Junior to counsel for the appellant and Addl. AG for the respondents present. Senior counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 06.12.2017 before the D.B at camp court, Swat.

Merriber

Chairman Camp court, Swat

06.12.2017

Counsel for the appellant and Addl. AG alongwith Muhammad Saeed, SS for the respondents respondents present. Counsel for the appellant seeks adjournment to prepare arguments. Last opportunity is granted. To come up for arguments on 2012.2018 before the D.B at camp court, Swat.

Member

Camp court, Swat

02.01.2018

Counsel for the appellant and Addl. AG alongwith Muhammad Saeed, S.S for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today in connected service appeal No. 618/2014 entitled "Rahim Zada Vs. Secretary Education, Khyber Pakhtunkhwa, Peshawar and others", this appeal is also dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Member

Chairman Camp Court, Swat

<u>ANNOUNCED</u> 02.1.2018 07.11.2017

Counsel for the petitioner and Mr. Kabeerullah Khattak, Addl. AG alongwith Muhammad Saeed, SS and Muhammad Irshad, S.O for the respondents present. Arguments on restoration application heard and record perused.

Counsel for the petitioner argued that the appeal was dismissed in default on 04.10.2016 and when they filed the application for restoration of the appeal, he was directed by the office to attach the attested copy of the last order sheet. That he applied for the last order sheet on 10.10.2016 which was supplied to him on 02.11.2017 and on the same day he filed the present application for restoration of the appeal.

The reason shown by the learned counsel for the petitioner are that before dismissal of the appeal in default, this Tribunal issued notices to appellant/petitioner for 4.10.2017 but notices were received by them after the dismissal of the appeal.

The reasons shown by the learned counsel for the petitioner are sufficient and the application is also within time. Therefore, the application is accepted and the appeal is restored on its previous number. Entry be made in the relevant register. To come up for arguments alongwith connected appeals on 09.11.2017 before the D.B.

Camp Court, Swat

09.11.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 04.12.2017 before the D.B at camp court, Swat.

Member

Camp Court, Swat

06.12.2016

Agent of counsel for the appellant and Mr. Shafiqur Rahman, ADO alongwith Mr. Muhammad Zubair, Sr.GP present. Rejoinder not submitted and the bench is also incomplete, therefore arguments could not be heard. To come up for rejoinder and final hearing on 03.04.2017 before D.B at camp court, Swat.

Camp court, Swat.

03.04.2017

Clerk of the counsel for appellant and Mr. Muhammad Zubair, Senior Government Pleader for respondents present. Clerk of the counsel for appellant requested for adjournment on the ground that his counsel is not available. Adjourned. To come up for rejoinder and arguments on 07.08.2017 before D.B at Camp Court Swat.

(AHMAD HASSAN) **MEMBER**

(MUHAMMAD AMIN KHAN KUNDI) **MEMBER** Camp Court Swat.

07.08.2017

counsel for the appellant and Mr. Muhammad Zubair, District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 9.11.2017 before the DB at camp court, Swat.

Mømber

09.11.2017

Camp court, Swat Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 04.12.2017 before the D.B at camp court, Swat.

Chairman Camp Court, Swat



02.11.2015

None present for appellant. Mr. Muhammad Saeed, S.S alongwith Mr. Muhammad Zubair, Sr.GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 7.3.2016 at Camp Court Swat.

Chairnan Camp Court Swat

07.03.2016

None present for appellant. Mr.Wazir Muhammad Afgar, S.O for respondent No.5 alongwith Mr.Muhammad Zubair, Sr.G.P for all respondents present. Due to non-availability of D.B, appeal to come up for rejoinder and final hearing before D.B on 02.8.2016 at Camp Court Swat.

Chairman
Camp Court Swat

02.08.2016

Clerk of counsel for the appellant and Mr. Muhammad Saeed, SS alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Rejoinder not submitted. Requested for adjournment. Due to non-submission of rejoinder and non-availability of D.B arguments could not be heard. To come up for rejoinder and final hearing on 06.12.2016 before D.B at camp court, Swat.

Chairman

Camp court, Swat.

4.5.2015

Security & Process Fee

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as PST and on promotion to the post of C.T he was not given increment despite entitlement. That the appellant preferred departmental appeal on 29.4.2013 which was rejected on 4.4.2014 and hence the instant service appeal on 5.5.2014.

That the appellant is entitled to an annual increment on promotion and withholding of the same by the respondents is against law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 6.7.2015 at camp court Swat.

Chairman Camp Court Swat

6.7.2015

None present for appellant. M/S Muhammad Saeed, S.S and Irshad Muhammad, S.O alongwith Mr. Muhammad Zubair, Sr. G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 7.9.2015 at camp court Swat.

Chairman Camp Court Swat

07.09.2015

Agent of counsel for the appellant, M/S Muhammad Saeed, S.S and Muhammad Irshad, SO alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 2.11.2015 before S.B at Camp Court Swat.

