

01.01.2019

Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned with the direction to counsel for the appellant to submit spare copy of the instant appeal. Case to come up for arguments on 02.01.2019 before D.B.

(Ahmad Hassan)
Member

(M. Hamid Mughal)
Member

02.01.2019

No one present on behalf of appellant. Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 18.01.2019 before D.B.


Member

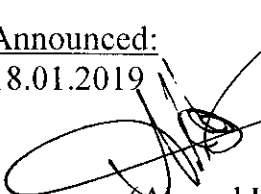

Member

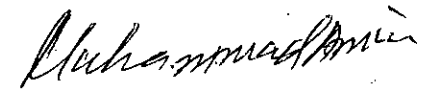
18.01.2019

None for the appellant present. Mr. M. Riaz Khan Painsdakhel, Asst: AG for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the appeal in hand is hereby dismissed in default. File be consigned to the record room.

Announced:

18.01.2019


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

14.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for the same on 31.07.2018.



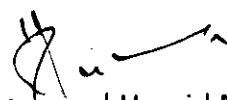
Reader

31.07.2018

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Zaki Ullah Senior Auditor for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 26 .09.2018 before D.B.



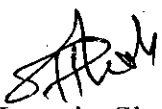
(Ahmad Hassan)
Member



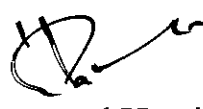
(Muhammad Hamid Mughal)
Member

26.09.2018

Appellant with counsel and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for appellant seeks adjournment. Adjourn. To come up for arguments on 13.11.2018 before D.B.




(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

13.11.2018


Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 01.01.2019 before D.B.




Reader

09.11.2017

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Zakiullah, Senior Auditor for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 11.01.2018 before D.B.


(Gul Zeb Khan)

Member


(Muhammad Amin Khan Kundi)

Member

10.1.2018


Clerk of counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 14.03.2018 before the D.B.



Member


Chairman

14.03.2018

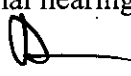
Appellant absent. Learned counsel for the appellant is also absent. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Zakiullah, Senior Auditor for the respondents present. Notice be issued to appellant and his counsel for attendance and arguments for 14.05.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

09.08.2016

Agent to counsel for the appellant and Mr. Yar Gul, Senior Clerk
alongwith Mr. Ziaullah, GP for respondents present. To come up for
rejoinder and final hearing on 15-12-16


Member


Member

15.12.2016


Counsel for the appellant and Additional AG for the respondents
present. Rejoinder not submitted. Learned counsel for the appellant
requested for further time. Request accepted. To come up for arguments on
27.04.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AMIR NAZIR)
MEMBER

27.04.2017

None present on behalf of the appellant. Mr. Zakiullah, Senior
Auditor alongwith Additional AG for the respondents present. Notice be
issued to appellant and his counsel for arguments for ~~17~~ 08.2017 before
D.B.



Member


Chairman

17.08.2017

Counsel for the appellant present. Mr. Zakiullah, Senior
Auditor alongwith Mr. Muhammad Jan, Deputy District Attorney
for the respondents present. Learned counsel for the appellant
seeks adjournment. Adjourned. To come up for arguments on
09.11.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

29.09.2015

Appellant Deposited
Security & Process Fee



Counsel for the appellant present. Learned counsel for the appellant argued that identical Service Appeal No. 930/2015 titled Dr. Luqman-vs-Government has already been admitted to regular hearing.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 12.11.2015 before S.B.


Chairman

12.11.2015

Agent of counsel for the appellant, M/S Irshad Muhammad SO and Ansar Ahmed, AAO alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 9.2.2016 before S.B.


Chairman

09.02.2016

None present for appellant, M/S Muhammad Arshed, SO and Ansar Ahmed, AAO alongwith Addl: A.G for respondents present. Written reply by respondent No. 4 submitted while request for adjournment was made on behalf of respondents No. 1 to 3. Last opportunity granted. To come up for written reply/comments on behalf of respondents No. 1 to 3 on 14.4.2016 before S.B.


Chairman

14.4.2016

Counsel for the appellant and M/S Muhammad Arshad, SO and Ansar Ahmad, AAO alongwith Addl: A.G for respondents present. Written reply by respondents No. 1 to 3 also submitted. The appeal is assigned to D.B for rejoinder and final hearing for 09.8.2016.


