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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

Service Appeal No.1562/2022

Munib-ur-Rehman.....Appellant.

VERSUS

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The District Comptroller Of Accounts, Abbottabad.
3. The Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Peshawar.
4. The Director, Directorate of E & S Education Department, Peshawar.
5. The District Education Officer Male Abbottabad.

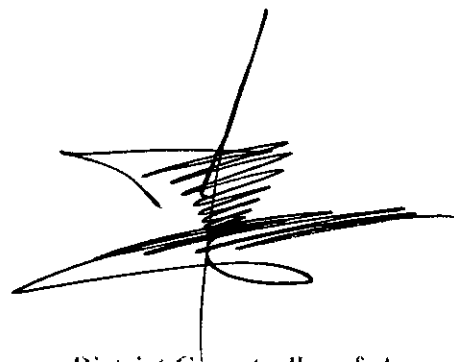
RESPONDENTS

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1 & 2

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Dated: _____/10/2023



**District Comptroller of Accounts
Abbottabad.**

Respondent No.02

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

Service Appeal No.1562/2022

Munib-ur-Rehman S/O Abdul Ghaffar (Ex.Assistant Director (P&D) Directorate of Curriculum and teacher Education (DCTE) Khyber Pakhtunkhwa Abbottabad) Now ASDEO Abbottabad r/o Muhallah Kohas, Village & Post Office Roper. Via Lora Tehsil & District Abbottabad.

.....Appellant.

VERSUS

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The District Comptroller Of Accounts, Abbottabad.
3. The Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Peshawar.
4. The Director, Directorate of E & S Education Department, Peshawar.
5. The District Education Officer Male Abbottabad.

RESPONDENTS

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1 & 2

Respectfully Sheweth:

Para wise comments on above mentioned case are submitted as under:-

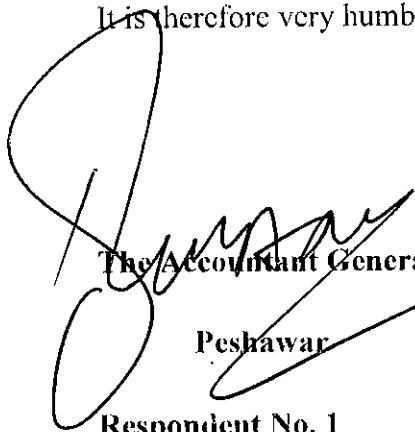
1. That the appellant actually appointed from the post of ASDEO(MC) B-16. through KP PSC to the post of Head Master B-17.
2. Pertain to record.
3. Pertain to record.
4. That the appellant admitted as his lien retention orders terminated by the notification dated: 24/02/2022 as annexure-D of the petition, so consequently he was due to disassociate with the post of ASDEO (MC) B-16 which in practical is reverse.
5. That the appellant very obviously admitted that he was retained lien on the post of ASDEO (MC) B-16, accordingly, his services on another post of Head Master B-17, admissible as officiating, because lien at on and same time is not permissible on two different post, through DAO very approximately fixed the pay of the officer concerned under the relevant provision of F.R.26 (c) applicable in this case (copy of the rule is attached as annexure-A).
6. Pertain to record.

.....Continued

GROUNDS

- a. That the DAO Abbottabad very honestly acted in the light of prevailing rules and order in the matter and F.R 26 (c) applicable as the officer retained lien on the post of ASDEO (MC) B-16 and rejoining of the same with his own will and options.
- b. That the DAO Abbottabad just carried out legitimate duty, dully confirmed/provided in the relevant rules as per F.R 26 (c) attached as annexure to Para 5 of facts as annexure A. Moreover, the retention of lien and reversion from the higher post to lower is subject to the petitioner own options and requests so accordingly no protection of pay provision is available from higher to lower post cases.
- c. That respondent acted in light of rules stated at Para 5 facts and Para (d) grounds above.
- d. That appellant is attempted to receive undue financial benefits by using as such proceeding.
- e. That said provision of article 4 and 25 of the constitution of Pakistan also provided to claims from public exchequer are subject to entitlement as per rules.

