# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT SWAT

Service Appeal No. 618/2014

Date of Institution...

05.05.2014

Date of decision...

02.01.2018

Rahim Zada son of Khan Zada, CT GMS Lalkoo Swat. ...

(Appellant)

#### Versus

1. Secretary Education Khyber Pakhtunkhwa, Peshawar.4 others

(Respondents)

MR. Jehangir Khan,

Advocate

For appellants.

MR. Kabirullah Khattak,

Addl. Advocate General,

For respondents.

MR. NIAZ MUHAMMAD HAMID MUCHAL

CHAIRMAN

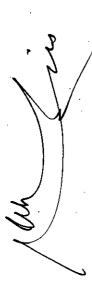
MR. MUHAMMAD HAMID MUGHAL, ...

**MEMBER** 

#### **JUDGMENT**

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall also dispose of connected service appeals No.382/2014 Amir Hussain, No. 383/2014 Ismail, No. 384/2014 Mustafa Yar, No. 385/2014 Muhammad Aqil, No. 619/2014 Shahi Rehman, No.620/2014 Jamalud Din, No. 621/2014 Bashir Ahmad, No. 622/2014 Muhammad Khan, No. 623/2014 Saleem Ahmad, No. 624/2014 Mian Aurang Zeb, No. 625/2014 Aziz Ahmad, No. 626/2014 Fazal Manan, No. 627/2014 Meraj Muhammad, and No. 692/2014 Fazal Subhan as in all the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.



### **FACTS**

3. The appellants were appointed as PST Teachers in the late 80's and were again appointed against CT posts as initial appointment on 18.09.2009. At the time of this initial appointment premature increment was awarded to the appellants. As 6 months service was not available in the post of CT, therefore, the appellants were not awarded annual increment under rule 7 of the Pay Revision Rules 1978. Against this the appellants filed a departmental appeals which were rejected on 04.04.2014 and thereafter the appellants moved the present service appeals.

#### **ARGUMENTS**

- 4. Learned counsel for the appellants argued that when the appellants were granted premature increment within the meaning of Rule 10 (1) (i) of the Pay Revision Rules, 1978 then they will be considered as promoted and their annual increments would also become due on 01.12.2009. The learned counsel for the appellants further pressed into service Rule 10 (3) of the Pay Revision Rules in his favor. Learned counsel for the appellant further contended that the appellants had a right of exercising option under rule which had not been allowed to the them.
- 5. On the other hand the learned AAG argued that appointments of appellants was though in a higher scale but as an initial appointment. In such a situation the initial appointees were not entitled even for premature increment under Rule 10 (1) (i) of Pay Revision Rules, 1978 but the Finance Department in order to benefit such employees and to remove this anomaly issued a notification on 16.06.1999 whereby all those employees initially appointed to a higher post



were granted premature increment at par with promotees under rule 10 (1) (i) of the Pay Revision Rules 1978. The rest of rule 10 which deals with the cases of promotion is not applicable to the initial appointees.

#### **CONCLUSION**

- Admittedly the appellants were appointed in BS-14 as initial appointees. Rule 10 as a whole deal with the fixation of pay on promotion. Under this rule the advantage was original extended to promotees only in the year 1978. This position continued upto 1999. In the year 1999 on the basis of the above mentioned notification such employees who were initially appointed to higher post were also extended the benefit of premature increments in line with the cases of promotees under rule 10 (1) (i) of the Pay Revision Rules 1978. The rest of the rule 10 was never applied to the initial appointees. The initial appointees can earn annual increment only when they have completed 6 months service on first day of December of the year of appointment under rule 7 of the Pay Revision Rules, 1978.
- 7. As a sequel to above discussion no case is made out and all these appeals are dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Chairman
Camp Court, Swat

(Muhammad Hamid Mughal) Member

ANNOUNCED 02.01.2018 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.

Member

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 2.01.2018 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, this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Member

WChairman Camp Court, Swat

<u>ANNOUNCED</u> 02.1.2018

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.

Chairman
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 Camb 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.

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

Member

Camp Court, Swat

Chairman



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.

Chairman Camp Court Swat

28

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



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.

CHARMAN 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, alongwith connected appeals at camp court swat on 13-10-2014.

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· 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 connected appeals at camp court Swat on 05/01/2015.

Camp Court Swat.

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.