Chairman

FORM-A

FORM OF ORDER SHEET

Court _____

Case No. 990/2015

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	07.09.2015	<p>The appeal of Dr. Muhammad Ali, presented to-day by Mr. Rahmanullah, Advocate, may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p>This case be put up before the S.Bench for preliminary hearing on <u>11-9-15</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
3	11.09.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 29.9.2015 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 980 /2015

Dr. Muhammad Ali, Ex- Neurosurgeon (Chief Medical Officer),
MTI/LRH, Peshawar,.....**Appellant**

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa Civil Secretariat Peshawar and others.....**Respondents**

INDEX

S.NO	Description Of Documents	Annex	Pages
1	Memo of Appeal		1-6
2	Affidavit		7
3	Copies of promotion order and retirement	A & B	8-12
4	Notification of other departments in favour of placed employees	C	13-18
5	Notification dated 17-9-2003, and orders dated 04-05-2004, 26-2-2008, 16-7-2012, 09-08-2012, and 26-12-2012.	D, E, F, G, H & I	19-26
6	Copy of the letter dated 24-12-2012	J	27
7	Copy of the letter dated 12-12-2013	K	28-29
8	Copy of the Departmental Appeal & order dated 19-8-2015	L, M	30-32
9	Wakalatnama		33

Appellant
Through

Rahman Ullah

Advocate Peshawar.

0333-9125367

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 980 /2015

Dr. Muhammad Ali S/o Faqir Muhammad,
Ex-Chief Medical Officer, MTI/LRH, Peshawar,.....**Appellant**

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Govt of Khyber Pakhtunkhwa through Secretary Health Department, Civil Secretariat Peshawar.
3. Govt of Khyber Pakhtunkhwa through Secretary Finance, Civil Secretariat Peshawar.
4. Accountant General Khyber Pakhtunkhwa Peshawar.

Respondents

Service appeal under section 4 of the Khyber Pakhtunkhwa, service tribunal act 1974, against the discriminatory treatment of the respondents by not allowing the orderly allowance to the appellant as allowed to the other civil servants/similarly placed employees i.e officers of BPS-20 and above, for the grant of which the departmental appeal of the appellant dated 30-7-2015, has rejected.

10/9/15
7/9/15

Prayer in Appeal:

On acceptance of this appeal the respondents may please be directed to treat the appellant at par with other similarly placed employees and to allow the appellant the orderly allowance from the date when it has been allowed to other similarly placed employees i.e officers serving in BPS-20 and above with all back wages and benefits.

Respectfully Sheweth:

1. That the appellant was the employee of health department of the Provincial government and is a civil servant within the meaning of law.
2. That During the course of his service the appellant promoted to BPS-20 vide Notification dated 04-11-2013 and while serving as Senior Consultant Neurosurgeon (Chief Medical Officer)Lady Reading Hospital Peshawar, (BPS-20)the appellant stood retired w.e.f 11-03-2015, on attaining the age of superannuation.**(Copies of the Promotion Notification dated 04-11-2013, and retirement order is attached as annexure A & B).**
3. That the other Federal/Provincial departments/autonomous bodies like Civil Secretariat, WAPDA, Peshawar University and Sindh Govt, and Pak Army are allowing the orderly allowance to their employees in BPS-20 or above. **(Copies of the Notifications/orders of Orderly Allowances in favour of similarly placed employees are attached as Annexure C).**
4. That similarly the Provincial government through its notification dated 17-9-2003 has allowed the same in favour of the officers in BPS-20, 21 and 22 but only to those who are working in the

3

Civil Secretariat. The same was further extended to those officers of the secretariat officers working in BPS-20 and above on their temporary transfer from the secretariat vide order dated 182-2006. Similarly the allowance was also enhanced/revised from time to time by the Federal and Provincial Government vide orders 04-05-2004, 26-02-2008, 16-7-2012, 09-08-2012, and 26-12-2012. **(Copies of the Notification dated 17-9-2003, and orders dated 04-05-2004, 26-2-2008, 16-7-2012, 09-08-2012, and 26-12-2012 are attached as annexure D, E, F, G, H & I).**

5. That the Govt. of Pakistan Ministry of Finance Division vide letter No.F.1 (2)-Reg.6/91-vol-IX dated Islamabad the 24th December, 2012 clearly articulates that all officer in BPS-20 and above are entitled to draw orderly allowance on the orders of the Supreme Court of Pakistan. **(Copy of the letter dated 24-12-2012 is attached as annexure J).**
6. That the Govt. of Khyber Pakhtunkhwa Finance Department vide its letter dated 12-12-2013 in pursuance of above orders, allowed the same facility/orderly allowance to the serving officers w.e.f 01-01-2013 or the date of his retirement whichever is later with the proviso that whenever the govt. increase shall be made applicable to the special additional pension of the retired officers, however again restricted it only to a special category of Civil Servants, i.e APUG/PCS (Executive) and PCS Secretariat **(Copy of the latter dated 12-12-2012 is attached as annexure K).**

- 7. That thereafter the appellant also filed his departmental appeal dated 30-7-2015, hence the instant appeal is rejected by the Respondent No. 4 on 19-8-2015. **(Copy of Departmental Appeal and order attached as annexure L, M).**
- 8. That the appellant prays for the acceptance of this appeal inter alia on the following grounds:-

GROUND:

- A. That the appellant has not been treated in accordance with law. The respondents have not followed the Law and Rules, thus the secured and guaranteed rights of the appellant have been violated.
- B. That the conduct of the respondents is highly deplorable, amounts to discrimination and as a matter of act is discriminatory and the denial of the concept of equality before the law and equal protection of law as enunciated under article 4, 8 and 25 of the Constitution of Pakistan, 1973.
- C. That the action and inaction of respondents is a clear example of discrimination and a blatant violation of Article, 4, 18, 27 and 25 of the Constitution of Islamic Republic of Pakistan, as observed by the Superior courts.
- D. That the action and inaction of the respondents by withholding/not paying the orderly allowance in favour of the appellant is a classic example of discrimination, malafide intention, negligence, incompetency and inefficiency so as to deprive the appellant of his legal and constitutional rights.
- E. That the act of the respondents is destined to occasion irreparable loss to the appellant's precious time and scarce monetary resources and also amounts to mental torture and to dishonoring and degrading the legal and social status of the appellant on the part of the respondents.
- F. That it has been consistently held by the Superior Courts that similarly placed employees be treated similarly without any discrimination. Since the appellant is/has been a civil servant,

5

served in BPS-20, therefore deserves to be treated alike with his counterparts' i.e other civil servants of the province serving in BPS-20 and are allowed the orderly allowance but denied to the appellant. Even the Apex Courts has discouraged dragging those similarly placed employees to litigation.

- G. That the act of the respondents is not in accordance with law and is in complete deviation from the norms governing the subject.
- H. That the act of respondents where by the appellant are not treated alike with their corresponding official of BPS-20 and above is highly discriminatory and against the very basic of Shariah and the very provisions of the constitution, as stated by the superior courts.
- I. That the said orderly allowance may kindly be directed to be paid to the appellant from the very start ab-initio (2003) as directed earlier by the concerned department but not implemented in letter and spirit. orderly allowance was allowed in 2003. This was restricted to secretariat workers, later on this was extended to the bureaucrats posted outside the secretariat, benefit given to special class of Civil servants, the same is malafide as it is only allowed to special class which is against the spirit or sharia and the constitution of Pakistan 1973.
- J. That the very act of the respondents is against the natural justice and it smacks malafide upon the part of the respondents and not tenable in the eye of law.
- K. That due to the refusal of the appellant is suffering loss in his pension, since the matter of pay and pension is a continuous wrong and recurring cause of action hence no limitation is applicable to his case.

6

- L. That the appellant seeks the permission of this Honorable Court to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that on acceptance of this appeal the respondents may please be directed to treat the appellant at par with other similarly placed employees and to allow the appellant the orderly allowance from the date when it has been allowed to other similarly placed employees i.e officer serving in BPS-20 and above with all back wages and benefits.



Appellant

Through



RAHMAN ULLAH

Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2015

Dr. Muhammad Ali, Ex- Neurosurgeon (Chief Medical Officer),
MTI/LRH, Peshawar **Appellant**

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa Civil Secretariat Peshawar and others..... **Respondents**

AFFIDAVIT

I, **Dr. Muhammad Ali, Ex- Neurosurgeon (Chief Medical Officer)**
Lady Reading Hospital Peshawar, (BPS-20), do hereby solemnly
affirm and declare on oath that the contents of application are true
and correct to the best of my knowledge and belief and nothing
has been concealed from this Honorable Tribunal.



[Handwritten Signature]
DEPONENT



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

Amna A

8

Dated Peshawar, the November 4, 2013

NOTIFICATION

NO.SO(E-1)E&AD/9-133/2013. The competent authority, on the recommendations of the Provincial Selection Board, is pleased to promote the following Principal Medical Officers (BS-19) of Health Department to Chief Medical Officer (BS-20), on regular basis with immediate effect:-

S. #	NAME OF OFFICER	S. #	NAME OF OFFICER
1.	Dr. Asmatullah Barki	17.	Dr. Muzahir Hussain
2.	Dr. Muhammad Aslam	18.	Dr. Fazlal Ghani
3.	Dr. Muhammad Hakim	19.	Dr. Muhammad Sadiq
4.	Dr. Abdul Sattar	20.	Dr. Capt. Abdul Rahim
5.	Dr. Liaqat Ali Khan	21.	Dr. Said Muhammad
6.	Dr. Ismatullah Khan	22.	Dr. Muhammad Alam
7.	Dr. Muhammad Rashid Khan	23.	Dr. Perveen Akhtar Shuaib
8.	Dr. Malik Zafar Iqbal	24.	Dr. Anwar Pervoz
9.	Dr. Muhammad Ali	25.	Dr. Fazli Rabbi
10.	Dr. Muhammad Ishaq	26.	Dr. Hafiz Allah Nawaz
11.	Dr. Fazli Azeem	27.	Dr. Bakht Zada
12.	Dr. Bahadur Khan	28.	Dr. Muhammad Karim
13.	Dr. Muhammad Ayaz	29.	Dr. Fazli Wahab
14.	Dr. Liaqat Ali	30.	Dr. Asif Iqbal
15.	Dr. Nazir Ahmad	31.	Dr. Muhammad Saad
16.	Dr. Muhammad Tahir Khan		

