

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

Execution Petition No. 630/2023
IN
Service Appeal No. 1276/2007

Sardar Irshad Ali & Others..... Petitioners

VERSUS

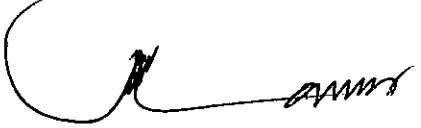
District Comptroller of Accounts & 4 Others Respondents

PARAWISE REPLY ON BEHALF OF RESPONDENT NO. 03 TO 05

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Dated: 11-11-2023


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD
(RESPONDENT NO. 5)

30-11-23
A. Abael.

/ 

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

Execution Petition No. 630/2023
IN
Service Appeal No. 1276/2007

Sardar Irshad Ali & Others.....Petitioners

VERSUS

District Comptroller of Accounts & OthersRespondents

PARAWISE REPLY ON BEHALF OF RESPONDENTS NO. 03 TO 05 Khyber Pakhtunkhwa
Service Tribunal

Respectfully Sheweth:-

Diary No. 9602

PRELIMINARY OBJECTION:-

Dated 29-11-23

1. That the petitioners have got no cause of action to file the instant execution petition.
2. That the judgments of August Supreme Court of Pakistan and this Honourable Tribunal have lost their efficacy for the purpose of implementation by clear intendment through section 2 (1) of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012 & vires of the Act have not been challenged before any forum. e
3. The Act was passed by the Provincial Assembly and assented by the Governor Khyber Pakhtunkhwa. The answering respondents are bound to obey the will of the legislature & cannot deviate from any provision of enactment.
4. That the legislator has authority to legislate as they have mandate to do so by a recognize process and services law do not provides the provision of judicial review, hence, execution petition is not tenable.
5. **That the petitioners were at liberty to join service after due process of law equivalent to his qualification & the Government is not bound to pay advance increment.**
6. That the instant execution petition is time barred under the Limitation Act No. IX of 1908. Hence, liable to be dismissed without any further proceedings.

7. That the instant execution petition is against the notification dated 27-10-2001 whereby, the basis of the claim of petitioners stood erased. In the year 2012 the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012 was promulgated which was made retrospective from 2001. Hence, the instant application is liable to be dismissed on this score alone.
8. That the instant execution petition is not maintainable in its present form.
9. That the petitioners have filed the present execution petition just to pressurize the respondents.
10. That the judgment of Honorable Peshawar High Court regarding the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012 has been set aside on 02-06-2021 and the matters are remanded to the High Court for re-deciding the writ petition afresh by the August Supreme Court of Pakistan and Honorable Peshawar High Court Peshawar in WP No. 3081-P/2021 & 06 other Writ Petitions having similar question of law and facts disposed on 14-06-2023 with the direction to respondent department to consider the case of petitioners only and others cannot claim such benefits having not agitated the matter at the relevant time. Hence, present petitioners cannot claim such benefits as they were not petitioners in that very writ petitions.

Factual objections:-

1. In reply to Para No. 1, of the execution petition it is submitted that the judgments of this Honourable Tribunal and August Supreme Court of Pakistan have lost their efficacy for the purpose of implementation by clear intendment through section 2 (1) of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012. Furthermore, August Supreme Court of Pakistan in CP No. 360 of 2013 held that a bare reading of sections Act No. IX of 2012 makes it crystal clear that whatever benefit the petitioner was claiming through the judgment dated 12-05-2009 has been nullified by the legislature through clear intendment in

unequivocal terms, while vires of the said Act have not been challenged before any forum. (Copy of the Act No. IX of 2012 and judgment of August Supreme Court of Pakistan dated 29-08-2013 are annexed as Annexure "A" & "B" respectively)

