


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2081/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/10/2023	<p>The appeal of Mst. Tabassum presented today by Mr. Amjad Ali Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 2081 /2023

Tabassum SST (BS-17) Personal GGHS Kharkai District Malakand
.....Appellant

VERSUS

Govt of KPK through Secretary Elementary and Secondary Education
KP, Civil Secretariat Peshawar and others
.....Respondents

INDEX

S. No	Description of Documents	Annexure	Pages
1	Service Appeal along with affidavit		1-3
2	Copy of the transfer order dated 17.10.1998	A	4
3	Copy of the appointment order dated 25.03.1996	B	5-7
4	Copy of the personal upgradation order dated 27.09.2008	C	8-9A
5	Copy of the departmental appeal dated 10.07.2023 along with post office receipt	D	10-11
6	Copies of judgments dated 04.03.2010 & 03.07.2009	E	12-17
7	Copy of judgment reported in PLD 1993 SC 187	F	18-23
8	Copy of the judgment reported in 2005 SCMR 499	G	24-32
9	Copy of the KP Civil Services Pay Revision Rules 1978	H	33-38
10	Wakalatnama		39

Tabassum
Appellant

Through

Amjad Ali
Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan

Dated: 17.10.2023

Amjad Ali
ADVOCATE
SUPREME COURT OF PAKISTAN

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 2081 /2023

Tabassum SST (BS-17) Personal GGHS Kharkai District Malakand
.....Appellant

VERSUS

1. Govt of KPK through Secretary Elementary and Secondary Education KP, Civil Secretariat Peshawar
2. Director of Elementary & Secondary Education Department KP at Directorate of E&SED Hashtangari Chowk, Near Qila Bala Hisar Peshawar
3. Chief Secretary KP, Civil Secretariat Peshawar

.....Respondents

Appeal under Section 4 of Service Tribunal Act for grant of pre-mature increment and other consequential benefits w.e.f 01.10.2007 as per judgment dated 04.03.2010 and judgment dated 03.07.2009 and consideration for promotion to BPS-18 wherein departmental appeal dated 10.07.2023 remained un-responded even after lapse of 90x days which is illegal against law and facts.

Respected Sir,

Appellant humbly submits as under:

1. That appellant is transferred as SST(G) at GGHS Kharkai Malakand vide transfer order dated 17.10.1998 (Copy of the transfer order dated 17.10.1998 is attached as Annexure A)
2. That appellant is appointed to the post of SET (BS-16) vide order dated 25.03.1996 (Copy of the appointment order dated 25.03.1996 is attached as Annexure B)
3. That post of the appellant is upgraded from BS-16 to BS-17 personal with immediate effect instead of 01.10.2007 vide order dated 27.09.2008 (Copy of the personal upgradation order dated 27.09.2008 is attached as Annexure C)
4. That despite the upgradation order dated 27.09.2008, appellant has not yet been given pre-mature increment and other consequential benefits and the appellant is being denied further promotion to BS-18.

(2)

5. That appellant submitted departmental appeal dated 10.07.2023 for grant of premature increment and other consequential benefits & promotion to BPS-18, duly dispatched through post office receipt which remained un-responded despite lapse of 90x days which is illegal against law and facts **(Copy of the departmental appeal dated 10.07.2023 along with post office receipt is attached as Annexure D)**

6. That appellant approaches this Honorable Tribunal on the following grounds:

GROUND:

- A. Because vide judgments of this Honorable Tribunal dated 04.03.2010 & 03.07.2009 a direction has already been given to the respondents to grant pre-mature increment and other consequential benefits to all similarly placed persons on account of up-gradation of SET from BS-16) to (BS-17) w.e.f 01.10.2007 **(Copies of judgments dated 04.03.2010 & 03.07.2009 are attached as Annexure E)**
- B. Because as per PLD 1993 SC 187 change of grade to higher pay scale amounts to promotion **(Copy of judgment reported in PLD 1993 SC 187 is attached as Annexure F)**
- C. Because extending the same benefits to others similarly placed persons and denying the same to appellant is illegal and against natural justice.
- D. Because as per 2005 SCMR 499, when a Tribunal or Court decides a point of law relating to the terms of service of a civil servant who litigated, the benefit of the same is to be awarded to all other civil servants who didn't litigate at relevant which is a rule of good governance **(Copy of the judgment reported in 2005 SCMR 499 is attached as Annexure G)**
- E. Because as per rule 9A of KP Civil Services Pay Revision Rules 1978, a civil servant is entitled for one pre-mature increment on upgradation. Rule 9A is reproduced as under for ready reference: **(Copy of the KP Civil Services Pay Revision Rules 1978 is attached as Annexure H)**
- "9A. A post of a civil servant which is upgraded from 28th January 2002 or a post to be upgraded after commencement of this rule, the incumbent of such post, on commencement of this rule, shall be allowed one premature increment on such upgradation."
- F. Because it is a recurring cause of action wherein loss is cause to appellant at the end of every month in every salary as appellant is receiving lesser salary as compared to her colleagues/similarly placed employees.
- G. Because appellant has not been dealt with in accordance with law thereby infringing Article 4 of the Constitution of Pakistan 1973

H. Because appellant has been discriminated qua other similarly placed employees which is prohibited as per Article 25 and 27 of the Constitution of Pakistan 1973.

PRAYER:

It is therefore humbly prayed that on acceptance of this service appeal, respondents may please be directed to extend benefits of judgments dated 04.03.2010 and 03.07.2009 passed by this Honorable Tribunal by granting pre-mature increment and other consequential benefits w.e.f 01.10.2007 to appellant and appellant may please be considered for promotion from BPS-17 to BPS-18 on her own turn without affecting the rights of others. Any other relief deemed fit in the circumstances of the case and not specifically asked for may also be graciously granted.

Tabassum

Appellant

Through

Amjad Ali

Amjad Ali (Mardan)

Advocate

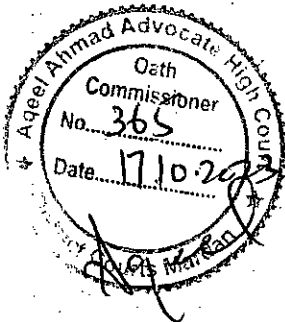
Supreme Court of Pakistan

Amjad Ali
ADVOCATE
SUPREME COURT

Dated: 17.10.2023

AFFIDAVIT

I, Tabassum SST (BS-17) Personal GGHS Kharkai District Malakand (appellant) do hereby solemnly affirm and declare that all the contents of this service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.



Tabassum

Deponent

Aux-A (4)

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, NWFP, PESHAWAR.

NOTIFICATION.

Mst. Tabassum, SET, Govt. Community Model School Qaldara Malakand Agency, is hereby transferred against the vacant SET(General) post at G.G.H.S. Kharkai Malakand Agency on her own pay & BPS from the date of taking over charge.

- Note:
1. No TA/DA etc is allowed.
 2. Charge reports should be sent to all concerned.

(SYED ABU SAEED BACHA)
DIRECTOR SECONDARY EDUCATION
N.W.F.P. PESHAWAR.

655-60

Endst: No. 20882 /A-17/Tabassum, SET. Dt; Peshawar the 17-10-1998

Copy forwarded for information & n/a to the :-

1. Director Primary Education, NWFP Peshawar w/r to his No. 35934, dated 13.10.98.
2. Distt. Edu: Officer (F) Secy. Malakand Agency at Batkhela w/r to her No. 1960, dt; 26.9.98.
3. Distt. Edu: Officer (F) Pry: Malakand Agency at Batkhela.
4. Sub Divl. Education Officer (F) Malakand Agency at Batkhela.
5. Headmistress, GGHS Kharkai Malakand Agency.
6. Headmistress, Govt. Community Model School Qaldara Malakand Agency.

R. Begum
17.10.98
Asst. Directress Secondary Education, NWFP, Peshawar.

Attest
Sh. Iqbal
Ihsan Ullah

M.A., LL.B.
BPS No-16
CHSS, DARGAI No-1
MALAKAND.

Amir
QJ
ADVOCATE
SUPREME COURT

(A)

OFFICE OF THE DIRECTOR OF SECONDARY EDUCATION N.W.F.P., PESHAWAR.

Aux-B

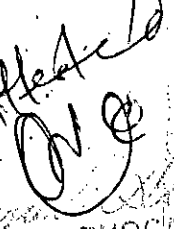
(5)

NOTIFICATION

Consequent upon their selection by the Departmental Selection Committee, the Director of Secondary Education NWFP, Peshawar has been pleased to appoint the following trained General/Science BEd (In-Service) against SET Posts at the Schools noted against their names in BPS-16 (2535-197-5450) plus usual allowances as admissible under the rules with immediate effect subject to the existing terms and conditions:-