2. The officers on promotion shall remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon the above, the following postings/transfers are ordered:-

S.#	NAME OF OFFICERS	FROM	TO
1.	Dr. Asmatullah Barki (BS-20)	District TB Control Officer, DTK	Chief Medical Officer, DTK Teaching Hospital, Bann against the vacant post in the General Cadre.
2.	Dr. Muhammad Aslam (BS-20)	MS, DHQ Hospital, Tank	Chief Medical Officer, DH Hospital, Tank, against the newly upgraded post of BS-20 in the General Cadre.
3.	Dr. Muhammad Hakim (BS-20)	Principal Medical Officer, DHQ Hospital, Sammar Bagh Lower Dir	Principal Medical Officer, DH Hospital, Sammar Bagh Lower Dir, against the newly upgrade post of BS-20 in the General Cadre.
4.	Dr. Abdul Sattar (BS-20)	Principal Medical Officer, Mardan	Chief Medical Officer, Sir Ghayour Memorial Hospital, Peshawar, against the newly upgraded post of BS-20 in the General Cadre.
5.	Dr. Liaqat Ali Khan (BS-20)	Principal Medical Officer, DTK	Principal Medical Officer, DH Hospital, Lakki Marwat, against the newly upgraded post of BS-20 in the General Cadre.

22605
08/11/13
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
PESHAWAR

8/11/13



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

9

PAGE-2

6.	Dr. Ismatullah Khan (BS-20)	Principal Medical Officer KTH, Peshawar	Principal Medical Officer, DHQ Hospital, KTH Peshawar, against the vacant post in the General Cadre.
7.	Dr. Muhammad Rashid Khan (BS-20)	Principal Medical Officer, KMC Peshawar	Services placed at the disposal of Chief Executive KTH/KMC Peshawar, against the newly upgraded post of BS-20 in the General Cadre.
8.	Dr. Malik Zafar Iqbal (BS-20)	Principal Medical Officer, DHQ Hospital, Mansehra	Chief Medical Officer, DHQ Hospital, Mansehra against the newly upgraded post of BS-20 in the General Cadre.
9.	Dr. Muhammad Ali (BS-20)	Principal Medical Officer, LHR Peshawar	Chief Medical Officer, LRH Peshawar, against the newly upgraded post of BS- 20 in the General Cadre.
10.	Dr. Muhammad Ishaq (BS-20)	Principal Medical Officer, RHC Tajaori, Lakki Marwat	Chief Medical Officer, Khalifa Gul Nawaz Teaching Hospital, Bannu against the newly upgraded post of BS- 20 in the General Cadre.
11.	Dr. Fazli Azeem (BS-20)	Deputy DHO Buner	Chief Medical Officer, DHQ Hospital, Buner against the newly upgraded post of BS- 20 in the General Cadre.
12.	Dr. Bahadur Khan (BS-20)	Principal Medical Officer Demonstrator Saidu Medical College, Swat.	Chief Medical Officer, Saidu Group of Teaching Hospital, Swat. Chief Medical Officer, Khalifa Gul Nawaz Teaching Hospital, Bannu against the newly upgraded post of BS-20 in the General Cadre.
13.	Dr. Muhammad Ayaz (BS-20)	Deputy Deen PGMI HMC Peshawar.	Chief Medical Officer, HMC Peshawar, against the newly upgraded post of BS- 20 in the General Cadre.
14.	Dr. Liaqat Ali (BS-20)	Principal Medical Officer, LRH Peshawar	Chief Medical Officer, LRH Peshawar, against the newly upgraded post of BS- 20 in the General Cadre.
15.	Dr. Nazir Ahmad (BS-20)	DHO Chital	Chief Medical Officer, DHQ Hospital, Dir Upper, against the newly upgraded post of BS-20 in the General Cadre.
16.	Dr. Muhammad Tahir Khan (BS-20)	Principal Medical Officer, MMC Mardan	Chief Medical Officer, MMC Mardan, against the newly upgraded post of BS-20 in the General Cadre.
17.	Dr. Muzahir Hussain (BS-20)	DSM KTH Peshawar.	Chief Medical Officer, Molvi Ameer Shah Memorial Hospital Peshawar, against the newly upgraded post of BS-20 in the General Cadre.



