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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 933/2018

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Ali Asghar Shah, Lecturer, Government College of Technology
Swabi. (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Industries
Department, Peshawar.
2. Chairman Khyber Pakhtunkhwa Technical Education and Vocational
Training Authority, House No. 5-771 Old Bara Road, University
Town Peshawar.
3. Managing Director, Khyber Pakhtunkhwa Technical Education and
Vocational Training Authority, House No. 5-771 Old Bara Road,
University Town Peshawar.
4. Chief Administrator, SSVTIs, KP-TEVTA, Peshawar.
.... (Respondents)

Mr. Fazal Shah Mohmand
Advocate ... For legal heirs


Mr. Muhammad Jan
District Attorney ... For respondents

Date of Institution.....16.07.2018
Date of Hearing.....19.10.2023
Date of Decision.....19.10.2023

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been
instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal,
Act 1974 with the prayer copied as below:

**“On acceptance of instant appeal the impugned
order vide order dated 31.05.2018 may kindly be set**



aside and respondents may kindly be directed to grant the appellant travelling allowance and additional charge allowance of the post he held w.e.f 24.11.2016 to 22.03.2018 .”

2. Brief facts of the case, as given in the memorandum of appeal, are that appellant was appointed as Instructor on 19.02.1995 and then was promoted as Senior Instructor BPS-17 on 24.02.2014. The appellant was transferred/posted as Senior Instructor to Government Skill Development Centre Balakot vide order dated 16.04.2014 and was assigned additional charge as Incharge Principal of Government Technical and Vocational Centre (Boys) Umerzai Charsadda vide order dated 24.11.2016.. The appellant holding additional charge and being incharge of the Centre, had to travel there time and again to look after the affairs of the said post till 27.02.2018 when his deputing order was withdrawn vide order dated 27.02.2018 and he relinquished charge of the said post on 22.03.2018. He filed departmental appeal for grant of additional charge allowance and travelling allowance, which was regretted; hence the instant service appeal

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that appellant has not been treated in accordance with law and rules. He further argued that appellant was assigned dual charge by the respondents and he repeatedly travelled to

Umerzai Centre to deal with its affairs, as such he is entitled to grant of

Travelling Allowance. He submitted that appellant's due right of T.A./Additional Charge allowance denied by the respondents without any omission or commission on his part. He therefore requested for acceptance of instant appeal.

5. Conversely, learned District Attorney for the respondents contended that the period during which appellant is claiming T.A./Additional Charge allowance, the Government Skill Development Centre Balakot was closed and it was not functional at that time. As appellant was not performing his duty at the said centre, therefore, he was assigned the duty as Incharge of GTVC, Umerzai as he was the resident of Swabi. He continued to draw his salary and allowances against his regular posting. He further argued that departmental appeal of the appellant was regretted under the law and the finding of the Ombudsman as his claim for TA/additional charge allowance were not honored.

6. Perusal of record reveals that appellant was performing his duties as Senior Instructor (BPS-17) when he was transferred and posted as Senior Instructor to Government Skill Development Centre Balakot District Mansehra vide order dated 16.04.2014. Appellant was deployed by the respondents as Incharge Principal of Government Teaching & Vocational Centre Boys Umerzai Charsadda vide order dated 24.11.2016. The said order of deputing appellant to Umerzai Charsadda was withdrawn vide order dated 27.02.2018 by the respondent. Appellant after relinquishing charge submitted his request to respondents for allocation of Budget and counter signing his T.A/DA bills. Appellant had given the details which are as under:



Sr. No.	Amount	Detail of Meeting	Date
1	7900/-	Prospectus Meeting	08.05.2016
2	7900/-	Attended PHC Peshawar	18.01.2016
3	13050/-	Maintenance of books/vouchers	16.02.2016 To 18.02.2016
4	7900/-	Attended PHC Peshawar	20.09.2016
5	7900/-	F.W.O Meeting	25.10.2016
6	7900/-	F.W.O Meeting	01.12.2016
7	7900/-	Revised Budget Meeting	11.01.2017
8	7900/-	BM2 Meeting	26.01.2017
9	11040/-	Revised Budget Meeting	12.02.2017
Total	79390/-		

It is evident from above details that appellant had attended above mentioned meetings and trainings which were essential for the department and department had itself nominated him for the same. So when appellant attended meeting and also gone through training for which either he was nominated or same was for the betterment of the department, therefore, in our humble view appellant was entitled for TA/DA of all the said meetings and trainings which are mentioned in his departmental appeal dated 10.05.2018.


7. Appellant was disallowed on the ground that his request was already rejected by Ombudsman. It is pertinent to mention here that appellant filed complaint to Ombudsman for grant of daily allowance, wherein appellant contended that he was deputed from Government Skill Development Centre

Balakot to Government Teaching & Vocational Centre Umerzai and performing his duties there from 24.11.2016 to 05.01.2017. Therefore, he be permitted for his daily allowance, which request of the appellant was turned down. In our humble view, Ombudsman is not the competent forum for deciding matters relating to T.A/D.A of civil servants therefore, finding of Ombudsman to this extent have no effect upon the right of appellant.

8. In view of the above discussion, we set aside impugned orders of the respondents and remit the matter back to respondents to decide it strictly in accordance with rules on the subject. Costs shall follow the event.

Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 19th day of October, 2023.*


(FAREEHA PAUL)
Member (E)

*Kaleemullah


(RASHIDA BANO)
Member (J)

ORDER

19th Oct, 2023

1. Appellant alongwith his counsel present. Mr. Muhammad Jan learned District Attorney for the respondents present.
2. Vide our detailed judgement of today placed on file, we set aside impugned orders of the respondents and remit the matter back to respondents to decide it strictly in accordance with rules on the subject. Costs shall follow the event. Consign.
3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 19th day of October, 2023.*


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)