


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 755/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.10.2023	<p>The application for restoration of Execution petition No. 149/2018 received today by registered post through Mr. Rashid Iqbal Khan Jadoon Advocate. It is fixed for hearing before touring Single Bench at A.Abad on . Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

Restoration Application No. 755/2023

CMA No \_\_\_\_\_ of 2023

IN

Execution Petition No: 149 of 2018

Muhammad Iqbal S/O Khan Bahadar Khan Retired C.T teacher, GMS  
Phulwali, Abbottabad, R/O Village Chamnaka, Post office Hajia Gali  
(Havelian), Tehsil Havelian, District Abbottabad.

Petitioner

Versus

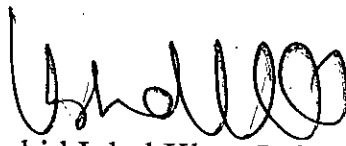
District Education Officer (Elementary & Secondary Education  
Department), Abbottabad and others.

Respondents

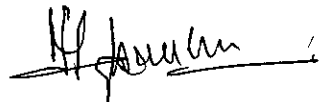
APPLICATION FOR RESTORATION OF TITLED EXECUTION  
PETITION WHICH WAS ADJOURNED SINE DIE THROUGH ORDER  
DATED 21/10/2020 PASSED BY KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR (CAMP COURT ABBOTTABAD).

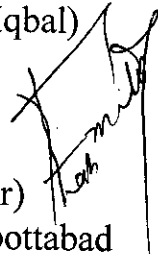
**INDEX**

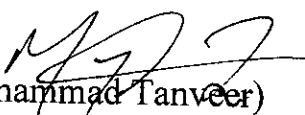
S.No	DESCREPTION OF DOCUMENTS	ANNEXURES	PAGE NO
1	Memo; of application for restoration of execution petition	----	1 to 2
2	Copy of Execution Petition	A	3 to 4
3	Copy of order dated 21/10/2020	A-1	5 to 6
4	Copy of High Court Judgment dated 14/06/2023	B	7 to 11
5	Wakalatnama and power of Attorney	C	12 to 14

  
(Rashid Iqbal Khan Jadoon)  
Advocate IBC Islamabad  
Attorney Abbottabad.

Through

  
(Muhammad Iqbal)  
Petitioner

  
(Shahzad Shakoor)  
Advocate High Court Abbottabad

  
(Muhammad Tanveer)  
Advocate High Court Abbottabad  
Abbott Law Chamber, Office No 6,  
Ground Floor, Ayub Tanoli lawyer plaza  
Abbottabad. 0333-5025002, 0316-9343818

①

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

*Restoration Application No. 755/2023*

Khyber Pakhtunkhwa  
Service Tribunal

CMA No \_\_\_\_\_ of 2023

Diary No. 8270

IN

Dated 12-10-23

Execution Petition No: 149 of 2018

Muhammad Iqbal S/O Khan Bahadar Khan Retired C.T teacher, GMS  
Phulwali, Abbottabad, R/O Village Chamnaka, Post office Hajia Gali  
(Havelian), Tehsil Havelian, District Abbottabad.

Petitioner

Versus

District Education Officer (Elementary & Secondary Education  
Department), Abbottabad and others.

Respondents

APPLICATION FOR RESTORATION OF TITLED  
EXECUTION PETITION WHICH WAS ADJOURNED SINE  
DIE THROUGH ORDER DATED 21/10/2020 PASSED BY  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR (CAMP COURT ABBOTTABAD).

Respectfully Sheweth,

- 1) That petitioner's titled execution petition, relating to advance Increments on higher qualification, in pursuance of final Judgment, passed by this Honourable Tribunal on 12/05/2009 at Camp Court Abbottabad, was pending, in the meanwhile respondents on appearance, stated about an appeal which was pending before the Supreme Court of Pakistan relating to Act "Khyber Pakhtunkhwa cessation of payment of arrears on advance increments on higher education qualification Act" (KPK ACT NO IX OF 2012 dated 15/05/2012).
- 2) That due to appeal pending before the Supreme Court of Pakistan, this Honourable Tribunal in titled execution petition, passed an order dated 21/10/2020 for adjournment Sine-die, till the decision of Apex Court. Copy

of Execution Petition and order dated 21/10/2020 are annexed as Annexure "A" & "A-1"

- 3) That the same matter of (KPK ACT NO IX OF 2012 dated 15/05/2012) is now decided by Honourable Peshawar High Court Peshawar on 14/06/2023, whereupon there is no suspension or stay order is passed by Apex Court nor seen and now petitioner is legally entitled to reopen the matter of titled execution petition for its disposal as it is very old pending execution matter of final judgment. Copy of High Court Judgment dated 14/06/2023 is annexed as Annexure "B"

It is therefore respectfully prayed that titled execution petition may please be restored for implementation the judgment dated 12/05/2009 and grant of advance increments of M.A & B.A with effect from due date, with all back benefits.

