


FORM OF ORDER SHEET

Court of _____

Appeal No. 2080/2023

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. Mufcda Rahim 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. 2080 /2023

Mufeeda Rahim 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 adjustment/posting order dated 04.07.2016	A	4
3	Copy of the appointment order dated 12.07.1999	B	5-7
4	Copy of the personal upgradation order dated 25.5.2010	C	8-11
5	Copy of the departmental appeal dated 10.07.2023 along with post office receipt	D	12-13
6	Copies of judgments dated 04.03.2010 & 03.07.2009	E	14-19
7	Copy of judgment reported in PLD 1993 SC 187	F	20-25
8	Copy of the judgment reported in 2005 SCMR 499	G	26-34
9	Copy of the KP Civil Services Pay Revision Rules 1978	H	35-40
10	Wakalatnama		41

Through

Appellant


Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan

Dated: 17.10.2023

(1)

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 2080 /2023

Mufeeda Rahim 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 adjusted/posted as SST(G) at GGHS Kharkai Malakand vide adjustment/posting order dated 04.07.2016 (Copy of the adjustment/posting order dated 04.07.2016 is attached as Annexure A)
2. That appellant is appointed to the post of SET (BS-16) vide order dated 12.07.1999 (Copy of the appointment order dated 12.07.1999 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 25.05.2010 (Copy of the personal upgradation order dated 25.5.2010 is attached as Annexure C)

4. That despite the upgradation order dated 25.05.2010, appellant has not yet been given pre-mature increment and other consequential benefits and the appellant is being denied further promotion to BS-18.
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.

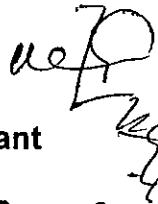
G. Because appellant has not been dealt with in accordance with law thereby infringing Article 4 of the Constitution of Pakistan 1973


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.

Through

Appellant 

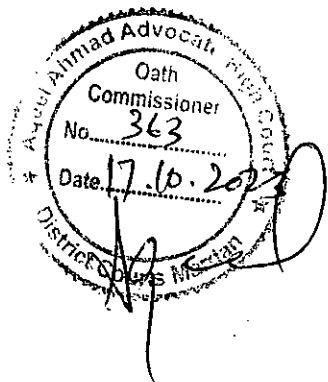

Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan

Dated: 17.10.2023


ADVOCATE
SUPREME COURT

AFFIDAVIT

I, Mufeeda Rahim 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.



Deponent 

Amjad Ali
 ADVOCATE
 SUPREME COURT

Aux-A
 (4)



**OFFICE OF THE
 DISTRICT EDUCATION OFFICER
 (F) MALAKAND AT BATKHELA.**

Telephone No. 0932-410283
 E-mail: emismalakand@yahoo.com

TRANSFER/ADJUSTMENT

The following Female SSTs (General) are hereby Transferred/ adjusted against the posts noted against each in the interest of public Service with immediate effect.

S #	Name of Teachers Desig:	From	TO	Remarks
1.	Mst:Rayat Begum SST (G)	GGCMS Aminabad	GGCMHS Thana	Against N/C Post.
2.	Mst:Nahid Wakeel SST(G)	GGCMS Palai	--do--	--do--
3.	Mst:Rizwana Zeb SST (G)	GGHS Pirkhel	--do--	--do--
4.	Mst:Naureen SST (G)	GGMS Jalalkot	--do--	--do--
5.	Mst:Seema SST (G)	GGHS NO.2 Batkhela	GGHS Badam Baghcha Thana	--do--
6.	Mst:Kausar Parvez SST Sc:	GGCMHS Thana	---	--do--
7.	Mst:Mufeeda Rahim SST (G)	GGMS Sorona	GGHS Kharkai	--do--
8.	Mst:Yasmeen Hasham SST	GGMS Baghdin kily	GGHS Dargai	--do--
9.	Mst:Jauhari Begum SST (G)	GGMS Sindano	--do--	--do--
10	Mst:Najma Begum SST (G)	GGHS Matkani	GGCMS Aminabad	V.S.NO.01
11	Mst:Rugia SST (G)	GGMS Piran Jolag:	GGHS Dheri Jolagram	Against N/C Post
12	Mst:Musrat Shah SST(G)	GGHS Totakan	GGHS Batkhela NO.1	--do--
13	Mst:Sheema SST (G)	GGMS Karkani	GGHS Batkhela NO.2	V.S.NO.15
14	Mst:Shumaila SST (G)	GGHS Pirkhel	GGHS Batkhela NO.2	Against N/C post
15	Mst:Rehana Hameed SST(G)	GGHS Batkhela NO.2	GGHS D/Allahdand	--do--
16	Mst:Hamia Bibi SST (G)	GGCMS Mohammad Patty	GGHS GU Khel	--do--
17	Mst:Rahila Bano SST(G)	GGHS Agra	GGHS Wartair	--do--
18	Mst:Nagina SST (G) working against Science post	GGHS Mehradi	GGHSS Sakhakot	--do--
19	Mst:Nagina SST (G)	GGMS Kachi Koper	--do--	--do--
20	Mst:Rukhsar SST (G)	GGHS Inzargai	GGHS Totakan	--do--
21	Mst:Nafees Begum SST(G)	GGCMS Agra	GGHS Totakan	V.S.NO.12
22	Mst:Ishrat Begum SST (G)	GGHS Matkani	GGMS Karkani	V.S.NO.13
23	Mst:Khairza SST(G)	GGHS Mekhband	GGHS Khar	Against N/C Post
24	Mst:Shahida Begum SST(G)	GGHS Bazdara Bala	GGHS Palai	--do--

NOTE:-

1. NO TA/DA is allowed.
2. Charge reported should be submitted to all concerned

(MST:DILSHAD BEGUM)
 DISTRICT EDUCATION OFFICER
 (FEMALE)MALAKAND AT BATKHELA

Endst No. 3823-26 /Transfer/SST(F) Dated Batkhela, the 09/07 /2016

Copy of the above is forwarded to the:

1. Director (E&SE) Khyber Pakhtoonkhwa, Peshawar .
2. The District Accounts Officer Malakand.
3. The Principal /Head Mistress Concerned..
4. Teachers Concerned.