S.No.	Name and Address.	D/O	Result.	School.	Remarks.
GENERAL, B.Ed.					
1.	Rayat Begum MA BEd AT GGHS, Thana, Malakand.	07.09.88.		GGHS, Pahal, Malakand.	Against vacant S.E.T. Post.
2.	Ershad Bibi MA BEd CT GGHS, Chitral.	27.07.91.		GGHS, Kunbar, Dir.	-do-
3.	Nasrat Parveen MA BEd CT GGMS, Daggar, Buner.	27.04.92.		GGMS, Kala Pani, Buner.	-do-
4.	Kalsoom MA BEd DM GGMS, Kota, Dir.	15.04.93.		GGHS, Kota, Dir.	-do-
5.	Bibi Aisha MA BEd PTC GGPS, Drosh, Chitral.	15.04.93.		GGHS, Kunbar, Dir.	-do-
6.	Bibi Latifa MA BEd CT GGHS, Chitral.	15.03.93.		GGHS, Booni, Chitral.	-do-
7.	Musarat Jehan M. BEd SV GGHS, Bicket Gunj, Mardan.	15.04.93.		GGMS, Timergara, Dir.	-do-
8.	Musrat Parveen BA BEd CT GGHS, Drosh, Chitral.	15.04.93.		GGHS, Sammarbagh, Dir.	-do-
9.	Yacmin Begum BA BEd AT GGMS, Kharkai, Malakand.	15.04.93.		GGMS, Manyal, Dir.	-do-
10.	Fazilat BA BEd SV GGHS No.1, Saidu Charif, Swat.	15.04.93.		GGMS, Watah, Dir. Swat.	-do-
11.	Kishwar Sultan BA BEd DM GGMS, Koper, Malakand.	15.04.93.		GGMS, Totakan, Malakand.	-do-
12.	Fehmida Begum MA BEd CT GGMS, Khungi, Dir.	15.04.93.		GGMS, Khazana, Dir.	-do-
13.	Noor Jehan Begum BA BEd PTC GGPS, Nisaku, Chitral.	15.04.93.		GGHS, Rahat, Dir.	-do-
14.	Dilshad Begum MA BEd PTC GGPS, Mohd Gul Shalheed, Swat.	15.04.93.		GGHS, Matta, Swat.	-do-
15.	Bibi Jamila BA BEd CT GGHS, Drosh, Chitral.	15.04.93.		GGHS, Rahat, Dir.	-do-
16.	Bibi Zeinun Nisa BA BEd PTC GGPS, Betonlandeh, Chitral.	15.04.93.		GGHS, Moranai, Dir.	-do-
17.	Bibi Khairun Nisa BA BEd CT GGMS, Warijun, Chitral.	15.04.93.		GGMS, Maroni, Dir.	-do-
18.	Razia Bibi MA BEd PTC GGPS, Yarkhan Wanda, Dir.	08.05.94.		GGMS, Naji, Dir.	-do-
19.	Khalida Parveen BA BEd GGMS, Kh:Khela, Swat.	08.05.94.		GGMS, Bara Dush Khela, Swat.	-do-
20.	Gabasum MA BEd PTC GGPS, Kharkai, Malakand.	08.05.94.		GGMS, Bagin, Dir.	-do-

N/P-2-

Attended

 ADVOCATE
 SUPREME COURT

B

6

- | | | | |
|--|----------|-------------------------------|----------------------------------|
| 21. Tasnoem Akhtar MA BEd SV
GGHS, Munda, Dir. | 08.05.94 | GGHS, Saddu, Dir. | Against vacant
S.E.T. Post. |
| 22. Sarkar Gul M. BEd GGHS, Booni,
Chitral. | 08.05.94 | Zandzangram,
GGMS, Chitral | -de- |
| 23. Shahida BA BEd PTC GGPS,
Allahdand, Malakand. | 08.05.94 | GGMS, Bishigram, Dir. | -de- |
| 24. Malika Bihi BA BEd SV GGHS,
Dargai, Malakand. | 08.05.94 | GGMS, Kandaro, Dir. | -de- |
| 25. Shahida Nabila M. BEd CT
GGMS, Kityorai, Dir. | 08.05.94 | GGMS, Odigram, Dir. | -de- |
| 26. Rubina Bibi M. BEd, Chitral. | 08.05.94 | GGHS, Barawal, Dir. | -de- |
| 27. Hasina Jamil M. BEd AT GGMS,
Jughoni, Chitral. | 05.03.94 | GGHS, Kota, Dir. | -de- |
| 28. Shamim Akhtar B. BEd PTC GGPS,
Sikha, Kot-Malakand. | 08.05.94 | GGHS, Barawal, Dir. | -de- |
| SCIENCE B.Ed. | | | |
| 29. Nishat MSc BEd SV GGHS, Matta,
Swat. | 21.05.95 | GGHS, Fatch Pur
Swat. | Against vacant
SET(Sc.) Post. |
| 30. Samin Gul BSc BEd PTC GGPS,
Yarkhan Banda, Dir. | 21.05.95 | GGHS, Haji Abad, Dir. | -de- |

TERMS & CONDITIONS:

1. They will be governed by such rules and regulations as may be prescribed by the Govt. from time to time for the category of the Govt. Servant to which they belong.
2. Their service will be liable to termination on one month notice for either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
3. They should join the posts within one month of the issue of this Notification.
4. Their inter-se seniority will be determined in accordance with the merit of Departmental Selection Committee.
5. Charge reports should be submitted to all concerned.
6. They shall be on probation for a period of Two years.
7. Their original certificates/Degrees should be checked and verified from the concerned University immediately.
8. Service Books of the teachers must be checked before handing over charge.
9. The declaration of Assets should be obtained from them immediately and placed on record.
10. Complete information on the prescribed proforma attached along with charge report be submitted to this Directorate within a week positively.
11. No T/D is allowed.
12. They are required to produce Health and Age Certificates from the Medical Authorities concerned before taking over charge.

Murad Ullah
Murad Ullah
 Associate Professor
 GPGC, Dargai

(SYED ABU SAEED RACHA)
 Director of Secondary Education
 N. T. P., Peshawar.

Attended
[Signature]

Endst:No. 384-471 /1-167/SEP/Apptt:Female/Okd: Dated Pesh:the 25th 3 /1996.

Copy forwarded for information to the:-

- 1- Director Primary Education NWFP, Peshawar.
- 2- Divl: Director of Education (Schools) Mkd: Div: Gul Kada, Swat.
- 3- District Accounts Officers concerned.
- 4- District Education Officers (Female) Secondary/Primary concerned.
- 5- Principal/headmistress concerned.
- 6- Official concerned.
- 7- P/A to Secretary Education Govt: of NWFP, Peshawar.
- 8- P/A to Director of Secondary Education NWFP, Peshawar.

Aziz Khan

Deputy Director Secondary,
For Director of Secy: Education,
N.W.F.P., Peshawar.

Farid Khan

M. Ullah

Assistanti District Officer (M)
(S&L) Malakand at Bakhela.

Murad Ullah

M. Ullah

ADVOCATE
SUPREME COURT

Murad Ullah
Associate Professor.
GPGC, Dargai

GOVERNMENT OF PESHAWAR
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

Dated Peshawar the 27-09-2008

NOTIFICATION

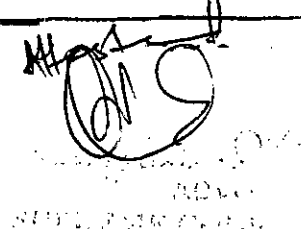
No. SO(PE)2-6/EC&S/Ugradtini/SET: The competent authority on the recommendation of Departmental Promotion Committee and in consultation with Finance Department is pleased to allow one time up-gradation from B-16 to B-17 (Personal) to the following 2333 SET's Male, 416 SET's Female, 23 SET's (Technical) and 02 SET's (Commerce) B-16 with immediate effect subject to the condition that the posts of SET shall be downgraded from B-17 to B-16 as and when vacated by the incumbents.

S.#	Name of Officer	Date of Appointment as Regular SET	Present Place of Posting
1	Khairullah Khan	1-11-86	GCMHS Peshawar Cantt.
2	Farid Nawaz Khan	2-11-86	ADO Bannu
3	Haidar Ali	5-16-86	GHS Tattar Khel Karak
4	Fazal Muhammad	5-11-86	GMS Purana Hou Mardan
5	Iqbal Hussain	6-11-86	GHS Jehangira Swabi
6	Abdul Rashid	15-12-86	GHS Mitha Khel Karak
7	Abdul Aziz	8-11-86	GMS Baikhan Mardan
8	Muhammad Ibrahim	11-11-86	GHS Julagram MKD
9	Abdul Sattar	11-11-86	GCMS ATD
10	Muhammad Daud	11-11-86	GHSS Spin Kai SWA
11	Muhtaqur Rahman	12-11-86	GHS Badwan DIR
12	Aurangzeb	12-11-86	GHSS Darra Peizu Lakki
13	Saeedullah	13-11-86	GMS Ushairai Dara Dir (U)
14	Muhammad Nazir	13-11-86	GHSS Khanpur Dir(L)
15	Sattiq Jan	14-11-86	ADO (M) Dir (U)
16	Gulzarif	15-11-86	GHS wardaga CHD
17	Ahmad Khalil	18-11-86	GHS Shuyya DIR (L)
18	Shahir-ul-Din	20-11-86	GMS Algram Abad MKD
19	Ali Akbar	22-11-86	GHS Totalai Bunir

SUPREME COURT

C

370	Kishwar Sultana	25.3.96	GGMS Bakar Abad Chitral
371	Fehmida Begum	25.3.96	GGMS Ghundo Dala Mkd
372	Dilshad Begum	25.3.96	ADO(F) P. ESE Swat
373	Najma Shaheen	25.3.96	GGHSS Pahar Pur DIKhan
374	Bibi Jamila	25.3.96	GGMS Pothiandeh Chitral
375	Bibi Zaibun-Nisa	25.3.96	GGHS Drosh Chitral
376	Bibi Khairun-Nisa	25.3.96	GGHS Warijund Chitral
377	Razia Bibi	25.3.96	GGMS Khazana Dir(L)
378	Khalida Parveen	25.3.96	GGHS Chail Shagai Swat
379	Shahana Anjum	25.3.96	GGHS Kaich DIKhan
380	Nighat Shaheen	25.3.96	GGHS Dagai Sawabi
381	Nusrat Jamal	25.3.96	GGHS Garhi D.Zai Mardan
382	Tabassum	25.3.96	GGHS Kharkai Malakand
383	Tasneem Akhtar	25.3.96	GGMS Warsak Dir L
384	Shahida	25.3.96	GGHMS S Abad Malakand
385	Malika Bibi	25.3.96	GGMSGulMugam Malakand
386	Rubina Bibi	25.3.96	GGCMHS Chitral
387	Zahida Nageen	25.3.96	GGMHS Sawabi
388	Sanila Farid	25.3.96	GGMHS Mansera
389	Yasmeen Begum	25.3.96	GGHS Baghdada Mardan
390	Riffat Khanam	25.3.96	GGCMS Mansera
391	Waheeda	25.3.96	GGCMHS Canal Rd Mardan
392	Waheeda	25.3.96	GGHS Bam Khalil Sawabi
393	Bibi Sharifa	25.3.96	ADO(F) ESE Chitral
394	Shafi-ul-Wara	25.3.96	GGHS Gujar Garhi Mardan
395	Qamar Begum	25.3.96	GGMS Sinlasi Chitral
396	Bakht Bibi	25.3.96	GGCMS Shakar Dara Kohat
397	Saima Shamim	25.3.96	GGHS Chogarmati Pesh
398	Sabiha Begum	25.3.96	GGCMHS Kohat
399	Mumtaz Jamal	25.3.96	GGMS Chamor Kon Chitral