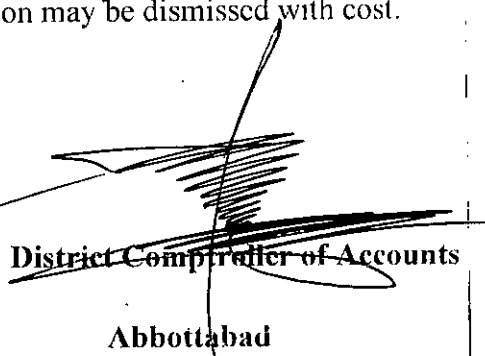
It is therefore very humbly prayed that petition may be dismissed with cost.



The Accountant General KPK

Peshawar

Respondent No. 1



District Comptroller of Accounts

Abbottabad

Respondent No. 2

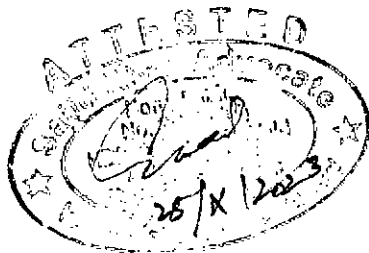
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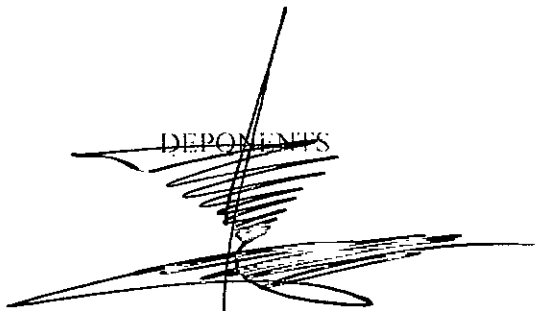
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Service Appeal No.1562/2022

AFFIDAVIT

I, Amanullah Khan, District Comptroller Of Accounts Abbottabad, do hereby solemnly affirm and declare that contents of forgoing comments are true and correct and nothing material has been suppressed from the honorable court.



DEPONENT'S


Amanullah Khan
District Comptroller of Accounts
Abbottabad.

Code No.

FSL - 04

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accordance with the Civil Services (Classification, Control and Appeal) Rules.

[Para. 5, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

***F. R. 26.** The following provisions prescribe the conditions on which service counts for increments in a time-scale : -

- (a) All duty in a post on a time-scale and periods of leave other than extraordinary leave count for increments in that time-scale : -

Provided that the President shall have power, in any case in which he is satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

- (b) Service in another post, whether in a substantive or officiating capacity, and service on deputation count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.
- (c) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in another post or to hold another temporary post which does not carry less pay than the pay of his original post, his officiating

*Revised and substituted by the G.P.M.F. Notification No. F. (1)-RI (RWP)/63, dt. 21st May, 1963. This has effect from 21st May, 1963.

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or temporary service in that post shall, if he is re-appointed to his original post, count for increments in the time-scale applicable to the original post. The period of officiating service in the other post to which the Government servant is appointed in an officiating or temporary capacity which counts for increment in the original post, is, however, restricted to the period during which the Government servant would have officiated in the original post but for his appointment to the other post. This clause applies also to a Government servant who was not actually officiating in the original post at the time of his appointment to the other post, but who would have so officiated had he not been appointed to the other post.

- (d) Foreign service counts for increments in the time-scale applicable to : -
- (i) the post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended,
 - (ii) any post to which he may receive officiating promotion under rule 113 below, for the duration of such promotion, and
 - (iii) the temporary post in Government service held at the times of proceeding on foreign service, if the Government servant concerned returns to that temporary post.

Government order. -

While sanctioning the creation of posts of Officer on Special Duty as

attached
Jm