Charman
Camp Court Swat

Dt: 02.03.2015

None present for appellant. Notice to counsel for the appellant be issued for 06.04.2015 for preliminary hearing at camp court Swat.

(CHAIRMAN) Camp Court, Swat

Dt: 06:04.2015

Counsel for the appellant present. Requested for adjournment as he is busy before Dar-ul-Qaza, Swat. Last opportunity granted. To come up for preliminary hearing before S.B on 04.05.2015 at campcourt, Swat.

CHAIRMAN
Camp Court, Swat.

04-08-2014

Counsel for the appellant present and request for adjournment on the ground that he could not establish contact with the appellant. The learned counsel for the appellant would be contacting the appellant so as to ascertain as to how for the recent notification of the provincial government with regard to grant of increment to the employees of the Education Department has bearing o-n the appeal of the appellant. To come up for preliminary hearing, as above, along with connected appeals at camp court swat on 13-10-2014.

Chairman

'Camp Court Swat

13.10.2014

Neither appellant nor counsel for the appellant present. Therefore, preliminary arguments, in the light of order sheet dated 04/08/2014, could not be heard. Notices be issued to the appellant and counsel for the appellant and a last chance is given for preliminary hearing, in the light of order sheet dated 04/08/2014, otherwise the appeal will be disposed of on the available record alongwith corrected appeals at camp court Swat on 05/01/2015.

05.01.2015

Counsel for the appellant present. The Tribunal is incomplete. To come up for preliminary hearing alongwith connected appeals at camp court Swat on 02.03.2015.

Reader.

Form- A FORM OF ORDER SHEET

Court of	·
•	
Case No	627 /2014

	Case No	627 /2014			
S.No.	lo. Date of order Proceedings Order or other proceedings with signature of judge or M Proceedings				
1	2	3			
1	05/05/2014	The appeal of Mr. Miraj Muhammad presented today by Mr. Jehangir Khan Advocate may be entered in the Institution			
		register and put up to the Worthy Chairman for preliminary			
		hearing.			
		REGISTRAR			
2	9-5-14	This case is entrusted to Touring Bench Swat for			
	, ,	preliminary hearing to be put up there on $04-8-2e14$.			
		CHAIRMAN			
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BEFORE THE SERVICE TRIBUNAL AT PESHAWAR K.P.K

Appeal No <u>627</u>/2014

Miraj Muhammad S/o Taj Muhammad C.T Teacher GHS Drush Khela swat.

....(Appellant)

VERSUS

Secretary Education K.P.K at Peshawar and others...(Respondents)

INDEX

S#	Description of documents	Annexure	Pages
1.	Menio of appeal		1-4
2.	Affidavit		5
3.	Memo of addresses	·	6
4:	copy of service book along with promotion order	Α	7-1/
5.	Copy of appeal	В	12-14
6.	Copy of the order dated 4/2/2014	C .	15
7.	Wakalat Nama		16

APPELLANT

Through

JEHANGIR KHAN ADVOCATE

High Court,

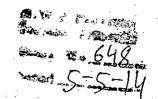
Office: opposite Swat Press Club

Mingora Swat,

Mobile No. 0323-9253242

BEFORE THE SERVICE TRIBUNAL AT PESHAWAR K.P.K

Appeal No. 627 /of 2014.



Meraj Muhammad S/o Taj Muhammad C.T GHS Drush Khela Swat. (Appellant)

VERSUS

- 1) Secretary Education K.P.K at Peshawar.
- 2) Director Education K.P.K at Peshawar.
- 3) Executive District Officer Education District Swat.
- 4) District Officer Education District Swat.
- 5) Secretary finance K.P.K at Peshawar.

.....(Respondent)

APPEAL U/S 4 SERVICE TRIBUNAL ACT AGAINST THE ORDER DATED 04-04-2014 OF THE RESPONDENTS NO. 3 & 4 WHEREBY THE APPEAL OF THE APPELLANT WAS REJECTED FOR GRANT OF ANNUAL INCREMENT.

PRAYER OF APPEAL:



On acceptance of this appeal the order dated 4/2/2014, may kindly be set aside and the appellant may kindly be granted the annual increment along with all back benefits and necessary entries may also be done in the service book of the appellant. Any other remedy / relief not specifically asked in this appeal and the appellant is entitled for that, the appellant be awarded.

