE OF ORDERLY ALLOWANCE.

Ref:- This Division's O.M. No. FO(B&F)/3-50/Vol-IV/9241-2876 dated 24.12.2007.

The Authority has been pleased to revise the rate of Orderly Allowance from Rs.3000/- per month to Rs.7000/- per month with effect from 1<sup>st</sup> July, 2012.

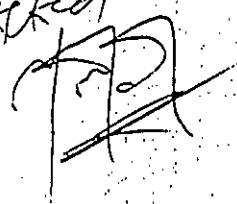
  
(Muhammad Farooq Memon)  
Director Finance(Admn. & Reg.)

### Distribution:-

1. Managing Director(Admn.), Wapda
2. All General Managers, Wapda.
3. Secretary Wapda w.r. to his No. S/AD(Coord)/03003/MTG/1922-23 dated 07.09.2012.
4. All Chief Engineers, Wapda.
5. All Head of Divisions, Wapda.
6. All Project Director, Wapda.
7. All Resident Engineers, Wapda.
8. Director General Wapda Audit.

<http://www.wapda.gov.pk/pdf/Revised-Allowance.pdf>



Attacked  


UNIVERSITY OF PESHAWAR

13

OFFICE ORDER

No. 4430 / Estt.

Dated 22/10/2012

In pursuance of the Government of Khyber Pakhtunkhwa, Finance Department (Regulations Wing) letter No.FD(PRC) 1-1/2012 dated 09.08.2012, the Syndicate in its 412<sup>th</sup> Meeting (2<sup>nd</sup> Session) held on 15<sup>th</sup> September 2012, approved revision of the following Allowances, with effect from 15.09.2012.

SENIOR POST ALLOWANCE:

Existing Rates		Revised Rates	
BPS-20	Rs.1100 P.M.	BPS-20	Rs.1250 P.M.
BPS-21	Rs.1200 P.M.	BPS-21	Rs.1350 P.M.
BPS-22	Rs.1600 P.M.	BPS-22	Rs.1750 P.M.

TRAVELING AND MILEAGE ALLOWANCE

TRANSPORTATION	Existing Rates	Revised Rates
i) Motor Car	Rs.2/- per k.m.	Rs.5/- per k.m.
ii) Motor Cycle/Scooter	Rs.1/- per k.m.	Rs.2/50 per k.m.
MILEAGE ALLOWANCE		
i) Personal Car/Taxi	Rs.5/- per k.m.	Rs.10/- per k.m.
ii) Motor Cycle/Scooter	Rs.2/- per k.m.	Rs.4/- per k.m.
iii) Bicycle	Rs.1/- per k.m.	Rs.2/- per k.m.
iv) Public Transport	Rs.1/- per k.m.	Rs.2/50 per k.m.
TRAVEL BY AIR	Admissible to Government servants in BPS-17 and above	No change
Carriage of personal effects on Transport/ Retirement	Rs.0.008 per kg per km	Rs.0.02 per kg per km

ORDERLY ALLOWANCE FOR BPS-20 TO BPS-22 TO BRING IT AT PAR WITH MINIMUM WAGE:

Existing Rates	Revised Rates
Rs.3000/3831/- P.M.	Rs.7000/- P.M.

Note:

Subject to furnishing a certificate that the officer is not using the services of any official employee at his residence.

Registrar  
University of Peshawar

No. 26082-86 /A-1/Estt.

Copy to:

1. The Deans of Faculties
2. The Heads of Teaching Departments/Institutes/Centres
3. The Principals of Constitute Colleges / Schools
4. The Administrative Heads
5. The PS to Vice-Chancellor
6. The Superintendent (Pay Bills)

Registrar  
University of Peshawar

*[Handwritten signature]*



# Jinnah Sindh Medical University

## Pay Slip

Employee No: 577	Department: Pharmacology	Month: October 2014	Scale: 36000-2350-68900
Employee Name: MUHAMMAD AZHAR MUGHAL		Account No: 00650013233203	
Designation: Professor		Bank & Branch: HBL JPMC	
NTN No: 3093050-2		SPS: 20	

Pay & Allowances		Deduction		Net Salary
Basic Pay	52,450.00	G.P Fund Account No	PF-783	(One Hundred Twenty Five Thousand Nine Hundred Sixty Seven Only)
House Rent Allowance	10,505.00	Income Tax	5,834.00	
Convenience Allowance	5,000.00	G.P Fund	1,193.00	
Adhoc Rel Allow 2012 @ 50%	14,893.00	Group Insurance	390.00	
Adhoc Rel Allow 2011 @ 15%	4,408.00	Benevolent Fund	1,349.00	
Adhoc Rel Allow 2012 @ 20%	10,490.00			
Adhoc Rel Allow 2013 @ 10%	5,245.00			
BMS Allow (DL-S)	10,000.00			
Science Teacher Allow	1,000.00			
Entertainment Allowance	500.00			
Senior Post Allowance	1,250.00			
Orderly Allowance	7,000.00			
Adhoc Rel Allow 2014 @ 10%	5,245.00			
	137,986.00		11,919.00	125,967.00

*Azhar Mughal*

*CF*

(15)

*Approved*  
D

GOVERNMENT OF N.W.F.P,  
FINANCE DEPARTMENT PESHAWAR  
( REGULATION WING )  
NO.FD/SO(SR-II)/8-34/99/  
Dated Peshawar the 17-9-2003.

To

1. All the Administrative Secretaries to Govt: of NWFP, Peshawar.
2. The Senior Member Board of Revenue NWFP, Peshawar.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary to Chief Minister, NWFP,
5. The Secretary Provincial Assembly Secretariat, NWFP, Peshawar.
6. All Heads of Attached Departments in NWFP, Peshawar.
7. All District Nazims in NWFP/All District Coordination Officers/Political Agents/ District & Session Judges in NWFP.
8. All Executive District Officers in NWFP.
9. The Registrar Peshawar High Court, Peshawar.
10. The Secretary Public Service Commission, NWFP, Peshawar.
11. The Registrar, Service Tribunal NWFP, Peshawar.
12. The Secretary Board of Revenue NWFP, Peshawar.

SUBJECT: GRANT OF ORDERLY ALLOWANCE

*Approved*  
*[Signature]*

Dear Sir,

I am directed to refer to the subject noted above and to state that the Government of N.W.F.P. has decided to grant Orderly Allowance at the rate of Rs.1900/- P.M or residence orderly to officers in BS-20, 21 and 22 working in the Civil Secretariat with immediate effect.

2. The officers in BS-20, 21 and 22 posted in the Civil Secretariat are allowed to opt either for the provision of residence Orderly or for the Orderly Allowance.

3439  
28-9

*[Signature]*



GOVERNMENT OF NWFP  
FINANCE DEPARTMENT

NO. FD/SO (SR-II) /8-34/99.  
Dated Peshawar, the 04-5-2004

1. All the Administrative Secretaries to Govt:of NWFP, Peshawar.
2. The Senior Member Board of Revenue NWFP Peshawar.
3. The Secretary of Governor NWFP, Peshawar.
4. The Secretary to Chief Minister, NWFP.
5. The Secretary Provincial Assermbly Secretariat, NWFP, Peshawar.
6. All Heads of Attached Departments in NWFP, Peshawar.
7. All District Nazims in NWFP / All District Coordination Officers/  
Political Agents/ District & Session Judges in NWFP.
8. All Executive District Officers in NWFP.
9. The Registrar Peshawar High Court, Peshawar.
10. The Secretary Public Service Commission , NWFP, Peshawar.
11. The Registrar, Service Tribunal NWFP, Peshawar.
12. The Secretary Board of Revenue NWFP, Peshawar.

Subject: GRANT OF ORDERLY ALLOWANCE.

Dear Sir,

I am directed to refer to this department letter of even number dated: 17-9-2003 on the subject noted above and to state that in pursuance of Government of Pakistan Finance Division O.M. No. F.1(13) Imp /96, dated: 6-10-2003, the Government of NWFP has been pleased to revise the rate of Orderly Allowance from Rs. 1900/- P.M. to Rs. 2375/- P.M. with effect from 1-7-2003 to the entitled Officers who opt for the Orderly Allowance in lieu of residence orderly to officers in BPS-20, 21 and 22 working in the Civil Secretariat.

The terms and conditions for grant of the Orderly Allowance will remain the same as are applicable at present.

Yours faithfully,

(HAFIZ MATIULLAH)  
Additional Secretary(Regulation).

Dated Peshawar , the 04-5-2004

Encls: No. FD/ SO(SR-II) 8-34/99.

A copy is forwarded for information to:-

1. The Accountant General , NWFP, Peshawar.
2. All District and Agency Accounts Officers in NWFP.
3. The Account Officer (Treasury) Peshawar.
4. All Autonomous/ Semi Autonomous Bodies in NWFP.
5. The Director Local Fund Audit, NWFP, Peshawar.

To

- 1) All the Administrative Secretaries to Government of NWFP.
- 2) The Senior Member, Board of Revenue, NWFP, Peshawar.
- 3) The Secretary to Governor, NWFP, Peshawar.
- 4) The Principal Secretary to Chief Minister, NWFP, Peshawar.
- 5) The Secretary, Provincial Assembly, NWFP, Peshawar.
- 6) All Heads of attached Departments in NWFP.
- 7) The Registrar, Peshawar High Court Peshawar.
- 8) All Zila Nazims/District Coordination Officers/Political Agents District & Sessions Judges/Executive District Officers in NWFP.
- 9) The Registrar, N.W.F.P Service Tribunal, Peshawar.
- 10) The Registrar, NWFP Public Service Commission, Peshawar.
- 11) The Secretary, Board of Revenue, NWFP Peshawar.


Subject: ENHANCEMENT OF ORDERLY ALLOWANCE

Dear Sir,

I am directed to refer to this Department's letter of even number dated 04/5/2004 and to state that the Competent Authority has been pleased to revise the rate of Orderly Allowance from Rs.2375/- to Rs.3000/-p.m with effect from 01/10/2007 to the entitled Officers.

The Terms and Conditions for grant of this allowance as applicable at present will remain the same.

Yours faithfully,

  
(USMAN GUL)  
ADDITIONAL SECRETARY(REG.)