(Rashid Iqbal Khan Jadoon)  
Advocate IBC Islamabad  
Attorney Abbottabad.

Through

  
(Muhammad Iqbal)  
Petitioner  
(Shahzad Shakoor)  
Advocate High Court Abbottabad

(Muhammad Tanveer)  
Advocate High Court Abbottabad  
Abbott Law Chamber, Office No. 6,  
Ground Floor, Ayub Tanoli lawyer plaza  
Abbottabad. 0333-5025002, 0316-9343818

**VERIFICATION**

I do here by verified that contents of instant application is correct and true according to my best knowledge and belief and nothing has been suppressed from this Honourable Tribunal and same nature of any other same nature petition is not pending before Honourable Tribunal

  
(Muhammad Iqbal)  
Petitioner

Annexure A

(1)  
(3)



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

Execution Petition No: 149 of 2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 71

Date 16/05

Muhammad Iqbal S/O. Khan Bahadar Khan C.T teacher, Government Middle School Phuwali, Abbottabad (now retired), R/O Village Chammaka, Post office Hajia Gali (Havelian), Tehsil & District Abbottabad.

Appellant

Versus

- 1 District Education Officer (Elementary & Secondary Education Department), ~~Havelian~~ ABBOTT ABAD -
- 2 District Accounts Officer, ~~Havelian~~ ABBOTTABAD.
- 3 Director of (Elementary & Secondary Education Department) Khyber Pakhtunkhwa Peshawar.
- 4 Secretary to Govt of Khyber Pakhtunkhwa (Elementary & Secondary Education Department) Peshawar.
- 5 Secretary to Govt of Khyber Pakhtunkhwa, Finance Department Peshawar.

Respondents

EXECUTION PETITION FOR IMPLEMENTATION OF JUDGMENT DATED 12/05/2009 PASSED BY KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR (CAMP COURT ABBOTTABAD).

PRAYER

IT IS RESPECTFULLY PRAYED THAT RESPONDENTS MAY PLEASE BE DIRECTED TO IMPLEMENT THE JUDGMENT DATED 12/05/2009 AND GRANT OF 04 FOUR ADVANCE INCREMENTS OF B.A INSTEAD OF 03 AND 06 SIX ADVANCE INCREMENTS OF M.A, AGAINST P.T.C POST, WITH ALL BACK BENEFITS.

Filed to-day

Registrar

Respectfully Sheweth,

- 1) That petitioner's service appeal relating to advance Increments on his higher qualification was accepted by this Honourable Service Tribunal on

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal

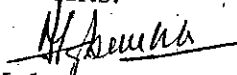
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12/05/2009 at Camp Court Abbottabad. Copy of service appeal and judgment is annexed as Annexure "A" & "B".

- 2) That prior to implementation of the judgment dated 12/05/2009, An Act "Khyber Pakhtunkhwa cessation of payment of arrears on advance increments on higher education qualification Act" (KPK ACT NO IX OF 2012 dated 15/05/2012) was promulgated/published by the Government of Khyber Pakhtunkhwa/respondents.
- 3) That the pending implementation matter was legally suspended/hanged in the presence of KPK ACT NO IX OF 2012, so petitioner challenged it through service appeal before this Honourable Tribunal. Copy of service appeal is annexed as Annexure "C".
- 4) That the same service appeal is now decided on 21/03/2018 and petitioner is allowed to seek all his remedies/rights available to him under the law, hence through instant execution petition he is legally entitled for implementation of judgment dated 12/05/2009 and grant of 06 advance increments of MA & 04 advance increments of BA instead of 03. Copies of withdrawal application and order dated 21/03/2018 are annexed as Annexure "D" & "E"


Attested  
M. Iqbal

It is therefore respectfully prayed that respondents may please be directed to implement the judgment dated 12/05/2009 and grant of 04 Four advance increments of B.A instead of 03 (already given), and 06 Six advance increments of M.A, against P.T.C post, with all back benefits.