 ADVO

BETTER COPY

(9)A

02 SET'S COMMERCE

S. No	Name of Officer	Date of appointment as regular SET	Present Place of Posting
1	Kirammat Ullah	31-08-83	GHS No 2 DI Khan
2	Fazl-e-Zaman	31-08-83	SET Commerce GHS Sikhakot No 1 MKD

SECRETARY TO GOVT OF NWFP
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
NWFP

Endst: No.SO(PE)/E&SE/2-6/Upgradation SET

Dated 27-09-2008

Copy forwarded to the:

- 1) The Accountant General NWFP Peshawar
- 2) Secretary to Govt of NWFP, Establishment Department
- 3) Special Secretary (Regulation), Establishment & Administration Department
- 4) Secretary to Govt of NWFP, Finance Department NWFP, Peshawar
- 5) Director Elementary & Secondary Education NWFP Peshawar
- 6) Director Curriculum & Teacher Education NWFP Abbottabad
- 7) Director PITE Peshawar
- 8) Director Education FATA NWFP
- 9) All the EDOs E&SEs in NWFP
- 10) All the District/Agency/ Account Officer in NWFP
- 11) PS to Chief Secretary NWFP
- 12) Officers concerned
- 13) PS to Minister for Education (Elementary & Secondary) NWFP
- 14) PS to Secretary Elementary & Secondary Education NWFP Peshawar
- 15) Officer order File

(MUHAMMAD AYUB KHAN)
SECTION OFFICER (PRIMARY)

Attested
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

02 SET'S COMMERCE

(9)A

S. #	Name of Officer	Date of Appointment as Regular SET	Present Place of Posting
1.	Kiramal Ullah	31-08-83	GHS No. 2 DI Khan
2	Fazl-e-Zaman	31-08-83	SET Commerce GHS SIKHAPT. No. 1 MKD

Secretary to Govt of NWFP
Elementary & Secondary Education Department
NWFP

Enclst. No. SO(P/E)E&SE/2-6/Upgradation SET

Dated 27-09-2008

Copy forwarded to the:-

1. The Accountant General NWFP, Peshawar.
2. Secretary to Govt of NWFP, Establishment Department.
3. Special Secretary (Regulation) Establishment & Administration Department, Peshawar.
4. Secretary to Govt of NWFP Finance Department NWFP Peshawar.
5. Director Elementary & Secondary Education NWFP, Peshawar.
6. Director Curriculum & Teacher Education NWFP, Abbottabad.
7. Director PITE Peshawar.
8. Director Education FATA NWFP.
9. All the EDOs E&SE in NWFP.
10. All the District /Agency/Account Officer in NWFP.
11. PS to Chief Secretary NWFP.
12. Officers Concerned.
13. PS to Minister for Education (Elementary & Secondary) NWFP.
14. PS to Secretary Elementary & Secondary Education Department NWFP.
15. Office Order File.

(Handwritten signature)

(Handwritten signature)
 (MUHAMMAD AYUB KHAN)
 SECTION OFFICER (PRIMARY)

To

The Chief Secretary Khyber Pakhtunkhwa
Civil Secretariat Peshawar.

Aux-D

(10)

Subject: Departmental appeal for grant of benefit of judgements dated 04/03/2010 and 03/07/2009 by granting premature increment and other consequential benefits w.e.f 01/10/2007 on account of upgradation of the post of SST from (BS-16) to (BS-17) Personal to the appellant.

R/Sir,

With due respect I submit as under:

1. That vide order dated 17/10/1998 I am Serving as SST(G) at GGHS Kharkai Malakand (Copy enclosed as Anx-A)
2. That vide order dated 25/03/1996 I was promoted to the post of SET (BS-16) (Copy enclosed as Anx-B)
3. That vide order dated 27/09/2008 the post of the appellant was upgraded from (BS-16) to (BS-17) personal with immediate effect instead of 01/10/2007. (Copy enclosed as Anx-C)
4. That despite the upgradation order dated 27/09/2008 the appellant has not yet been given premature increment and other Consequential benefits and the appellant is being denied further promotion to BS-18.

It is, therefore, humbly prayed that I may kindly be extended benefits of judgements dated 04/03/2010 and 03/07/2009 of the honourable KPK Service Tribunal by granting premature increment and other Consequential benefits w.e.f 01/10/2007 to me and I may further be considered for promotion to (BS-18) on my turn without affecting the rights of others please.

Thanks

Dated: 10/07/2023

M. Ali
ADVOCATE
SUPREME COURT

Yours faithfully,

Tabassum
Tabassum SST

GGHS Kharkai Malakand

(D)

190

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

(11)

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Chief Secretary

Date Stamp

Initials of Receiving Officer

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Insured for Rs. (in figures)

(in words)

If insured.

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

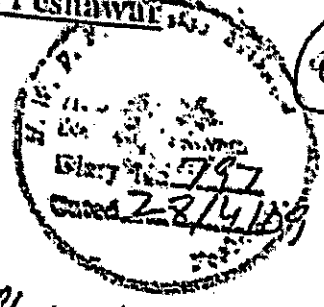
10/7/2023

Handwritten signature

Advocate SUPREME COURT

Before the N.W.F.P. Service Tribunal, Peshawar

S.A. No. 699 / 09



Aux-E
(12)

Abdul Malik vs. Abdul Ghafour / O. Mardani
GMS Fresh Chicken (Kerlay Mardani) (Appellant)
VERSUS

1. Govt. of NWFP through Secretary Education, Peshawar.
 2. Chief Secretary Govt. of NWFP, Peshawar.
-(Respondents)

Subject: Appeal U/S 4 of Service Tribunal Act 1974

Sir,

Appellant humbly submits as under:-

Amjad S. Khan
ADVOCATE
SUPREME COURT

1. That appellant was appointed as SET (Fixed) on 28/5/90 and placed in BPS-15.

(Copy of appointment order / placement in BPS-15 is annexure "A")

2. That Govt. of NWFP (Finance Department) issued Notification dated 01/10/2007 for upgradation of post.

Copy of Notification dated 01/10/2007 annexure "B").

3. That respondent issued Notification dated 26/01/2008.

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25/

Amjad S. Khan
ADVOCATE
SUPREME COURT

(E)

13.2010

Counsel for the appellant and Arshud Alam AGP for the respondents present. Arguments heard.

The appellant, who was appointed as SET in BPS-15, is seeking upgradation to BPS-17 w.e.f. 1.10.2007. in the light of Notification dated 26.1.2008; instead of upgradation with immediate effect vide Notification dated 27.9.2008. The appellant has further assailed the impugned Notification dated 27.9.2008 on the ground of one time upgradation and that too, personal to the appellant. The appellant has further prayed for one advance increment on account of upgradation and treating the upgradation as regular promotion for the purpose of further promotion.

So far as upgradation w.e.f.1.10.2007 in the light of Notification dated 26.1.2008 is concerned, the matter stands resolved through the decision of the Tribunal dated 3.7.2009 in Appeal No. 266/2009, whereby, similar nature appeals were disposed of.

In view of the above, when the Tribunal had already resolved the issue of declaring the upgradation effective from 1.10.2007 and had directed the department to also grant the upgradation from that particular date to the similarly placed colleagues of the appellants, the department should have acted accordingly and should have extended the benefit to the appellant, and appellants in the connected appeals, instead of forcing them to move appeals

rights ... in the ... by ... Tribunal ... such like situation, it has been the consistent view of the august Supreme Court of India as reflected in



13

Arshud Alam

ADVOCATE

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the case reported as 2005 SCMR-499 (Supreme Court of Pakistan) and other reported cases.

14

Consequently, this appeal is accepted with direction to the respondent department to immediately, declare the upgradation of the post of the appellant and the appointment to the post effective from 1.10.2007 with all consequential benefits in accordance with the decision of the Tribunal dated 3.7.2009, relevant rules, including Notification of the Finance Department dated 19.10.2009. No order as to costs. File be consigned to the record.

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SECRETARY
ADVISORY
COMMISSION

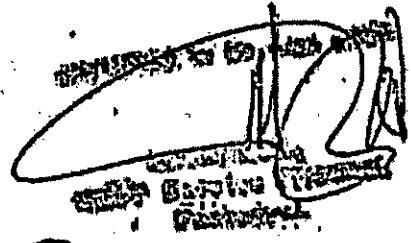
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(SYED MANZUOR ALI SHAH)
MEMBER.

(ABDUL JALIL)
MEMBER.

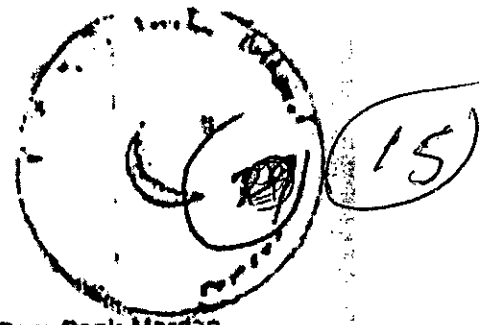


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BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 266 of 2009

Date of Institution. ... 18.02.2009
Date of Decision ... 03.07.2009



Haroonur Rashid S/O Ghulam Sarwar near Bilal Masjid Mohallah Ram Bagh Mardan
(SET Government Central Model High School Bank Road, Mardan). (Appellant)

VERSUS

1. The Secretary Elementary & Secondary Education Department Government of NWFP, Peshawar.
2. The Chief Secretary, Government of NWFP Peshawar. (Respondents)

APPEAL UNDER SECTION 4 OF THE NWFP SERVICE TRIBUNAL ACT, 1974, TO THE EFFECT THAT NOTIFICATION NO. SO(PE)2-6/E&S/UPGRADATION/SET DATED 27.9.2008 TO THE EXTENT OF ALLOWING ONE TIME UPGRADATION FROM B-16 TO BPS-17 TO THE SETS INCLUDING APPELLANT WITH IMMEDIATE EFFECT I.E. 27.9.2008 INSTEAD OF 01.10.2007.