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

10

PAGE-5

18.	Dr. Fazlal Ghani (BS-20)	Principal Medical Officer, KTH Peshawar.	Chief Medical Officer, HMC Peshawar, against the newly upgraded post of BS- 20 in the General Cadre.
19.	Dr. Muhammad Sadiq (BS-20)	Principal Medical Officer, LRH Peshawar.	Chief Medical Officer, Naseerullah Khan Babar Memorial Hospital Peshawar, against the newly upgraded post of BS- 20 in the General Cadre.
20.	Dr. Capt. Abdul Rahim (BS-20)	Vice Principal, DHDC Bannu Office.	Chief Medical Officer, DHQ, Bannu, against the vacant post of BS-20 in the General Cadre.
21.	Dr. Saïd Muhammad (BS-20)	Demonstrator Khyber Medical College, Peshawar.	Chief Medical Officer, Police and Services Peshawar, against the vacant post of BS-20 in the General Cadre.
22.	Dr. Muhammad Alam (BS-20)	Principal Medical Officer, Sift Ghayour Memorial Hospital, Peshawar.	Chief Medical Officer, Sifat Ghayour Memorial Hospital Peshawar, against the newly upgraded post of BS- 20 in the General Cadre.
23.	Dr. Perveen Akhtar Shuaib (BS-20)	Principal Medical Officer, Zanana Hospital, DI Khan.	Chief Medical Officer, DHQ Hospital, Kohat, against the newly upgraded post of BS- 20 in the General Cadre.
24.	Dr. Anwar Pervez (BS-20)	Principal Medical Officer/Instructor EMI DI Khan.	Chief Medical Officer, MMC Mardan, against the newly upgraded post of BS-20 in the General Cadre.
25.	Dr. Fazli Rabbi (BS-20)	Vice Principal P:MI Swat.	Chief Medical Officer, Saidu Group of Teaching Hospital, Swat, against the vacant post of BS-20 in the General Cadre.
26.	Dr. Hafiz Allah Nawaz (BS-20)	Demonstrator Gomal Medical Hospital, DI Khan.	Chief Medical Officer, DHQ Hospital Mardan, against the vacant post of BS-20 in the General Cadre.
27.	Dr. Bakht Zada (BS-20)	Principal Medical Officer, DHQ Hospital, Batkhehla.	Chief Medical Officer, DHQ Hospital Batkhehla, against the vacant post of BS-20 in the General Cadre.
28.	Dr. Muhammad Karim (BS-20)	Principal Medical Officer, DHQ Hospital, Kohat.	Chief Medical Officer, DHQ Hospital Kohat, against the vacant post of BS-20 in the General Cadre.
29.	Dr. Fazli Wahab (BS-20)	Principal Medical Officer, DHQ Hospital Daggar Buner.	Chief Medical Officer, DHQ Hospital, Shah Mansoor Swabi, against the newly upgraded post of BS-20 in the General Cadre.

Continued at Page - 4



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

PAGE-4

30.	Dr. Asif Iqbal (BS-20)	Principal Medical Officer, RHC Jandari Karak.	Chief Medical Officer, DHQ Hospital, Charsadda, against the newly upgraded post of BS-20 in the General Cadre.
31.	Dr. Muhammad Saeed. (BS-20)	Principal Medical Officer, RHC Kot Jai D.I.Khan.	Chief Medical Officer, DHQ Nowshera, against the newly upgraded post of BS-20 in the General Cadre.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. Number and date even

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
4. All Divisional Commissioners in Khyber Pakhtunkhwa
5. Accountant General, Khyber Pakhtunkhwa.
6. All Deputy Commissioners in Khyber Pakhtunkhwa.
7. Director General Health Services, Khyber Pakhtunkhwa.
8. Chief Executive, Govt. LRH/KTH/HMC, Peshawar.
9. Medical Superintendents of all concerned Hospitals mentioned above.
10. All District Accounts Officers of concerned Districts.
11. PS to Chief Secretary, Khyber Pakhtunkhwa
12. P.S. to Secretary Establishment, Khyber Pakhtunkhwa
13. Officers concerned.
14. Manager, Govt Printing Press Peshawar.

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT. I)
PH: & FAX: 091-9210529

ZIA-UL-HAQ

LADY READING HOSPITAL PESHAWAR

No. 39108-11 /LRH/E-I

Dated 12/11/2013

Copy forwarded to:-

1. The Budget & Account Officer LRH Peshawar.
2. Incharge IT Department LRH Peshawar.
3. Doctors Concerned
4. PA to Chief Executive LRH Peshawar.
for information and necessary action.

MEDICAL SUPERINTENDENT
LADY READING HOSPITAL PESHAWAR.



GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Dated Peshawar the 18th December, 2014

NOTIFICATION

NO.SOH(E-V)2-422/2013

In terms of provisions of Rule-20 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules 1981 and instructions there under issued from time to time, sanction is hereby accorded to the grant of 365 days leave encashment in lieu of L.P.R in respect of Dr. Muhammad Ali s/o Faqir Muhammad Chief Medical Officer (BS-20) Govt Lady Reading Hospital, Peshawar.