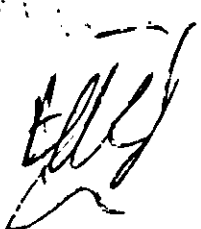
Endst. No. & date even

Copy is forwarded for information to:-

- 1) All autonomous and Semi Autonomous bodies in NWFP.
- 2) The Secretary to Government of Punjab, Finance Department Lahore.
- 3) The Secretary to Government of Sindh, Finance Department Karachi.
- 4) The Secretary to Government of Balochistan, Finance Deptt. Quetta.

  
(SAJJAD AHMAD)  
DEPUTY SECRETARY(REG-D)

P.T.O



051-9245869

(18)

Approved: G  
P/1

Government of Pakistan  
Finance Division  
(Regulations Wing)  
FBC Building, Near State Bank of Pakistan

Islamabad, the 16<sup>th</sup> July, 2012

F.No.1(3)Imp/2012

OFFICE MEMORANDUM

Subject: REVISION OF SPECIAL PAY AND ALLOWANCES

The undersigned is directed to say that pursuant to the approval of the competent authority, the following Special Pay and Allowances admissible to civil employees of the Federal Government as well as civilians paid from Defence Estimates are hereby revised with effect from 1<sup>st</sup> July, 2012:

i) QUALIFICATION PAY:

Qualification	Existing Rates	Revised Rates
- SAS/PFA	Rs. 400 P.M.	Rs. 800 P.M.
- ICMA/ICWA (Part-III)	Rs. 400 P.M.	Rs. 800 P.M.
- ICMA/ICWA	Rs. 1200 P.M.	Rs. 2100 P.M.
- Chartered Accountant	Rs. 1300 P.M.	Rs. 2300 P.M.
- Staff College/NMC/NDC	Rs. 1000 P.M.	Rs. 2000 P.M.
- NIPA Advanced Course	Rs. 500 P.M.	Rs. 1000 P.M.
- Mid Career Mgt Course	Rs. 250 P.M.	Rs. 500 P.M.

ii) SENIOR POST ALLOWANCE:

Existing Rates		Revised Rates	
BPS-20:	Rs. 1100 P.M.	BPS-20:	Rs. 1250 P.M.
BPS-21:	Rs. 1200 P.M.	BPS-21:	Rs. 1350 P.M.
BPS-22:	Rs. 1600 P.M.	BPS-22:	Rs. 1750 P.M.

Approved  
P/1

Contd...P/2

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III) TRAVELLING AND MILEAGE ALLOWANCE:

<u>TRANSPORTATION</u>	Existing Rates	Revised Rates
i) Motor Car	Rs.2/- per k.m.	Rs.5/- per k.m.
ii) Motor Cycle/Scooter	Rs.1/- per k.m.	Rs.2/50 per k.m.
<u>MILEAGE ALLOWANCE</u>		
i) Personal Car/Taxi	Rs.5/- per k.m.	Rs.10/- per k.m.
ii) Motor Cycle/Scooter	Rs.2/- per k.m.	Rs.4/- per k.m.
iii) Bicycle	Rs.1/- per k.m.	Rs.2/- per k.m.
iv) Public Transport	Rs.1/- per k.m.	Rs.2/50 per k.m.
<u>TRAVEL BY AIR</u>	Admissible to Government servants in BPS-17 and above.	No change
Carriage of personal effects on Transfer/Retirement	Rs 0.008 per kg per km	Rs.0.02 per kg per km

IV) ORDERLY ALLOWANCE FOR 3PS-20 TO BPS-22 TO BRING IT AT PAR WITH MINIMUM WAGE:

Existing Rates	Revised Rates
Rs.3000/- P.M.	Rs.7000/- P.M.

Note: Subject to furnishing a certificate that the officer is not using the services of any official employee at his residence

*(Signature)*  
(Muhammad Azam Awan)  
Section Officer (Imp)

All Ministries/Divisions/Departments

*(Signature)*  
contd... P/3

*(Signature)*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO. FD (PRC) 1-1/2012  
Dated Peshawar the: 09-08-2012

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 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 QUALIFICATION PAY & ALLOWANCES.

Dear Sir,

The Governor, Khyber Pakhtunkhwa, is pleased to revise the following Qualification Pay and Allowances admissible to all the employees of the Provincial Government w.e.f 1<sup>st</sup> July, 2012:-

QUALIFICATION PAY:-

Qualification	Existing Rates	Revised Rates
SAS	Rs.400/- P.M	Rs.800/- P.M
ICMA/ICWA (Part-III)	Rs.400/- P.M	Rs.800/- P.M
ICMA/ICWA	Rs.1200/- P.M	Rs.2100/- P.M
Chartered Accountant	Rs.1300/- P.M	Rs.2300/- P.M
Staff College/ NMC/NDC	Rs.1000/- P.M	Rs.2000/- P.M
NIPA Advanced Course	Rs.500/- P.M	Rs.1000/- P.M
Mid Career Mgt Course	Rs.250/- P.M	Rs.500/- P.M

SENIOR POST ALLOWANCE:-

	Existing Rates	Revised Rates
BPS-20:	Rs.1100/- P.M	BPS-20: Rs.1250/- P.M
BPS-21:	Rs.1200/- P.M	BPS-21: Rs.1350/- P.M
BPS-22:	Rs.1600/- P.M	BPS-22: Rs.1750/- P.M

TRAVELLING AND MILEAGE ALLOWANCE:-

Transportation	Existing Rates	Revised Rates
i) Motor Car	Rs.2/- per k.m.	Rs.5/- per k.m.
ii) Motorcycle/Scooter	Rs.1/- per k.m.	Rs.2/50 per k.m.

For HAD section  
7/24/12

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<u>Mileage Allowance</u>		
i) Personal Car/Taxi	Rs.5/- per k.m.	Rs.10/- per k.m.
ii) Motor Cycle/Scooter	Rs.2/- per k.m.	Rs.4/- per k.m.
iii) Bicycle	Rs.1/- per k.m.	Rs.2/- per k.m.
iv) Public Transport	Rs.1/- per k.m.	Rs.2/50 per k.m.
<u>Travel by Air</u>	Admissible to Government Servants in BPS-17 and above.	No change
Carriage of personal effects on Transfer / Retirement	Rs.0.008 per kg per km	Rs.0.02 per kg per km.

IV) ORDERLY ALLOWANCE FOR OFFICERS BPS-20 TO BPS-22 TO BRING IT AT PAR WITH MINIMUM WAGE:-

Existing Rates	Revised Rates
Rs.3000/- P.M.	Rs.7000/- P.M.

Note: The Orderly Allowance is subject to furnishing a certificate that the officer is not using the services of any official employee at his residence.

Yours Faithfully,

(Sahibzada Saeed Ahmad)  
Secretary Finance

Endst: No .FD(PRC) 1-1 /2012,

Dated Peshawar the 9<sup>th</sup> August, 2012

OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA, PESHAWAR  
NO.H-24/Other allowance Master /2012-13/ 1753 Dated. 5.08.2012

- Copy for information and compliance to:-
1. All DCA's/DAO's/AAO's in Khyber Pakhtunkhwa
  2. All Pay Rolls Section local.
  3. HR.(lab)

Accounts Officer (HAD),  
Khyber Pakhtunkhwa PESHAWAR.

A copy for information is forwarded to:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMU, Finance Department.
5. The Treasury Officer, Peshawar.
6. All the Senior District Accounts Officers, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers, Khyber Pakhtunkhwa.
8. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
9. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.

(SHAUKAT ULLAH)  
SECTION OFFICER (SR-1)

A-G

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Approved: I



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dary No. 23312  
Date: 27-11-2012  
Health Department

NO.FD(SOSR-II)8-34/2012  
Dated Peshawar the 26/11/2012

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.

Subject:- AMENDMENT REGARDING OPTION FOR RESIDENCE ORDERLY OR ORDERLY ALLOWANCE.

Dear Sir/Madam,

I am directed to refer to this Department letter of even number dated 17.09.2003 and to state that the option of availing appointment of orderly is discontinued forthwith & all eligible officers will only be allowed orderly allowance @ Rs.7,000/- per month henceforth.

DS(B)

Yours faithfully,

(WAZIR MUHAMMAD AFGAR)  
SECTION OFFICER (SR.II)

Endst: No & date even.

Copy is forwarded for information and necessary action to.

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, FMIU, Finance Department.
3. All the-Section Officers/Budget Officers in Finance Department, Khyber Pakhtunkhwa
4. The Private Secretary to Secretary/PAs to Special Secretary, Additional Secretaries/Deputy Secretaries in Finance Department.

SS/H  
 SOB-1  
 SOB-11  
 SO/CA

28/11  
 28/11  
 Plebis tribute.

SECTION OFFICER (SR.II)

Approved

to

(23) *Amir*

Government of Pakistan  
Finance Division  
(Regulations Wing)  
\*\*\*\*\*

No. F. 1(2)-Reg.6/91-Vol-IX

Islamabad, the 24<sup>th</sup> December, 2012

OFFICE MEMORANDUM

Subject: - IMPLEMENTATION OF THE RECOMMENDATIONS OF PAY AND PENSION COMMISSION-2009 REGARDING SPECIAL ADDITIONAL PENSION AND PROVISION OF ORDERLY/DRIVER TO THE OFFICERS IN BPS-20 AND ABOVE ON RETIREMENT.

The undersigned is directed to say in terms of para 2 of Finance Division's O.M. No. F. 1(2)-Reg.6/91 dated 29<sup>th</sup> September, 1991, officers in BPS-20 and above on retirement are entitled to Special Additional Pension equal to the admissible pre-retirement orderly allowance. This facility was further extended to all officers in BPS-20 and above who retired prior to 19.2.1991 on the orders of the Supreme Court of Pakistan. The rate of special additional pension remained fixed at the rate prevailing at the time of the officer's retirement and was not enhanced with the subsequent increases in the rate of orderly allowance.

2. The recommendations of Pay and Pension Commission-2009, Establishment Division and request of retired government officers in BPS-20 in the above matter have been examined in the Finance Division intensely. On the basis of principle of equity and fairness, the competent authority has been pleased to approve that the retired officers in BPS-20 and above shall be paid special additional pension equal to the orderly allowance admissible to serving officers w.e.f. 01.01.2013 and that whenever the Government revises the rates of orderly allowance in future, the same increase shall be made applicable to the special additional pension of the retired officers.