  
(Muhammad Iqbal)  
Petitioner in person

**VERIFICATION**

I do here by verified that contents of instant appeal is correct and true according to my best knowledge and belief and nothing has been suppressed from this Honourable Tribunal and same nature of any other implementation petition is not pending before Honourable Tribunal.

  
(Muhammad Iqbal)  
Petitioner in person

**Certified to be true copy**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal.  
Peshawar

21.10.2020

Annexure A-1,

Petitioner in person present.

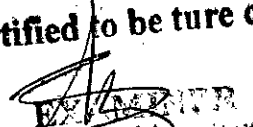


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Usman Ghani learned District Attorney alongwith Sohail Ahmad Zeb Litigation Assistant for respondents present.

From the record, it is evident that the present petitioner and others filed service appeals U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for grant of advance increments with all back benefits on the basis of Para-05(i) (c) of the Notification No. FD (PRC) 1-1 /89 dated 11.08.1991 issued by Finance Department and in pursuance of judgment passed by the August Supreme Court of Pakistan and vide judgment dated 12.05.2009 in appeal No.1276/2007, all the appeals were accepted. In the meanwhile, Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Qualification Bill. 2012 having been passed by the Provincial Assembly Khyber Pakhtunkhwa on 8<sup>th</sup> May, 2012 and assented to by the Governor Khyber Pakhtunkhwa on 11<sup>th</sup> May, 2012 was published as an Act of the Provincial Legislature of Khyber Pakhtunkhwa. This Act was challenged before the Service Tribunal as well as in the August High Court. Appeals pending in the Service Tribunal were withdrawn by the appellants vide order dated 21.03.2018 of this Tribunal. Writ Petitions were allowed vide order dated 08.06.2017 and the official respondents were directed to provide the benefits of advance increments according to the notification dated 11.08.1991 on attaining higher qualification during service. The respondent departments challenged the said order in the August Supreme Court of Pakistan and vide order dated 18.12.2019 of the August Supreme Court of Pakistan, leave was granted and the impugned judgment passed by the Hon'ble Peshawar High Court was suspended.

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

21/10/20

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In view of the above discussion, the instant execution proceedings are adjourned sine die till the decision by the August Supreme Court of Pakistan. Petitioner is at liberty to seek its restoration after the decision by the August Supreme Court of Pakistan. File be consigned to the record room.

(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

**Certified to be true copy**  
*[Signature]*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation	03/10/23
Number of Words	2-D
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Urgent	5/-
Total	15/-
Name of Cop	
Date of Completion	03/10/23
Date of Delivery of copy	03/10/23



Annexure B

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

**W.P. No.3081-P/2012 with CM No.1672-P/2022**

**Anayat Ullah Khan and others**

**Vs.**

**Government of Khyber Pakhtunkhwa through Chief  
Secretary, Peshawar and others**



**Date of hearing** 14.06.2023  
**Petitioner(s) by:** M/s. Noor Muhammad Khattak and L.  
Nawab Ali Noor, Advocates.  
**Respondent(s) by:** Mr. Amir Javed, Advocate General  
Khyber Pakhtunkhwa and Barrister  
Muhammad Yaseen Raza Khan, Addl:  
Advocate General a/w Mr. Fazl-e-Khaliq,  
Litigation Officer, DEO (M&F), Swabi.

\*\*\*\*\*

**JUDGMENT**

\*\*\*\*\*

**IJAZ ANWAR, J.** Through this single judgment, we intend to decide the instant writ petition and Writ Petitions, listed below, since in all these cases, similar questions of law and facts are involved. The connected writ petitions are:-

- i. *W.P. No.913-P/2014 titled, Muhammad Iqbal and others Vs. Government of Khyber Pakhtunkhwa through Secretary to Government, Finance Department, Peshawar and others.*
- ii. *W.P. No.1418-P/2014 titled, Molvi Muhammad and others Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Peshawar and others*
- iii. *W.P. No.2053-P/2014 titled, Saeed Ullah and others Vs. Government of Khyber Pakhtunkhwa through Secretary S&GAD, Peshawar and others*
- iv. *W.P. No.1182-P/2018 titled, Muhammad Rehman and others Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others*
- v. *W.P. No.2326-P/2019 titled, Muhammad Anwar Vs. Government of Khyber*