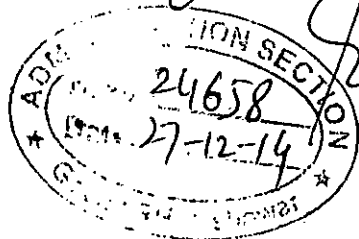
2. In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act 1973, the officer will retire from service on 11/03/2015 (AN) on attaining the age of superannuation.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. No. & Date even.

Copy to:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa.
- ~~3.~~ Chief Executive Lady Reading Hospital, Peshawar.
4. MS Govt Lady Reading Hospital, Peshawar.
5. Computer Programmer Health Deptt.
6. PS to Secretary Health.
7. Doctor concerned.




(HINA HAFEEZ)
SECTION OFFICER (E-V)

LADY READING HOSPITAL PESHAWAR.

No. 107-10 /LRH

Dated. 02 /1/2015

Copy to:-

- 01) The Budget and Accounts Officer, LRH
- 02) Dr. Muhammad Ali, Chief Medical Officer Neurosurgery Unit
- 03) I/C H.R. Department, LRH
- 04) PA to Chief Executive LRH

for information and n.action.

Subl - am
By: Medical Superintendent
Lady Reading Hospital,
Peshawar.

21/1/15

Q

** No for file 20/1*

OFFICE OF THE
MILITARY ACCOUNTANT GENERAL

Kashmir Road, Rawalpindi Cantt.

ARRIVED: - C
Circular

(13)

No. 34/AT/Pen/3308 Orderly allowance

03 October, 2014

To

- 18
- i). The CCMA GHQ
Rawalpindi
 - ii). All Pension Controllers of Military Accounts

CCMA (OP) Rawalpindi

Subject: GRANT OF SPECIAL ADDITIONAL PENSION TO BRIG. AND ABOVE WITHOUT CUT OF DATE.

Reference: This office circular letter No. AT/Pen/3308 Orderly allowance dt: 16/09/2014.

In continuation to this office circular letter referred above, it is stated that this office sought clarification from Finance Division (Regulations Wing) Islamabad regarding effective date of their O.M. No. 1(2)-Reg.6/91-Pt 665 dt: 25/07/2014 wherein SAP has been allowed to retired Brig. and above without cut of date.

2. The Finance Division vide their letter No. F.1(2)-Reg.6/91-818 dt: 26/09/2014 (copy reproduced overleaf) has clarified that Finance Division vide O.M. No. 1(2)-Reg.6/91-Pt 665 dt: 25/07/2014 has extended the benefit contained in all the letters / O.M. mentioned in the O.M. dt: 25/07/2014 to retired officers of Armed Forces in BPS 20-22 or equivalent by implementing all those letters / O.M. mutatis mutandis. Therefore, the effective date of all those letters / O.M. would be which the civilian officers in BPS 20-22 are enjoying.

Accounts Officer
AT-V (Pension)

Copy to:

- i. The CCMA GHQ, Rawalpindi
- ii. The Director MATI Rawalpindi
- iii. PS to the MAG
- iv. PA to Dy. MAG
- v. All Officers in MAG's Office
- vi. All Sections in MAG's Office
- vii. AT/Pen/03161, 03278, 03284, 03286, 03308, 03309, 03310, 03335, 03336, 03339, 03135.

Accounts Officer
AT-V (Pension)

Government of Pakistan
Finance Division
(Regulations Wing)

10

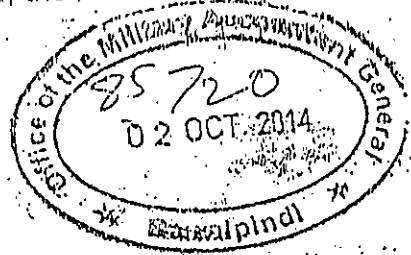
14

No. F. 1(2)-Reg.6/91-818

Islamabad, the 26th September, 2014.

To,

The Accounts Officer (AT-V Pension),
Office of the Military Accountant General,
Kashmir Road, Rawalpindi.



Subject: - GRANT OF SPECIAL ADDITIONAL PENSION TO BRIG AND ABOVE WITHOUT CUT OF DATE.

Dear Sir,

I am directed to refer to Office of the Military Accountant General U.O. NO. 49/AT/Pen/3308-Ord Allowance dated 11.09.2014 on the above subject and to clarify that Finance Division vide O.M. No. 1(2)-Reg.6/91-pt 665 dated 25th July, 2014 has extended the benefit contained in all the letters/O.M mentioned in the O.M. dated 25.07.2014 to retired officers of Armed Forces in BPS 20-22 or equivalent by implementing all those letters/O.M mutatis mutandis. Therefore, the effective date of all those letters/O.M. would be which the civilian officers in BPS 20-22 are enjoying.