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# Form- A FORM OF ORDER SHEET

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Case No	618 /2014	

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S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
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# BEFORE THE SERVICE TRIBUNAL AT PESHAWAR K.P.K

Appeal No 6/8 /2014

Rahim Zada S/o Khan Zada C.T Teacher GHS Lalko Swat.

....(Appellant)

### **VERSUS**

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

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S#\	Description of documents	Annexure	Pages
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<sup>2</sup> 2.	Affidavit		5.
3.	Memo of addresses	-	6
4.	copy of service book along with promotion order	Α	7-9_0
5.	Copy of appeal	. В	21-8
6.	Copy of the order dated 4/2/2014	C .	24-
<b>7</b> .	Wakalat Nama		25

APPELLANT

Through

JEHANGIR KHAN ÁDVOCATE

High Court,

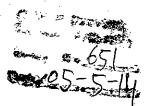
Office: opposite Swat Press Club

Mingora Swat,

Mobile No. 0323-9253242

# BEFORE THE SERVICE TRIBUNAL AT PESHAWAR K.P.K

Appeal No. 618 /of 2014.



Rahim Zada S/o Khan Zada C'	Γ GMS Lalkoo 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 4/4/2014, 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 Lalko Swat.
- 2. That the appellant was initially appointed as PST and granted promotion to the C.T post on 18/9/2009. (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 18/09/2009..
- 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 \$789-99 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/**2**/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.

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#### 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 4/4/2014, 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

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Trough counset

JEHANGIR ADVOCATE

High Court,

# BEFORE THE SERVICE TRIBUNAL AT PESHAWAR K.P.K

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Rahim Zada S/o Khan Zada C.T Teacher GHS Lalko Swat.

....(Appellant)

### **VERSUS**

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

# <u>AFFIDAVIT</u>

Rahim Zada S/o Khan Zada C.T Teacher GHS Lalko 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.

DEPONENT

Rahim Zada

# BEFORE THE SERVICE TRIBUNAL AT PESHAWAR K.P.K

Appeal No \_\_\_\_\_/2014

Rahim Zada S/o Khan Zada C.T Teacher GHS Lalko Swat

....(Appellant)

#### **VERSUS**

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

# MEMO OF ADDRESSES

# Address of the Petitioner:

Rahim Zada S/o Khan Zada C.T Teacher GHS Lalko Swat NIC No.

Cell No. 0345-945-9114.