2. That the Para No. 2, of the execution petition is correct to the extent of promulgation of Act No. IX of 2012 while rest of the Para as composed is incorrect hence denied and not admitted. Further, submitted that the instant execution petition is against the notification dated 27-10-2001 whereby, the basis of the claim of execution petition stood erased. In the year 2012 the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012 was promulgated which was made retrospective from 2001.
3. In reply to Para No. 3, of the instant execution petition it is submitted that the judgment of Honorable Peshawar High Court regarding the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012 has been set aside on 02-06-2021 and the matters are remanded to the High Court for re-deciding the writ petition afresh by the August Supreme Court of Pakistan and Honorable Peshawar High Court Peshawar in WP No. 3081-P/2021 & 06 other Writ Petitions having similar question of law and facts disposed on 14-06-2023 with the direction to respondent department to consider the case of present petitioners only and others cannot claim such benefits having not agitated the matter at the relevant time. Hence, present petitioners cannot claim such benefits as they were not petitioners in that very writ petitions. (Copy of the judgment of August Supreme Court of Pakistan dated 02-06-2021 and Judgment of Peshawar High Court Peshawar dated 14-06-2023 are annexed as Annexure "C" & "D" respectively)
4. That the Para No. 4 of the Execution Petition as composed is incorrect hence, denied and not admitted. Detailed reply has already been given in Para No.3 of the factual objections.
5. That the Para No. 5, of the Execution Petition as composed is incorrect hence, denied as the instant execution petition is hopelessly time barred.
That the respondents seek leave of this Honourable Tribunal to raise additional grounds during the course of arguments.

Under the circumstances, it is humbly prayed that the instant execution petition may please be dismissed with cost.

AMEER SULTAN TARGEN

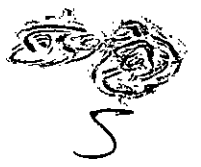
SECRETARY
FINANCE DEPARTMENT KHYBER PAKHTUNKHWA
PESHAWAR
✓ (RESPONDENT NO. 3)

SECRETARY
E&SED KHYBER PAKHTUNKHWA
PESHAWAR
(RESPONDENT NO. 4)

MOTASIM BILAL SHAH

Muhammad Tarek

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD
(RESPONDENT NO. 5)



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

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VERSUS

District Comptroller of Accounts & 4 Others Respondents

PARAWISE REPLY ON BEHALF OF RESPONDENT NO. 03 TO 05

AFFIDAVIT

I, Mr. Muhammad Tanveer, District Education Officer (Male) Abbottabad, do hereby affirm and declared on oath that contents of forgoing reply to application are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


 DEPONENT



**THE KHYBER PAKHTUNKHWA CESSATION OF PAYMENT OF ARREARS ON
ADVANCE INCREMENTS ON HIGHER EDUCATIONAL QUALIFICATION ACT,
2012.**

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, application and commencement.
2. Cessation of payment of arrears on advance increments on higher educational qualification.
3. Removal of difficulties.
4. Repeal.

7

**THE KHYBER PAKHTUNKHWA CESSATION OF PAYMENT OF ARREARS ON
ADVANCE INCREMENTS ON HIGHER EDUCATIONAL QUALIFICATION ACT,
2012.**

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)

*[first published after having received the assent of the Governor of
the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa
(Extraordinary), dated the 15th May, 2012].*

**AN
ACT**

*to cease the payment of arrears accrued on account of
advance increments on higher educational qualification.*

WHEREAS advance increments have been granted to certain Provincial Government employees on the basis of acquiring or possessing higher educational qualification over and above the prescribe educational qualification from time to time;

AND WHEREAS the Provincial Government vide Notification No. (PRC)1-1/2001, dated 27.10.2001, had already discontinued the scheme of advance increments on higher educational qualification;

AND WHEREAS due to financial constraints, it is not possible for Provincial Government to pay the claimed and unclaimed arrears accrued from the said increments;

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012.

(2) It shall apply to all the employees of the Provincial Government, who were entitled to received advance increments on higher educational qualification.

(3) It shall come into force at once and shall be deemed to have taken effect on and from 1st day of December, 2001.

2. Cessation of payment of arrears on advance increments on higher educational qualification.---(1) Notwithstanding anything contained in any decision, judgment and order of any Tribunal or Court including High Court or Supreme Court of Pakistan, for the purpose of any claim for payment of arrears on account of advance increments on higher educational qualification sanctioned in pursuance of any order, letter, office memoranda, notification, instructions and other instruments issued before 1.12.2001, such orders, letters, office memoranda, notifications, instructions and other instruments shall be deemed to be non-existent, ceased or revoked and no further claim whatsoever on the basis of these

instruments shall be entertained and all cases in respect of such claims pending in any Court or Tribunal including High Court and Supreme Court of Pakistan shall stand abated.

(2) Any order made, instruction issued, decision, judgment or order of any Court or Tribunal including a High Court or the Supreme Court, implemented immediately before the commencement of this Act, shall be deemed to have been validly made, issued and implemented by the date of commencement of this Act, and any amount already paid thereunder on account of advance increments or arrears thereof shall be deemed to have been validly paid and shall not be recoverable from the recipient Government employees.