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

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*Pakhtunkhwa through Secretary  
Education, Peshawar and others*  
vi. *W.P. No.1680-P/2021 titled, Ghandal  
Khan Vs. District Education Officer  
(Male), Peshawar and others*

2. In the instant writ petition, the petitioners have prayed for the following relief:-

*"It is, therefore, humbly prayed that on acceptance of this writ petition, this Hon'ble Court may be pleased to declare the act as against the basic norms of law & rules repugnant to constitution, law and practice/policy as such no legal effect liable to be set-aside".*

3. In all these petitions, the petitioners have mainly questioned the vires of the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 (hereinafter to be referred as "the Act").

4. Comments were called from the respondents who furnished the same, wherein, they opposed the issuance of desired writ asked for by the petitioners.

5. Arguments heard and record perused.

6. Perusal of the record transpires that the petitioners have questioned the vires of "the Act" on the ground that promulgation of "the Act" had defeated the judgments of the superior Courts. He further contended that vested rights of the petitioners have accrued in the matter and placed reliance on the judgments reported as "FECTO Belarus Tractor Ltd Vs. Government of Pakistan through Finance Economic Affairs and others (PLD 2005 SC 605), 2013

ATTESTED  
EXAMINER  
Peshawar High Court

SCMR 1749, 2013 SCMR 1752 (Contempt of Court Proceedings case) and AIR 1975 SC 2199".

7. On the other hand, the learned Advocate General, Khyber Pakhtunkhwa has referred to a recent judgment of the Hon'ble Supreme Court of Pakistan passed in the case titled "The Divisional Superintendent, Pakistan Railways, Rawalpindi and others Vs. Syed Irshad Ali Abid (2021 PLC (C.S.) 277)" and contended that the grant of increments on higher educational qualification has since been discontinued through Notification dated 13.09.2001, as such, it is a past and closed transaction and that necessary time was granted to the employees who have any claim, albeit, when they failed to claim the same for long ten years, as such, "the Act" in question was promulgated. He has also produced a letter dated 29.04.2010 issued by the Additional Secretary (Regulation), Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing), whereby, clarification was given about the advance increments on higher educational qualification and according to which, a period of sixty days was provided for the remaining claims and argued that even then, petitioners have failed to claim the advance increments at the relevant time.

8. During the course of hearing, learned counsel for the petitioners has produced letters/applications which were duly placed on file and contended that the rights of the petitioners to the grant of advance increments were secured

**ATTESTED**  
**EXAMINER**  
Peshawal High Court

and guaranteed by a Government's circular letter dated 11.08.1991 and that the case of the petitioners was matured at the relevant time before the cut-of-date i.e. 13.09.2001 when the grant of such increments was discontinued. He also referred to a judgment of the Hon'ble Supreme Court of Pakistan passed in "CPLAs No.525 and 526/2007 decided on 19.07.2007".

9. At this stage, the learned Advocate General, Khyber Pakhtunkhwa, representing the respondents, contended that the civil servants, who were holding higher educational qualification prior to discontinuation of advance increments in the year, 2001, are entitled for the benefit flowing from circular letter dated 11.08.1991, however, those who have improved their qualification after the notification dated 13.09.2001, under no circumstances, can claim the same benefit and that the bar created through "the Act" would be equally applicable.

10. In view of the above, we, without commenting upon the vires of "the Act" and in view of the statement of the learned Advocate General, Khyber Pakhtunkhwa, dispose of this and the connected writ petitions and direct the respondents to consider the case of the petitioners in the light of circular letter dated 11.08.1991 and in case, they fulfill the condition mentioned therein for the grant of advance increments prior to the cut-of-date, they be allowed such benefit. It is, however, clarified that only the case of the present petitioners shall be

*[Handwritten signature]*

ATTESTED  
EXAMINER  
Peshawar High Court

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considered and that others cannot claim such benefits, having not agitated the matter at the relevant time.