MR. ADAM KHAN,
Advocate.

For appellant.

MR. JAMAL ABDUL NASIR,
Addl. Government Pleader,

For respondents.

MR. JUSTICE (R) SALIM KHAN,
MR. ABDUL JALIL KHAN,

CHAIRMAN
MEMBER.

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JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.- The legal issues in Service Appeals Nos. 266 to 282 of 2009 (17 cases), in Service Appeals Nos. 213 to 219 and 429 to 431 of 2009 (10 cases) as well as in Service Appeal No. 200 of 2009, are similar, and need discussion and disposal at the same time. The learned counsel for the appellants in the first set of 17 cases, the learned counsel for the appellants in second set of 10 cases and the special attorney of the appellant in single case No. 200 of 2009 and the A.G.P explained the cases.

2. Haroon Rashid, appellant contended that he was SET BPS-16. The Finance Department issued the Notification No. FD/SO(FR)10-22(B)/2005, dated 26.1.2008, vide which upgradation of various posts of teachers in the Education Department was ordered. It included the incumbents of posts of S.E.T with at least 10 years service, subject to the recommendations of the Departmental Promotion

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Committee. Vide order dated 27.9.2008, upgradation was allowed to the appellant with immediate effect instead of 1.10.2007. The cases of the other appellants are almost the same, though the cases in the second set also contained the contention that imposition of restriction of one time and personal was illegal, against law and facts. The appellant of Service Appeal No. 200 of 2009 contended that she was posted as SET (BPS-17) but grant of upgradation was delayed upto 27.9.2008, and it was granted to her with immediate effect, instead of the due date.

3. The respondents contested the appeal. They submitted that the grant of upgradation was for one time only with atleast 10 years service, and the condition of processing the cases through the Departmental Promotion Committee was part and parcel of the notification, vide which the appellants claimed the facility.

4. We heard the arguments and perused the record as aforementioned.

5. The notification dated 26.1.2008 clearly shows that the Authority was pleased to allow upgradation for the incumbents of the posts w.e.f. 01.10.2007. Vide order dated 27.9.2008, certain persons were granted upgradation, but with immediate effect and subject to the condition that these upgradations were personal, and the posts shall be degraded from BPS-17 to BPS-16 when these are vacated by the present incumbents.

It was the prerogative of the Government to grant upgradation for one time only, though to all civil servants of the Education Department who had the requisite qualification on the date of issue of the above mentioned notification dated 26.1.2008. It was also the prerogative of the Provincial Government to withdraw the said order on the same date for the purposes of all those persons who were not qualified for upgradation of their posts on 26.1.2008. The Government had the power to declare that the posts shall stand upgraded for the purposes of their incumbents only, and not perpetually.

7. The above mentioned notification had clearly declared that the upgradation would be effected from 01.10.2007. The Departmental Promotion Committee had to take time in processing the cases of incumbents of the posts in order to check whether they had the required length of service, and they were otherwise eligible for upgradation through their service record. But it did not mean

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SUKKESHI CHOKI

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SUKKESHI CHOKI

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that the Departmental Promotion Committee could change the contents of the notification itself, specially with respect to its effectiveness. It is not the job of the Departmental Promotion Committee to fix the date of promotion/upgradation prospectively, when the notification had declared the date of effectiveness from a previous certain date, or when a vacancy was available for a certain civil servant from a previous date. It was the authority of the Appointing Authority to antedate the upgradation as, as the case may be, to the respective date mentioned by the notification, or availability of the vacancy. That date is 01.10.2007 in the present cases, which could not be changed by the D.P.C, or, even, by the Appointing Authority.

8. In the light of the above, we accept all the above mentioned appeals to the extent that the upgradation of their respective posts and their appointment to those posts shall be declared effective from 01.10.2007, though such upgradation and posting shall be one time only and shall be personal to the appellants, and their similarly placed colleagues, as per the contents of the notification quoted above. Parties are left to bear their own costs.

ANNOUNCED.
03.7.2009

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Jd. Abdul Jaleel
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Amjad

P L D 1993 Supreme Court 187

Aux - F

(18)

Present. Muhammad Afzal Zullah, CJ-,

Abdul Qadeer Chaudhry and Wali Muhammad I01an, JJ

ABDUL MATIN KHAN and 2 others--Appellants

versus

N.-W.F.P. through Chief Secretary

and 2 others--Respondents

Civil Appeals Nos. 183-P and 184-P of 1990, decided on 14th December, 1992.

(On appeal from the judgment dated 7-8-1988 of the N.-W.F.P Service Tribunal in Appeal No.23 of 1988).

(a) Civil service- --- Promotion--Change , of grade to higher Pay scale amounts , to promotion.

Government of the Punjab v. Muhammad Awais Shahid 1991 SCMR 696 ref.

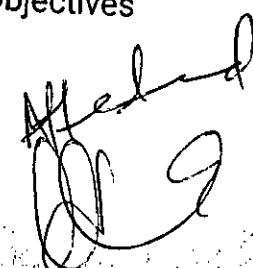
M Constitution of Pakistan (1973)-

--- Arts. 175(3), 184(3) & 2A -- Independence of judiciary -- Recommendation of Administrative Committee of High Court consisting of High Court Judges with regard to Judicial Officers (Civil Judges) for grant of Selection Grade--

Provincial (Government) Selection Board not only disagreed with the opinion of Judges of the High Court but also in an attempt to show a better assessment contradicted the stand taken by the High Court in its overall assessment about

the Judicial Officers (Civil Judges) -- Supreme Court, observed that if power of the Government and its functionaries to override the assessment, opinion and directions of the High Court with regard"to its own subordinate judiciary in matter of their promotions was upheld, the very fabric of independence and separation of judiciary would be considerably damaged and besides the

contravention of some of the commands in the specific Constitutional provisions including Art.175 thereof but also that contained in the Objectives Resolution with regard to independence of judiciary, would be


Muhammad Afzal Zullah
Chief Justice
Supreme Court

(F)

flouted— Considering the question involved in the appeal being of great public importance and involving the violation of several human rights, Supreme Court entertained the matter under Art. 184(3) of the Constitution and ordered the registration of a case in the category of human rights in the class of public interest litigation for hearing by a Bench of at least five Judges of the Supreme Court.

Abdul Kadir Khattak, Advocate Supreme Court and Abdul Hamid Qureshi, Advocate-on-Record for Appellant (in CA.No.183-P of 1990).

M. Azain Khan, Addl. A.-G., N.-W.F.P. and Nur Ahmad Khan, Advocate-on-Record for Respondents (in CA. No.183-P of 1990).

M. Azain Khan, Addl. A.-G., N.-W.F.P. and Nur Ahmad Khan, Advocate-on-Record for Appellants (in CA. No.184-P of 1990).

Abdul Kadir Khattak, Advocate Supreme Court and Abdul Hamid Qureshi, Advocate-on-Record for Respondent (in CA.No.184-P of 1990).

Date of hearing: 14th December, 1992.

JUDGMENT

MUHAMMAD AFZAL ZULLAH, CJ.—These appeals through leave of the Court have arisen out of a service matter. The order for grant of leave to appeal reads as follows:—

"These are two connected petitions for special leave to appeal from the judgment dated 7-8-1988 of the N.-W.F.P. Service Tribunal.

The petitioner in Civil Petition No.166-P joined service as Civil Judge in 1977 in N.P.S.17. By the Pay Revision Rules of 1978 15% of the posts of Civil Judges were placed in N.P.S. 18. In December, 1983, the High Court recommended a panel of 13 Civil Judges for appointment to NPS-18. The panel did not include the petitioner as a departmental inquiry was pending against him. The Provincial Selection Board approved the panel sent by the High Court. In 1985 the High Court recommended another panel of Civil Judges for appointment to NPS-18. This panel included the name of the petitioner as well. However, the Provincial Selection Board deferred consideration of his case on account of the departmental inquiry which had not yet been concluded.

M. Azain Khan
ADVOCATE
SUPREME COURT

On 3-1-1987 under the orders of the Chief Justice the inquiry proceedings against the petitioner were dropped. At about the same time the High Court recommended him for appointment to NPS-18. The Provincial Selection Board did not approve of the recommendation on the ground that the service record of the petitioner was unsatisfactory. The petitioner riled a departmental representation but that remained undisposed of. He then riled an appeal before the Provicnial Service Tribunal.

The learned Tribunal accepted the appeal and directed that the petitioner should be appointed to NPS-18 from the date he was first recommended by the High Court, that is, with effect from 5-3-1984. Both the petitioner as well as the Provincial Government being dissatisfied with the order of the learned Tribunal seek leave to appeal from this Court.

The case of the petitioner is that the Civil Judge immediately below him in the seniority list was appointed to NPS-18 with effect from 26-4-1982. At that time his case was not considered for appointment to NFS-18 for the reason that a departmental inquiry was pending against him; once he had cleared in the departmental inquiry he should have also been appointed to NPS-18 with effect from 26-4-1982. On the other hand, the case of the Provincial Government is that the service record of the petitioner was found unsatisfactory by the Selection Board. The appointment to NPS-18 was in the nature of promotion and it was not open to the learned Tribunal to sit in judgment upon the decision of the Selection Board in this regard.

The contentions raised in both petitions need examination. Leave to appeal is granted in both petitions. The appeals may be made ready for hearing on the present record with permission to the parties to file additional documents, if any."

We would take up the Government Appeal No.184-P of 1990 in the first place. The learned Addl. Advocate-General relying on section 4(b)(i) of the N.-W.F.P. Service Tribunals Act, 1974 reiterated the argument that it was not open to the Tribunal to pass an order on promotion much less to make it effective retrospectively. The barring provision reads as follows:-

"4. Appeals to Tribunals.- Any civil servant aggrieved by any final order, whether original or appellate,, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him, prefer an appeal to the Tribunal having jurisdiction in the matter:

Provided that:-

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ADVOCATE
SUPREME COURT

21

(a)

(b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining-

(i) the fitness or otherwise of a person to be appointed to a higher post or grade; or

(ii) the quantum of departmental punishment or penalty imposed on a civil servant as a result of a departmental inquiry, except where the penalty imposed is dismissal from service, removal from service or compulsory retirement.