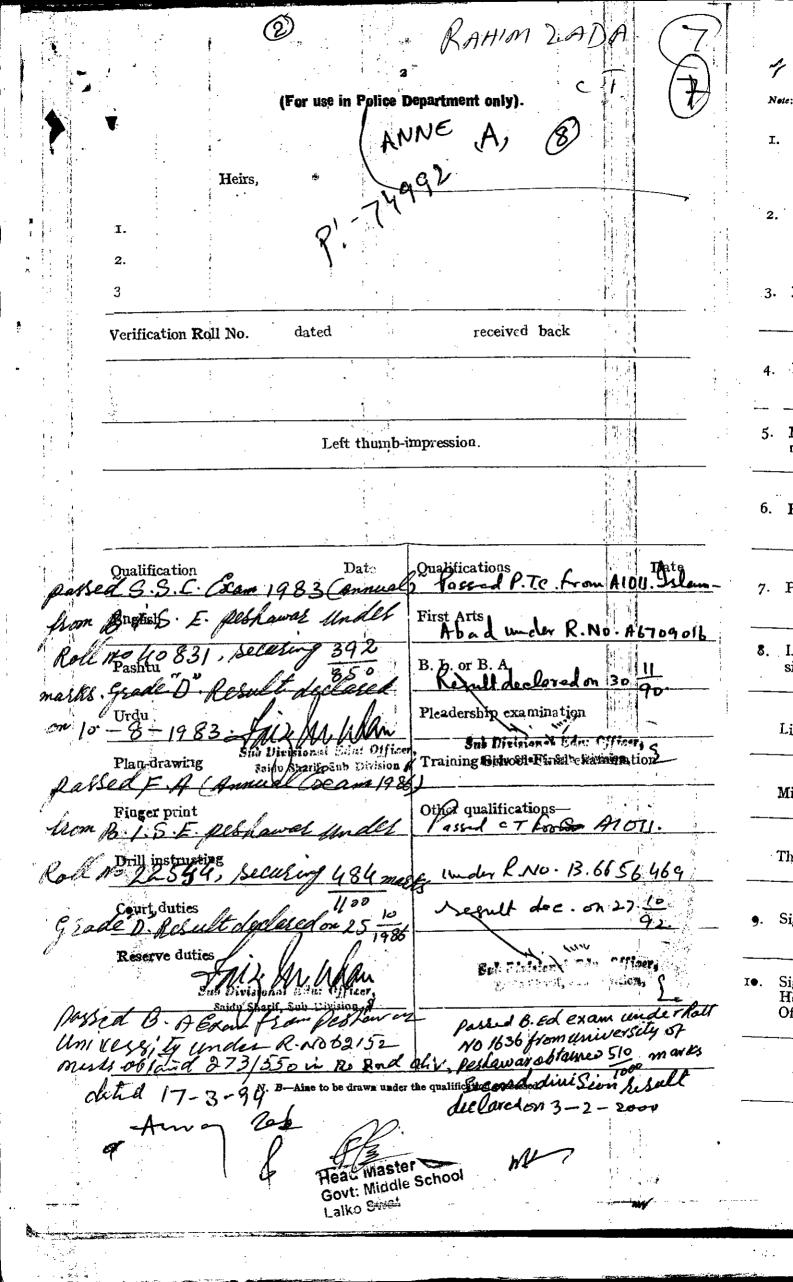
# ADDRESSES OF THE RESPONDENTS

- 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) Departmental promotion selection committee Education District Swat.
- 6) Secretary finance K.P.K at Peshawar.

Trough counsel,

JEHANGIR ADVOCATE

High Court,



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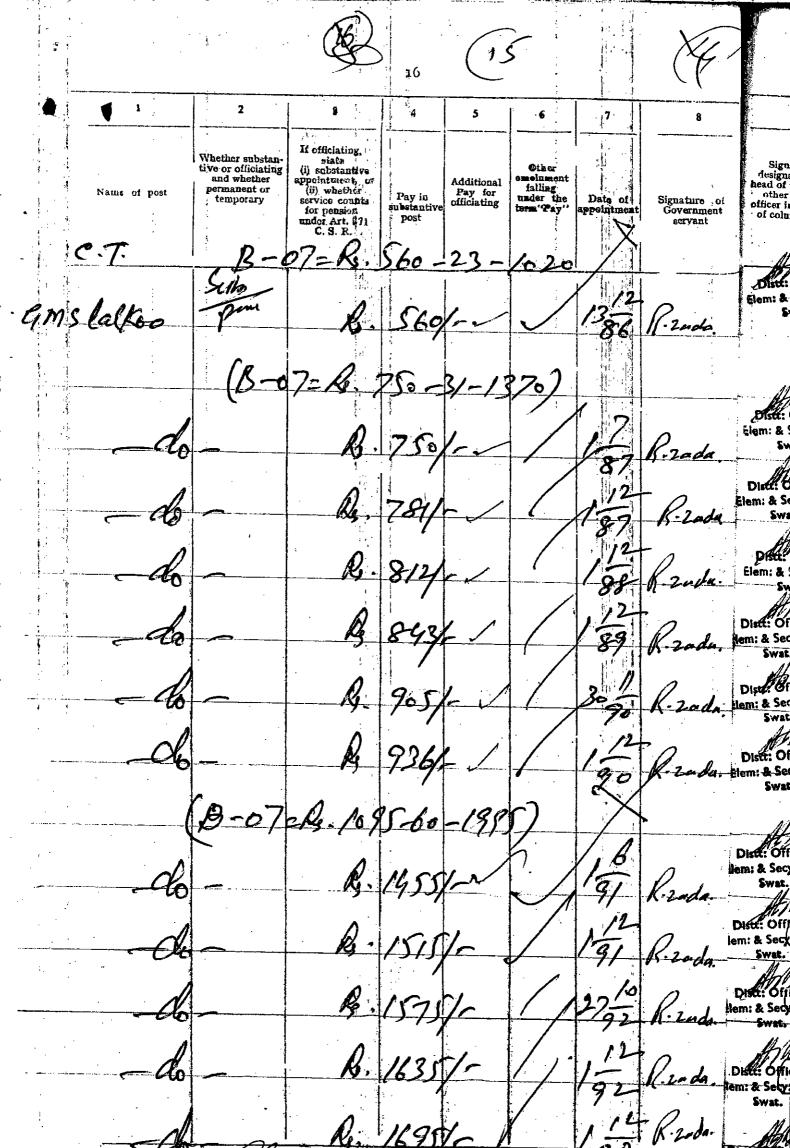
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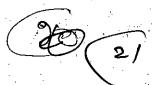
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## BEFORE THE EXECUTIVE DISTRICT OFFICER'SCHOOLS AND LITERACY DISTRICT SWAT.