[Signature]
 DISTRICT EDUCATION OFFICER
 (M & F)MALAKAND AT BATKHELA

Faridoon /Adjust./Doc:

ADVOCATE
SUPREME COURT

Better Copy

5

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, NWFP, PESHAWAR

NOTIFICATION:

Consequent upon their selection by the departmental selection committee, the Director Secondary Education NWFP, Peshawar is pleased to appoint the following trained graduate candidates against SET (Science/General) Posts at the schools against their names in BPS-16 (Rs. 2535-197-5450) plus usual allowances admissible under the rules with immediate effect subject to the following terms and conditions:

TERMS & CONDITIONS:

1. They will be governed by such rules and regulations as may be prescribed from time to time by the Govt. for the category of the Govt. servants to which they belong.
2. Their services will be liable to termination on one month's notice from either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
3. They should join the post within one month from the issuance of these orders.
4. Their inter-se-seniority will be determined in accordance with the merit fixed by the departmental selection committee.
5. They shall be on probation for a period of two years.
6. They shall be required to furnish copies of all their certificates/degrees along with the original receipts and photo copies thereof pertaining to the verification fee of the concerned examining body (Board/University) to the DEO's/AEO's concerned. The latter shall arrange verification of all the certificates/degrees of the appointees of their respective district/agencies and will issue a clearance certificate to each appointee for the release of his/her pay.
7. Fresh candidates are required to produce Health & Age certificate from the medical authority concerned before taking over charge, the service books of the in-service teachers must be checked by the Heads of the institution before handing over charge to them.
8. Complete informed on the prescribed proforma by submitted to this Directorate within a month.
9. Prescribed age limit for fresh candidates is 21-35 years.

B

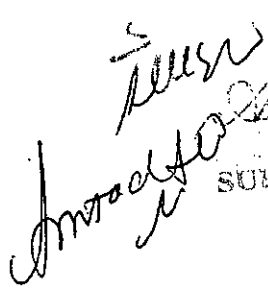
OFFICE OF THE DIRECTOR SECONDARY EDUCATION, N.W.F.P. PESHAWAR.

NOTIFICATION.

Consequent upon their selection by the Departmental Selection Committee, the Director Secondary Education, N.W.F.P., Peshawar is pleased to appoint the following trained graduate candidates against SET (Science/General) Posts at the Schools noted against their names in BPS-46 (Rs. 2535-197-5450) Plus usual allowances admissible under the rules with immediate effect subject to the following terms and conditions:-

TERMS & CONDITIONS.

1. They will be governed by such rules and regulations as may be prescribed from time to time by the Govt. for the category of the Govt. servants to which they belong.
 2. Their services will be liable to termination on one month's notice from either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
 3. They should join the post within one month from the issuance of these orders.
 4. Their inter-se-seniority will be determined in accordance with the merit fixed by the Departmental Selection Committee.
 5. They shall be on probation for a period of two years.
 6. They shall be required to furnish copies of all their certificates/degrees alongwith the original receipts and photo copies thereof pertaining to the verification fee of the concerned examining body (Board/University) to the DEOs/AEOs concerned. The latter shall arrange verification of all the certificates/degrees of the appointees of their respective District/Agencies and will issue a clearance certificate to each appointee for the release of his/her pay.
- Fresh candidates are required to produce Health & age certificate from the Medical Authority concerned before taking over charge. The Service Books of the inservice teachers must be checked by the Heads of the Institution before handing over charge to them. Complete information on the prescribed proforma be submitted to this Directorate within a month.
- Prescribed age limit for fresh candidates is 21-35 years.

Amir

 ADVOCATE
 SUPREME COURT

Better Copy

(6)

S. No.	Name/Address	Where Posted	Remarks
64.	Shaihda Zeenat D/o Sardar Ali CT GGMS Tootano Banda Swat.	GGMS Bara Duresh Khela Swat	GET G
65.	Mufeeda Rahim D/o Said Rahim Dargai Malakand agency	GGMS Malakand	-do-
66.	Salema Begum D/o Muhammad Ayub Thana Malakand	GGHS Balai, Malakand	-do-
67.	Shehzad ALia D/o Muhammad Qasim Jan Mingora Swat	GGHS Kus Duresh Khela Swat	-do-
68.	Nusrat Jabeen D/o Naib Kha Kambar Dir.	GGHS Kumbar Dir	-do-
69.	Shebnaz Begum D/o Roshan Dayar Aman Kot Swat	GGHS Swat	-do-
70.	Shad Fibi D/o Abdul Majeed Ghalyar Swat	GGMS Bar Sharwar	-do-
71.	Bibi Ruqia D/o Sher Bahader Madyan Swat	GGMS Koz Shower	-do-
72.	Farkhanda Anjum D/o Muhammad Siddiq Kabal Swat	GGHS Kabal, Swat	-do-
73.	Robina Naz D/o Islam Murad Danda Malkand Agency	GGMS Khan Pur Dir	-do-
74.	Shabnam Saddiq D/o Abu Bakar Saddiq Mingora Swat.	GGMS Shin Swat.	-do-
75.	ABida Shaheen D/o Muhammad Saddiq AKbar Abad B/Khel Malakand	GGMS Matkhani Mkd	-do-
76.	Kousar Hatim D/o AMir Hatim Jalogram Malakand	GGMS Manual	-do-
77.	Shahnam ALam D?o ALam Gir Ghalegay Swat	GGMS Sakhra Swat	-do-
78.	Azra Yasmin D/o Maqbool Hussain Thana Malakand	GGMS Shikhan	-do-
79.	Riyasat Ahmad D/o Ahmed Khan Mingora Swat.	GGMS Chamtalai	-do-
80.	Humaira Naz D/o Muhammad Ghani Dargai Malakand	GGMS Jabogai Mkd	-do-
81.	Ghazala Shabnam D/o Sherzanda Temigara Dir	GGHS Munda	-do-
82.	Hurmat Pari D/o Muhammad GHani Dargai Malakand.	GGMS Agra Mkd	-do-
83.	Sajida Nuzhat D/o Abdul Qayum Mingora Swat	GGMS Kalam Swat	-do-
84.	Nizakat Amber D/O Shah Gul Amber Saidu Sharif Swat	GGMS Zara Khela	-do-
85.	Asmin D/o Muhammad Sherin Dargai Malakand	GGMS Rehan Dir	-do-
86.	Salam Begum D/o Fazal Wahab	GGHS Odigran	-do-