Explanation. -In this section 'departmental authority' means any authority, other than a Tribunal, which is competent to make an order in respect of any of the terms and conditions of service of civil servants."

The learned counsel for the appellant in Appeal No.183-P of 1990 tried to argue that the change of grade to a higher pay scale does not amount to promotion. He wanted to rely on some circular in this behalf. However, when a recent judgment of this Court contrary to his submission was pointed out to him he could not pursue the point any further. It is Government of the Punjab v. Muhammad Awais Shahid 1991 SCMR 696. On this ground alone the appeal of the Government No.184-P of 1990 merits to be allowed and it is ordered accordingly. The other Appeal No.183-P of 1990 is dismissed. There shall be no order as to costs.

But the matter does not end here. It is amply clear from the documents placed on the records of these appeals that the High Court had not only dropped the inquiry against Mr. Abdul Matin Khan but had also passed the following order:-

"In order to fill in the existing vacancies in Selection Grade i.e. BPS 18, the Administration Committee of this Court has been pleased to recommend the following Judicial Officers for grant of the Selection Grade from the dates mentioned against each:

A

S.No. Name Date Description of vacancies

(1)

(2) Mr. Abdul Matin Khan 5-3-1984 Vice Mr. Ziauddin Khan Khattak

[Signature]
ADVOCATE
SUPREME COURT

(2)

promoted on 5-3-1984 as

Additional District and Sessions

Judge.

(3)

(4)

(5)

(6)

(7)

(8)

Accepted
ADG
Sahajad Ali
ADVOCATE
SUPREME COURT

It is requested that the case for grant of Selection Grade to the above Senior Civil Judges from the dates as given above may please be placed before the Provincial Selection Board and approval of the Appointing Authority conveyed to this Court in the public interest.

(Sd.)

(MUHAMMAD AYUB KHAN), REGISTRAR."

The Provincial Selection Board not only disagreed with the opinion of fairly large number of Honourable Judges of the High Court but also in an attempt to show a better assessment contradicted the stand taken by the High Court in its overall assessment about the learned Civil Judge.

Although a case is pending before us from Sindh High Court on question of separation of judiciary and another regarding independence of judiciary, vis-a-vis the transfer of High Court Judges to the Federal Shariat Court, this case presents a third feature regarding both: the independence and separation of judiciary. If power of the Government- and- its functionaries to override the assessment, opinion and directions of the High Court with regard to its own subordinate judiciary in matter of their promotions is upheld, the very fabric of independence and separation of judiciary is considerably damaged. It is not necessary to spell out the detailed consequences in the context of our Constitutional set-up. It would suffice to say that besides the contravention of some of the commands in the specific Constitutional provisions including Article 175 thereof but also that contained in the Objectives Resolution; which,

inter a4 provides that 'the independence of judiciary shall be f& secured', would be flouted. This question is of great public interest. Prima facie, it further amounts to violation of several human rights. We, accordingly, entertain this matter under Article 184(3) of the Constitution.

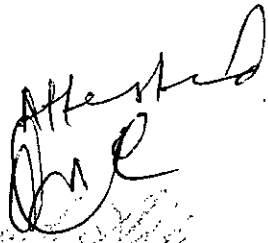
A case shall, accordingly, be registered in the category of Human Rights in the class of public interest litigation: Re: Abdul Matin Khan v. The Government of N.-W.F.P. Notices to the Attorney-General, the Advocate General and all other necessary notices shall be issued. It shall be heard by a Bench of least five Hon. Judges.

The case shall come up with one already registered regarding the independence of Judiciary.

the landlord without loss of much time — *Held* on receipt of written statemet in which such a plea had definitely been raised, Rent Controller was bound to give a decision as to whether the case of the tenant was covered under the proviso (ii) to S.13(2) or not, and his deferring the issue till the fitialisation of the eviction application could not deprive the tenant from the benefit of S.13(2), proviso (ii) of the Ordinance which was a mandatory provision — Order of Rent Controller dismissing petition for eviction therefore was perfectly justified in circumstances. [p. 1941 B

Jehanzeb Rahim, Advocate Supreme Court and Abdul Hamid QuTeshi, Advocate-on-Record for Appellant.

M.BA./A-980/S order accordingly Respondents Nos. 1 and 2: Ex parte.


 ADVOCATE
 SUPREME COURT

2005 S C M R 499

[Supreme Court of Pakistan]

Present: Nazim Hussain Siddiqui, C.J., Javed Iqbal and Abdul Hameed Dogar, JJ

TARA CHAND and others---Petitioners

Versus

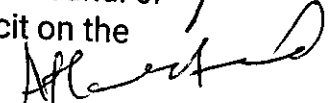
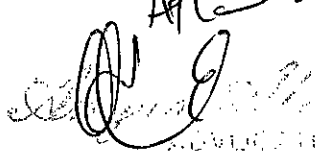
KARACHI WATER AND SEWERAGE BOARD, KARACHI and others---Respondents

Civil Review Petition No.259 of 2002, Civil Miscellaneous Applications Nos.874 and 875 of 2001 in Civil Appeal No. 1235 of 2000, decided on 14th December, 2004.

(On review against the judgment of this Court, dated 14-5-2002 passed in Civil Appeal No. 1235 of 2000).

(a) Constitution of Pakistan (1973)---

---Arts. 185, 188 & 25---Supreme Court Rules 1980, O.XXXIII, R.5--- Civil Procedure Code (V of 1908), O.XLI, R.33---Review petition--- Civil service---Contentions of the petitioner were that neither notice about grant of leave to appeal by the Supreme Court nor that of ex parte order by the Supreme Court was served upon him; that he was one of the petitioners who impugned the departmental orders of retrenchment and termination before the High Court, which were set aside to appeal by the Supreme Court; that the moment he came to know about the decision of the Supreme Court, he had approached the Court and filed Civil Review Petition well within time and that though he was a non-appealing party in the appeals, yet he was entitled to the same relief on the basis of principle of equality---Validity---Held, since the services of all such persons were dispensed with by, single order, as such, there was no distinction between their case and that of the appellants and was identical on all fours---When Tribunal or Court decides a point of law relating to the terms of service of a civil servant which covered not only the case of civil servants who litigated, but also of other civil servants, who might have not taken any legal proceedings, the dictates of justice and rule of good governance demand that the benefit of the decision be extended to other civil servants, who might not be parties to the litigation instead of compelling them to approach the Tribunal or any other legal forum--- Article 25 of the Constitution was also explicit on the



SUPREME COURT OF PAKISTAN

point that all citizens were equal before law and were entitled to equal protection of law.

Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others 1996 SCMR 1185; Abdul Hameed Nasir and others v. National Bank of Pakistan and others 2003 SCMR 1030; Hakim Muhammad Nabi Khan and 2 others v. Warasatullah through Legal Representatives 1987 SCMR 1698; Province of Punjab through Collector Bahawalpur, District, Bahawalpur and others v. Col. Abdul Majeed and others 1997 SCMR 1692 ref.

(b) Judgment in personam---

—Definition.

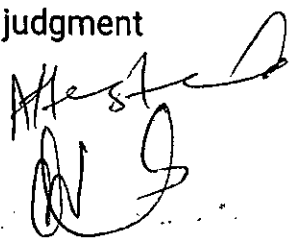
A judgment determining the rights of persons inter se in or to any money or property in dispute, but not affecting the status of persons or things or determining any interest in property except between the parties. They include all judgment for money.

Normally a judgment binds only those who are parties to it. Such judgments are known as Judgments in personam.

Judgments in personam or inter parties are those which determine the rights of parties inter se to or in the subject-matter in dispute, whether it be corporeal property of any kind whatever or a liquidated or un liquidated demand, but do not affect the status of either persons or things, or make any disposition of property or declare or determine any interest in it except as between the parties litigant. They include all judgments which are not judgments in rem.

A judgment in personam determines the rights of the parties inter se to or in the subject-matter in dispute, whether it be corporeal property of any kind whatever or a liquidated or unliquidated demand, but does not affect the status of either persons or things, or make any disposition of property, or declare or determine any interest in it except as between the parties litigant. Judgments in personam include all judgments which are not judgments in rem, but as many judgments in the latter class deal with the status of persons and not of things, the description "Judgment utter parties" is preferable to 'Judgment in personam'.

A judgment against a particular person, as distinguished from a judgment against a thing or a right or status.

Attested

6/11/2011

The Oxford Companion to Law by Dawid M. Walker; K.J. Aiyar's Judicial Dictionary (10th Edition 1988); Words and Phrases legally defined (Vol: 3 I-N) and Black's Law Dictionary with pronunciations (6th Edition) ref.

(c) Judgment in rem---

—Definition.

A legal determination binding not only the parties but all persons. It applies particularly to judgments in Admiralty, declaring the status of a ship, matrimonial causes, grants of probate and administration and condemnation of goods by a competent Court.

A judgment which gives to the successful party possession or declaration of some definite right which right is available against the whole world.

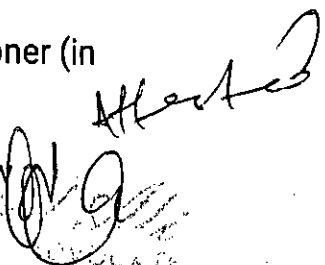
A judgment in rem may be defined as the judgment of a Court of competent jurisdiction determining the status of a person or thing, or the disposition of a thing (as distinct from the particular interest in it of a party to the litigation). Apart from the application of the term to persons, it must affect the res in the way of condemnation, forfeiture, declaration of status or title or order for sale or transfer.

An adjudication pronounced upon the status of some particular thing or subject-matter, by a Tribunal, having competent authority is judgment in rem, It is founded on a proceeding instituted against or on something or subject-matter whose status or condition is to be determined or one brought to enforce a right in the thing itself. It operates upon the property. It is a solemn declaration of the status of some person or thing. It is binding- upon all persons insofar as their interests in the property are concerned.