Announced  
Dt:14.06.2023

*[Handwritten signature]*

JUDGE

*[Handwritten signature]*

JUDGE

(DB) Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice Syed Muhammad Attique Shah

\*Muhammadullah\*

*M. Faruk*

CERTIFIED TO BE TRUE COPY

*[Handwritten signature]*  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 8, 7 of  
the Qanun-e-Shahadat Act 1984

03 OCT 2023

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03-10-2023

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 No of Pages *12* \_\_\_\_\_  
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 Date of Delivery of Copy *03-10-2023* \_\_\_\_\_  
 Examined By *[Handwritten signature]*

S.No. 206895

Name of Advocate

DBA NO.

TBA NO.

SC No.

R.s.200/=



12 وکالت نامہ

Ch Muhammad Naseem  
Finance Secretary  
District Bar Association  
Abbottabad

بعدالت جناب KP سروس ڈیولپمنٹ اتھارٹی  
عنوان: محمد اجمل بنام حکومت KP  
منجانب: Petitioners. نوعیت مقدمہ درخواست سرکاری

باعث تحریر آنکہ

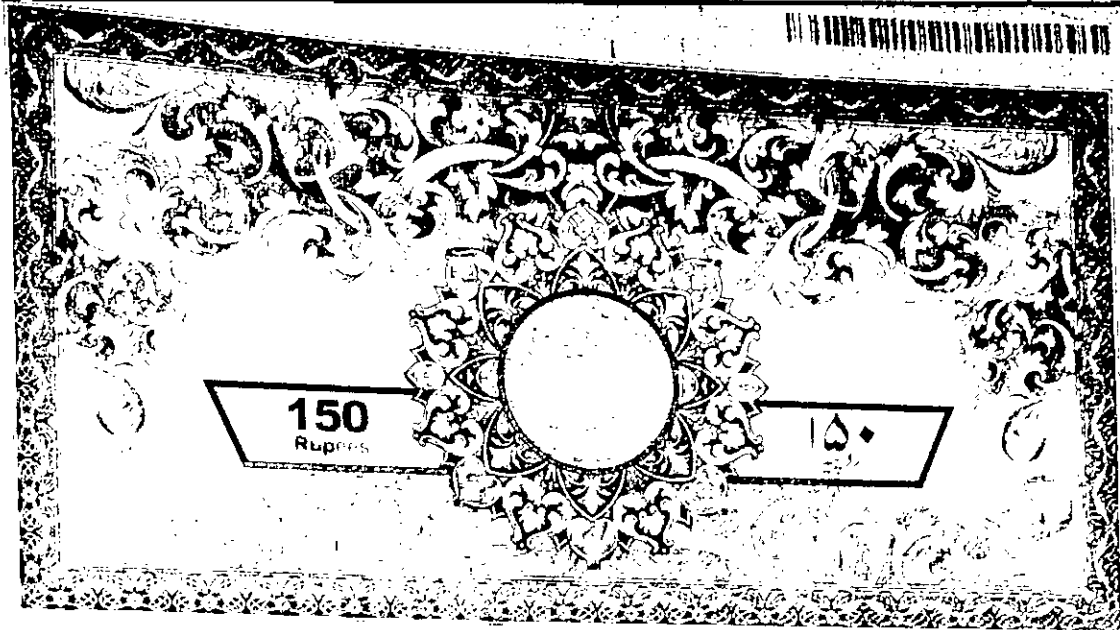
مقدمہ مندرجہ بالا سمولان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے عین یا تصدیق مقدمہ بمقام ایسٹ ایبٹ آباد  
مظہر اذملور محمد سروس ڈیولپمنٹ اتھارٹی کو رٹ ایسٹ ایبٹ آباد  
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے  
جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ  
سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی نظروں پر مدعا دائر نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے  
علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروقت تھیں یا نہ تھیں نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ  
سماعت ہونے پر یا بروقت تھیں یا کچہری کے اوقات کے آگے یا پیچھے تھیں یا نہ تھیں نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ  
کسی معاوضہ کے ادا کرنے یا محتاجی کے واسطے کسی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختم صاحب موصوف  
مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ذریعے نظر ثانی اپیل نگرانی و ہر قسم  
درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کئی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے  
اور ہر قسم کے بیان دینے اور اس پر نفاذ وراثتی نامہ و فیصلہ بر حلفہ کرنے اور آفاق دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات  
از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوفی ڈگری یکطرفہ درخواست جج انتظامی یا ترقی یا گرفتاری یا گرفتاری و اجراء کے ذریعے بھی صاحب  
موصوف کو بشرط ادائیگی علیحدہ محتاجہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے  
کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے ویل کو اپنے پاس لے جائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں  
وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف  
کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ  
کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔  
مورخہ 2023/10/07  
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن ماہ سال