			(Appellant)
Rahim Zada	S/o Khan Zada	C.T Teacher	GMS Lalko Swat.
Appeal No _	<del></del>	/2013	

APPEAL FOR GRANTING ANNUAL INCREMENT TO
THE APPELLANT FROM THE DATE OF HIS
PROMOTION TO C.T POST WITH ALL BACK
BENEFITS SINCE 18/9/2009 TILL NOW.

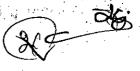
#### PRAYER OF APPEAL:

On acceptance of this appeal the annual increment along with back benefits may kindly be granted to the appellant and necessary entries may also be done in the service book of the appellant.

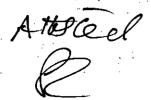
## Respectfully Sheweth:

- 1. That the appellant is serving as C.T Teacher in the School and literacy at GMS Lalko Swat.
- 2. That the appellant was initially appointed as P.S.T on and granted promotion to the C.T post on 18/9/2009 (copy of service book is attached).
- 3. That the appellants served the school & literacy dept whole heartedly, efficiently, punctually.

Alterad



- 4. That due to appellant brilliant hard work and eminent academic position was rewarded promotion in the school and literacy dept.
- 5. That from the date of promotion, the entries were made in the service books of appellants, regarding pay, increments, scales and other allowances.
- 6. That a few days ago the appellant has com to know that the appellant was given premature increment at the time of promotion and necessary entries were made in the service book.
- 7. That after completion of one year service in the concerned department all the employees have the right of annual increment.
- 8. That according to services rules and government policy the appellant is entitled for premature increments along with annual increments from the dates of his promotion.
- 9. That some of the promoted candidates were awarded annual as well as premature increments from the date of their promotion while the appellant was deprived from annual increment.
- 10. That equality before law and equal treatment is the due right of the appellant and the benefits given to the other promoted teachers is also the right of the appellant but the appellant has illegally been deprived from annual increment.





11. That the service book of appellant is laying in the schools and literacy department and a few days ago, after perusal of the service book entries, the appellants come to know about the incorrect entries in the service book.

It is therefore humbly prayed that the appellant may kindly be granted annual increment from the date of his promotion along with all back benefits.

APPELLANT

Rahim Zada S /o Khan Zada C.T Teacher at GMS Lalkoo Swat.

Trough counsel

JEHANGIR ADVOCATE

High Court,

Attered to be
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Advicedo

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

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 1<sup>st</sup> 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 EDUCATION OFFICE (MALE) SWAT AT GUL-KADA

(MAI

الم المعانب المراندي المراندي ينام. شرمرً اللهم ود-وعوي ماعث تحريراً نكه 7 مقدمه مندرجه عنوان بالاميں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقة آن مقام كرنها ور كمل المرائير وكسرى مقرر کرے اقر ارکیا جاتا ہے کہ صاحب موضوف کومقدمہ کی کل کا روائی کا کامل اختياط هوگا - نيز وكيل صاحب كوراضي نامه وتقرر ثالث وفيصله پرحلف دينے جواب دی اورا قبال دعویٰ اور درخواست ہرتشم 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 ہرواخته منظور وقبول ہوگا۔اور دوران مقدمہ میں جوخر چہو ہرجانہ التوایے مقدمہ کے سبب ہے ہوگا اسکے ستحق ویل صاحب ہو نگے۔ نیز بقایا وخرچہ کی وصولی کرتے وفتت كابھى اختيار ہوگا اگركوئى تارىخ پيشى مقام دور ہر ہويا حدے باہر ہوتو وكيل ها حب پابندنه هو نگے کی پیروی مقدمه مذکورلهذاو کالت نامه کھودیا ک سندر ہے العبينار، معمنار، بتقام بمقام 

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR SERVICE APPEAL NO 618/14

RAHIM ZADA CT GMS LAL KOO 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 08-09-2009. 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 30<sup>th</sup> November.