Respectfully Sheweth:

- 1. That the appellant is serving as C.T GHS at Drush Khela Swat.
- 2. That the appellant was initially appointed as PST on 18/03/1990 and granted promotion to the CT post on 6/8/2002.(copy of service book along with promotion order is attached as annexure A).
- 3. That the appellant service book was in School and literacy department and a few days before the departmental representation, the appellant came to know that annual increment has not been granted to the appellant after promotion to the C.T post on 6/8/2002.
- 4. That the appellant filed departmental representation to respondent No.3, for granting of annual increment since date of promotion along with back benefits and necessary entries in the service book of the appellant.
- 5. That other school teachers have also file similar appeal before respondent No.3, for annual increments along with appellant.(Copy of appeal is attached as annexure B).
- 6. That the respondent rejected / dismissed the appeal of appellant on dated 4/4/2014, through letter No.3347-50. (Copy of the order dated 4/4/2014 is attached herewith as annexure C).
- 7. That the order dated 4/**4**/2014, of respondents No.3,4 is against law, justice, rules regulations, service laws, and natural justice, hence liable to be dismissed and the annual increments may kindly be granted to the appellant with all back benefits on the following grounds along with others.

GROUNDS OF APPEAL:

- i. That after completion of one year service in any government department, it is the right of employees to grant them annual increments therefore, the appellant is entitled for the grant of annual increments along with back benefits.
- ii. That according to service rules and government policy, the appellant is entitled for premature increment along with annual increment from the date of his promotion.
- iii. That some of the promoted candidates are awarded premature increment along with annual increment, therefore, the appellant is also entitled for the same.
- iv. That equal treatment and equality before law is the right of appellant.
- v. That the order of respondents No.3,4 is against natural justice, fair play, equal treatment and illegal.
- vi. That the respondents No.3,4 have not touched the relevant law, rules and regulations, while dismissing the appeal of the appellant, hence liable to be set aside.
- vii. That the appellant his served the school and literacy department whole heartedly, efficiently, punctually, hence entitled for annual increment and all other back benefits.

viii. That other grounds may be taken before this August court it the time of arguments along with relevant law.

It is therefore humbly prayed that on acceptance of this appeal the order dated 4/1/2014, may kindly be set aside and the appellant may kindly be granted the annual increment along with back benefits and necessary entries may also be done in the service book of the appellant. Any other remedy / relief not specifically asked in this appeal and the appellant is entitled for that, the appellant be awarded.

APPELLANT Maray Muliammad

Trough counset

JEHANGIR ADVOCATE

High Court,

5

BEFORE THE SERVICE TRIBUNAL AT PESHAWAR K.P.K

Appeal No	/2014
гърреш туо	 /ZU14 ·

Miraj Muhammad S/o Taj Muhammad C.T Teacher GHS Drush Khela swat..

....(Appellant)

VERSUS

Secretary Education K.P.K at Peshawar and others...(Respondents)

Miraj Muhammad S/o Taj Muhammad C.T Teacher GHS Drush Khela swat, do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Muraj muhanmæd DEPONENT

Miraj Muhammad



6

BEFORE THE SERVICE TRIBUNAL AT PESHAWAR K.P.K

•	-
	/2014
Appeal No	/ 11 V L A
AMPUL NO	//1114
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Miraj Muhammad S/o Taj Muhammad C.T Teacher GHS Drush Khela swat.

....(Appellant)

VERSUS

Secretary Education K.P.K at Peshawar and others...(Respondents)

MEMO OF ADDRESSES

Address of the Petitioner:

Miraj Muhammad S/o Taj Muhammad C.T Teacher GHS Drush Khela swat.

NIC No.

Cell No. 03439381956

ADDRESSES OF THE RESPONDENTS

- 1) Secretary Education K.P.K at Peshawar.
- 2) Director Education K.P.K at Peshawar.
- 3) Exegative District Officer Education District Swat.
- 4) District Officer Education District Swat.
- 5) Departmental promotion selection committee Education District Swat.
- 6) Secretary finance K.P.K at Peshawar.

93

Trough counsel

JEHANGIR ADVOCATE

High Court,

O Fazal Subhan CT. at Serial No: 35-71.

O Jamal-ud-Din CT- at serial No: 11

O Miraj Muhd CT- at Serial No: 35

OFFICE OF THE EXECUTIVE DISTRICT OFFICER LITTERACY & EDUCATION SWAT

NOTHECATION

Consequent upon the acvertisement in daily Mashriq dated 16-6-2002, selection by the District recruitment committee, representative of the Provincial govt. Education Department NWFP Peshawar and approved by the District Coordination Officer Swat dated 3-8-2002, The following in Service PTC teachers (C.T Trained) are hereby posted on vacant C.T post to the schools noted against each their name in BPS No-09 with effect from the date of their taking over charge in the interest of public service.