S.No.	Name/Address.	SUPREME COURT/Where posted.	Name
64.	Shahida Zeenat D/O Sardar Ali CT GGMS Tootano Benda Swat.	GGMS Para Duresh Khela Swat.	-do-
65.	Mufeeda Rahim D/O Said Rahim Dargai Malakand Agency.	GGMS Malakand.	-do-
66.	Selma Begum D/O Muhammad Ayub Thana Malakand.	GGMS Dalai, Malakand.	-do-
67.	Shehzad Alia D/O Muhammad Qasim Jan Mingora Swat.	GGMS Kuz Duresh Khela Swat.	-do-
68.	Nuzrat Jabeen D/O Naib Khan Kambar Dir.	GGMS Kambar D. Dir.	-do-
69.	Shehnaz Begum D/O Roshan Dayar Asan Kot Swat.	GGMS Chumbago, Swat.	-do-
70.	Shad Bibi D/O Abdul Majeed Ghalyar Swat.	GGMS Bar Shawa.	-do-
71.	Bibi Ruzia D/O Sher Bahader Madyan Swat.	GGMS Koz Shawa.	-do-
72.	Farkhanda Anjum D/O Muhammad Siddiq Kabal Swat.	GGMS Kabal, Swat.	-do-
73.	Robina Naz D/O Islam Murad Danda Malkand Agency.	GGMS Khan Pur Dir.	-do-
74.	Shabaam Saddiq D/O Abu Bakar Saddiq Mingora Swat.	GGMS Shin Swat.	-do-
75.	Abida Shaheen D/O Muhammad Saddiq Akbar Abad B/Khel Malakand	GGMS Matkanai, Mkd.	-do-
76.	Kousar Hatim D/O Amir Hatim Jalegram Malakand.	GGMS Manyal.	-do-
77.	Shabnam Alam D/O Alam Gir. Ghalegay Swat.	GGMS Sakhr. Swat.	-do-
78.	Azra Yasmin D/O Maqbool Hussain Thana Malakand.	GGMS Shikhan.	-do-
79.	Riyasat Ahmed D/O Ahmed Khan. Mingora Swat.	GGMS Chantalai.	-do-
80.	Humaira Naz D/O Muhammad Ghani Dargai Malakand.	GGMS Jabegi Mkd.	-do-
81.	Ghezala Shabnam D/O Sherzada Temingara Dir.	GGMS Munda	-do-
82.	Hurmat Pari D/O Muhammad Zarin Thana Malakand.	GGMS Agra Mkd.	-do-
83.	Sajida Nuzhat D/O Abdul Qayum Mingora Swat.	GGMS Kalam Swat.	-do-
84.	Nizakat Amber D/O Shah Gul Amber Saidu Sherif Swat.	GGMS Zera Khela.	-do-
85.	Asmin D/O Muhammad Sherin Dargai Malakand.	GGMS Rehman Pur.	-do-
86.	Salam Begum D/O Fazal Wahab Dargai Malakand.	GGMS Gligram.	-do-

Amirullah Khan
ADVOCATE
SUPREME COURT

Better Copy

(7)

Endst No. 1098. 1839/14/aptt: 99

dated Peshawar the 12/07/99

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

1. Accountant General, NWFP, Peshawar with the remarks as per Sr. No. 5 below.
2. Director Primary Education, NWFP, Peshawar
3. Director of Education FATA, NWFP, Peshawar
4. All the Distt. Education Officers/Agency Mdu; Officer (M/F) concerned.
5. All the Distt. Accounts officers/agency accounts officers concerned with the request that the pay of the above appointees may not be released until and unless they produce a clearance certificate from their DEO's concerned regarding their verification of certifiates/degrees as mentioned at S.No 6 of the terms and conditions.
6. All the principales/Headmasters/ Headmistress/concerned.
7. Private Secretary to Honourable Minister for Education NWFP.
8. Private Secretary to secretary to secretary education, NWFP, Peshawar
9. Officials concerned.
10. P.A to Director Secy. Education, NWFP, Peshawar
11. Personal Files.

DEPUTY DIRECTOR
FOR DIRECTOR SECONDARY EDUCATION
NWFP, PESHAWAR

157-63-7/8

SUPREME COURT

7

Endat: No. 1098 * 1839 / 14/ Apr 99. Dto Peshawar the 12/7/99

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

1. Accountant General, NWFP, Peshawar with the remarks as per Sr.No.5 below.
2. Director Primary Education, NWFP, Peshawar.
3. Director of Education, E.M.M., NWFP, Peshawar.
4. All the Distt. Education Officers/Agency Edt: Officers (E/F) concerned.
5. All the Distt. Accounts officers/Agency Accounts Officers concerned with the request that the pay of the above appointees may not be released until and unless they produce a clearance certificate from their DDOs concerned regarding their verification of certificates/degrees as mentioned at S.No.6 of the terms and conditions.
6. All the Principals/Headmasters/Headmistresses concerned.
7. Private Secretary to Honourable Minister for Education, NWFP.
8. Private Secretary to Secretary Education, NWFP, Peshawar.
9. Officials concerned.
10. P.A to Director Secy. Education, NWFP, Peshawar.
11. Personal files.

DEPUTY DIRECTOR
FOR DIRECTOR SECONDARY EDUCATION
N.W.F.P. PESHAWAR.

12/7/99

[Handwritten signature]

BETTER COPY

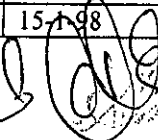
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT
Dated Peshawar 25.05.2010

NOTIFICATION.

NO.SO(PF)2-6/E&SED/DPCMTG/UPGRADATION/10: The Competent Authority on the recommendation of the Departmental Promotion Committee and in consultation with the Finance Department is pleased to allow up gradation from BS-16 to BS-17 (Personal) to the following 1013 Male SETs, 347 Female SETs and 1 Male SET (Tech) with immediate effect subject to the condition that the post of SET shall be downgraded from BS-17 to BS-16 as and when vacated by the incumbents:

1013 MALE SET (GEN)

S. No	Seniority List No.	Name of Officer	Date of appointment as regular SET	Present Place of Posting
1	1286(A)	Nazir ud Din	12.6.88	SET GHSS Shamoza Swat
2	1256	Muhammad Khalid	09.10.89	SET GHS Kholan Bala Haripur
3	1964(A)	Muhammad Naeem Shah	7.4.98	SET GHS Naryab Hango
4	2274A	Syed Jamil Ahmad Shah	11.1.91	SET GHS Ghera Bazran A.Abad
5	2330-b	Muhammad Zaman	27-07-91	SET GHS Khragi FR-Tank
6	2337(B)	Malik Jan	11.8.91	SET GHS Dara Adam Khel FR Kohat
7	2337(D)	Muhammad Riaz	15-04-93	SET GHSS Jamrud
8	2337(37)	Ahmad Khan	29-04-88	SET GMHS Sadda Khurram Agy
9	2337(38)	Ghulam Habib	20-04-88	SET GHS Ashkar Kot SWA
10	2337(39)	Taj Muhammad Khan	5-3-98	SET GHSS Kot Najeeb Ullah Haripur
11	2628	Muhammad Farooq Khan	10-11-94	ADO (ADEO) Fata
12	2708(10)	Faqir Muhammad	21-05-98	SET GHSS Tarnab Charsadda
13	2717	Mr. Fazle Khaliq	23-5-95	SET GHS Mullazai Tank
14	3489-a	Akbar Ali	10-2-96	SET GHS Hisara Bara Khyber Agency
15	3489-b	Kamil Khna	10-2-96	SET GHS Sani Khel, FR Kohat
16	3530	Mulazim Hussain	25-3-96	GHS No 2 Paharpur DIK
17	3714	Mr. Rafiq ul Ahmad	25-3-96	SET GCMS Chitral
18	4025(1)	Noorullah Jan	6-5-96	SET GHS Shagai, Khyber
19	4025(19)	Sultan Farooq	8-3-97	SET GEC Mir Ali NWA
20	4025(20)	Saad Ullah Khan	18-11-97	SET GMS Palangzai NWA
21	4027	Mr. Zia Ahmad	15-1-98	SET GHS Dheri Khattak Khel NSR
22	4030	Mr. Abdullah	15-1-98	GHS Batakara Swabi
23	4032	Mr. Masood ur Rehman	15-1-98	SETGHS Kanigoram SWA
24	4033	Mr. Mazhar Munir	15-1-98	GHSS No.4 DI Khan
25	4034	Mr. Mutahir Shah	15-1-98	SET GHS Tor Landi Swabi
26	4036	Mr. Munawwar Hussain	15-1-98	SET GHSS Abu Khel Lakki
27	4038	Mr. Shamsur Rehman	15-1-98	SET GHS No.3 Kohat
28	4042	Mr. Gulzar Khan	15-1-98	SET GHS Mall Khel Bala Nowshera
29	4043	Mr. Jehangir Khan	15-1-98	SET GHS No.1 Charsadda
30	4044	Mr. Ali Akbar	15-1-98	SET CCMH Battagram

Attest

Competent Authority
Elementary & Secondary Education Department
Peshawar



5-10-2010
 ADVOCATE
 SUPREME COURT

BPS 17

GOVERNMENT OF KHYBER PAKHTUNKHWA
 ELEMENTARY & SECONDARY EDUCATION
 DEPARTMENT

Dated Peshawar 25-05-2010

Aux - C

(8)

PROMOTION

NO.50(PF)2-G/E&SED/DPCMTG/UPGRADATION/10: The Competent Authority on the recommendation of the Departmental Promotion Committee and in consultation with Finance department is pleased to allow up gradation from BS-16 to BS-17 (Personal) to the following 1013 Male SETs, 347 Female SETs and 1 Male SET (Tech) with immediate effect subject to the condition that the post of SET shall be downgraded from BS-17 to BS-16 as and when vacated by the incumbents:

1013 MALE SET (GEN)

S.No	Sanctioned List No.	Name of Officer	Date of Appointment as Regular SET	Present Place of Posting
1.	1286(A)	Nazir ud din	12.6.99	SET GHSS Ghamozai Swat
2.	1766	Mohammad Khalid	09.10.99	SET GHS Kholan bala Haripur
3.	1904(A)	Muhammad Naeem Shah	7.4.00	SET GHS Naryab Hango
4.	2074 A	Syed Jamil Ahmad Shah	14.1.01	SET GHS Ghara Bazran A.Abad
5.	2330-b	Muhammad Zaman	27-07-01	SET GHS Khragi FR-Tank
6.	2337(W)	Malik Jan	11.3.01	SET GHS Dara Adam Khel FR Kohat
7.	2337(D)	Muhammad Riaz	15-04-03	SET GHSS Jamrud
8.	2337(C-7)	Ahmad Khan	29.04.03	SET GMHS Sadda Kurram Agy
9.	2337(J0)	Qhulam Habib	20-6-03	SET GHS Ashkar Kot SWA
10.	2337(M)	Taj Mohammad Khan	6.9.04	SET GHSS Kot Najeelb ullah Haripur
11.	2628	Muhammad Farooq Khan	10-11-04	ADO (AEO) Fala
12.	2700(10)	Faqir Mohammad	21.05.05	SET GHSS Tarnaali Charsadda
13.	2717	Mr. Fazil Khaliq	23-8-05	SET GHS Mullazai Tank
14.	3489-a	Akbar Ali	10-02-06	SET GHS Hsara Bara Khyber Agency
15.	3489-b	Kamil Khan	10-02-06	SET GHS Sani khel, FR Kohat
16.	3530	Mulazim Hussain	25-3-06	GHS No.2 Paharpur DIK.
17.	3714	Mr.Rafiq ul Ahmad	25-3-06	SET GCMS Chitral
18.	4025(1)	Noorullah Jan	6-5-06	SET GHS Shagai, Khyber
19.	4025(19)	Sultan Farooq	8-5-06	SET GEC Mir Ali NWA
20.	4025(20)	Saad Ullah Khan	19-11-06	SET GMS Palangzai NWA
21.	4027	Mr. Zia Ahmad	15-1-06	SET GHS Dheri khattak khol NSR
22.	4030	Mr. Abdullah	15-1-06	GHS Batakara Swabi
23.	4032	Mr. Masoodur Rehman	15-1-06	SETGHS Kanigoram SWA
24.	4033	Mr. Mazhar Munir	15-1-06	GHS No.4 DIKhan
25.	4034	Mr.Mulahir shah	15-1-06	SET GHS Tor Landl Swabi
26.	4035	Mr.Munawwar Hussain	15-1-06	SET GHSS Abu khol Lakki
27.	4036	Mr. Shamsur Rehman	15-1-06	SET GHS No.3 Kohat
28.	4037	Mr. Gulzar Khan	15-1-06	SET GHS Mall Khol Bula Nowshera
29.	4038	Mr. Jehangir Khan	15-1-06	SET GHS No.1 Charsadda
30.	4041	Mr. Ali Akbar	15-1-06	SET GCMH Ballagram

MASTERS
 Ghara Bala

(8)