Yours faithfully,

(Muhammad-Khalid)
Section Officer (R.6)

*Pl circulate to
immediate
AO*

[Handwritten signature]

AO

(11)

(15)

OFFICE OF THE
CONTROLLER MILITARY ACCOUNTS (OFFICERS PENSION)
RAWALPINDI

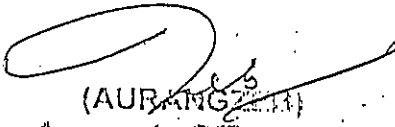
No. G/AN/OP/ Misc/Cir
July 24, 2014

To

Post audit - 111
All Pre-Audit / Post Audit Groups,
Grant Section and Computer Section
(Local)

Subject: - GRANT OF SPECIAL ADDITIONAL PENSION TO BRIG AND ABOVE
WITHOUT CUT OF DATE.

A copy of MAG office Rawalpindi letter No. 193/A1/Pen/3308 Orderly allowance dated 18.07.2014 alongwith copy of specimen of undertaking is enclosed herewith for further necessary action / compliance by all concerned.


(AUBANGZEH)
Accounts Officer (AN)



Pakistan Water and Power Development Authority

Tel & Fax. 042-99202482
042-99202211/
Ext. 2287

Finance Division
(Admn & Regulations)
223-Wapda House, Lahore.

No. FO(B&F)/3-50/Vol-IV/9211-9340

Date: 17/09/2012.

OFFICE MEMORANDUM

Subject:- REVISION ON THE RATE OF ORDERLY ALLOWANCE.

Ref:- This Division's O.M. No. FO(B&F)/3-50/Vol-IV/9211-2870 dated 24.12.2007.

The Authority has been pleased to revise the rate of Orderly Allowance from Rs.3000/- per month to Rs.7000/- per month with effect from 1st July, 2012.

(Muhammad Farooq Memor)
Director Finance (Admn. & Reg.)

Distribution:-

1. Managing Director (Admn.), Wapda
2. All General Managers, Wapda
3. Secretary Wapda w.r to his No. S/AD (Coord) 03003/MTC/1922-23 dated 07.09.2012.
4. All Chief Engineers, Wapda.
5. All Head of Divisions, Wapda.
6. All Project Director, Wapda.
7. All Resident Engineers, Wapda.
8. Director General Wapda Audit.

Attched

UNIVERSITY OF PESHAWAR

OFFICE ORDER

No. 4430 / Estt.Dated 22/10/2012

In pursuance of the Government of Khyber Pakhtunkhwa, Finance Department (Regulations Wing) letter No.FD(PRC) 1-1/2012 dated 09.08.2012, the Syndicate in its 412th Meeting (2nd Session) held on 15th September 2012, approved revision of the following Allowances, with effect from 15.09.2012.

SENIOR POST ALLOWANCE:

Existing Rates		Revised Rates	
BPS-20	Rs.1100 P.M.	BPS-20	Rs.1250 P.M.
BPS-21	Rs.1200 P.M.	BPS-21	Rs.1350 P.M.
BPS-22	Rs.1600 P.M.	BPS-22	Rs.1750 P.M.

TRAVELING AND MILEAGE ALLOWANCE

TRANSPORTATION	Existing Rates	Revised Rates
i) Motor Car	Rs.2/- per k.m.	Rs.5/- per k.m.
ii) Motor Cycle/Scooter	Rs.1/- per k.m.	Rs.2/50 per k.m.
MILEAGE ALLOWANCE		
i) Personal Car/Taxi	Rs.5/- per k.m.	Rs.10/- per k.m.
ii) Motor Cycle/Scooter	Rs.2/- per k.m.	Rs.4/- per k.m.
iii) Bicycle	Rs.1/- per k.m.	Rs.2/- per k.m.
iv) Public Transport	Rs.1/- per k.m.	Rs.2/50 per k.m.
TRAVEL BY AIR	Admissible to Government servants in BPS-17 and above	No change
Carriage of personal effects on Transport/ Retirement	Rs.0.008 per kg per km	Rs.0.02 per kg per km

ORDERLY ALLOWANCE FOR BPS-20 TO BPS-22 TO BRING IT AT PAR WITH MINIMUM WAGE:

Existing Rates	Revised Rates
Rs.3000/3831/- P.M.	Rs.7000/- P.M.

Note:

Subject to furnishing a certificate that the officer is not using the services of any official employee at his residence.

Registrar
University of Peshawar

No. 26082-86 /A-II/Estt.