S. N	Name/post & School	F/Name	Marks Obtained	School where posted	Remarks
1	Khalilur Rahman PTC GMPS Baboo Maira.		74.03	GM5 Bar Bargin	A.V.CT Post
	thsanuliah PTC GPS Pardisha.	Muhd Shah	71.08	GHS,Kidam	-do-
3	Shabir Ahmad PTC GPS - Landay Kass K.Khela	Muhd Ali	71.03	GMS Tirat Dara	-do-
.,	Shah Da yran PTC GPS Kandaw	Sarfaraz Khan	70.37	GMS Lakhar	-do-
5	Muslilarddin PTC GPS Ussar	Mirajuddin	68.62	GMS Rameet	do
()	Riaz Ahmad PTC GPS Malòka	Muhd Yousaf	67.05	GHS Chail	-do-
- -	Inayatullah PTC GPS Sarbela	Sardar Khair	66.09	GHS Manai	1-do-
8	Aftab Hussain FTC GPS Sherpalem	Abdal Satta	66.04	GHS Behn	-do-
· ,	Chamái Gol PTC GPS Zoorkalay Babrain	Topai Khan	65.84	GHS Kidam	-de-
1;;	Abdut Rahman PTC GPS No-2 Achur	Abdullah	65.55	GHS K.Khela Batai	-00-1
ii '	Junainddin PTC GPS Chartai	Sarfaraz Klein	65.29	GMS Painday	-do-
12	Khalid Khan PTC GMPS Bar Kanju	Salim yın	65.23	GMS-Acharay	-do-
13	Muhammad Nagem PTC GPS Gogdara	Husnul Maab	65.10	GMS Asharay	-do- ;
1-1	Noor Rahman FTC GMPS Tirawoona Takhtaband	Amir Rahman	64.11	GHS Dardiyal	-do-
5	Salim lqbal PTC GPS Dand	Sargan	64,07	GUS Miandam	-(10-
(i	Fazal Azim PTC GPS No-1 Wadu-Jia	Taj Muhd	63.89	GMS Sigram	-do-
7	Abdul Wali PTC GPS Manai	Shuja **	63.77	GHS Monai	-do-
3	Faza! Subhan PTG GPS Lalo Banda	Muhd Rahmaa	63.40	GHS Sakhra	-do-
4)	Muhd Khan PTC GPS Hazara	Ghulam Haicar	63.35	GMS Bara Samai	-do-
0	Muhd Numeen PTC GPS Tindodag	Abdul Ghafoor	63.25	GMS Manpitar	-do-
	Muhd Ismail PTC GPS Jeckot	Abdul Ghafoér Khan	63.01	GMS Barbargin ,	-do-
	Parveen Ahmad PTC GPS Aligaratina	Shahi Khan	62.76	GHS Deolai	-do-