BETTER COPY

9

266	1629	Noreen Naheed	12.7.99	SET GGHS Kala Killi Swat
267	1632	Akhtar Jabeen	12.7.99	SET GGHSS, Topi Swabi
268	1635	Abida	12.7.99	SET GGHS Hisar Buner
269	1636	Shaheen Naz	12.7.99	SET GGMS, Chami Kor M.Agy
270	1637	Jamila Begum	12.7.99	SET GCMS, Ghajli Kandar Khel Pesh
271	1639	Musarrat Begum	12.7.99	SET GGHS Saidu Sharif Swat
272	1644	Nazli Inayat	12.7.99	SET GGMS Baz Mohammad Kor Moh.Agy
273	1645	Zulaikha Bibi	12.7.99	SET GGMS, Hayat Khan Korona Khirgi FR Tank
274	1646	Baseerat Naz	12.7.99	SET GGHS Shankar Mahal Mardan
275	1650	Fauzia Begum	12.7.99	SET GGMS Maho Dheri Mardan
276	1653	Ihsania Shauib	12.7.99	SET GGHS Gumbad Mardan
277	1654	Naheed Mubarik	12.7.99	SET GGHS Pind Kamal Khan Haripur
278	1656	Bibi Sajida	12.7.99	SET GGMS Gul Bahar No 4 Pesh
279	1659	Saryaz Begum	12.7.99	SET GGMS Thar L.Dir
280	1660	Ghazala Shaheen	21-9-99	SET GGMS No 2 Mansara
281	1661	Robina Safi	12.7.99	SET GGHS Larama Pesh.
282	1663	Elizbith Begum	12.7.99	SET GGMS Goligram Swat
283	1664	Hamida Begum	12.7.99	SET GGMS Qambar Swat
284	1666(A)	Rehana Raza	19-3-96	SET GGHS No.2 NSR Kalan
285	1672	Rehana Sarwat	12.7.99	SET GGHS Turangzai Charsadda
286	1676	Naheeda	12.7.99	SET GGHS. Islamia Collegiate Pesh
287	1677	Tahira Batool	12.7.99	SET GGHS, Badhber Pesh
288	1678	Basmeen	12.7.99	SET GGHSS Kalu Khan Swabi
289	1679	Farzana Shaheen	12.7.99	SET GGHS Gudwalia Haripur
290	1681	Naheed Begum	12.7.99	SET ADO(F) Taimar Gara Dir(L)
291	1686	Ghazala Yasmin	12.7.99	SET GGHS, Skhakot Malakand
292	1687	Bakhti Bahar	12.7.99	SET GGHS Madain Swat
293	1688	Farida Shahzad	12.7.99	SET GGHS Gujar Garhi Mardan
294	1689	Robina Gulzar	21-9-99	SET GGHS Bagnetar A/Ahad
295	1691	Rahat Ilyas	12.7.99	SET GGHS Khairabad Nowshera
296	1692	Farah Naz	21-9-99	SET GCHS No 2 A/Abad
297	1693	Gul Naz Bibi	12.7.99	SET GGHS Sector No 3 KTS Haripur
298	1696	Shazia Anjum	12.7.99	SET GGHS Bara Line Pesh
299	1697	Bibi Sadia	12.7.99	SET GGHS Abooha Swat
300	1698	Shaheen	12.7.99	SET GGHSS Hathian Swat
301	1699	Rashida	12.7.99	SET GGHSS Shawa Swabi
302	1702	Saira Bano	12.7.99	SET GGHS No 1 Saidu Sharif Swat
303	1703	Sadaqat Begum	12.7.99	SET GGHS Qasmi Mardan
304	1706	Mumlikat Mumtaz	12.7.99	SET GCHS Nisata CHD
305	1707	Shahi Zeenat	12.7.99	SET ADO(F) Swat
306	1708	Mufeeda Rahim	12.7.99	SET GCMS, Sorona Malakand
307	1712	Nusrat Jabeen	12.7.99	SET GCMS, Nahaqi CHD
308	1713	Shahnaz Begum	12.7.99	SET GGHS, Mingora Swat
309	1715	Shad Bibi	12.7.99	SET GGHS Khwaza Khela Swat
310	1717	Bibi Ruqia	12.7.99	SET GGHS Behrain Swat
311	1721	Shahida Taskeen	21-9-99	SET GHS Khawari Manshera
312	1723	Toshiba Naz	21-9-99	SET GGHS, Phoolra Mashera
313	1724	Nargis	12.7.99	SET GGHS Manga Mardan
314	1726	Shabnam Sadiq	12.7.99	SET GGHS No 1 Mingora Swat
315	1727	Ghazala Noreen	12.7.99	SET GGHS Maneri Swabi