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی

Accepted  
AKFA

Signature  
Date



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

EXECUTION PETITIONS FOR IMPLEMENTATION OF FINAL  
JUDGMENT DATED 12-05-2009 PASSED AS JUDGMENT IN REM  
IN APPEAL NO 1276 OF 2007

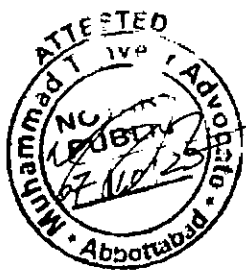
**POWER OF ATTORNEY**

**NAME & OTHER PARTICULARS OF ATTORNEY**

**Mr Rashid Iqbal Khan Jadoon Advocate IBC Islamabad. Abbott Law  
Chamber, Office No 06 Ground Floor, Ayub Tanoli lawyer plaza Abbottabad**

We

- 1). Sardar Irshad Ali S/O Ali Afsar, SDEO, Tehsil Havelian, District  
Abbottabad. E.P No 630/2023
- 2). Qazi Masood-ur-Rehman S/O Qazi Ghulam Jilani, Senior C.T  
teacher, GHS Pind Gugran, Haripur E.P No 141/2018
- 3). Muhammad Haroon S/O Muhammad Ayub, SST GHS Mhangil,  
Abbottabad. E.P No 142/2018
- 4). Naveed S/O Abdur Rehman, S.P.E.T teacher, GHSS Bandi  
Dhundan, Abbottabad. E.P No 143/2018
- 5). Rashid Lateef S/O Abdul Lateef, Retired Senior Arabic teacher,  
GHSS Bandi Dhundan, Abbottabad. E.P No 145/2018
- 6). Shahid Iqbal S/O Shamraiz Khan, C.T teacher GHS Miana  
Mandroach, Abbottabad. E.P No 146/2018



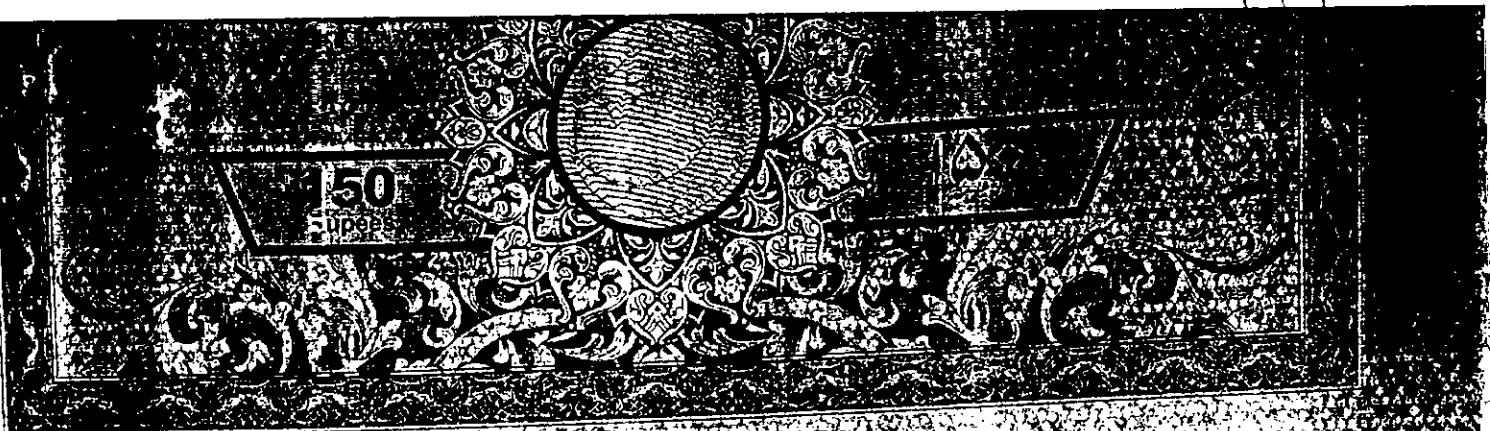
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including paramedical staff (Support Staff). It also may be mentioned here that the AMC and ATH are two independent departments of AMI. If the MTI allowance is not paid to the ATH paramedics it does not affect the petitioners for the reason that the MTI allowance of the petitioners was approved by BOG and not by the Chairman BOG in solo therefore he had no power to cancel the same. Rest of the contents of the reply of this para by the answering respondents is irrelevant. It may be brought to the notice of answering respondents that HPA allowance of the Rs. 10,000 is also not being paid to the petitioners w.e.f. 15.04.2016 but w.e.f. 01.01.2017, which is patent malafidies on part of the answering respondents because this practice has not been followed in the entire province including the ATH. It may be further pointed out that notification NO. SOH-III/8-60/05(Paramedics) dated 25.0.2006 does not come to the rescue of the answering respondents