The Oxford Companion to by Dawid M. Walker; K.J. Aiyar's Judicial Dictionary (10th Edition 1988); Words and Phrases legally defined (Vol: 3 I-N) and Black's Law Dictionary with pronunciations (6th Edition) quoted.

Syed Iftikhar Hussain Gillani, Senior Advocate Supreme Court for Petitioner (in Civil Review Petition No.259 of 2002).

Ibrar Hussain, Advocate Supreme Court for Respondents (in Civil Review Petition No.259 of 2002).

Affected

SYED IFTIKHAR HUSSAIN GILLANI
SENIOR ADVOCATE
SUPREME COURT

M. Bilal, Senior Advocate Supreme Court and Ch. Akhtar Ali, Advocate-on-Record for Applicants (in Civil Miscellaneous Applications Nos.874 and 875 of 2001).

Ibrar Hussain, Advocate Supreme Court for, Respondents Nos. 1-3 (in Civil Miscellaneous Applications Nos.874 and 875 of 2001).

Raja Abdul Ghafoor, Advocate-on-Record for Respondents Nos.4-5 (in Civil Miscellaneous Applications Nos.874 and 875 of 2001).

Date of hearing: 14th December, 2004.

ORDER

ABDUL HAMEEIJ DOGAR, J.--The background leading to the filing of the above mentioned matters are that about 130 employees of Karachi Water and Sewerage Board including petitioner Tara Chand (in Civil Review Petition No.259 of 2002) and applicants, namely, Muhammad Haneef, Bashir Ahmad, Muhammad Dawood and Asadullah Saher (In Civil Miscellaneous Applications Nos.874 and 875 of 2001) challenged the orders, dated 11-7-1998, 18-7-1998 and 20-7-1998 passed by Vice Chairman about retrenchment and termination of their services through Constitution Petition No.D-1151 of 1998 before the learned High Court of Sindh at Karachi. The said petition was dismissed vide judgment, dated 4-6-1969 by the learned Division Bench of High Court of Sindh, Karachi. The said judgment was challenged in Civil Petition Nos.352-K, 396-K and 464-K of 1999. in which leave to appeal was granted and the appeals were numbered as Civil Appeals Nos.1232 to 1235 of 2000. In the aforesaid appeals, petitioner Tara Chand and applicants, namely, Muhammad Haneef, Bashir Ahmad, Muhammad Dawood and Asadullah Saher were arrayed as respondents. After grant of leave to appeal, the notices were issued to them but were not served upon them and an ex parte order was passed by the Assistant Registrar (Civil) against them on 13-3-2001. However, above appeals were heard and allowed by this Court vide judgment, dated 14-5-2002 and the orders, dated 11-7-1998, 18-7-1998 and 20-7-1998 passed by the Vice Chairman of the Board were set aside and were declared without lawful authority. All the appellants therein were reinstated in service.

2. On coming to know about the above decision, petitioner Tara Chand along with Javed Hussain, Muhammad Shah, Kanyolai, Muhammad Hanif Shaikh, Abdul Shakoor, Mujahid Hanif and Muhammad Iqbal Palejo filed Review Petition No.259 of 2002 on 11-6-2002 wherein they urged that in fact they were respondents in the aforesaid Civil appeals but were not served, as such, ex parte

Attested
[Signature]
SUPREME COURT

order passed against them in their absence be set aside and they may be allowed- the same relief as granted to appellants.

3. However the aforesaid Civil Review Petition was returned by Assistant Registrar (Civil) on 13-3-2001 to the Advocate-on-Record with the objection that the same was not entertainable under Order XXVI rule 6 of Supreme Court Rules, 1980 as the counsel who had drawn this review petition did not appear and argue the case in the above mentioned appeals. The said order was challenged through Civil Miscellaneous Appeal No.42 of 2003 under Order V rule 33 of Supreme Court Rules, 1980; which was allowed only to the extent of petitioner Tara Chand were as against others, it was dismissed for non-prosecution by a learned Judge in Chambers, vide order, dated 20-11-2003. Petitioner Tara Chand filed amended review petition whereas applicants, namely, Muhammad Haneef., Bashir Ahmad, Muhammad Dawood and Asadullah Saher moved Civil Miscellaneous Application No.874 of 2001 for setting aside the order, dated 13-3-2001 as Civil Miscellaneous Application No.875 of 2001 for transposition from the side of respondents to the side of appellants.

4. We have heard Messrs Syed Iftikhar Hussain Gillani, learned Senior Advocate Supreme Court for petitioner, M. Bilal, Senior Advocate Supreme Court for applicants and Messrs Ibrar Hussain and Raja Abdul Ghafoor, learned Advocates Supreme Court for the respondents and have gone through the record and proceedings in minute particulars.

5. Syed Iftikhar Hussain Gillani, learned Advocate Supreme Court, contended that in fact petitioner Tara Chand was arrayed as respondent No.47 in Civil Appeal No.1235 of 2000. According to him, neither notice about grant of leave to appeal nor that of ex parte order, dated 13-6-2001 was served upon him. Admittedly, he was one of the petitioners who impugned the departmental orders of retrenchment and termination before the learned High Court of Sindh, which were set aside in appeal by this Court. The moment he came to know about the decision, he approached this Court and filed above mentioned civil review petition well within time. Though he is a non-appealing party in the aforementioned appeals, yet is entitled to the same relief on the basis of principle of rule of equality. In support, he relied upon the case of Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others 1996 SCMR 1185.

6. Mr. M. Bilal, learned Senior Advocate Supreme Court on behalf of applicants, namely, Muhammad Haneef, Bashir Ahmad, Muhammad Dawood and Asadullah Saher contended that the applicants were also the petitioners before the learned High Court of Sindh and had challenged the departmental orders

M. Bilal
M. Bilal
ADVOCATE
SUPREME COURT

passed against them. They were also arrayed as respondents Nos. 50, 58, 92 and 104 in Civil Appeal No. 1235 of 2000 before this Court, which was allowed. Their matter is identical on all aspects with those appellants, therefore, deserves the same relief.

7. On the other hand, Messrs Ibrar Hussain and Raja Abdul Ghafoor, learned Advocate Supreme Courts, vehemently opposed the above contentions and argued that the judgment of this Court passed in the aforesaid civil appeals was in fact judgment in personam and not in rem, as such, the petitioner and applicants are not entitled to any relief. According to them, this being a service matter, they should have approached the Service Tribunal for redressal of their grievance which jurisdiction was not invoked by them.

8. Admittedly, petitioner Tara Chand and applicants, namely, Muhammad Haneef, Bashir Ahmad, Muhammad Dawood and Asadullah Saher had challenged the orders, dated 11-7-1998, 18-7-1998 and 20-7-1998 of their retrenchment and termination along with other petitioners in writ petition before learned High Court of Sindh. It is also an admitted fact that petitioner and applicants were arrayed as respondents in Civil Appeal No. 1235 of 2000 before this Court wherein the above said order of learned High Court was challenged. Since the services of all of them were dispensed with by single order, as such, there is no distinction in between their case and that of appellants and is identical on all fours.

9. As to whether impugned judgment is 'judgment in personam' or 'judgment in rem', it would be appropriate to reproduce their definitions as defined in various dictionaries:

(I) The Oxford Companion to Law by David M. Walker

Judgment in personam.— A judgment determining the rights of B persons inter se in or to any money or property in dispute, but not affecting the status of persons or things or determining any interest in property except between the parties. They include all judgments for money.

Rem, Judgment in.— A legal determination binding not only the parties but all persons. It applies particularly to judgments in Admiralty, declaring the status of a ship, matrimonial causes, grants of probate and administration and condemnation of goods by a competent Court.

(II) K. J. Aiyar's Judicial Dictionary (10th Edition 1988)

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Normally a judgment binds only those who are parties to it. Such judgments are known as Judgments in personam.

Rem, Judgment in.— A judgment which gives to the successful party possession or declaration of some definite right which right is available against the whole world.

(III) Words and Phrases legally defined (Vol. 3 I-N)

Judgment, In personam.— A judgment in personam or inter parties are those which determine the rights of parties inter se to or in the subject-matter in dispute, whether it be corporeal property of any kind whatever or a liquidated or unliquidated demand, but do not affect the status of either persons or things, or make any disposition of property or declare or determine any interest in it except as between the parties litigant. They include all judgments which are not judgments in rem.

A judgment in personam determines the rights of the parties inter se to or in the subject matter in dispute, whether it be corporeal property of any kind whatever or a liquidated or unliquidated demand, but does not affect the status of either persons or things, or make any disposition of property, or declare or determine any interest in it except as between the parties litigant. Judgments in personam include all judgments which are not judgments in rem, but as many judgments in the latter class deal with the status of persons and not of things, the description "Judgment inter parties" is preferable to 'Judgment in personam'.

Judgment, In Rem.— A judgment in rem may be defined as the judgment of a Court of competent jurisdiction determining the status of a person or thing, or the disposition of a thing (as distinct from the particular interest in it of a party to the litigation). Apart from the application of the term to persons, it must affect the res in the way of condemnation, forfeiture, declaration of status or title, or order for sale or transfer.

(IV) Black's Law Dictionary with pronunciations (6th Edition).

Judgment in personam or inter parties. A judgment against a particular person, as distinguished from a judgment against a thing or a right or status.

Judgment in rem. An adjudication pronounced upon the status of some particular thing or subject-matter, by a Tribunal, having competent authority. Booth v. Copley, 238 Ky.23, 140 S.W 2d, 62, 666. It is founded on a proceeding instituted against or on something or subject-matter whose status or condition is to be determined. Eureka Building and Iran Assn v. Shultz, 139E Kan, 435, 32

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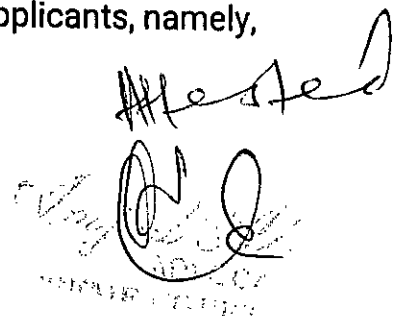
P.2d 477, 480; or one brought to enforce a right in the thing itself. Federal Land Bank of Omaha v. Jafferson, 229 Iowa 1054, 295 N.W. 855, 857. It operates upon the property, Guild v. Walis, 150 Or. 69, 40 P. 2nd 747, 742. It is a solemn declaration for the status of some person or thing. Jones v. Teat, Tex Civ. Appellant. 57 S.W. 2d. 617, 620. It is binding upon all persons in so far as their interests in the property are concerned.