Attested
[Signature]
ADVOCATE
SUPREME COURT

266.	1629	Noreen Naheed,	12.7.99	SET GGHS, Kala kili Swat
267.	1632	Akhtu Jabeen,	12.7.99	SET GGHS, Topi Swabi
268.	1635	Abida,	12.7.99	SET GGHS, Hisar buner
269.	1636	Shahid Naz	12.7.99	SET GGMS, Chaml Kor M. Agcy
270.	1637	Jamila Begum,	12.7.99	SET GCMS, Ghajji Kandar khol Pesh
271.	1639	Mussarat Bequm,	12.7.99	SET GGHS, Saidu Sharif Swat
272.	1644	Nazli Inayat	12.7.99	SET GGMS Baz Muhammad kor
273.	1645	Zulaikha Bibi	12.7.99	Moh. Agy
274.	1646	Baseerat Naz	12.7.99	SET GGMS, Hayat Khan korona khirgi
275.	1650	Fauzla Begum	12.7.99	FR Tank
276.	1653	Ihsania Shauib	12.7.99	SET GGHS Shankar Mahal Mardan
277.	1654	Naheed Mubarik	12.7.99	SET GGMS Maho Dheri Mardan
278.	1656	Bibi Sajida	21-9-99	SET GGHS Gumbad Mardan
279.	1659	Saryaz Begum	12.7.99	SET GGHS Pind kamal Khan Haripur
280.	1660	Ghazala Shaheen	12.7.99	SET GGMS, Gul bahar No.4 Pesh
281.	1661	Robina safi	21-9-99	SET GGMS Thar L. Dir
282.	1663	Elizbith Begum	12.7.99	SET GGHS NO.2 Mansara
283.	1664	Hamida Begum,	12.7.99	SET GGHS Laraqa Pesh.
284.	1666 (A)	Rohana Raza	12-7-99	SET GGMS Goligram Swat
285.	1672	Rehana sarwat	18-3-99	SET GGMS Qambar Swat
286.	1676	Naheeda,	12.7.99	SET GGHS No.2 NSR Kalan
287.	1677	Tahira Batool	12.7.99	SET GGHS Turangzal Charsadda
288.	1678	Basmeen	12.7.99	SET GGHS. Islamia Collegiate Pesh
289.	1679	Farzana Shaheen	12.7.99	SET GGHS, Badhber Pesh
290.	1681	Naheed Begum,	12.7.99	SET GGHS, kaku Khan Swabi
291.	1686	Ghazala Yasmin	12.7.99	SET GGHS, Gudwalia Haripur
292.	1687	Bakht Bahar,	12.7.99	SET ADO (F) Taimar Gara Dir. (L)
293.	1688	Fanda Shahzad	12.7.99	SET GGHS, Skhakot Malakand
294.	1690	Rohana Gulzar	12.7.99	SET GGHS, Madain Swat
295.	1691	Rabna Ilyas,	21-9-99	SET GGHS, Gujar Ghari Mardan
296.	1692	Farah Naz,	12.7.99	SET GGHS, Duppahat A/Abad
297.	1693	Gul Naz Bibi	21-9-99	SET GGHS, Nwarabad Nowshera
298.	1696	Shazia Anjum	12.7.99	SET GGHS No.2 A/Abad
299.	1697	Bibi Sadia	12.7.99	SET GGHS, Sador No.3 KTS Haripur
300.	1698	Shaheen	12.7.99	SET GGHS Bara Ling Posh
301.	1699	Rashida	12.7.99	SET GGHS, Abooha Swat
302.	1702	Saira Uarid	12.7.99	SET GGHS, Halthan Mardan
303.	1703	Sadaqat Begum,	12.7.99	SET GGHS, Shawa Swabi
304.	1706	Munilikat Mumtaz,	12.7.99	SET GGHS No.1 Saidu Sharif Swat
305.	1707	Shahi Zeenal,	12.7.99	SET GGHS Qasmi Mardan
306.	1708	Mufeedj Rahim,	12.7.99	SET GGHS, Nisata CHD
307.	1712	Nusrat Jabeen,	12.7.99	SET ADO (F) Swat
308.	1713	Shahnaz Begum,	12.7.99	SET GCMS, Sorona, Malakand
309.	1715	Shad Bibi,	12.7.99	SET GCMS, Nahaqi CHD
310.	1717	Bibi Ruqia	12.7.99	SET GGHS, Mingora Swat
311.	1721	Shahida Taskeen,	12.7.99	SET GGHS, Khwaza Khela Swat
312.	1723	Toshiba Naz,	21-9-99	SET GGHS, Behrain Swat
313.	1724	Nargis,	21-9-99	SET GHS, Khawari Manshra
314.	1726	Shabnam Sidiq,	12.7.99	SET GGHS, Phoolra Manshra
315.	1727	Ghazala Noreen,	12.7.99	SET GGHS Manga Mardan
			12.7.99	SET GGHS No.1 Mingora Swat
			12.7.99	SET GGHS Maneri Swabi

HEAD OFFICE
G.H.S. D. Bala
Mard. Agcy.

BETTER COPY

(10)

316	1731	Azra Yasmin	12.7.99	SET GGMS Pishtakhara Payan Pesh
317	1732	Riyasat	12.7.99	SET GGHS Panr Swat
318	1733	Humaira Naz	12.7.99	SET GGMS Zoomandl horo shah Malakand
319	1734	Ghazala Shabnam	12.7.99	SET GGHS Lund Khwar Mardan
320	1735	Ruqia	12.7.99	SET GGHS Tour dher Swabi
321	1737	Sajida Nuzhat	12.7.99	SET GGHS Mingora Swat
322	1738	Nizakat Ambar	12.7.99	SET ADO Swat
323	1740	Falak Naz	12.7.99	SET GGHSS Shahbaz Garhi Mardan
324	1741	Salma Begum	12.7.99	SET GGHS Shaheen Camp Peshawar
325	1742	Nighat Seema	12.7.99	SET GHS Fata Directorate
326	1743	Hayat Begum	12.7.99	SET GGHSS Odigram Swat
327	1744	Naila Parveen	12.7.99	SET GGHSS Matta Swat
328	1745	Shakila Naz	12.7.99	SET GGHSS Skhakot Malakand
329	1746	Almas Begum	12.7.99	SET GGHS, Charbagh Swat
330	1748	Naila Parveen	12.7.99	SET GGHS Bara Durash Khel Swat
331	1749	Razia Taj	12.7.99	SET GGHSS Hathian Mardan
332	1751	Yasmin Bibi	12.7.99	SET GGHS Miana Malakand
333	1753	Nasim Akhtar	12.7.99	SET GGMS Surook Tor Chappar Fata
334	1754	Samina Yousaf	12.7.99	SET GGHS Suban Khawar Moh:Agcy
335	1755	Gul Pari	12.7.99	SET GGMS Wali Khel Fata
336	1757	Nabila Naz	12.7.99	SET GGHSS Karigar ghari Kh.Agcy
337	1758	Lubna Begum	12.7.99	SET GGMS Haryana Bala Pesh
338	1760	Syeda Rozina Kauser	12.7.99	SET GGHS Landi Arbab Pesh
339	1765	Amina Wazeer	12.7.99	SET GGMS Jamu Shahi Khel FR Kohat
340	1767	Khalida Jan	12.7.99	SET AAEO Mohd Agency
341	1772	Wahida Khan	12.7.99	SET AAEO Khyber Jamrud
342	1774	Zahida Bibi	12.7.99	SET GGMS Kohi Babara FR DIK
343	1776	Anila Zaheer	12.7.99	SET GGMS SRD M.Agy
344	1780	Noor Rabia	12.7.99	SET GGHS Subhan Khawar Moh.Agcy
345	1781	Farhat Amir	12.7.99	SET GGMS Baz Mohd Kor M.Agy
346	1782(A)	Nosheena Aziz	12.7.99	SET GGHSS Chamkani Pesh
347	1782(B)	Nur Jabeen	12.7.99	SET GGMS Sragala Kurram Agency FATA

1 MALE SET (TECH)

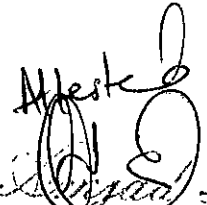
S. No	Seniority List No.	Name of Officer	Date of appointment as regular SET	Present Place of Posting
1	115 C	Mumtaz Khan	17-12-02	SET (TECH) GHS Latamber Karak

(SECRETARY TO GOVT OF KHYBER
PAKHTUNKHWA
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT)

Endst: of even no & date

Copy is forwarded to:

- 1) Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department, Peshawar
- 2) Special Secretary (Regulation), Establishment Department, Govt of Khyber Pakhtunkhwa Peshawar
- 3) Secretary to Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar
- 4) Secretary to Chief Minister Peshawar
- 5) PS to Chief Secretary Khyber Pakhtunkhwa