7. In para No. 7 the answering respondents have admitted that the petitioners falls within the definition of supporting staff of medical professionals.
8. The answering respondent admitted payment of rupees 10,000 mensem but have failed to mention as to from which date.
9. Reply to this para is that the petitioners are being paid HPA but not w.e.f from 15.04.2016 whereas all the paramedics' staff in the entire KPK province including ATH Abbottabad is being paid w.e.f. 15.04.2016 and not 01.01.2017. After about more than eight months. The arrears are liable to be paid to the petitioners by the answering respondents.
10. The annexures K and L attached with the petition have not been replied by the answering respondents hence they have been admitted. Discrimination with the petitioners is palpable because in the notification annexure L the paramedics staff is being paid the HPA

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 ADDITIONAL REGISTRAR  
 PESHAWAR HIGH COURT  
 ABBOTTABAD BENCH  
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- 7). Arshad Khan S/O Mir Afzal Khan Senior C.T teacher GHSS No 3 (English Medium), Abbottabad. E.P No 148/2018
- 8). Muhammad Iqbal S/C Khan Bahadar Khan Retired C.T teacher, CMS Phulwali, Abbottabad. E.P No 149/2018

We, deponents, do hereby solemnly affirm and declare on oath that we appoint above named (Mr Rashid Iqbal Khan Jadoon Advocate) as attorney, to act on our behalf, to appear, plead for us in the titled case in which the same may be tried or heard and any other proceedings arising out of or connected herewith and he would be competent to exercise all the powers which we our self hold as petitioners, he is authorized all powers, to institute case, to submit any kind of application or reply, argue the case, in short, all powers or authority which we are entitled being petitioners would be transferred to above named attorney through instant power of attorney

Sworn at Abbottabad on this 07th day of October, 2023.

*[Signature]*

*[Signature]*

1) Sardar Irshad Ali  
CNIC No 13101-0824655-3

2) Qazi Masood-ur-Rehman  
CNIC No 13302-0429473-5.

*[Signature]*

3) Muhammad Haroon  
CNIC No 13101-0920920-5

4) Navted  
CNIC No 13101-0904990-3

*[Signature]*

5) Rashid Lateef  
CNIC No 13503-0593241-9

6) Shahid Iqbal  
CNIC No 13101-0946665-9

*[Signature]*

7) Arshad Khan  
CNIC No 13101-0718940-3

*[Signature]*

8) Muhammad Iqbal  
CNIC No 13101-2401093-1



- (54) (2)
2. Admitted that MTI Allowance was approved for only support & administrative staff of the Medical College at par with that of Ayub Teaching Hospital.
  3. Admitted.
  4. Admitted that BOG approved MTI allowance only to the non-teaching (support & administrative staff) of AMC.
  5. Admitted to the extent that the petitioners were wrongly paid MTI allowance for which they were not entitled being of different cadre than the support & administrative staff for which disciplinary proceedings have been initiated by the competent authority under KPK Government Servants E&D Rules 2011 adopted by the institution against the Accounts Officer of the institution.
  6. Incorrect. The institution has approved various allowances for different cadres of employees of ATH such as Special Allowance (SA), Basic Science Allowance (BSA), Non-Practicing allowance (NPA), Health Professional allowance (HPA) and Medical Teaching Institute allowance (MTI) but are given to the specific cadres of employees as entitled to these allowances.

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The Government of KPK Health department in this regard has issued a Notification dated 25<sup>th</sup> August 2006 in which