			.,		
23	Rohul Amin PTC Charra Baba	Muhd Amin Khan	62.74	GHS Shawar	-do-
2-1		Shaday	62.38	GMS Kabal Koo	-40-
-	Awarai Shin	Siladay	02.50	CIVIS Readal Roo	-40
123	Kawab Ali PTC Yakhtangay	Asfandyar	62.31	GHS Rahatkot	-00-
14,	Saced Ahmad PTC GPS No-	Muhd Yousaf	62,23	GHS Sakhra	-do-
1.	J Kuza Bandai	<u> </u>			
7	Muhd Ali Shah PTC GPS	Shoaib .	62.20	GHS Dardiyal	-do-
	Shahibagh Shailtand				
138	Hisanullah Khan PTC GPS Pathanay	Khurshid Room	62.10	GMS Lakhur	-dn-
1 9	to \$ 100 to the name of the transfer and	Zahir Shah	62.09	GMS Torwal	-do-
	Rebat Shah P1C GPS Ghakhi	Muhd Zahir Shah	62.05	GMS Lalkoo	-du-
i	Banda	Within Zain Bhan	02.03	CIVILI EUROO	1
131	Faroog PTC GPS Mulapatay	Peroz Shah	61.98	GMS Areen	-de-
3.	Mutasir Khan PTC GPS	Arsala Khan	61.98	GMS Areen .	-(10)-
:	Shahibagh Shalhand			5	1450
, , ,	Fazal Gul PTC GPS	Ahmad Gul	61.96	GHS Labat	-do-
	Kharaway Manglor				
	Miraj Muhd PTC GPS Sepina	Taj Muhd	.61.93	GMS Lalkoo	-00-
	Klipa				
3.5	Fazal Subhan PTC GPS	Muhd Amin	61.87	GHS Beha	-do-
;	Hussain Abad Darmai			Z 14 14 2 5 5 2	V
į liti	Fazal Subhan PTC GPS	Musufar	61.81	GHS Kidam	-do-'
	Pirpatay Shamsher Ali PTC GPS.Panr	Zafar Ali	61.80	GHS Sherpalam	-do-
38	Kishsar Ali PTC GPS	Raja Ghulam	61.61	GHS Kidam	-do-
	Baikot	Haidar '	01.01	CHI D KAMMI	, ,
, 39	Abdul Janut Khan PTC GPS	Bakhtmunir	61.57	GHS Dardiyal .	-do-
	Languar	;			
40	Fazal Subhan PTC GPS Mo-2	Fazal Ghani	61.51	GMS, Darolal	-do-
	Cambar		·		
. 41	Saminilah Khan PTC GPS	Shujaul Mull.	61.46	GHS Bahtain	·(lo-
	Chaira Baba Mund Lajbar PTC GPS Roria	Nulid Sadiq	.61.45	GMS Fagina	
 . 15	Ibrar Hussain PTC GPS	Muhd Jan Man	61.43	GMS Tirot Dara	-do: -do-
	Shamiray		01.45	Control of the contro	1
4.4	Miltahuddin PTC GMPS	Saifur Rahman	61.40	GHS Sakhra	-(10-
	Madyat		:		
45	Fazal Tawab PTC GPS	Fazl-ur-Rahim	61.36	GHS Kidam	-do-
	Zinkhanay				
-16	HimayatoHali PTC GPS	Kifayatullah	61.20	GHS Labat	··(I()-
	Fazal Abad Barikot			1	
-17	Usmah Ali PTC GPS Kasona	Muhd Zada	61.15	GMS Manpitai	-du-
43	Fazal Rahman PTC GPS	Fazal Ghani	61.08	GHS Matta	-do- , .
	Kokarai	Dable Zada	61.06	GMS Painday	-do-
49	Showkat Ali PTC GPS Sapina Khapa	Bakht Zada	61.06	Constantialy	TWO T
30	Muhd Ali PTC GPS Kuo	Azizur Rahman	61.00	GMS Farbat	-do-
	Malam Jaba	· · · · · · · · · · · · · · · · · · ·	1130	Abad	
51	Wazir Zada PTC GPS Bela	Said Bad Shah	61.00	GHSS-Kalam · ·	-do-
	Gabral Kalam				
52	Ataillah Shah PTC GPS No-	Muhd Sherin	60.97	GHSS Mankyal	-do-
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ξ.	Shadat Ali PTC GPS Kanju				
	chowk	Umar Finaz	60.22	GMS Toorwal	-do-
5.4	Fazal Wadud PTC GMPS Beraga	Muhá Zarin	60 84	OMS Kass	-(10-
	Rahmat Ali PIC GPS Bandar	Muhd Salan	[- 60.81	Manufor CiMS Ser Banda	- /
- <i>51</i> 4	Subhan Ali PTC GMPS Poladay	Ashrat Ali Khan	60,78	GHS Gwallrai	-do-
57 }	Muhd Yousuf PTC GPS Hazara Kabal	Hazrat Sahib	60.73	GHS Qalagay.	-do-
5	Mangul Tan	Rostarii Khan	60.70	GLIS Charma	-do-
	Nizamuddin PTC GMPS "Condit Ka's	Gulbar Mian	G(),69	GMS Chun Garrai	-do-
. (0)	A98b Khan PTC GP3 Balakot	Ajmal Khan	60.69	GMS Kass	-do-
/ :	+ Gul Faraz Khan PTC GPS Archalai	Fazal Karim	60.67	Manglor CiMS Chanchary	-da-
	Post Muhd PTC GMPS Gat Serai	Sherin	69.63	GMS Gat Peochar	-du-
63	Gul Mohd Khan PTC GPS Jehan Abad	Said Nawab	60,64	GMS Charma	do-
(1.)	Mian Aurang Zeb P4C GPS Darmar	Hamzallah Mian	60,60	GHS Sakhra	-do-
6; "	Anwar Has am PTC/GPS Sholgara (Disabat)	Uma Zuin	31.33	GHS Bahram	-dir.
30	****				(Disabat)

NO TA/DA is allowed.

Charge Report should be submitted to all concerned in duplicate.