*Amir*  
(MUHAMMAD SHAHID AHMED CH.)  
Deputy Secretary (Reg.III)

ALL MINISTRIES/DIVISIONS/DEPARTMENTS

*Amir*  
BPS

*Amir*  
2



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO.FD(SOSR-II)/8-34/2012  
Dated Peshawar the 12/12/2013

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 Commissioners in Khyber Pakhtunkhwa.
8. All Deputy Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Chairman, Ombudsman Secretariat, Khyber Pakhtunkhwa

Subject:-

**IMPLEMENTATION OF THE RECOMMENDATIONS OF PAY AND PENSION COMMISSION-2009 REGARDING SPECIAL ADDITIONAL PENSION AND PROVISION OF ORDERLY / DRIVER TO THE OFFICERS IN BPS-20 AND ABOVE ON RETIREMENT**

I am directed to refer to this Department circular letter No.FD/SOSR-II/8-24/99 dated 17/09/2003, 18.2.2006 and to state that in pursuance of Finance Division O.M. No.F1(2)/Reg.6/91/Vol-IX dated 24/12/2012 on subject noted above, the competent authority has been pleased to approve that the officers in BPS-20 & above who are eligible for Special Additional Pension on their retirement in terms of above referred circulars letters, shall be paid Special Additional Pension equal to the Orderly Allowance admissible to serving officers w.e.f. 01/01/2013 or the date of his retirement whichever is later with the proviso that whenever the Government revises the rate of Orderly Allowance in future, the same increase shall be made applicable to the Special Additional Pension of the retired officers.

*Raza Ullah*  
(RAZA ULLAH)

Additional Secretary (Reg;)

Enclst: No. & date each.

Copy of the above is forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Secretaries to Government of Punjab, Sindh and Balochistan.
3. The Director General, Provincial Disaster Management Authority, Khyber Pakhtunkhwa.
4. The Director, Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar.
5. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
6. The Director, FMIU, Finance Department.
7. All the heads of Autonomous/Semi Autonomous Bodies/Organizations in Khyber Pakhtunkhwa.
8. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
9. The All the District Agency Accounts Officers in Khyber Pakhtunkhwa / FAT A.
10. The Treasury Officer, Peshawar.
11. All the Section Officers/Budget Officers in Finance Department.
12. Section Officer (Reg.6) Govt: of Pakistan, Finance Division, (Regulation Wing) with reference to his O.M No.F1(2)-Reg.6/91/Vol-IX dated 24/12/2012 for information and record.
13. P.S to Minister for Finance Khyber Pakhtunkhwa.
14. P.S to Chief Secretary, Khyber Pakhtunkhwa.
15. P.S to Secretary Finance Khyber Pakhtunkhwa.

*Shaukat Ullah*  
(Shaukat Ullah)  
SECTION OFFICER (SR-II)

(25)

APPROVED L

IN THE PESHAWAR HIGH COURT PESHAWAR

WP 3900



Professor Pharmacology

- 1) Dr. Abid Hussain S/O Hafiz Ghulam Rasool, Professor KGMC, Peshawar.
- 2) Dr. Syed Luqman Ahmad Shah S/O Syed Usman Ahmad Shah, Director PHSA (Provincial Health Services Academy), Peshawar.
- 3) Dr. Abdul Lateef S/O Abdul Aziz, Director, Health Services, DGHS (Director General Health Services), Peshawar.
- 4) Dr. Anjum Zia Munawar S/O Sharfe Hassan Munawar, Professor Forensic Medicine, KGMC Peshawar.
- 5) Dr. Maqbool Illahi S/O Fazal Rabi, Professor Anatomy, KGMC Peshawar.
- 6) Dr. Mussarrat Niazi W/O Dr. Qiam Ud Din, Professor Pathology, KGMC Peshawar.
- 7) Dr. Amir Muhammad S/O Gul Habib Bacha, Professor Pathology, KGMC Peshawar.
- 8) Dr. Arshad Pervez S/O Alhaj Haji Muhammad, Professor Chemical Pathology, KGMC Peshawar.
- 9) Dr. Mazhar Khan S/O Kishwar Khan, Professor Surgery, KGMC/HMC Peshawar.
- 10) Dr. Iqbal Begum d/O M. Yousaf Khan, Professor Gynecology, KGMC/HMC Peshawar.
- 11) Dr. Gohar Rehman S/O Muhammad Imran Khan, Professor/Director KICH Hayatabad Peshawar.
- 12) Dr. Nasir Saeed S/O Muhammad Saeed, Professor Ophthalmology, KGMC/HMC Peshawar.
- 13) Dr. Mumtaz Ali Marwat S/O Muhammad Khan, Professor and Chief Executive KGMC/HMC Peshawar.
- 14) Dr. Muhammad Nawaz S/O Jamal Khan, Professor Radiology, KGMC/HMC Peshawar.
- 15) Dr. Muhammad Arif S/O Muhammad Ali, Professor Orthopaedics, KGMC/HMC Peshawar.
- 16) Dr. Zahid Aman S/O Malik Aman, Professor Surgery, KGMC/HMC Peshawar.
- 17) Dr. Shamshad Bibi d/O Muhammad Ramzan, Professor Gynecology, KGMC/HMC Peshawar.
- 18) Dr. Jamil Ur Rahman S/O Muhammad Ur Rahman, Professor Bio-Chemistry, KMC Peshawar.
- 19) Dr. Rashid Iqbal S/O Shaikh Wazir Muhammad, Professor Community Medicine, KMC PESHAWAR.
- 20) Dr. Rashid Mahmood S/O Muhammad Saddique, Professor Physiology, KGMC Peshawar.

FILED TODAY

Deputy Registrar

09 DEC 2014

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Peshawar High C

04 APR 2015

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- 21) Dr. Ghulam Sarwar S/O Taj Muhammad Khan, Professor Community Medicine, KMC Peshawar.
- 22) Dr. Abdul Mateen Khan S/O Muhammad Ashraf Khan, Professor Pharmacology/Principal Gomal Medical College, DI Khan.
- 23) Dr. Zahid Hussain Khalil S/O Muhammad Hussain, Professor Forensic Medicine, KMC Peshawar.
- 24) Dr. Riaz Naseem Ansari S/O Abdul Salam Ansari, Professor Pharmacology, KMC Peshawar.
- 25) Dr. Ihtisham Ul Haq S/O Riffat Ullah, Professor Physiology, KMC Peshawar.
- 26) Dr. Taufiq Ahmad Mufti S/O Mufti Fazal Raziq, Professor Bio-Chemistry, KGMC Peshawar.
- 27) Dr. Anees Akhtar S/O Akhtar Hussain, Director, PHSA (Provincial Health Services Academy) Peshawar.
- 28) Dr. Muhammad Ali Chohan S/O Ghulam Ahmad, Medical Superintendent Khyber Teaching Hospital, Peshawar.
- 29) Dr. Muhammad Zafar S/O Qazi Jaffar Khan, DHO Peshawar.
- 30) Dr. Muhammad Noor S/O Umar Khan, Professor Medicine KGMC/HMC, Peshawar.
- 31) Dr. Muzahir Hussain S/O Haji Lal Hussain, DMS Incharge OPD KTH, Peshawar.
- 32) Dr. Shad Muhammad S/O Dost Muhammad Wazir, Professor Dermatology, KGMC Peshawar.

Versus

- 1) Government of KP, through Chief Secretary, government of KP, civil secretariat Peshawar.
- 2) Secretary, Health department, government of KP
- 3) Secretary, Finance department, government of KP.
- 4) Accountant General, KP.....(respondents)

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Deputy Registrar

09 DEC 2014

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EXAMINER  
Peshawar High Court

04 APR 2015

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN 1973.

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**PRAYER IN PETITION:**

That on the acceptance of this writ petition the respondents may kindly be directed to accept the legal right of the petitioners regarding their 'orderly allowance' which were denied to them on the reasons best known to the respondents as the respondents through notification dated 17/09/2003 ( NO. FD/SO(SR-II)/8-34/99) has allowed and given the same in favour of officials working in civil secretariat in BPS-20 and above.

Respectfully sheweth:

The petitioners submits as:

**FACTS:**

- 1) That the petitioners are respectable citizens of Pakistan and are related to the prestigious and noble profession of medicine/doctors.
- 2) That the petitioners number 01, 4 to 17, 27 to 32 are serving doctors in BPS- 20 while petitioners 2,3 and 22 to 26 are retired from BPS-20 from health department. (All the record are annexed).
- 3) That the petitioners are /were drawing their salaries and allowances as per the law but the respondents are denying the orderly allowance to the petitioners.
- 4) That the petitioners being legally entitled to recover/draw and ask the 'orderly allowance' from the respondents but the petitioners were blatantly and clear cut answered in the negative by the respondents.
- 5) That the respondents were asked time and again regarding the fact that the other departments like civil secretariat, WAPDA, Peshawar university and Sindh government are allowing the orderly allowance to their employees in BPS -20 or above, but the respondents are paying no heed to the legal request of the petitioners. ( all records/notifications of the

**TESTED**  
**EXAMINER**  
Peshawar High Court  
04 APR 2015

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Deputy Registrar  
09 DEC 2014

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concerned departments where officials of BPS 20 or above are receiving the said 'orderly allowance' are annexed here with).

- 6) That the provincial government through its notification dated 17/09/2003 ( notification NO.FD/SO(SR-II)/8-34/99/) has only allowed the same in favour of the of officers in BPS-20,21 and 22 working in the civil secretariat, so the said which is made in favour of a special class is discriminatory, through the said act the petitioners were denied the said orderly allowance which shall also be allowed in favour of petitioners as they are also working in BPS-20.
- 7) The Government of Pakistan Ministry of Finance Division vide letter No. F. 1(2)-Reg.6/91-Vol-IX dated Islamabad the 24<sup>th</sup> December, 2012 (copy attached Page:---) clearly articulates that all officers in BPS-20 and above are entitled to draw Orderly Allowance (in-service or retired prior to 19.02.1991) on the orders of the Supreme Court of Pakistan.
- The Recommendations of Pay and Pension committee-2009, Establishment Division and request of retired Govt. officers in BPS-20 and above; the matter was has been examined in the Finance Division intensely on the basis of equity and fairness.
- 8) That the Govt. of KPK Finance Department vide its letter NO. FD(SOSR)-II/8-34/2012 Dated Peshawar, the 12/12/2013 (copy attached Page:---) in pursuance of above order, allows the facility to serving officers, w.e.f. 01/01/2013 or the date of his retirement whichever is later with the proviso that whenever the Government revises the rate of Orderly Allowance in future, the same increase shall be made applicable to the special Additional Pension of the retired officers; is restricting it to a "special category of civil servants", i.e. APUG/PCS (Executive) and PCS (Secretariat) only, which is blatantly discriminatory.
- 9) That Orderly Allowance is admissible to BPS-20 and above officers vide Establishment Division O.M.No.13/4/77-F.I dated 30<sup>th</sup> April, 1977, as referred to federal ESTA Code at serial number SL No; 82 and 83 page 795-976 .(Copy attached).