10. To further elaborate the above aspect, it would be relevant to refer the case of Hameed Akhtar Niazi (supra) wherein this Court has held that when Tribunal or Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the Civil servants who litigated, but also of other civil servants, who may have not taken any legal proceedings, the dictates of Justice and rule of C good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation instead of compelling them to approach the Tribunal or any other legal forum. This Court in the case of Khawaja Abdul Hameed Nasir and others v. National Bank of Pakistan and others 2003 SCMR 1030 also extended the benefit to all the persons falling within the same category in order to do complete justice. To further fortify, reference is made to the case of Hakim Muhammad Nabi Khan and 2 others v, Warasatullah through Legal Representatives 1987 SCMR 1698, wherein this Court had allowed benefit of relief to non-appearing party of doing complete justice. Irrespective of above, this Court in the case of Province of Punjab through Collector Bahawalpur, District, Bahawalpur and others v. Col. Abdul Majeed and others 1997 SCMR 1692, while discussing the provisions of Order XLI, rule 33, C.P.C. and Order XXXIII; rule 5 of the Supreme Court Rules, 1980, has held at page 1709 as under:—

"Not only this it is now well-settled that under Order XLI, rule 33, C.P.C., that the High Court and under Order XXXIII, rule 5 of the Supreme Court Rules this Court, can exercise the appellate powers in favour of all or any of the respondents or parties although such respondents or parties may not have filed any appeal or objection .

11. Irrespective of above case laws, our Constitutional provisions are also explicit. According to Article 25 of the Constitution of Islamic Republic of Pakistan, 1973, all citizens are equal before law and are entitled to equal protection of law.

12. The result, therefore, is that for the reasons stated above, we find force in the contentions of learned counsel for petitioner and applicants and allow Civil Review Petition No.259 of 2002 and Civil Miscellaneous Applications Nos. 874 and 875 of 2001. Accordingly, petitioner Tara Chand and applicants, namely,

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Muhammad Haneef, Bashir Ahmad, Muhammad Dawood and Asadulah, Saher are also extended the same relief which has been allowed by this Court on 14-5-2002 in Civil Appeal No. 1235 of 2000.

M.B.A./T-11/S Order accordingly.

Amjad Ali
ADVOCATE
SUPREME COURT

CHAPTER-6

THE GOVERNMENT OF KHYBER PAKHTUNKHWA CIVIL SERVICES PAY REVISION RULES

1. **STATUTORY PROVISION:-** A Civil servant appointed to a post shall be entitled in accordance with the rules to the pay sanctioned for that post. He will draw the pay and allowances of the post on which he is appointed from the date he assumes the charge of that post and cease to draw that pays as soon as he relinquishes the charge of that post.

Section 17 of Civil Servants Act, 1973 & F.R.17.

2. **CONDITION OF SERVICE FOR ANNUAL INCREMENT:** The increment in the Basic Pay Scales shall fall due on 1st day of December, following the completion of at least six months service at a stage in the relevant Basic Pay Scales. [Rule-7]

Decision; A civil servant retiring on or after first day of June of a year shall be entitled to the usual annual increment, for the purpose of calculation of his pension only, on completion of six months service in the year of his retirement, irrespective of due date of 1st December following the completion of six months. The above benefit would equally be admissible in the case of civil servant who dies while in service.

No. FD(PRC)1-199 dated 24-12-1999 Read with even Nodated 27-03-2000.

GRANT OF INCREMENT TO PENSIONERS WHO WERE AT MAXIMUM IN THE YEAR OF RETIREMENT. Benefit of one increment has been allowed to all pensioners who were stuck up in the maximum of their pay scales and were not allowed increment beyond their maximum pay scales in the year of retirement (having at least 6 months service preceding the date of retirement at the maximum of the respective pay scale)

NO. FD (PRC) 1-1/2010 Dated 24-11-2010 read with NO. FD (PRC) 1-1/ dated

3*. **BENEFIT OF ANNUAL INCREMENT ON NOTIONAL BASIS.**

All those Government servants who exhausted /may exhaust the relevant pay scale may be allowed the benefit of annual increment beyond the scope of exiting pay scales w.e.f 1-12-2005. There will be no presumptive benefit on account of the aforesaid increment prior to 1-12-2005, therefore, no arrears shall be allowed prior to this date. The increment may be treated as personal pay subject to the condition that the employee concerned has put in 6 months or more service as counts for annual increment unless withheld under the rules. The amount of personal pay may not be reduced but treated as part of pay scale of concerned Government servant concerned for the purpose of fixation of pay, pension and recovery of house rent etc. *NO. FD (PRC) 1-1/2006 Dated March, 26 2007.

Clarification;- 1. Those who were on the maximum of their respective pay scales before 01-12-2005 will be entitled to get first (one) increment on 1st December 2005.

2. An employee enjoying the benefit of annual increment w.e.f 1-12-2005 onward in the shape of personal pay promoted in the same scale, will be entitled to next stage equal to one increment as personal pay.

3. A selection grade holder while enjoying the annual increment w.e.f 1-12-2005 and onward in the shape of personal pay is promoted to higher post between 2nd June and 30th

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34

November of a calendar year will also avail the concession for option of re-fixation of pay. No. FD(PRC)I-1/2007 Dated 20/5/2008

4. ADMISSIBILITY OF ANNUAL INCREMENT DUE TO INTRODUCTION OF BPS-1983

Promotion between 2.6.1983 and 30.6.1983.

The conditions of 6 months service to earn increment has already been relaxed in BPS-83, the employees promoted to higher posts between 2.6.1983 to 30.6.1983 are entitled to receive their normal increment on 1.12.1983.

Promotion between 1.7.1983 and 30.11.1983.

Increment on 1.12.1983 is not admissible to employees promoted between 1.7.1983 and 30.11.1983, since they have not completed 6 months service in term of rule-7 of The Khyber Pakhtunkhwa Civil Service Pay revision rules, 1978.

Appointment between 2.6.1983 and 30.11.1983.

Employees appointed upto 30.6.1983 and who were in receipt of pay in Revised National Pay Scale would receive their 1st increment in BPS on 1.12.1983, but the employees appointed between 1st July and 30th November, 1983, would be entitled to receive their 1st increment in BPS on 1.12.1984 instead of 1.12.1983.

Employees who have opted for refixation of Pay on or after 1.7.1983.

They will not be entitled to receive increment in BPS on 1.12.1983. Their cases will be regulated under rule-7 read with rule 10(3) of The Khyber Pakhtunkhwa civil services pay revision rules, 1978. No. FD(PRC)I-1/85-IV dated 29.4.1985

5. FIXATION OF PAY ON UPGRADATION OF POST). (Rule-9)

When a civil servant is allowed to draw pay in the next higher Basic Pay Scale by his post having been upgraded, his pay in the higher scale shall be fixed at a stage next above his pay in the lower scale.

Rule 9A A post which is upgraded from 28th January 2002 or a post to be upgraded after commencement of this rule, shall be allowed one premature increment on such up gradation.

Provided that the pay of a civil servant whose post is upgraded from 28th January 2002 shall be fixed in accordance with the new increment and he shall not be entitled to any arrears in this behalf. No. FD(PRC)I-2/77 dated 30.5.2014

Clarification:

The premature increment is not admissible to the employees who have been :-

- (a) Moved up one scale without up gradation of posts.
- (b) Granted time scale on completion of prescribed length of service.

The premature increment is admissible to the employees:-

- a)-holder of selection grade prior to up gradation of their posts as in the case of same scale promotion.
- b) -holder of selection grade drawing pay at the maximum of the same pay scale in which their posts have been upgraded, as personal pay as is granted in the same scale promotion w.e.f 01-12-2005.

c)- contract employees appointed on standard terms and conditions and whose posts have been upgraded.

d)-the employees whose posts have been upgraded twice

The employees who have been upgraded or moved up scale can opt for re-fixation of pay on or after 1st December of that calendar year.

6. FIXATION OF PAY ON PROMOTION: Where a civil servant is promoted from a lower to higher post where the stage in the Basic Pay Scale of the higher post, next above the pay of the civil servant concerned in the pay scale of the lower post, gives a pay increase equal to or less than a full increment of the pay scale of the higher post, the initial pay in the Basic Pay Scale of the higher post shall be fixed after allowing a premature increment in the Basic Pay Scale of the higher post; Rule 10(1) (i)

7. FIXATION OF PAY ON PROMOTION WITHIN THE SAME SCALE;

One advance increment as next stage and another as a premature increment are admissible in case of promotion in the same scale. This order is effective from 31/12/2013. No.FD(SOSR-1)2-123/2012 dated 31/12/2013

8. FIXATION OF PAY ON APPOINTMENT TO A HIGHER POST FROM THE LOWER POST BY INITIAL RECRUITMENT.

The provision contained in rule 10(1)(i) as referred above shall also equally apply in the cases where appointment to a higher post from a lower post is made by initial recruitment. These orders would be effective from 1.5.1977 but no arrears will be allowed on account of re-fixation of pay prior to 16.3.1999. FD letter No.FD(PRC)1-1/97 dated 16.3.1999

9. OPTION FOR RE-FIXATION OF PAY IF PROMOTED BETWEEN 2ND JUNE AND 30TH NOV. If a civil servant before reaching the maximum of a Basic Pay Scale is promoted to higher scale between the 2nd June and the 30th November, of a calendar year and his initial pay in the later scale is fixed with reference to his pay in the former scale, he may, at his option, get his pay re-fixed in the higher scale with effect from the 1st day of December of the year of his promotion with reference to his presumptive pay on that date in his pre-promotion scale; provided that if the promotion of a civil servant is subject to the length of prescribed service, he shall be entitled to opt for re-fixation of his pay only if he has completed the prescribed length of service.