(HUSNUL MAAR) ENECUTIVE DISTRICT OFFICER THERACY & EDUCATION SWAT

LITERACY & EDUCATION SWAT

	To All Control of the
THAPAL,N	o 1026-1837 F.No. A 12/Appit C/F-Swat Dated 03-08-2002.
	opy of the above is forwarded for information and necessary action to:
1-	The Necretary Schools & Literacy Education Department Gove of NWFP Peshawar war, to his No SO(SM-38/2001).
	to his No.SO(S)4-38/2001/Governor dated Peshawar the 8-6-2002.
	Phys Director Education 8.1.
. 3.	The Director Education Schools & Literacy NWTP Peshawar,
	the District Nazim Swit at Cit. Kada
.,.	The District Coordination Officer Swat at Gal Kada wir to his Approval Memo 840 2051.
	A STATE OF THE STA
\$.	The District Accounts Officer Swat at Saido Shara
(+-	The District Officer Secondary & Primary local office.
7.	The Dennity District O'S and Act M.
χ-	The Deputy District Officer (Male)Primary Education Swat at Gul Eagla.
 U	The ADOs Accounts & Inspection local office.
,.	The Principals/ Head Masters concerned with the remarks to submit this office photo
•	and the designed of certificates Le. SSC FA FSE BA BSC \$44 Kto Fore Builting and
	receipt of the above Named teachers for verification from the concert ed
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10-	The Supdit of local office.
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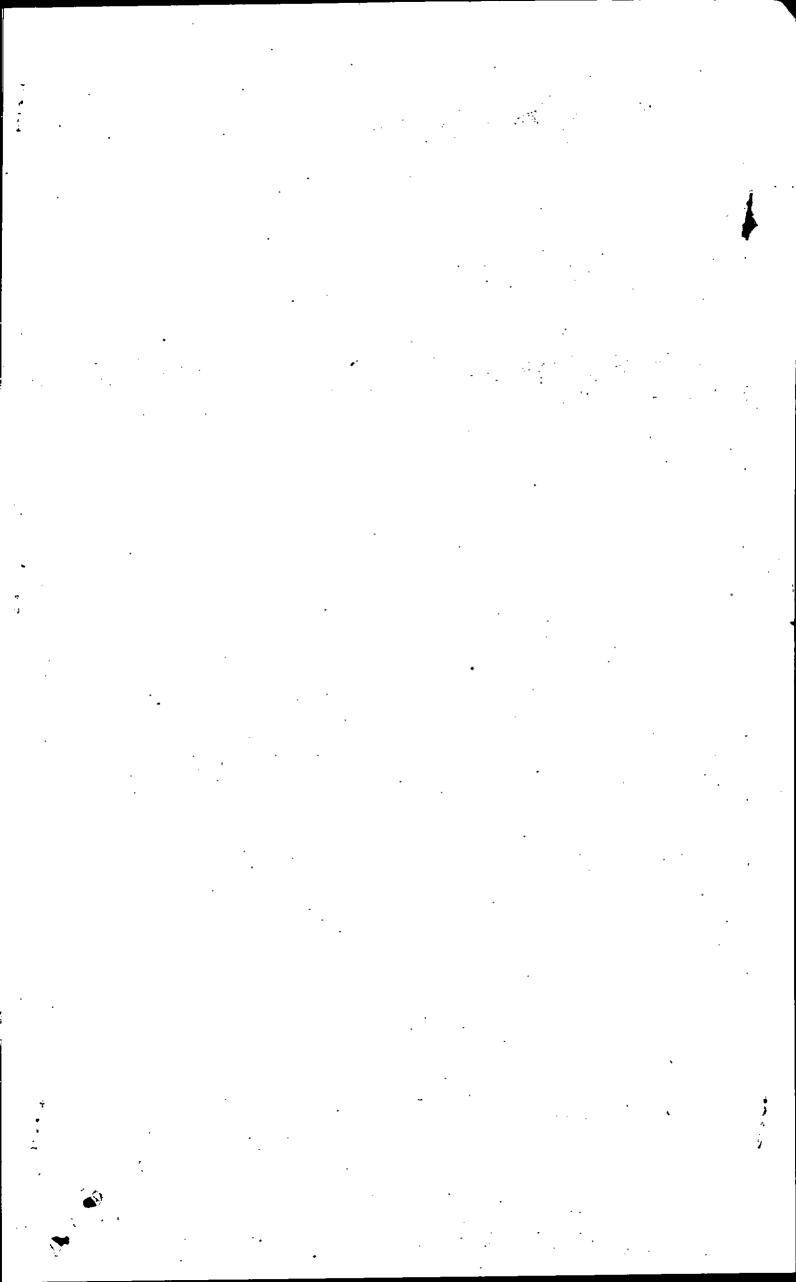
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]	Name Meret Mohammal.
2	
3.	Residence West vill Durshkhela Bela popurshkhel
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR SERVICE APPEAL NO 627/14

MIRAJ MUHAMMAD CT GHS DRUSHKHELA DISTRICT SWAT.

Appellant

VERSUS

Secretary Elementary & Secondary Education KP & others
Respondents

JIONT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

RESPECT FULLY SHEWETH

PRELIMINARY OBJECTIONS

- 1- The appellant has no locus standi /no cause of actions to file the instant appeal.
- 2- The appellant has not come to this Honorable Tribunal with clean hands.
- 3- The instant appeal is against the prevailing law, rules, and policies.
- 4- The appellant is estoped by his own conduct to file the instant appeal.
- 5- The instant appeal is not maintainable in the present form.
- 6- That the instant appeal is time-barred.

Factual Objections

1- That the appellant was appointed against CT Post as teacher on 06-08-2002. Therefore he is not entitled for the annual increment. That increment is granted on first December to a government employee. The condition for the annual increment is that minimum service in a particular scale must be at least six months upto 30th November.

The govt employee who is entered a particular pay scale on 1st June or prior is entitled to get the annual increment on 1st December. The Govt employees who are appointed on particular pay scale later than 1st June are not entitled to get annual increment.