3. Removal of difficulties.--- If any difficulty arises, in giving effect to the provisions of this Act, the Provincial Government may make such orders as it may deem just and equitable.

4. Repeal.---The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Ordinance, 2012 (Khyber Pakhtunkhwa Ordinance NO. I of 2012), is hereby repealed.

In the Supreme Court of Pakistan
(Appellate Jurisdiction)

Present:
Mr. Justice Anwar Zaheer Jamali
Mr. Justice Khilji Arif Hussain
Mr. Justice Ijaz Ahmed Chaudhry

Civil Petition No. 360 of 2013.
(on appeal from judgment of KPK Service Tribunal, Peshawar dated 30.1.2013, passed in implementation Petition No.49/2012)

Muhammad Haroon ...Petitioner
Versus
Executive District Officer, Elementary & Secondary Education Dept. Haripur, etc
... Respondents

Petitioner: In person.
For official respondents: Mr. Naveed Akhtar Khan, Addl.A.G. KPK.
Mr. Saeed-ur-Rehman, ADO (Edu.), Haripur.
Date of hearing: 29.8.2013

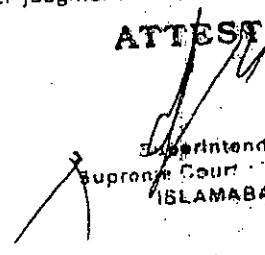
JUDGMENT

Anwar Zaheer Jamali, J.- By this petition under Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973, leave to appeal is sought by petitioner Muhammad Haroon against the order dated 30.1.2013, passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar (in short "the Tribunal"), whereby his implementation application No.49/2012, in service Appeal No.506/2009, was dismissed in view of sections-1 & 2 of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012 (Khyber-Pakhtunkhwa Act No.IX of 2012).

2. We have heard the arguments of petitioner. He has placed reliance on the earlier judgment of the Tribunal dated 12.5.2009, whereby he was held entitled for the benefit of advance increments on the basis of higher qualification. For this purpose, he has also placed reliance upon the judgment of this Court, reported as PIA Corporation v. Aziz-ur-Rehman Chaudhry (2011 SCMR 219).

3. As against it, learned Additional Advocate General KPK, Mr. Naveed Akhtar Khan, strongly contends that benefit of earlier judgment dated 12.5.2009,

ATTESTED


Superintendent
Supreme Court Pakistan
ISLAMABAD

through implementation application No.49/2012 filed before the Tribunal, cannot be allowed to the petitioner in view of the clear language of section-1 of Khyber Pakhtunkhwa Act No.IX of 2012, which has made its section-2 applicable with retrospective effect from 01.12.2001 and, thus, made the said judgment unimplementable.

4. We have considered the above noted submissions made before us by the petitioner and the learned Addl. A.G KPK and seen that indeed as per judgment of the Tribunal dated 12.5.2009, the petitioner was held entitled for the benefit of advance increments on the basis of his higher qualification, but such judgment has lost its efficacy for the purpose of implementation by clear Intendment through sections 1 and 2 of Khyber Pakhtunkhwa Act No.IX of 2012, which read as under:-

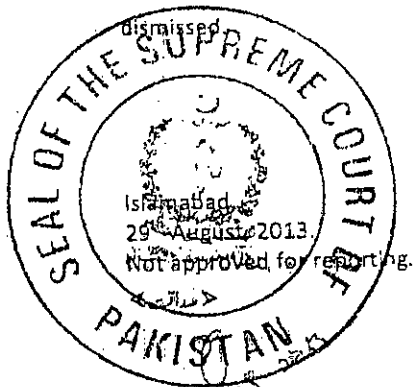
- 1. Short title, application and commencement. - (1) This Act may be called the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012.
- (2) It shall apply to all the employees of the Provincial Government, who were entitled to received advance increments on higher educational qualification.
- (3) It shall come into force at once and shall be deemed to have taken effect on and from 1st day of December, 2001.
- 2. Cessation of payment of arrears on advance increments on higher educational qualification. - (1) Notwithstanding anything contained in any decision, judgment and order of any Tribunal or Court including High Court or Supreme Court of Pakistan, for the purpose of any claim for payment of arrears on account of advance increments on higher educational qualification sanctioned in pursuance of any order, letter, office memoranda, notification, instructions and other instruments issued before 1.12.2001, such orders, letters, office memoranda, notifications, instructions and other instruments shall be deemed to be non-existent, ceased or revoked and no further claim whatsoever on the basis of these instruments shall be entertained and all cases in respect of such claims pending in any Court or Tribunal including High Court and Supreme Court of Pakistan shall stand abated.
- (2) Any order made, instruction issued, decision, judgment or order of any Court or Tribunal including a High Court or the Supreme Court, implemented immediately before the commencement of this Act, shall be deemed to have been validly made, issued and implemented by the date of commencement of this Act, and any amount already paid there-under on account of advance increments or arrears thereof shall be deemed to have been validly paid and shall not be recoverable from the recipient Government employees."