- 10) That the said conduct of the respondents is highly deplorable, amounts to discrimination and as a matter of fact is discriminatory and the denial of the concept of 'equality before the law' and 'equal protection of law' as enunciated under article 04, 08 and 25 of the constitution of Pakistan, 1973.

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Deputy Registrar  
09 DEC 2014

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ATTESTED  
EXAMINER  
Peshawar High Court  
04 APR 2015

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GROUNDS:

- 1) That, the action and inaction of respondents is a clear example of discrimination and a blatant violation of Article 04, Article 18, Article 27 and Article 25 of the Constitution of Islamic Republic of Pakistan, As observed by the superior courts that *'article 04 recognizes supremacy of the law, for providing such guarantees to every citizen till he is disqualified in accordance with law. (Reliance is placed on 1999 CLC page 541).*
- 2) That the action and inaction of the respondents by withholding / not paying the 'orderly allowance' in favour of the petitioners is a classic example of discrimination, malafide intention, negligence, incompetency and inefficiency so as to deprive the petitioners of their legal and constitutional rights. The superior courts have held time and again that *'it is the duty of every public functionary to act in a matter justly, fairly and in accordance with law, ( reliance is placed on 2003 PLC (CS) 503).*
- 3) That the act of the respondents is destined to occasion irreparable loss to the petitioner's precious time and scarce monetary resources and also amounts to mental torture and to dishonoring and degrading the legal and social status of the petitioners on the part of the respondents.
- 4) That the act of respondents is not in accordance with law and is in complete deviation from the norms governing the subject. It is opined by the apex courts of Pakistan that *'every statutory body was supposed to function in good faith, honestly and without precincts of its powers so that the person concerned should be treated in accordance with law as guaranteed by article 04 of the constitution of Pakistan, 1973. Departure from the grund norm would render action of the public functionary without validity and would be struck off as illegal and without law full authority. ( reliance is placed on PLD 1999 SC 1026, 1999 YLR page 2708)*
- 5) That the very act of the respondents where by the petitioners are not treated alike with their corresponding official of BPS-20 and above is highly discriminatory and against the very basic of Shariah and the very provisions of the constitution, as stated that *"rights of all persons under similar circumstances must rest upon the same rule regardless of*

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Deputy Registrar  
09 DEC 2014

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Peshawar High Co

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race, religion, antecedents, physical appearances, wealth , political views etc;" ( reliance is placed on PLD 1976 Lahore 1115)

- 6) That the very act of the respondents is against the natural justice and it smacks mala fide upon the part of the respondents and not tenable in the eye of law.
- 7) That the said orderly allowance may kindly be directed to be paid to the petitioners from the very start/ab-initio ( 2003) as directed earlier by the concerned department but not implemented in letter and spirit. Orderly allowance was allowed in 2003. This was restricted to secretariat workers, later on this was extended to the bureaucrats posted outside the secretariat , benefit given to special class of civil servants, the same is mala fide as it is only allowed to special class which is against the spirit of sharia and the constitution of Pakistan, 1973.( 17/09/2003 ( notification NO.FD/SO(SR-II)/8-34/99/) and notification number (18/02/2006 ( notification NO.FD/SO(SR-II)/8-34/99/).
- 8) That the respondents were asked time and again regarding the issuance/ facility of orderly allowance but the respondents denied the same with the following words : '*... .. that orderly allowance is not admissible to the officers other than the officers of BPS-20 and above of APUG/PCS (executive)/PCS (Secretariat group) working in Civil Secretariat or during temporarily transfer outside the Civil Secretariat . (Notification annexed, NO.FD(SOSR-II)8-34/2013).*
- 9) *That the petitioners may kindly be allowed to agitate any other ground during the course of arguments if not specifically asked for in the memo of the present petition.*

ATTESTED

EXAMINER  
Peshawar High Court.

04 APR 2015

FILED TODAY

Deputy Registrar

09 DEC 2014

*It is therefore, prayed that on acceptance of this writ petition*

A) *the honourable court may kindly order/direct the respondent to pay the orderly allowance to the petitioners since 2003.*

B) *That the respondents may kindly be directed to treat equally the petitioners as they are treating the other BPS-20 officials and above in accordance with the notification dated 17/09/2003.*

Bas

C) that any other remedy deem fit in the circumstances of the case may also be awarded in favour of the petitioners.

Dated: 09/1/2014

Petitioners through:

Dr. Nasir Kamal Yousafzai

Ph.D, LL.M.

Advocate high court

At bar Mardan.

Peshawar office: TF -62, Deans trade centre, Peshawar cantt.

0333-9873072

CERTIFICATE:

Certified that prior to the institution of this writ petition no such like writ petition has ever been filed before this honorable court.

Advocate

LIST OF BOOKS:

- 1) Constitution of Islamic republic of Pakistan, 1973.
- 2) Case law at the time of need.

Advocate

FILED TODAY

Deputy Registrar

09 DEC 2014

ATTESTED

EXAMINER  
Peshawar High Court

04 APR 2015

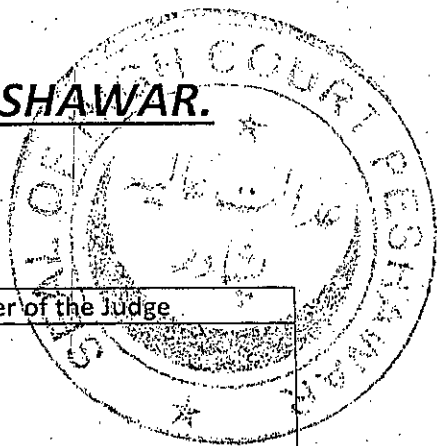


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ANNEX: M

**PESHAWAR HIGH COURT, PESHAWAR.**

**FORM 'A'  
FORM OF ORDER SHEET**



Date of order.	Order or other proceedings with the order of the Judge
24.2.2015	<p><u>W.P 3900-P of 2014.</u></p> <p>Present: Dr.Nasir Kamal, advocate for petitioners.</p> <p>-----</p> <p><u>MUSARRAT HILALI, J.-</u> Petitioners, through instant petition, seek issuance of an appropriate writ directing the respondents to pay them Orderly Allowance since the year, 2003 with further direction to treat them equally as they are treating the BPS-20 officials and above in accordance with Notification dated 17.9.2003.</p> <p>2. Facts divulged from the petition are that some of the petitioners are serving doctors (BPS-20) in the respondent/department whereas some of them have been retired, however, at the time of their service they were in BPS-20. They were drawing their salaries and allowances as admissible under the law except Orderly Allowance. According to the petitioners, their counterparts in Civil Secretariat, WAPDA, Peshawar University and employees of Sindh Government have been allowed Orderly Allowance but the respondents are denying the same</p>

*main*

*[Handwritten signature]*

ATTESTED  
EXAMINER  
Peshawar High Court.  
04 APR 2015

benefit to them. It is asserted that the Provincial Government vide Notification dated 17.9.2003 has allowed Orderly Allowance to the officers in BPS-20 to 22 working in the Civil Secretariat and refusal of the same to the petitioners is discriminatory. Further, stated that vide letter dated 24.12.2012 issued by Ministry of Finance Division, Government of Pakistan, Islamabad showing entitlement of the same allowance to all officers in BPS-20 and above either in service or retired prior to 19.2.2991 in accordance with judgment of the apex court. In pursuance of the said order, the Government of Khyber Pakhtunkhwa Finance Department vide letter dated 12.12.2013 allowed the said facility to serving officers with effect from 1.1.2013 or the date of his retirement, whichever is latter with the proviso that whenever the Government revises the rate of Orderly Allowance in future, the same increase shall be made applicable to the special additional pension of the retired officers by restricting it to a "special category of civil servants" i.e. APUG/PCS (Executive) and PCS (Secretariat) only, which is discriminatory. It is stated that Orderly Allowance is admissible to BPS-20 and above officers vide Establishment Division letter dated 30<sup>th</sup> April, 1977. The denial of the said allowance, according to

*main*

Sadiq Shah PS

*Sadiq*

ATTESTED  
 EXAMINED  
 Peshawar High Court  
 04 APR 2015

the petitioners, is highly deplorable, amounts to discrimination and as a matter of fact is discriminatory and the concept of 'equality before the law' and 'equal protection of law' as enunciated under Articles 4, 8 and 25 of the Constitution of Islamic Republic of Pakistan, 1973, hence this petition.

3. Heard. Admittedly, the petitioners are civil servants and the relief sought involved terms and conditions of their service, therefore, under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 this court has no jurisdiction to entertain this petition, which is accordingly dismissed in limine. However, the petitioners may approach proper forum for redressal of their grievance, if need be.