As the appellant has not completed the condition of six months after his appointment against CT post, therefore he is not entitled. Copies of the appointment order and general conditions for the annual increment are attached as Annexure A & B.

- 2- That Para No 2 is related to the service record of the appellant hence needs no comments.
- 3- That the appellant service book was in office for pay fixation and other necessary entries.
- 4- That the departmental appeal was rejected by the respondents on the ground that the appellant was not entitled for the annual increment as clarified in para No. 1 copy of order is attach as Annexure C.
- 5- That the departmental appeals of other teachers of similar nature to the case with appellant were also rejected by the respondent.
- 6- That the departmental appeal was rejected by the respondents on the ground that the appellant was not entitled for the annual increment as clarified in para No. 1.
- 7- That the orders of respondents are not against law rules and justice. That the appellant was appointed against CT Post later then 1st June. Therefore he is not entitled for the annual increment. Annual increment is granted on first December to a government employee. The condition for the annual increment is that minimum service in a particular scale must be at least six months upto 30th November.

The govt employee who is entered a particular pay scale on 1st June or prior is entitled to get the annual increment on 1st December. The Govt employees who are appointed on particular pay scale later than 1st June are not entitled to get annual increment.

As the appellant has not completed the condition of six months after his appointment against CT post, therefore he is not entitled, as already clarified in para No. 1

GROUNDS

1. That the appellant was appointed against CT Post later then 1st June. Therefore he is not entitled for the annual increment. Annual increment is granted on first December to a government employee. The condition for the annual increment is that minimum service in a particular scale must be at least six months upto 30th November.

The govt employee who is entered a particular pay scale on 1st June or prior is entitled to get the annual increment on 1st December. The Govt employees who are appointed a particular pay scale later then 1st June are not entitled to get annual increment.

As the appellant has not completed the condition of six months after his appointment against CT post, therefore he is not entitled. As already clarified in para No. 1.

- 2. That the appellant has been granted all those benefits of CT Post for which he was entitled.
- 3. That the annual increments were granted only to those teacher who were entitled as clarified in para No. 1.
- 4. That the appellant has been treated according to the law.
- 5. That the orders of respondents are based on rules and not favorable to any one.
- 6. Not admitted and denied. That the appellant has been treated according to the law.
- 7. That Para No7 is related to the service record of the appellant hence needs no comments.
- 8. That the respondents also seek permission to raise additional grounds and proofs at the time of arguments before the honorable service tribunal.

In view of the above facts and circumstances, this Honorable Tribunal may very graciously be pleased to dismiss the present appeal with cost in favor of Respondents.

DISTRICT EDUCATION OFFICER

(MALE) DISTRICT SWAT

(For respondents No 3 & 4)

DIRECTOR

(E&SE) KHYBER PAKHTUNKHWA

AT PESHAWAR

SECRETARY

(E&SE) KHYBER PAKHTUNKHWA

AT PESHAWAR

fell **SECRETARY**

FINANCE KHYBER PAKHTUNKHWA

O Fazal Subhan C.T. at 2/16:35 35 35 0 Jamal-ud-Din C.T. at 31/16:35 35 0 Miraj Muhd C.T. at Berial No. 11 5 0 DEFICE OF THE EXECUTIVE DISTRICT OFFICER LITTERACY & EDUCATION SWAT

NOTIFICATION

Consequent upon the a vertisement in daily Mashriq dated 16-6-2002/ selection by the District recruitment committee, representative of the Provincial govt. Education Department NWFP Peshawar and approved by the District Coordination Officer Swat dated 3-8-2002, The following in Service PTC teachers (C.T Trained) are hereby posted on vacant C.T post to the schools noted against each their name in BPS No-09 with effect from the date of their taking over charge in the interest of public service.

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LITERACY & EDUCATION SWAT

1001/8

General Conditions for the Annual Increment

Feb 2nd, 2013 - by ShumailaKamal

28









<u>Annual increment</u> is that increment that is granted on 1st December to a Govt Employee. The employee may be regular or on contract basis. The condition for the **annual increment** is that minimum <u>service</u> in a particular scale must be at least 6 months.

The employee who is entered a particular scale on 1st June or prior is entitled to get the annual / increment. The employees who are appointed in a particular <u>pay scale</u> later than 1st June are not, entitled to get the annual increment.

The employees upgraded after 1st June are not entitled to get the annual increment. However they will get the annual increment if the special instructions by the competent authorities are issued in this regard. The example of this is that when the clerical staff was upgraded on 01-07-2007, the special instructions were issued by the competent authorities to grant the annual increments to these employees.

If the employees are promoted after 1st June they are not entitled to get the annual increment. However they can get the annual increment if they opt to fix their pay on 2nd December after getting annual increment in their previous scale. They must sign on an option certificate in this matter.