ADVOCATE
SUPREME COURT

316	1731	Azra Yasmin,	12.7.99	S.I. GGMS, Iqbalpur Puyun Push
317	1732	Riyazal,	12.7.99	SET GGHS, Punnr Swat
318	1733	Humaira Naz,	12.7.99	SET GGMS, Zommandi huro ahul Malakand
319	1734	Ghazala Shabnam,	12.7.99	SET GGHS, Lund khwar, Mardan
320	1735	Huzna,	12.7.99	SET GGHS, Tour dhor, Swabi
321	1737	Sajida Nuzhat,	12.7.99	SET GGHS, Mingora Swat
322	1738	Nizakat Ambar,	12.7.99	SET ADD Swat
323	1740	Falak Naz	12.7.99	SET GGHS, Shahbaz Ghari Mardan
324	1741	Salma Begum	12.7.99	SET GGHS, Shaheen Camp Poshawar
325	1742	Nighat Seema,	12.7.99	SET GHS, Fata Directorate
326	1743	Hayat Begum,	12.7.99	SET GGHS, Odigram swat
327	1744	Naila Perveen,	12.7.99	SET GGHS, Malta Swat
328	1745	Shakila Naz	13.7.99	SET GGHS, Skhakol Malakand
329	1746	Almas Begum,	12.7.99	SET GGHS, Charbagh Swat
330	1748	Naila Perveen,	12.7.99	SET GGHS, Bara Durash Khel Swat
331	1749	Razia Taj,	12.7.99	SET GGHS, Hathiyan Mardan
332	1751	Yasmin Bibi,	12.7.99	SET GGHS, Miana Malakand
333	1753	Nasim Akhtar,	12.7.99	SET GGMS, Surok Toor Chappar Fata
334	1754	Samina Yousaf,	12.7.99	SET GGHS, Suban Khawar Mohd Agy
335	1755	Gul Pari,	12.7.99	SET GGMS, Wali Khel, Fata
336	1757	Nabila Naz,	12.7.99	SET GGHS, Karigar, ghari Kh Agy
337	1758	Lubna Begum,	12.7.99	SET GGMS, Haryana Bala Pesh
338	1760	Syeda Rozina Kauser	12.7.99	SET GGHS, Londi Arbab Pesh
339	1765	Amna Wazeer	12.7.99	SET GGMS, Jamu shahi Khel FR Kohat
340	1767	Khalida Jan,	12.7.99	SET AAEO, Mohd Agency
341	1772	Wahida Khan,	12.7.99	SET AAEO, Khyber Jamrud
342	1774	Zahida Huda	12.7.99	SET GGMS, Koli Uubam FR DIK
343	1776	Anila Zaheer	12.7.99	SET GGMS SRD M. Agy
344	1780	Noor Rabia	12.7.99	SET GGHS, Subhan Khwar Mohd Agy
345	1781	Farhat Amir	12.7.99	SET GGMS, Baz Mohd kor M. Agy
346	1782(A)	Nosheega Aziz	12.7.99	SET GGHS, Chamkani Pesh
347	1782(B)	Nur Jabeen	12.7.99	SET GGMS, Sragala Kurram Agency FATA

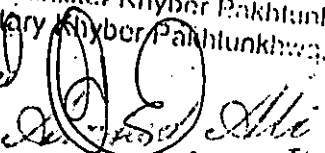
1 MALE SET (TECH)

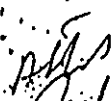
S.No	Seniority List No.	Name of Officer	Date of Appointment as Regular SET	Present Place of Posting
1	115 C	Mumtaz Khan	17-12-92	SET (TECH) GHS, Lalamber Karak

SECRETARY TO GOVT OF KHYBER
PAKHTUNKHWA
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

Endst; of even no. & date:
Copy is forwarded to:-

- 1) Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
- 2) Special Secretary (Regulation), Establishment Department, Govt of Khyber Pakhtunkhwa Peshawar.
- 3) Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar.
- 4) Secretary to Chief Minister Khyber Pakhtunkhwa.
- 5) PS to Chief Secretary Khyber Pakhtunkhwa.

Attested

ADVOCATE
SUPREME COURT


1.1.20

BETTER COPY

(11)

- 6) All Directors in Elementary & Secondary Education Department Khyber Pakhtunkhwa
- 7) Executive District Officers Elementary & Secondary Education concerned
- 8) The Accountant General Khyber Pakhtunkhwa
- 9) All District Accounts Officers/Agency Accounts Officers concerned
- 10) PS to Minister for Elementary & Secondary Education Department Khyber Pakhtunkhwa
- 11) PS to Secretary/Special Secretary/Additional Secretary E&SE Education Deptt Govt of Khyber Pakhtunkhwa
- 12) PA to Deputy Secretary (Admn) Elementary & Secondary Edu; Department Govt of Khyber Pakhtunkhwa
- 13) Officers concerned
- 14) Master file

(ARIF JAMIL)
SECTION OFFICER (PRIMARY)

Arif Jamil
Arif Jamil
ADVOCATE
SUPREME COURT

11

- 6) All Directors in Elementary & Secondary Education Department Khyber Pakhtunkhwa.
- 7) Executive District Officers, Elementary & Secondary Education concerned.
- 8) The Accountant General Khyber Pakhtunkhwa.
- 9) All District Accounts Officers / Agency Accounts Officers concerned.
- 10) PS to Minister for Elementary & Secondary Department Khyber Pakhtunkhwa.
- 11) PS to Secretary / Special Secretary / Additional Secretary E&S Edu: Deptt: Govt of Khyber Pakhtunkhwa.
- 12) PA to Deputy Secretary (Admn) Elementary & Secondary Edu: Department Govt of Khyber Pakhtunkhwa.
- 13) Officers concerned
- 14) Master file

[Handwritten Signature]

(ARIF JAMIL)
SECTION OFFICER (PRIMARY)

[Handwritten Signature]

[Handwritten Signature]

Director
Gara Bala
M.A. Agency

[Handwritten Signature]

ADVOCATE
SUPREME COURT

To

The Chief Secretary Khyber Pakhtunkhwa
Civil Secretariat Peshawar.

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 04/07/2016 I am Serving as SST(G) at GGHS Kharkai Malakand (Copy enclosed as Anx-A)
2. That vide order dated 12/07/1999 I was promoted to the post of SET (BS-16) (Copy enclosed as Anx-B)
3. That vide order dated 25/05/2010 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 25/05/2010 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

Yours faithfully,

Mufadda Bahim SGT

No. 1369

Rs. 38

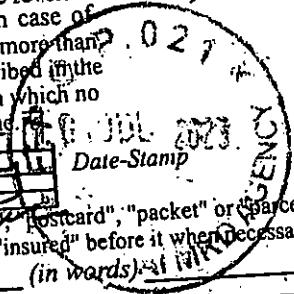
For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

(13)

Received a registered letter addressed to

Chief Secretary
L.P.P. Post Office

Date-Stamp



Initials of Receiving Officer with the word "insured" before it when necessary. (in words)

Insured for Rs. (in figures)

If insured.