Sd/ Waqar Ahmad Seth

JUDGE

Sd/ Mrs. Musarat Hillali

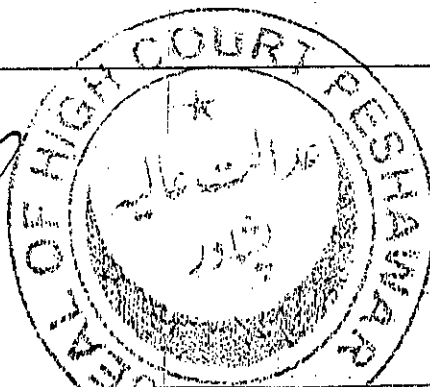
JUDGE

No. 16910  
Date of Presentation of Application 18-3-15  
No of Pages 14P  
Copying fee  
Urgent Fee  
Total 28-00  
Date of Preparation Sadiq Shah PS 04-04-15  
Date Given For Delivery 04-04-15  
Date of Delivery of Copy 04-04-15  
Received By. D8 - Musarat Hillali

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Qanun-e-Shahadat Order 1984

04 APR 2015



35

Approved N

To,

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

Subject:-

**APPLICATION FOR THE GRANT OF ORDERLY ALLOWANCE.**

Dear Sir,

I have been promoted to BPS-20 by Govt. of Khyber Pakhtunkhwa Health Department vide Notification No.SO(E-I)E&AD/9-133/2011 dated 10/02/2011 and retired from government services with effect from 11/04/2011 in BPS-20 as Director Health Services DGHS Peshawar and according to rules all the officers working/worked in BPS-20 or above under federal government are entitled for the grant of orderly allowance (Pensionable). The Provincial Government vide its Notification FD/SO(SR-II)/ 8-34/99 dated 17/09/2003 granted orderly allowance to the officers in BPS-20 and above to a special category of Civil Servants i.e. APUG/PCS (Executive) and PSC (Secretariat) only; while the officers working in other category having the same scale have been deprived of the facility. The officers/ doctors of Provincial Health Department filed a petition No.3900/2014 before the Peshawar High Court Peshawar for the grant of orderly allowance stating that vide Ministry of Finance Division Govt. of Pakistan letter dated 24/12/2012 all officers in BPS-20 and above either in service or retired prior to 19/02/1991 are entitled for the same allowance in accordance with judgment of the apex court. In pursuance of the said order, Government of Khyber Pakhtunkhwa Finance Department vide letter dated 12/12/2013 allowed the said facility to serving officers with effect from 01/01/2013 or the date of his retirement again restricting it to the special category of Civil Servant which is against the concept of "equality before the law" and equal protection of law as enunciated under Article 4,8 and 25 of the Constitution of Islamic Republic of Pakistan, 1973. The Honourable Peshawar High Court Peshawar vide their short order dated 24/02/2015 stated that this involves terms and condition of service; hence under Article 212 of the Constitution of Islamic Republic of Pakistan; this matter may be put before the Service Tribunal of Khyber Pakhtunkhwa Peshawar. Copy of the judgment enclosed.

In light of the foregoing, it is therefore, requested to take up the case with Competent Forum, so that my case may also be decided on the said analogy and I am not compelled to go into appeal before any court of law.

Dated 06/04/2015

*alatif*  
06/04/15  
[Dr. Abdul Latif BPS-20]  
[Ex-Member of Service]  
House No.106/A Street No.4  
Gulbahar No.1 Peshawar City  
Cell No.0300-5901118

Diary No: 2598

dated: 06/04/15

**POWER OF ATTORNEY**

In the Court of Khyber Pakhtunkhwa Securities Tribunal Peshawar

Dr. Abdul Latif

} For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

**VERSUS**

Govt of KPK and others

} Defendant  
} Respondent  
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_

Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN**

and Sajid Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Peshawar the \_\_\_\_\_ day to \_\_\_\_\_ the year

Executant/Executants [Signature]

Accepted subject to the terms regarding fee \_\_\_\_\_

Accepted  
[Signature]

**Ijaz Anwar**

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt  
Ph.091-3272154 Mob-Ic-0333-9107225

[Signature]

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

Service Appeal No. 931/2015  
DR. Abdul Latif, Ex-Director (Rtd.) BPS-20,  
Health Services, Peshawar.

...Appellant

**VERSUS**

1. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt: of Khyber Pakhtunkhwa, Health Department, Peshawar.
3. The Secretary to Govt: Khyber Pakhtunkhwa, Finance Department, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

...Respondents

**JOINTPARAWISE COMMENTS ON BEHALF OF RESPONDENTS No.1, 2 & 3**

**Preliminary Objections:**

1. That the appellant has neither cause of action nor locus standi.
2. The appeal is not maintainable in its present form.
3. That the appeal is bad due to non-joinder and mis-joinder of necessary parties.
4. That the appellant has concealed the material facts from this Honorable Tribunal.
5. That the appeal is badly time-barred.
6. That the appellant is estopped by his own conduct to file the instant appeal.

**Facts:**

- 1) No Comments pertain to record.
- 2) No Comments pertain to record.
- 3) Subject to Proof.
- 4) Subject to Proof.
- 5) Incorrect. Policies/decisions of Federal Government as well as other provinces are not binding on this Provincial Government.
- 6) Correct.
- 7) Incorrect. Appellant has not been discriminated. The orderly allowance is admissible only to the officers working in BPS-20 and above in Civil Secretariat, granted by the competent authority, whose duties and responsibilities, no doubt of an immense magnitude as they are responsible for policy making and monitoring the work of all the departments of the Provincial Government. The Officers other than above are neither entitled for orderly allowance nor special additional pension equal to the admissible pre-retirement orderly allowance. The duties of employees working in Secretariat & attached Departments have been analysed in the detailed report submitted by the high level committee under the chairmanship of Additional Chief Secretary (**Annexure-A**), constituted in compliance with the order of Peshawar High Court in respect of some allowances claimed by various employees of attached Departments and its findings regarding ineligibility of attached Departments employees to the benefits allowed to the Secretariat. Employees were accepted by the Peshawar High Court(**Annexure-B**). Appellant being a medical doctor by profession is entitled to allowances which are not permissible to other service groups. Moreover, the appellant is a civil servant, however, has been exempted from Rule-16 of the Khyber Pakhtunkhwa Government Servants (conduct) Rules, 1987. Appellant being a medical doctor is entitled for private practice while Rule-16 is binding upon the service group who are in receipt of orderly allowance.
- 8) Pertains to record.

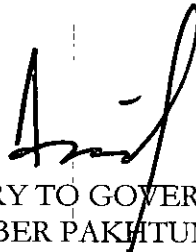
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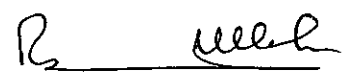
**Grounds:**

- a) Incorrect. The appellant has been treated as per law & rules. No right of the appellant has been snatched.
- b) Incorrect. As mentioned at Para-07 of the Fact. Appellant has not been discriminated.
- c) Incorrect. As explained in preceding paras. No Article of the constitution has been violated by the respondents.
- d) Incorrect. As explained in preceding paras.
- e) Incorrect. Appellant is not entitled to the orderly allowance as claimed. As such, has not been subjected to any financial loss/mental torture.
- f) Incorrect. Appellant is medical doctor by profession and is not similarly placed to the officers (BPS-20 & above) working in the Civil Secretariat.
- g) Incorrect. Law/rules have not been violated by the respondents.
- h) Incorrect. As explained in preceding paras.
- i) Incorrect. Appellant is not similarly placed to the officers (BPS-20 & Above) working in Civil Secretariat.

It is therefore, humbly prayed that appeal of the appellant being devoid of merit may be dismissed.

CHIEF SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
(RESPONDENT NO.1)

  
SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT  
(RESPONDENT NO.2)

  
SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(RESPONDENT NO.3)

Amna A

Report of the High Level Committee

Subject: Judgment/Directions of Peshawar High Court Peshawar in Connection with Writ petition Filed by Certain Employees of Attached Department for Allowing Special Allowance And utility Allowance On The Analogy of Secretariat Employees.

Constituted in furtherance of Judgment and Order of Peshawar High Court in W.P. 87 of 2010 and other Petitions dated 26.05.2011 in respect of Special Allowance and Utility Allowance claimed by various employees of different attached Departments

1. A high level Committee comprising of BS 21 and BS 20 Senior Government functionaries was constituted under the Chairmanship of Additional Chief Secretary (BS - 22) and accordingly notified vide Notification No. FD(SOSR-II)8-7/2011 dated 02/07/2011 (Annex-A) in terms of the aforesaid Judgment and Order of a worthy Divisional Bench of Peshawar High Court dated 26.05.2011 where a period of Six months was fixed (Annex-B) with following terms of reference:

- (i) The Committee will examine the difference between the duties and functions of those Government employees who have been granted Special Allowance @ 20% and Utility Allowance @ 10% of the basic pay and those who have not been extended these facilities.
- (ii) The Committee will finalize its report/recommendations within three months period, commencing from the date of issuance of this Notification.

2. The Committee, after its constitution and notification, convened its meeting on 11.07.2011 and deliberated the matter referred thereto thoroughly in light of the Judgment of the Peshawar High Court. Proceedings of the meeting were duly minuted (Annex-C) and it was decided in larger interest of justice and fair play to co-opt a few more high level officials from the attached departments. It was also decided that the Committee may also require different attached Departments to provide them with the respective roster of duties, job



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descriptions and details of working hours of employees working therein for comparison with those who are the beneficiaries of the two Allowances. Committee also directed Secretary Finance to apprise Committee about status of different allowances, being given to various groups, cadres or categories of Government Servants. Chair also asked the Establishment Department to analyze and monitor trends of retention and posting out of employees from Secretariat.

The Governor Secretariat and Chief Minister Secretariat, being the recipients of the two Allowances alongside Civil Secretariat Employees were also requested to apprise the Committee in writing about their roles and longer working hours, if any.

3. After co-opting a number of senior functionaries from different Attached Departments (List Annex-D) and receiving required information from various quarters, Committee accordingly reconvened its proceedings on 15.11.2011. A marathon session of meticulous consideration of the material gathered so far and protracted deliberations/consultations ensued.