If a Govt employee retires on or after 1st June he will get annual increment in shape of Usual Increment

If an employee gets Selection Grade after 1st June, he/she can also get annual increment if he also opts to fix his pay on 2nd December after availing the annual increment in his/her previous pay scale on 1st December.

Related Posts:

- 1. Re-Fixation of Pay on Re-appointment after Allowing Annual Increment in the Previous Scale
 - 2. Grant of BPS-17 to Baluchistan Schools SSTs & Option to Pix Pay after Annual Increment
 - 3. Increase in Salary after Annual Increment 2014
 - 4. You Know the Benefits of Option Certificate on Promotion?

Reference

http://www.gixspace.com/2013/02/02/general-conditions-for-the-annual-increment/

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Annex-C

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWAT AT GUL-KADA

No________/ Saleem Ahmad /CT

Dated 4 4 / 2014

To

- 1. Mr. Saleem Ahmad CT GMS Segram Swat
- 2. Mr. Muhammad Khan CT GHS Drush Khela Swat.
- 3. Mr. Fazal Subhan CT GMS Sambat Swat
- 4. Mr. Jamal-ud-Din CT GHS Drush Khela.
- 5. Mr. Miraj Muhammad CT GHS Drush Khela Swat.
- 6. Mr. Aziz Ahmad CT GHSS Fateh Pur Swat.
- 7. Mr. Shahi Rahman CT GHSS Fateh Pur Swat.
- 8. Mr. Fazal Manan CT GHS Rahat Kot Swat.
- 9. Mr. Bashir Ahmad CT (Rtd) GMS Chancharay.
- 10. Mr. Mian Akbar Zeb CT GHS Rahat Kot Swat.
- 11. Mr. Mian Aurang Zeb CT GHS Sakhra Swat.
- 12. Mr. Rahim Zada CT GMS Lalkoo Swat.

Subject: -

APPEAL FOR THE GRANT OF ANNUAL INCREMENT.

Memo: -

Reference your Appeal No. Nil Dated Nil on the above subject cited above.

It is to inform you that you have been appointed against CT posts on your own request and not promoted to the said post. Therefore you are not entitled for exercising option on 1st December in the light of Finance department order no. KC/FD/ (SR-1)12-4/2010 Dated 05/05/2011. Hence your appeal is rejected.

DISTRICT EDIX ATION OFFICER (MALE) SWAT AT GUL-KADA

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWAT AT GUL-KADA

No________/ Saleem Ahmad /CT

oated 4 14 / 2014

To

- 1. Mr. Saleem Ahmad CT GMS Segram Swat
- 2. Mr. Muhammad Khan CT GHS Drush Khela Swat.
- 3. Mr. Fazal Subhan CT GMS Sambat Swat
- 4. Mr. Jamal-ud-Din CT GHS Drush Khela.
- 5. Mr. Mirai Muhammad CT GHS Drush Khela Swat.
- 6. Mr. Aziz Ahmad CT GHSS Fateh Pur Swat.
- 7. Mr. Shahi Rahman CT GHSS Fateh Pur Swat.
- 8. Mr. Fazal Manan CT GHS Rahat Kot Swat.
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DISTRICT EDUCATION OFFICE (MALE) SWAT AT GUL-KADA

DISTRICUEL (MALE) SWA

بعدالت من سروس مراك سوم براي سوم براي ماي مناور المسايك دوري

الما الم المان مناب المراسد مورخه استعلی مرد عرم بنام شرم با تعورز مقدمه وعوى يبل باعث تحريراً نك جرم

مقدمه مندرجه عنوان بالاميس اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقه آن مقام کنتها رر کینے کی منیر ایکے دسرو مقرركركے اقر اركياجا تاہے كەصاحب موصوف كومقدمه كىكل كاروائى كا كامل اختياط هوگا - نيز وكيل صاحب كوراضي نامه وتقرر ثالث وفيصله پرحلف دييخ جواب دی اورا قبال دعوی اور درخواست ہرقتم کی تصدیق زراوراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برامد ہوگی اورمنسوخ مذکور کے سل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کواپنی ہمراہ یا پنی بجائے تقرر کا اختیار ہوگا۔ اورصاحب مقرره شده كوبهى جمله مذكوره بالااختيارات حاصل هوينكے اوراسكاساخته برواختة منظور وقبول ہوگا۔اور دوران مقدمہ میں جوخر چہو ہرجانہ التوایے مقدمہ کے سبب ہے ہوگا اسکے ستحق وکیل صاحب ہو نگے۔ نیز بقایا وخرچہ کی وصولی کرتے وفت کابھی اختیار ہوگا اگر کوئی تاریخ پیثی مقام دورہ ہر ہویا حدیہ باہر ہوتو وکیل هاحب پابندنه موتکے کی پیروی مقدمه مذکورلهذاو کالت نامه کھے دیا ک سندر ہے 4 ob 14 milas muhamangist

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