ATTESTED

Superintendent
Supreme Court
ISLAMABAD

5. A bare reading of the above sections from Khyber Pakhtunkhwa Act No.IX of 2012 makes it crystal clear that whatever benefit the petitioner was claiming through the judgment dated 12.5.2009, has been nullified by the legislature through clear intendment in unequivocal terms, while vires of the said Act have not been challenged before any forum.

6. This being the position, leave to appeal is refused and this petition is



Sd/- Anwar Zaheer Jamali, J
Sd/- Khilji Arif Hussain, J
Sd/- Ijaz Ahmed Chaudhry, J
Certified to be True Copy

[Signature]
4/9/13
Superintendent
Supreme Court of Pakistan
ISLAMABAD

10565/13

Civil/Criminal	
Date of Pre. Judgment	28.8.13
No. of W. ds.	910
No. of Folios	500
Requisition Fee Rs.	5.18
Copy Fee Rs.	10
Court Fee Rs.	49919
Stamp of Court	5-9-13
Date of delivery	
Received by	

CA.2139 of 2019, etc.

(in all cases)

Khyber Pakhtunkhwa
Fazal Khalq,
Lit. Officer/DEO Swabi
Iftikhar Ghani, DEO (M) Bunir
Shakir Ullah, S.O. (Lit),
F. Department, KPK

For Respondents
No.1, 2, 4 to 9, 12 to
14, 16 to 32 in
CA.2139 of 2019 : Mr. Muhammad Isa Khan Khalil,
ASC

Respondents in
CA.2140 of 2019 : Nemo

For Respondents
No.2 to 5 in CA.2141
of 2019 and 29, 32
and 33 in CA.2142 of
2019 : Mr. Amjad Ali, ASC a/w
Mr. Anis Muhammad Shahzad,
AOR

For Respondent No.1
in CA.2143 of 2019 : Mr. Muhammad Amir Malik, ASC
Syed Rifaqat Hussain Shah, AOR

Sole respondent in
CA.986 of 2020 : Mr. Misbah Ullah Khan, ASC

Respondent in CP.2-
P of 2020 : N.R.

Remaining
Respondents in all
C.As. : Nemo

Date of Hearing : 02.06.2021

ORDER

GULZAR AHMED, CJ. The learned Additional
Advocate General, Khyber Pakhtunkhwa (AAG), contends that in
the very writ petitions filed before the Peshawar High Court,
Peshawar (the High Court), the respondents have challenged the
vires of the Khyber Pakhtunkhwa Cessation of Payment of Arrears
on Advance Increments on Higher Educational Qualification Act
(Act No.IX) of 2012 (the Act of 2012), but no notice under Order

XXVII-A CPC was issued to the Advocate General, Khyber

ATTESTED

Senior Court Associate
Peshawar High Court
Islamabad

Pakhtunkhwa, which is the mandatory requirement of law in terms of judgment passed by a 14-Member Bench of this Court reported as Federation of Pakistan through Secretary, Ministry of Law, Justice and Parliamentary Affairs, Islamabad and others v. Aftab Ahmad Khan Sherpao and others (PLD 1992 SC 723). He further relies upon the judgments of this Court in the cases of Superintendent Central Jail, Adyala, Rawalpindi v. Hammad Abbasi (PLD 2013 SC 223) and Federal Public Service Commission and others v. Syed Muhammad Afaq and others (PLD 2002 SC 167).

2. The learned counsel appearing for the respondents were confronted with the issue, as raised by the AAG, who were unable to show that the High Court may have passed order complying with the mandatory requirement of Order XXVII-A CPC. The issuance of notice to the Advocate General being itself a mandatory requirement of law, as laid down in the above cited judgments of this Court, the High Court deciding the writ petitions without issuing of such notice and also declaring Section 2 of the Act of 2012, as ultra vires the Constitution was, therefore, not in accordance with the law, rather contrary to law as laid down by this Court in the above cited cases.