4. The Committee, before proceeding further, unanimously acknowledged the legal position that it is a well-established prerogative of the "Executive" to incentivize any given set of its employees by way of special pay/allowances, if such preference is based on intelligent differentia and is arising out of a situation where either (a) the employees are tasked with specially arduous nature of duties or (b) where there are specific additions to work or responsibilities of a group or class of employees. Committee is also cognizant of Rule 9(25) of the Fundamental Rules, which fortifies this preposition, while defining the "Special Pay". The concept finds further strength when seen in context of the provisions related to "Compensatory Allowances", so dealt with under Rule 44 of the Fundamental Rules read with Rule 17 of the Subsidiary Rules. While taking stock of different notifications dealing with different allowances, admissible to various classes or

categories of government servants, as compiled by the Finance Department, the Committee is of the considered opinion that Governments of the day have been incentivizing different cadres or categories of Government functionaries by way of allowance for a variety of reasons such as (a) to promote a particular discipline of knowledge, (b) to boost morale of its employees in different exacting positions, (c) to ensure improvements in quality of work, (d) to create attraction for incumbency in different less advantageous positions, (e) to promote higher education, (f) to promote various best practices and to discourage corruption, (g) to improve governance and (h) to compensate employees with arduous duties or extended responsibilities etc. The Committee took into consideration a whole bunch of different allowance(s) granting notifications (Annex - E) with assistance of the Finance Department to judge the intrinsic rational of these notifications. After examining these Notifications and various judgments of the Superior Judiciary, cited in the Peshawar High Court's Judgment, the Committee finds its view reaffirmed that it is within the powers of the Government to provide additional monetary benefits by way of special pays or allowances to any given set of employees in preference and exclusion to others, if any of the afore-listed considerations are attracted to the circumstances of such preferred employees.

5 The Committee, after examining the general rationale for allowances, examined the parameters of Special and Utility Allowances, granted to the employees of three Secretariats in preference to employees of the attached Departments. It was also brought to the notice of the Committee that while Committee was seized with instant deliberations, the Provincial Government has modified the regime of Allowances and rather than two separate allowances, have since been notified as grant of a "Special Allowance" @ 30% of basic pay to the employees working at Civil Secretariat, Governor's Secretariat and C.M. Secretariat with some added rationalizations vide Notification No. FD(SOSR-II)8-7/2011 dated 27-04-2011 (Annex-E). While examining the job descriptions

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research work and other application of mental faculties at the higher level is done at the secretariat which calls for painstaking effort to ensure quality and quantity of work.

c. Implementation level:

*Attached Departments:* Policies framed in the Secretariat are passed on to Attached Departments in the shape of "ready-made" protocols of action or tools for implementation, with no direct responsibility to the Cabinet.

6. While juxtaposing and weighing the duties for finding semblances and similarities in functions and responsibilities of those provided with the Allowances and those, for whom such benefits does not stand extended, this Committee could not lightly brush aside the fact that three "Secretariats" being the policy pinnacles of the Government, serve as nerve center for tactical decision making for the "Executive". With Secretaries along with their Departments (Comprising of Secretariat staff) remaining responsible to their Ministers, who collectively as cabinet in their turn is responsible to legislature, there is necessitated a profound sense of accountability in the employees working in the Secretariat, making the Secretariat positions more exacting and directly responsible. While the nomenclature of the posts in different "Departments" of the Secretariat may sound semantically akin to those in the "Attached Departments", this Committee clearly sees merits in the rationale that the Secretariat Positions, as envisaged in the Rules of Business are arduously demanding in terms of responsibilities as they require more fastidious and painstaking observance of different affairs, direct answerability, pedantic protocols and excruciating decision making with minimal liaison with public. Another very important aspect, that came time and again, to the notice of this Committee, was the fact that in all the three Secretariats, because of closer

provided by various Secretariat Departments and the Attached Departments, the Committee find itself in agreement with the comments of the Establishment Department which advocate a clear distinction between the statutory role of a "Department" vis-à-vis an "Attached Department" based on the definition provided in Rule 2(h) of the Khyber Pakhtunkhwa Rules of Business, 1985, defining a "Department" to mean a self-contained administrative unit in the Secretariat, responsible for the conduct of business of Government in a distinct and specified sphere and declared as such by the Government (underlining added for emphasis). While read with Rule 5 of the Rules of Business *ibid*, framing of the policy is the responsibility of the Minister Incharge and it is the responsibility of the Secretary of the Department to assist the Minister in formulation of the policy and its implementation, whereas the attached departments are tasked to implement the law and policies so made and duly sanctioned by the provincial government. With this discussion at hind sight, the Committee finds itself in unison with Establishment Department, who has categorized different levels of governance, reproduced hereunder for facility of reference and to acknowledge their significance to the instant discussion:

a. Strategic level: i.e. Cabinet. Being collectively responsible to Provincial Legislature, all vital policies of administrative, economic and strategic significance emanate from the Cabinet decisions as well as directive of Governor and Chief Minister.

b. Tactical level:

Secretariat: Since Chief Secretary, Khyber Pakhtunkhwa and Administrative Secretaries are responsible to Cabinet and their respective Departments to them, thus indirectly responsible to the Cabinet as well, the Secretariat of the Provincial Government provides policy and strategic input to the Cabinet. Therefore all policies originate from the Secretariat. For this purpose, all the

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the beneficiaries of the two allowances are not more than three thousands who are rightfully receiving these benefits against given positions whereas if extended across the board to hundreds of thousands of employees, the benefits will have financial implications worth Billions of rupees annually with recurring liability. A hefty portion of the Budget (almost Rs. 86 Billion per annum) goes to salaries alone making this non-developmental expenditure already unbearable. Any further increase towards universal application of allowances will prod the Provincial Government to a state of quandary, with no wherewithal to meet even its day to day expenditures, leaving absolutely no room for development at all. Even otherwise, concept of special pay necessitate payment against arduous or additional responsibilities and thus a backbreaking payment without attending circumstances will make the same, absolutely without any plausible rational or justification.

10. This Committee, after examining all the relevant material and bearing in mind all the attending circumstances, facts and figures and especially after making thorough analysis of two different categories of employees (ones, who are receiving these benefits and the ones, who are not), finds them placed differently in different circumstances. This Committee, is therefore of the considered opinion, that it was within the prerogative of the Provincial Government to incentivize more exacting and arduous secretariat positions to ensure retention of better officers and employees at the tactical secretariat level. The employees at the Secretariat perform functions and duties which are more demanding and burdensome with responsibilities with heavier accountability vis-à-vis those serving in attached Departments. Different job positions at Secretariat thus require special benefits to make them more attractive and thus retain functionaries at these positions. This Committee therefore holds that there exists clear distinction between the duties and functions of those who have been granted allowances and those who have been excluded and thus employees

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unceasing responsibilities to assist political bosses even during odd or beyond usual working hours and because of enhanced quantum of work, are ordered to sit much beyond usual working hours. These extended accountability and arduous aspect of serving at secretariat positions, if not made little more rewarding, would make these position far less attractive thus would make retention of good officers at these policy echelons extremely difficult. In comparison to these arduous conditions, the employees posted in smaller and more dependently attached departments and semi-autonomous wings are performing limited functions in far less-demanding environs thus treating the two distinct classes similarly would serve injustice rather than justice.

8. While respecting the point of views of different co-opted members from the attached Departments favoring a similar treatment for their subordinates too, the Committee also remained cognizant of the fact that despite these two paltry percentile based allowances, the positions at Secretariat with no direct public liaison are generally conceived as more taxing and grueling by the government functionaries and they try to opt for positions outside three secretariats. Establishment Department confirmed that a large number of officers posted at different Secretariat positions have either shown tendencies or expressed desires to post themselves out to different less demanding administrative positions outside secretariats. In such circumstances, giving no added benefits for secretariat postings will render the Secretariat virtually empty and devoid of good officers at important tactical positions.

9. It may also be added that the Committee was requested by different Head of Attached Departments to consider favorably for the attached Department employees and extend similar benefits to them too on compassionate grounds alone, if not otherwise admissible, but it may be worth considering that presently

(117)

proximity to the strategic level of governance and because of direct liaison with actual decision makers i.e. the Governor, Chief Minister and the Ministers Incharge of various line ministries, the employees are required to observe relatively longer working hours, as more often than not, they are required to remain available on their positions beyond normal duty hours. In fact, the comments furnished by the Governor and Chief Minister Secretariats respectively, it has been reported that late sittings till evening is a matter of routine in the two Secretariats because of day long engagements and extended working hours of the worthy Governor and Chief Minister respectively. The Committee was provided with a number of Notifications and Intra Office Memos of various Departments in the Civil Secretariat as well, where the staff working in different Departments has been instructed to stay and remain available till the sitting of the Minister, till the session of the Provincial Assembly (which usually go till late in the evening) or during days of Provincial Budget, preparation of ADP or in the matter of different other emergencies, burdening the employees posted at Civil Secretariat every now and then with additional duties and extended working hours as matter of routine. While being fully appreciative of the dedication of employees at attached Departments as well, this Committee has observed that the practice of late sittings or extended working hours is virtually inexistent at the attached Departments as they perform their implementation responsibilities, mostly within the normal office hours. No attached Department, in its comments provided to this Committee, has claimed any additional workload on account of longer working hours, whereas the practice of late sitting is a regular feature when one works at any of the three Secretariats. While making a fair estimate of the workload based on discussions with co-opted members and observing the pattern of tasking, this Committee feels that employees working at thee Secretariats are required to perform different secretariat responsibilities over any given period of one month which are at least 25% to 30% more burdensome when compared to those who work in different

11/17/20

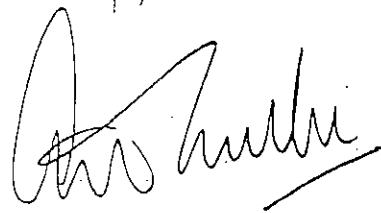
attached Departments or field formations with similar nomenclatures. Just to narrate an example, any of the Stenographers/Steno-typists, attached with administrative Secretaries have usually 40 to 50 documents per day to compose, while those at the attached Departments are usually tasked to compose 25 to 30 pages per day on a busy working day. Similarly record keeping and handling of files, maintaining DAK registers and correspondence and other secretariat support at Secretariat level is more painstaking and onerous on any given day, when compared with these activities at the implementation level attached Departments. Another important aspect that came under consideration of the Committee was that at attached Departments, as explained at some length above, are positions, primarily related to field duties or on-ground implementation activities whereas at Secretariat there are no parallel positions, so in essence, nature of responsibilities of the two groups are not alike or similar at all, as far as these implementation level positions are concerned such as in Directorates or field offices. Employees in such positions, although have been petitioners in many of the Writ Petitions seeking two allowances, but have no comparison at all with those working at Secretariats and cannot be regarded as "placed in similar conditions".