The govt employee who is entered a particular pay scale on  $\mathbf{1}^{st}$  June or prior is entitled to get the annual increment on  $\mathbf{1}^{st}$  December. The Govt employees who are appointed on particular pay scale later than  $\mathbf{1}^{st}$  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 1<sup>st</sup> 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 30<sup>th</sup> November.

The govt employee who is entered a particular pay scale on  $\mathbf{1}^{st}$  June or prior is entitled to get the annual increment on  $\mathbf{1}^{st}$  December. The Govt employees who are appointed on particular pay scale later than  $\mathbf{1}^{st}$  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 1<sup>st</sup> 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 30<sup>th</sup> November.

The govt employee who is entered a particular pay scale on  $\mathbf{1}^{st}$  June or prior is entitled to get the annual increment on  $\mathbf{1}^{st}$  December. The Govt employees who are appointed a particular pay scale later then  $\mathbf{1}^{st}$  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

FINANCE KHYBER PAKHTUNKHWA

AT PESHAWAR

**SECRETARY** 

(E&SE) KHYBER PAKHTUNKHWA

AT PESHAWAR

DUCATION SWAT

TICE ORDER

In pursuance to the meeting of the Departmental selection committee on 28:04.2009, the etent authority is pleased to order the appointment of the following candidates against CT vacant all the schools mentioned against their names in BRS-00 R. 3820-230-10730 plus usual ances as admissible under the rules except section 19 NWFP Rule, 1973 with effect from the date ir taking by er charge subject to the terms and conditions given below in the best interest of public

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GHS 24.02.197 GHS Anwar Kolin Kedain Muhammad 10/3/1982 Abdusami CFC /digramp as and Combinations. GMS D Hara No TA/DA is allowed. The amended section-19 will be applicable in case of those civil servants who were appointed to a pensionable post on regular basis before 1st day of July 2001, having regular service without any break and have applied through their Department; shall be given an option either to retain the benefit of pension and gratuity as allowed to him under his previous terms of appointment or to avail the benefit of contributory provident fund allowed to him andershis new appointment. Charge reports should be submitted to all concerned in dublicate All the certificates/Degrees will be verified from the concerned authority. In case any certificated Degree found incorrect/ unverified the appointment order of the concerned candidate The original Degree certificate of the candidate should be checked before handing over charge to the candidate concerned. They will be governed under terms and conditions as prescribed by the government. Their services can be terminated in any time in case their performance is found unsatisfactory. and they will be proceeded under special power ordinance 2000 Their appointment is purely temporary and liable to be tempinated without assigning any reason. They will produce Health and Age certificate from the Me ligal 30, crintendent concerned. they should join the post with in one month of issuance of this runter In sue of resignation they will have to give one month prior notice to the Department or forfeit one month pay in lieu thereof to the government. They will not be handed over charge if their age is less than 18 and above 33 years, However, Government servants are exempted from this condition KAMEEN KIIAN EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY EDUCATION SWA ndst No.3921-30 Appointment/CT dated 18,09,2009 The Director Elementary and Secondary Education NWFP Po-The District Coordination officer Swat The District Nazim Swat. The District Accounts Officer Swat. Advocad The Budger and Accounts officer local office. The Dy: District Officer Male Swat The Principal concerned. The Official concerned. PA to the FDO local office: EXECUTIVE DISTRICT OFFICE ELEMENTARY AND SHE OND EDUCATION SWAT

## General Conditions for the Annual Increment

Feb 2nd, 2013 - by ShumailaKamal

daraz.pk

BSTDAS

UPTO 75% OFF!







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Annex-E

<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

#### 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.glxspace.com/2013/02/02/general-conditions-for-the-annual-increment/

Amexure-B

# Annex-C 9

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

No Saleem Ahmad /CT

Dated 4 4 / 2014

То

- 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 1<sup>st</sup> 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.

DISTRICTED ATION OFFICE (MALE) SWAT AT GUL-KADA Annex-C 9

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

No S S S S S Saleem Ahmad /CT

Dated 4 / 2014

То

- 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: -

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DISTRICTEDIXATION OFFICE (MALE) SWAT AT GUL-KADA

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