3. In view of the above, the impugned judgments are set aside and the matters are remanded to the High Court for re-deciding the writ petitions afresh, after issuing of notice under Order XXVII-A CPC to the Advocate General, Khyber

Associate Pakhtunkhwa, in accordance with law.

TESTED

[Signature]
of Court Associate
the Court of Pakistan

4. The appeals stand allowed, while the civil petition is converted into appeal and allowed, in the above terms.

5. As the matters are quite old, it is expected that the High Court will decide the same expeditiously, preferably within a period of four months.

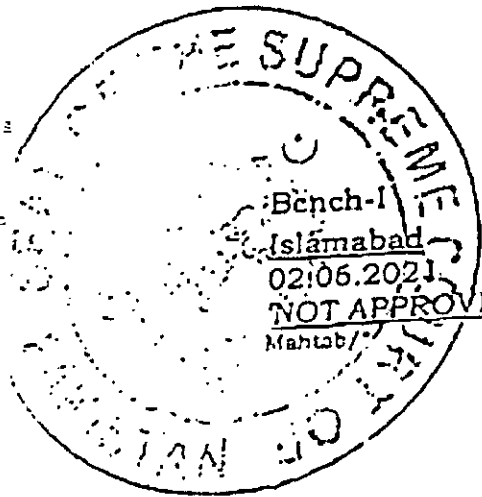
Sd/-HCJ

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Certified to be True Copy

Sax
Senior Court Associate
Supreme Court of Pakistan
Islamabad



GR No:	9485/2021	Civil/Criminal
Date of Presentation:	02.6.2021	
No of Words:	1200	
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Court Fee Stamp:	12.44	
Date of Completion:	5-6-21	
Date of Delivery:		
Compared by:		
Received by:		

Annexure 1D,

15

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P. No. 3001-P/2012 with CM No.1672-P/2022

Amayat Ullah Khan and others

Vs.

Government of Khyber Pakhtunkhwa through Chief
Secretary, Peshawar and others

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



JUDGMENT

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

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

~~ATTESTED~~
EXAMINER
Peshawar High Court

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Pakhtunkhwa through Secretary
Education, Peshawar and others
vi. W.P. No.1686-P/2021 filed, Ghandal
Khan Vs. District Education Officer
(Male), Peshawar and others

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

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

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

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

5. Arguments heard and record perused.

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

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Peshawar High Court

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

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

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

ATTESTED
EXAMINER
Peshawar High Court

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

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

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

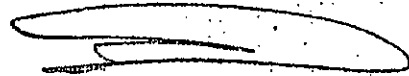
ATTESTED
PER EXAMINER

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

Announced
Dt:14.06.2023



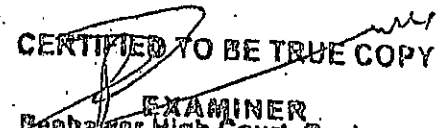
JUDGE



JUDGE

(DD) Hon'ble Mr. Justice Inz Anwar and Hon'ble Mr. Justice Syed Muhammad Attique Shah

Mokhammadulish


CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanoon-e-Shahadat Act 1984
17 JUL 2023

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

E.P No.630/2023 IN SERVICE APPEAL NO.1276/2007

Sardar Irshad Ali & Others..... Petitioners.

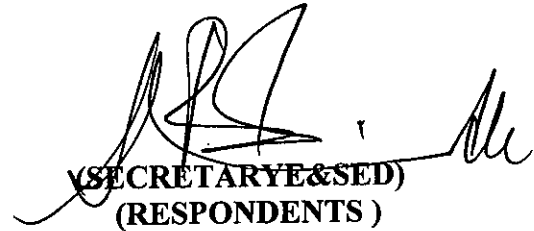
VERSUS

District Comptroller of Accounts & Others.....Respondents

PARAWISE REPLY ON BEHALF OF RESPONDENT NO.03 TO 05.

AUTHORITY LETTER

Mr. Muhammad Tanveer, District Education Officer (Male)
Abbottabad is hereby authorized to submit Parawise Reply in the subject tiled
Execution Petition on behalf of Respondents No.3 to 5.


(SECRETARY & SED)
(RESPONDENTS)