7. After a thorough examination of list of responsibilities of different Secretariat positions, so listed in Khyber Pakhtunkhwa Manual of Secretariat Instructions, 2008 and comparing them with job descriptions of positions at different attached Departments, and especially taking into account the prevalent practices in different departments and their respective attached Departments, this Committee has observed that while working in support of Governor, Chief Minister and the Cabinet, the three Secretariat employees are mostly required to perform activities that need painstaking research, punctilious observation of codal formalities and comparatively more hard work to ensure quality and quantity of work. More often than not, employees at Secretariats, due to their

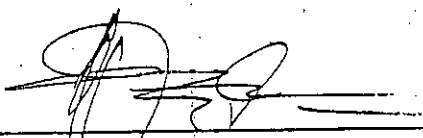


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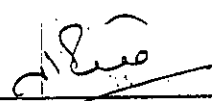
working at the attached Departments are not entitled for such special and utility allowances. Before parting with this determination, the Committee however recommends that in case, any particular attached wing or field formation still feels that it has similar conditions of work, akin to that of Secretariat with similarly demanding accountability and longer working hours and matching workload, it may send its case separately to the Finance Department, with all supporting material and evidence through proper channel for consideration, purely on merit for grant of such special pay/allowance. This Committee expresses its gratitude to all concerned for supporting and assisting this Committee to arrive at an informed and just determination.



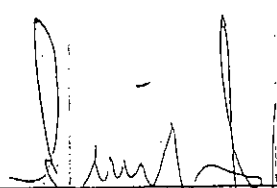
(MR. ATTA ULLAH KHAN)  
Additional Chief Secretary, Khyber Pakhtunkhwa  
(Chairman)



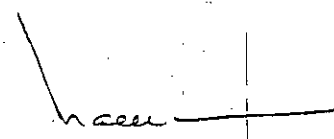
(MR. MUHAMMAD ARIFEEN)  
Secretary to Govt. of Khyber Pakhtunkhwa  
Establishment Department (Member)



(MR. HIFZ-UR-REHMAN)  
Secretary to Govt. of Khyber Pakhtunkhwa  
Administration Department (Member)



(SYED AMIRUDDIN)  
Secretary to Govt. of Khyber Pakhtunkhwa  
Law and Preliminary Affairs Department  
(Member)



(SAHIBZADA SAEED AHMAD)  
Secretary to Govt. of Khyber Pakhtunkhwa  
Finance Department (Secretary)


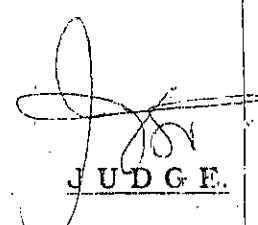
Annex: B

Peshawar High Court, Peshawar

FROM 'A'

FORM OF ORDER SHEET

COURT OF .....  
CASE NO. ....

SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY
1	2	3
	15.08.2012	<p><b>COC No. 90-P/2012 in W.P. No. 350/2010 (D).</b></p> <p>Present: -</p> <p>Mr. Muhammad Yousaf Zai, Advocate counsel for the petitioner.</p> <p style="text-align: center;">←*****→</p> <p><b><u>YAHYA AFRIDI J.-</u></b> This Contempt of Court petition is directed against the alleged non compliance of the orders of this Court in W.P. No. 87/2010 decided on 26.02.2011.</p> <p>The matter was reviewed it was found that the directions of this Court for constitution of High Level Committee and its findings regarding the illegibility of the petitioner to avail the facilities has been complied with. The report of the committee is placed on record which was shown to the learned counsel for the petitioner.</p> <p>In view of the above this COC is misconceived and thus the notice so issued is hereby recalled. Disposed of, accordingly.</p> <div style="text-align: right; margin-right: 50px;">   <b>JUDGE.</b> </div> <div style="text-align: right; margin-right: 50px;">   <b>JUDGE.</b> </div> <p style="text-align: center;"><b><u>Announced</u></b> <b>15.08.2012</b></p>

Office 16/8

Issued  
B

## Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No: 931/2015.

Dr. Abdul Latif.....Appellant.

V/S

Government of Khyber Pakhtunkhwa, through Chief Secretary,  
Khyber Pakhtunkhwa Civil Secretariat, Peshawar and others.....Respondents.

(Para wise Comments on behalf of respondent No. 4)

### Preliminary Objections.

- 1). That the appellant has no cause of action.
- 2). That the appellant has no locus standi.
- 3). That the appeal is time barred.
- 4). That the appeal in hand is not maintainable.
- 5). That the appeal is not covered under the rules.
- 6). That in an identical case bearing Writ Petition No. 350-P/2014, Peshawar High Court has already dismissed the claim of the petitioner on 20.11.2014. (Annex-A).
- 7). That another identical case bearing Writ Petition No. 3036-P/2014 Khurshid Ali V/S Government of Khyber Pakhtunkhwa and others has also been withdrawn by the petitioner on 11.12.2015 from Peshawar High Court. (Annex-B).

### Respectfully Sheweth:-

Para 1:- Proved by record, hence no comments.

Para 2:- Proved by record, hence no comments.

Para 3:- That the views mentioned in Finance Department Government of Khyber Pakhtunkhwa letter No. FD/(SOSR-II)8-34/99, dated 17.09.2003 (Annex-C) are very much clear that the grant of Orderly Allowance is admissible to officers in BPS-20, 21, 22 working in the Civil Secretariat only.

Para 4:- As mentioned in Para 3, above.


- Para 5:- Incorrect; to the extent that the policy mentioned in the Finance Division Islamabad letter No. F. 1(2)-Reg.6/91-Vol-IX dated 24.12.2012 (Annex-D) is for Federal Government employees only. And the same policy has not yet been adopted by the Provincial Government of Khyber Pakhtunkhwa.
- Para 6:- That in an identical case for the same cause in Writ Petition No. 350-P/2014 Peshawar High Court has dismissed the claim of the petitioner on 20.11.2014. (Annex-A).
- Para 7:- That respondent No. 4, is bound to follow the rules and instructions issued by the Provincial Government Khyber Pakhtunkhwa from time to time. And Director Lady Reading Hospital Peshawar i.e. Health Department has already rejected the departmental appeal in an identical case vide letter No. 23762/LRH/Acctt dated 19.08.2015, under the rules. (Annex-E)
- Para 8:- As mentioned in Para 7, above.
- Para 9:- That in light of Finance Department Government of Khyber Pakhtunkhwa letter dated 17.09.2003 (Annex-C), the appellant is not entitled to get Orderly Allowance in lieu of Residence Orderly in his pension after his retirement.

**GROUND:-**

- A:- That respondent No. 4 has not violated any rule or law and is bound to follow the rules and instructions issued by Provincial Government Khyber Pakhtunkhwa from time to time.
- B:- Incorrect. That in light of Finance Department Government of Khyber Pakhtunkhwa letter dated 17.09.2003, the act of respondent No. 4, is under the rules and not discriminatory.
- C:- Incorrect.
- D:- Incorrect.
- E:- That respondent No. 4 has not violated any rule or law and is bound to follow the rules and instructions issued by Provincial Government of Khyber Pakhtunkhwa from time to time.

- F:- That previously Writ Petition No. 350-P/2014 has been dismissed by the Peshawar High Court, whereas Writ Petition No. 3036-P/2015 has been withdrawn by the Petitioner from Peshawar High Court (Annex-A & B).
- G:- As mentioned in Para "E" above.
- H:- As mentioned in Para "F" above.
- I:- As mentioned in Para "F" above.
- J:- Incorrect. That respondent No. 4 has not violated any rule or law and is bound to follow the rules and instructions issued by Provincial Government of Khyber Pakhtunkhwa from time to time.
- K:- As mentioned in Para "J" above.
- L:- That in light of Finance Department letter dated 17.09.2003 (Annex-C) the appellant is not entitled for Orderly Allowance in lieu of Residence Orderly in his pension after retirement.

Keeping in view the above mentioned facts, it is humbly prayed that appeal in hand having no merits may be dismissed with cost.

  
ACCOUNTANT GENERAL  
KHYBER PAKHTUNKHWA

Amex-IT 20

A

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**JUDICIAL DEPARTMENT**

Writ Petition No.350-P/2014

**JUDGMENT**



Date of hearing.....20.11.2014

Petitioner(s).....*Petitioner in Person*

Respondent(s).....*by Syed Qaiser Ali Shah, AAG.*

YAHYA AFRIDI:- Professor Nazir

Muhammad and others, the petitioners, seek the constitutional jurisdiction of this Court praying that

"It is, therefore, humbly prayed that on acceptance of this petition, a proper writ may be issued by directing the respondents to allow the benefits of the Memorandum/Notification dated 24.12.2012 to the petitioners".

**ATTESTED**  
Office of the  
EXAMINER  
Peshawar High Court  
06 JAN 2015

2. In essence, the grievance of the petitioners is that they are being discriminated by not providing the "Orderly Allowance" granted to other 'similarly placed'.

3. Notice was issued to the respondents, who have filed their comments by annexing the letter

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SECRETARY (Litig)  
Floor  
Khyber Pakhtunkhwa

4. The aforementioned letter of the Government clearly shows that the "Orderly Allowance" is restricted only to those officers in BPS-20 and above, who either retired as Secretaries or the post of Secretary is included in their schedule of cadre.

5. Accordingly, the petitioners cannot claim to be discriminated, so as to invoke the constitutional jurisdiction of this Court.

In view of the above, this Writ Petition being misconceived is hereby dismissed:

DI.20.11.2014.



*Self Nabija Afridi*  
JUDGE

*Self Hardan Ali Khan*  
JUDGE

\*Nawab Shah\*

CERTIFIED TO BE TRUE COPY

Exhibit No. 06/01/15  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Constitution of Pakistan Order 1985

06 JAN 2015

Date of Presentation of Application 27/11/14

No of Pages 11

Copying fee 22/-

Urgent Fee

Total 22/-

Date of Preparation of Copy 06/01/15

Date Given for Delivery 06/01/15

Date of Delivery of Copy 06/01/15

Received By OG Enal

SEAL OF THE PESHAWAR HIGH COURT  
Peshawar  
Khyber Pakhtunkhwa

①

B

BEFORE THE PESHAWAR HIGH COURT  
PESHAWAR  
WRIT PETITION NO. 3036-P/2014

Engr. Khushid Ali  
Chief Engineer (retired)  
Resident of Phase-II, Hayatabad  
Peshawar

--- Petitioner

VERSUS

- Respondents
1. Accountant General  
Khyber Pakhtunkhwa Peshawar
  2. Secretary to Govt of Khyber Pakhtunkhwa  
Finance Department, Peshawar
  3. Senior District Accounts Officer  
Swat.
  4. Secretary to Govt of Khyber Pakhtunkhwa  
C&W Department, Peshawar

Parawise Comments on behalf of Respondent No. 4

Respectfully Sheweth

Preliminary Objections

- i. That the petitioner has got no cause of action
- ii. That the petition is bad for non-joinder & mis-joinder of necessary parties
- iii. That the writ petition is not maintainable in its present form
- iv. That the petitioner has not come to the court with clean hands and the petition is based on mis-representation of facts.
- v. That the petitioner is estopped by his own conduct to the extra ordinary discretionary relief.
- vi. That the petition is pre-mature.