Insurance fee Rs.	Ps. (in words)	Weight	Kilo
			Grams
Name and address of sender		10 7	2023

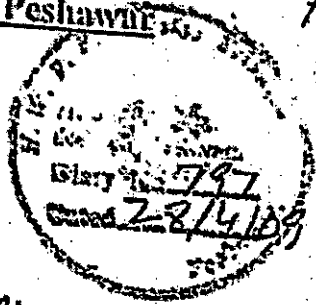
Sanjivani
ADVOCATE
SUPREME COURT

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

Aux-E

S.A. No. 699 / 09

Amjad Ali
ADVOCATE
SUPREME COURT



(14)

Abdul Iqbal Vs. Abdul Ghaffar /o. Mardani
Gms Fresh checker (Kutlay 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:-

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 16/01/2008.



Amjad Ali
ADVOCATE
SUPREME COURT

(E)

Date of order

2.

Order with signature of judge

3.

4.3.2010

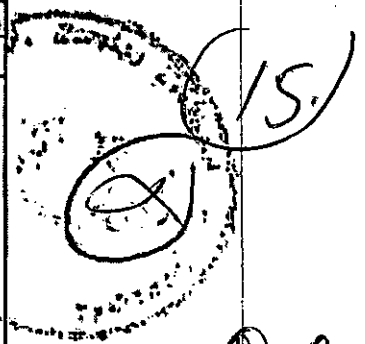
Counsel for the appellant and Arshad Alam AGP for the respondents present. Arguments heard.

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



ADVOCATE
SUPREME COURT

Handwritten signature and scribbles at the bottom left corner.

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

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.

ANNOUNCED.

4.3.2010.

(SYED MANZoor ALI SHAH) (ABDUL JALIL)
MEMBER. MEMBER.

16

ADVOCATE
SUPREME COURT

[Handwritten signature]

2005-10
1200
8
2/8
2005-10
2005-10

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 Bagli Mardan
(SET Government Central Model High School Bank Road, Mardan). (Appellant)



(17)

Amjad Ali
ADVOCATE
SUPREME COURT

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.

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

Amjad Ali
ADVOCATE

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.

(2) 18

Anjish Ali
ADVOCATE
SUPREME COURT

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

Anjish Ali
ADVOCATE
SUPREME COURT

19

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

Jd, Justice G. Jaisankar
CJ, Madhul Jaisankar

ST-138
[Signature]

319
1202
8
2
10
319
319

Amjad

P L D 1993 Supreme Court 187

Aux-F

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

(20)

Abdul Qadeer Chaudhry
ADVOCATE
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.

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 Provincial 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:-

(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

promoted on 5-3-1984 as
Additional District and Sessions
Judge.


ADVOCATE
SUPREME COURT

(24)

- (3)
- (4)
- (5)
- (6)
- (7)
- (8)

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,

Shuja Uddin
ADVOCATE
SUPREME COURT

(25)

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.

2005 S C M R 499

Amjad Ali Khan
ALIVOLA
SUPREME COURT

Aux - G
(26)

[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

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 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 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.

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 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) 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).

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

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

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)

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

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:—

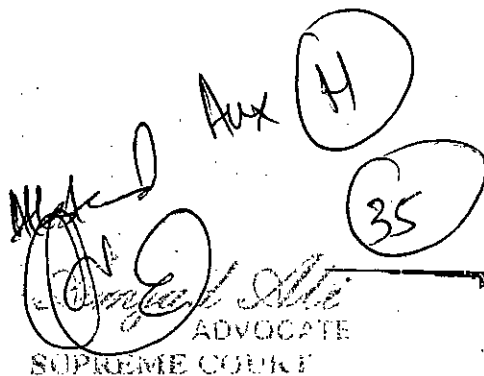
"Not only this it is now well-settled that under Order XLI, rule 33, C.P.C., that the High Court and under Order XXXIII, rule 5 of the Supreme Court Rules this Court, can exercise the appellate powers in favour of all or any of the respondents or parties although such respondents or parties may not have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

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.



 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 pay 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 existing 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

Handwritten signature and initials
ADVOCATE
SUPREME COURT

36

124

November of a calendar year will also avail the concession for option of re-fixation of pay. No. FD(PRC)1-1/2007 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)1-1/85-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)1-2/77 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)I-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-I)12-1/2011 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 :-

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
1	TA/DA on domestic official tour	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
2	TA/DA on domestic official duty abroad	As admissible to civil servants in category-I	As admissible to civil servants in category-II	As admissible to civil servants in category-II
3	Medical facilities	Reimbursement of medical and hospitalization charges for self, spouse, and children for treatment received at Govt; or Govt, recognized institute in Pakistan		



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

40

Dated Peshawar the 30th May, 2014

NOTIFICATION:-

No.FD. S.O. (PRC)/1-2/77. In exercise of the powers conferred by section 26, of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973, the Chief Minister of the Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Services Pay Revision Rules, 1978, the following amendment shall be made, namely:-

AMENDMENT

After rule 9, the following new rule shall be inserted, namely:

"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.

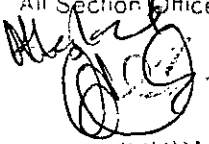
Provided that the pay of a Civil Servant, whose post is upgraded from 28th January, 2002 shall be fixed in accordance with the new increment and he shall not be entitled to any arrears in this behalf."

SECRETARY TO
GOVERNMENT 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 D.I. 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, FMU with the request to upload the same Notification on website.
- 26 All Section Officers / Budget Officers in Finance Department.


WAZIR MUHAMMAD AFGAR
Section Officer (SR-1)


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

بعدالتصاحب سروس ٹریڈ مارک کیس لاہور

55

41

2023ء منجانب سلاسلط

16/10/23

مورخہ:

مقدمہ:

دعویٰ:

جرم:

بنام:

حکومت

مضیہ رقم
سروس اینٹیل جی

باجوہت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے بیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان اور ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ

برحلاف 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

اوستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات 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 بیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنڈرھے۔

المرقوم:

16

16

16

المرقوم:

العجب

العجب

العجب

بمقام

Amjad Ali
ADVOCATE
SUPREME COURT
Allesha
Advocate
Mardar

فیس ہر آفیس

BC 105506

0321-9882434

0321-9870175

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، ٹسٹر کٹ کورٹس، مردان