Decision; The Government servant promoted between 2nd June and 30th November to higher post carrying the same pay scale in which he is already drawing pay shall be entitled to re fixation of pay in the above manner. The decision would be effective from 1st June 1991 without arrears prior to 2-9-2000. Rule-10 read with No. FD(PRC)1-1/2000 dated 2-9-2000

10. FIXATION OF PAY ON APPOINTMENT AGAINST HIGHER POSTS ON ACTING CHARGE BASIS.

Pay shall be fixed in the same manner as in the case of regular promotion. These orders would be applicable to all existing appointees but no arrears shall be allowed on account of re-fixation of pay prior to the date of issue of this letter. No.FD(SR.1)12-5/2003 Dated 04-09-2006.

11. UP GRADATION OF POST BETWEEN 2ND JUNE & 30TH NOVEMBER

Where a post is upgraded between the 2nd June and 30th November of a calendar year, the incumbent of such a post shall be allowed reification of pay with reference to his Notional Pay in the lower scale on 1st December of that year subject to the exercise of an option by the incumbent of the post, provided that other conditions of earning the increment are fulfilled. These orders will take effect from 5.6.1986. No.FD(PRC)1-1/86-VI(A).Dated 5.6.1986

12. FIXATION OF PAY ON PROMOTION BEFORE INTRODUCTION OF REVISED BASIC PAY SCALES.

The cases of promotion from a lower to higher post/scale before the introduction of revised basic pay scales, i.e 1977, 1983, 1987, 1991, 1994, 2001 and 2015, the pay of the employees concerned in the revised scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if his promotion to the higher post/scale had taken place after the introduction of these scales.

Para 4 of Revised Basic Pay Scales, 1977, 1983, 1987, 1991, 1994 & Para 6 of Revised Basic pay scales, 2001. & Para 4 of BPS-4 of 2015

13. FIXATION OF PAY ON APPOINTMENT FROM ONE POST TO ANOTHER:-

The benefit of protection of pay to the employees of autonomous bodies on their subsequent appointment in government service is not admissible as the employees are not civil servants within the meaning of civil servant Act, 1973. However, the benefit of pay protection will be admissible to employees of autonomous organizations who have adopted scheme of Basic Pay scales in to-to on their appointment in government offices, provided they have applied for the post through proper channel.

NOFD(SR-1)2-1/2011 Dated 4-6-2011.

14. ONE SPECIAL ADVANCE INCREMENT ON UPGRADATION/MOVED UP SCALES W.E.F 1/09/2007. One special advance increment is admissible to the assistants, Auditors, Senior Clerks and Junior clerks as well employees from 01 to BPS-04 in their upgraded/moved up pay scales and also to the employees who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, just as in the case of same scale promotion.

No. FD(SR-1)2-4/2008 DATED 4/9/2009 read with No.FD(SOSR-1)2-123/2012 dated 31/12/2013

15. ADMISSIBILITY OF PREMATURE INCREMENT TO THE EMPLOYEES OF BPS 1 TO 4

One premature increment has been allowed to the employees of BPS 1 to 4 w.e.f 01/07/2014. This increment will not affect the normal increment due on 01-12-2014 if otherwise admissible under the rules. No. FD(SOSR-1)2-123/2014 Dated 14/7/2014

16. PROTECTION OF PAY OF CONTRACT EMPLOYEES ON REGULARISATION/APPOINTMENT ON REGULAR BASIS. W.E.F 6/2/2014

Pay protection is allowed to Non-Gazetted employees on their regularization/appointment on regular basis with immediate (i.e 6/02/2014) subject to the following conditions that :-

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37

1. The contract appointment has been made on standard terms and conditions by the Provincial Government as amended from time to time.
2. The contract employee has applied through proper channel and has properly regularized on the same post.
3. Regularization/regular appointment has been made with the approval of competent authority.
4. There is no break/ interruption between contract service and regular service.
5. The service rendered on contract basis shall not qualify for pension /gratuity.
6. In case of regular appointment in lower grade, pay shall not be protected.

No.FD(SOSR-1)12-7/2014 dated 06/2/2014

CLARIFICATION

- I. Pay will also be protectable of those employees whose services were transferred from development to non- development side provided their contract appointment in development side was made in BPS 1 to 15 on standard terms and conditions.
- II. The contract employees of BPS 1 to 4 who were moved one scale up w.e.f 1/7/2007 are also entitled to protection of pay on regularization.

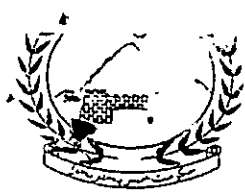
17. REVISION OF MANAGEMENT POSITION SCALES (MP-I,MP-II,MP-III)

The revised salary package, perquisites and facilities of the Management position holders' w.e.f 01-01-2014 are as follow:-

Description	MP-I					
	Existing rates as per letter dated 18-05-2002			Revised rates w.e.f 01-01-2014		
	Min.	Incr.	Max.	Min.	Incr.	Max.
Basic pay	130000	10000	160000	263000	20000	324000
House rent	50000		70000	101000		142000
Utilities	6500		8000	13100		16200
	MP-II					
Basic pay	50000	7500	80000	110000	16500	176000
House rent	30000		50000	66000		110000
Utilities	2500		40000	5500		8800
	MP-III					
Basic pay	35000	5500	50000	77000	11000	11000
House rent	15000		20000	33000		44000
Utilities	1750		2500	3850		5500

The following perquisites and facilities admissible to the MP Scale holders in terms of Finance Division's division O.M No.3(7)R-4/98 DATED 18-08-1998 AND 01-09-1998, adopted by Government of KPK vide above circular letter dated 18-05-2002 letter 18-05-2002 are also still operative.

S#	Description	MP-I	MP-II	MP-III
		As admissible to civil servants of highest grade	As admissible to civil servants of the BPS-21	As admissible to civil servants of the bs-20
1	TA/DA on domestic official tour	As admissible to civil servants in category-I	As admissible to civil servants in category-II	As admissible to civil servants in category-II
2	TA/DA on domestic official duty abroad	Reimbursement of medical and hospitalization charges for self, spouse, and children for treatment received at Govt; or Govt, recognized institute in Pakistan		
3	Medical facilities			



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 30th May, 2014

38

Notification:-

No.FD (SO SR-1) 2-123/2014. In pursuance of Government of Pakistan, Finance Division O.M No.11(4)R-2/2011-1153/2013 dated 31-05-2013, the competent authority has been pleased to approve amendment in Rule 9 of Pay Revision Rules 1978 and sanction premature increment on up-gradation of posts w.e.f 28th January, 2002 onward, it would take effect from the actual date of up-gradation of each post or charge assumption of concerned employee whichever is later. Furthermore, Rule 9 of Pay Revision Rules 1978 shall stand amended with effect from the date and to extent indicated in Notification No.FD. S.O. (PRC)/1-2/77 dated 30-05-2014.

2. The employees already availed the benefit of one special advance increment granted vide this Department Notification No.SO (SR-1) 2-4/2008 dated 04-04-2009 and SO (SR-1) 2-123/2013 dated 31-03-2014 shall not be entitled for premature increment on their upgradation under Notification No.SO (FR) 7-2/2007 dated 28-07-2007

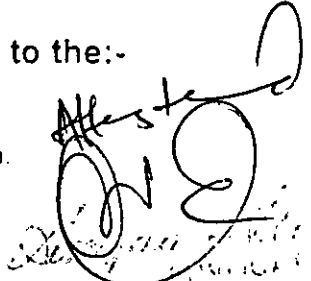
3. The pay of the concerned employee shall be fixed in accordance with premature increment and he shall not be entitled to any arrear in this behalf.

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Endst: No. & Date Even

Copy is forwarded for information & necessary action to the:-

1. PS to Addl: Chief Secretary, FATA.
2. All Administrative Secretaries, Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.
5. Accountant General, Khyber Pakhtunkhwa.
6. Secretary to Governor, Khyber Pakhtunkhwa.
7. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
8. Secretary provincial Assembly, Khyber Pakhtunkhwa.
9. All Heads of Attached Departments in Khyber Pakhtunkhwa.
10. Registrar, Peshawar High Court, Peshawar.
11. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
12. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
13. Registrar, Service Tribunal, Khyber Pakhtunkhwa.
14. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
15. Secretary to Government of Punjab, Sindh & Balochistan, Finance Department, Lahore, Karachi & Quetta
16. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Dir Khan.
17. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra & Dir Lower.
18. The Treasury Officer, Peshawar.
19. All District / Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
20. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
21. PSO to Chief Secretary, Khyber Pakhtunkhwa.
22. Director, Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
23. PS to Finance Secretary.
24. PAs to All Addl: Secretaries / Deputy Secretaries in Finance Department.
25. Director, FMIU with the request to upload the same Notification on website.
26. All Section Officers / Budget Officers in Finance Department.


SUPREME COURT


(WAZIR MUHAMMAD AFGAR)
Section Officer (SR-1)

33

39

بعدالت فیات سروس ٹریڈنگ لیساور

2023 منجانب اسٹیل انٹرنیٹ

16/10/2023

مورخہ:

مقدمہ: **مسٹر امجد علی ایڈووکیٹ**
دعویٰ: **سروس ٹریڈنگ لیساور**
جرم: **اسٹیل انٹرنیٹ**

سروس ٹریڈنگ لیساور

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام **لیساور** کیلئے **امجد علی ایڈووکیٹ** سپریم کورٹ آف پاکستان اسٹیل انٹرنیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی نقل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔
لہذا وکالت نامہ لکھ دیا کہ سنڈر رہے

المرقوم: 16/10/23
العبد: امجد علی ایڈووکیٹ

Amjad Ali Maroof
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Amind. Ali
SUPREME COURT

Amind. Ali (قسم) اسٹیل انٹرنیٹ