FACTS

1. ~~Correct to the extent that petitioner was appointed as Assistant Engineer (BS-17) in C&W Department on 01.03.1969 and after serving more than 37 years-retired from Government service on attaining the age of superannuation i.e. 60 years w.e.f. 04.06:2005 (A.N) as Chief Engineer (BS-20).~~

2. As explained in para-1 above.



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correct. Only the officers in BS-20 & above working in civil secretariat who are eligible for special additional pension on their retirement in terms of Finance Department circular letter dated 17.09.2003 and 18.02.2006 (Annex-I), shall be paid special additional pension equal to the pre-retirement orderly allowance admissible to serving officer w.e.f. 01.01.2013 or the date of his retirement whichever is later with the proviso that whenever the Government increases the rates of orderly allowance in future, the same increase shall be made applicable to the special additional pension of the retired officer.

- 4. relates to Respondent No.1. i.e. Accountant General Khyber Pakhtunkhwa
- 5. correct, in fact the petitioner has been retired from Government service as Chief Engineer (BS-20) from C&W Department as per Provincial Government circular letter dated 09.2003, orderly allowance is admissible to the officers of BS-20, 21 & 22 posted in the Civil Secretariat, therefore, the appellant is not entitled for the grant of orderly allowance.
- 6. remains to record, hence need no comments.

GROUNDS

- A. correct, the petitioner, mis-leading, mis-represented and manipulated the facts of the case, in fact the Provincial Government has allowed orderly allowance to those officers of BS-20, 21 & 22 working in Civil Secretariat only.
- B. correct. No discrimination to any individual, including petitioner nor any rule or principle of law infringed. The apprehension of the petitioner is mis-placed.
- C. correct, as explained in above paras.
- D. correct, no right of the petitioner has been violated

In view of the above, it is prayed that the Instant writ petition may kindly be dismissed with costs having no substance.

*[Signature]*  
 SECRETARY TO  
 Govt of Khyber Pakhtunkhwa  
 C&W Department  
 (Respondents No. 4)

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Annex-I

④

GOVERNMENT OF N.W.F.P,  
FINANCE DEPARTMENT PESHAWAR  
( REGULATION WING )  
NO.FD/SO(SR-II)/8-34/99/  
Dated Peshawar the 17-9-2003.

C

To

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

SUBJECT: GRANT OF ORDERLY ALLOWANCE

Dear Sir,

I am directed to refer to the subject noted above and to state that the Government of N.W.F.P. has decided to grant Orderly Allowance at the rate of Rs.1900/- P.M or residence orderly to officers in BS-20, 21 and 22 working in the Civil Secretariat with immediate effect.

2. The officers in BS-20, 21 and 22 posted in the Civil Secretariat are allowed to opt either for the provision of residence. Orderly or for the Orderly Allowance.

*Attested*  
*Wali*

Superintendent (Estab)  
Govt. of Khyber Pakhtunkhwa  
C&W Department

Government of Pakistan  
Finance Division  
(Regulations Wing)

Islamabad, the 24<sup>th</sup> December, 2012

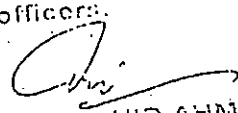
No. F. 1(2)-Reg.6/91-Vol-IX

OFFICE MEMORANDUM

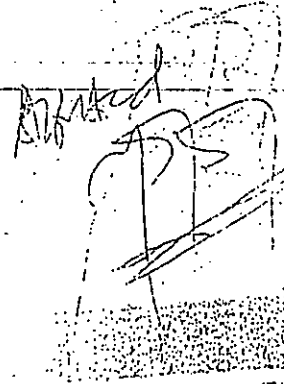
Subject: IMPLEMENTATION OF THE RECOMMENDATIONS OF PAY AND PENSION COMMISSION-2009 REGARDING SPECIAL ADDITIONAL PENSION AND PROVISION OF ORDERLY/DRIVER TO THE OFFICERS IN BPS-20 AND ABOVE ON RETIREMENT.

The undersigned is directed to say in terms of para 2 of Finance Division's O.M. No. F. 1(2)-Reg.6/91 dated 29<sup>th</sup> September, 1991, officers in BPS-20 and above on retirement are entitled to Special Additional Pension equal to the admissible pre-retirement orderly allowance. This facility was further extended to all officers in BPS-20 and above who retired prior to 19.2.1991 on the orders of the Supreme Court of Pakistan. The rate of special additional pension remained fixed at the rate prevailing at the time of the officer's retirement and was not enhanced with the subsequent increases in the rate of orderly allowance.

2. The recommendations of Pay and Pension Commission-2009, Establishment Division and request of retired government officers in BPS-20 in the above matter have been examined in the Finance Division intensely. On the basis of principle of equity and fairness, the competent authority has been pleased to approve that the retired officers in BPS-20 and above shall be paid special additional pension equal to the orderly allowance admissible to serving officers w.e.f. 01.01.2013 and that whenever the Government revises the rates of orderly allowance in future, the same increase shall be made applicable to the special additional pension of the retired officers.

  
(MUHAMMAD SHAHID AHMED CH.)  
Deputy Secretary (Reg. III)

ALL MINISTRIES/DIVISIONS/DEPARTMENTS



MEDICAL TEACHING INSTITUTION  
LADY READING HOSPITAL PESHAWAR

*Bunla M*  
(32)

No. 23762/LRH/Acctt

Dated 19-08-2015

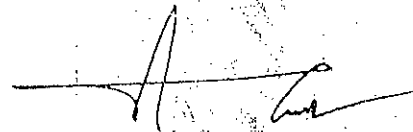
To,

Dr. Muhammad Ali  
S/o Faqir Muhammad  
Ex-Chief Medical Officer  
MTI/LRH, Peshawar

Subject: GRANT OF ORDERLY ALLOWANCE

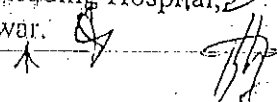
Reference your application bearing Diary No. 14453 Dated 30.07.2015 on the subject cited above.

It is to inform you that vide Accountant General Khyber Pakhtunkhwa office letter No. PR-9(M)/Gazetted Seat/2014-15/467 dated 27.05.2015 and Finance Department Khyber Pakhtunkhwa Peshawar letter No. FD(SOR-II)8-34/99 dated 28.12.2010 (photo copies attached) that Orderly Allowance is only allowed to the Officers in BPS-20, 21 and 22 working in the Civil Secretariate Khyber Pakhtunkhwa Peshawar.



**Hospital Director**

Medical Teaching Institution  
Lady Reading Hospital,  
Peshawar.



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

In the matter of  
Appeal No. 931/2015

Dr. Abdul Latif, Ex-Director Health Services, Peshawar (BPS-20) r/o House No. 106/A Street No. 4 Gul Bahar No.1 Peshawar City. (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar & others.

(Respondents)

**REJOINDER TO THE PARA WISE REPLY ON**  
**BEHALF OF THE APPELLANT**

Respectfully submitted:

The appellant submits his rejoinder as under:

**ON PRELIMINARY OBJECTIONS:**

1. Contents incorrect and misleading, the appellant has been illegally denied the orderly allowance as is allowed to similarly placed employees, hence he has got the necessary cause of action and locus standi to file the instant appeal.
2. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rule and procedure hence maintainable in its present form and also in the present circumstances of the case.
3. Incorrect and misleading, all necessary parties are arrayed in the appeal.
4. Contents incorrect and misleading, all facts necessary for the disposal of appeal are brought before this honorable court and nothing has been concealed.
5. Contents incorrect and misleading, the appellant has recurring cause of action and under the law no limitation run against the recurring cause of action.
6. Contents incorrect and misleading, no rule of estoppel is applicable in the instant case.

**ON FACTS**

1. No comments.
2. No comments.

3. Contents of Para 3 of the appeal are correct, the replies submitted to the Para No. 3 are totally incorrect and misleading hence denied.
4. Contents of Para 4 of the appeal are correct, the replies submitted to the Para No. 4 are totally incorrect and misleading hence denied.
5. Contents of Para 5 of the appeal are correct, the replies submitted to the Para No. 5 are totally incorrect and misleading hence denied.
6. No comments to the extent Respondent No. 1, 2 and 3 being admitted.
7. Contents of Para 7 of the appeal are correct, the replies submitted to the Para No. 7 are totally incorrect and misleading hence denied.
8. No comments. However contents of para No. 8 of the appeal are true and correct.
9. Contents of Para 9 of the appeal are correct, the reply submitted by Respondent No. 4 to the Para No. 9 are totally incorrect and misleading hence denied.



### GROUNDS

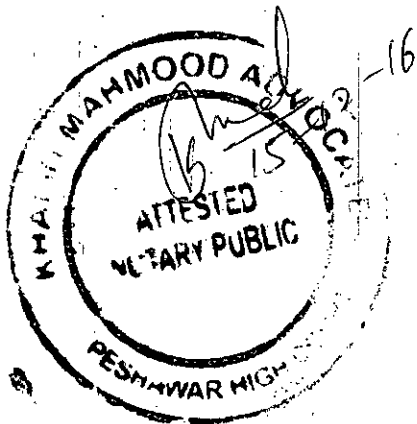
The Grounds (A to L) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

*It is therefore humbly prayed that the appeal of the appellant may please be accepted as prayed for.*

Appellant

Through

  
**IJAZ ANWAR**  
 Advocate, Peshawar.  
 &  
  
**YASIR SALEEM**  
 Advocate, Peshawar.



### AFFIDAVIT

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honourable Tribunal.

Deponent