Copy to:

1. The Deans of Faculties
2. The Heads of Teaching Departments/Institutes/Centres
3. The Principals of Constitute Colleges / Schools
4. The Administrative Heads
5. The PS to Vice-Chancellor
6. The Superintendent (Pay Bills)

Registrar
University of Peshawar

14

18

Jinnah Sindh Medical University

Pay Slip

Scale: 36000-2350-68900

October 2014
Account No: CC650013233203
Bank & Branch: HBL JPMC
SPS: 20

Department: Pharmacology
Employee Name: MUHAMMAD AZHAR MUGHAL

Employee No: 577
Designation: Professor
MUN No: 003050-2

Net Salary
(One Hundred Twenty Five Thousand Nine Hundred Sixty Seven Only)

Deduction PF-783

Pay & Allowances

	G.P Fund Account No	
Basic Pay	52,450.00	
House Rent Allowance	10,505.00	Income Tax
Dearness Allowance - Dearness	5,000.00	G.P Fund
Seniority Allowance 10% @ 50%	11,833.00	Group Insurance
School Allowance 10% @ 15%	1,408.00	Recreation Fund
Medical Allowance 10% @ 20%	10,450.00	
House Rent Allowance 10% @ 15%	5,345.00	
BMS Allowance (U-S)	20,000.00	
Science Teacher Allowance	1,000.00	
Entertainment Allowance	500.00	
Senior Post Allowance	1,250.00	
Orderly Allowance	7,000.00	
Adhoc Ret Allow 10% @ 10%	5,245.00	
Total	137,886.00	

(Signature)

11,919.00

125,967.00

(15) Approved D

(19)

GOVERNMENT OF N.W.F.P,
FINANCE DEPARTMENT PESHAWAR
(REGULATION WING)
NO.FD/SO(SR-II)/8-34/99/
Dated Peshawar the 17-9-2003.

To

1. All the Administrative Secretaries to Govt. of NWFP, Peshawar.
2. The Senior Member Board of Revenue NWFP, Peshawar.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary to Chief Minister, NWFP,
5. The Secretary Provincial Assembly Secretariat, NWFP, Peshawar.
6. All Heads of Attached Departments in NWFP, Peshawar.
7. All District Nazims in NWFP/All District Coordination Officers/Political Agents/ District & Session Judges in NWFP.
8. All Executive District Officers in NWFP.
9. The Registrar Peshawar High Court, Peshawar.
10. The Secretary Public Service Commission, NWFP, Peshawar.
11. The Registrar, Service Tribunal NWFP, Peshawar.
12. The Secretary Board of Revenue NWFP, Peshawar.

SUBJECT: GRANT OF ORDERLY ALLOWANCE

Dear Sir,

I am directed to refer to the subject noted above and to state that the Government of N.W.F.P. has decided to grant Orderly Allowance at the rate of Rs.1900/- P.M or residence orderly to officers in BS-20, 21 and 22 working in the Civil Secretariat with immediate effect.

2. The officers in BS-20, 21 and 22 posted in the Civil Secretariat are allowed to opt either for the provision of residence Orderly or for the Orderly Allowance.

3439
25-9

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

NO. FD/SO (SR-II) /8-34/99.
Dated Peshawar, the 04-5-2004

(20)

1. All the Administrative Secretaries to Govt:of NWFP, Peshawar.
2. The Senior Member Board of Revenue NWFP Peshawar.
3. The Secretary of Governor NWFP, Peshawar.
4. The Secretary to Chief Minister, NWFP.
5. The Secretary Provincial Assembly Secretariat, NWFP, Peshawar.
6. All Heads of Attached Departments in NWFP, Peshawar.
7. All District Nazims in NWFP / All District Coordination Officers/ Political Agents/ District & Session Judges in NWFP.
8. All Executive District Officers in NWFP.
9. The Registrar Peshawar High Court, Peshawar.
10. The Secretary Public Service Commission, NWFP, Peshawar.
11. The Registrar, Service Tribunal NWFP, Peshawar.
12. The Secretary Board of Revenue NWFP, Peshawar.

Subject:

GRANT OF ORDERLY ALLOWANCE.

Dear Sir,

I am directed to refer to this department letter of even number dated: 17-9-2003 on the subject noted above and to state that in pursuance of Government of Pakistan Finance Division O.M. No. F.1(13) Imp /96, dated: 6-10-2003, the Government of NWFP has been pleased to revise the rate of Orderly Allowance from Rs. 1900/- P.M. to Rs. 2375/- P.M. with effect from 1-7-2003 to the entitled Officers who opt for the Orderly Allowance in lieu of residence orderly to officers in BPS-20, 21 and 22 working in the Civil Secretariat.

The terms and conditions for grant of the Orderly Allowance will remain the same as are applicable at present.

Yours faithfully,

(HAFIZ MAFIOLLAH)
Additional Secretary(Regulation).

Dated Peshawar, the 04-5-2004

Encls: No. FD/ SO(SR-II) 8-34/99.

A copy is forwarded for information to:-

1. The Accountant General, NWFP, Peshawar.
2. All District and Agency Accounts Officers in NWFP.
3. The Account Officer (Treasury) Peshawar.
4. All Autonomous/ Semi Autonomous Bodies in NWFP.
5. The Director, Local Fund Audit, NWFP, Peshawar.

To

- 1) All the Administrative Secretaries to Government of NWFP.
- 2) The Senior Member, Board of Revenue, NWFP, Peshawar.
- 3) The Secretary to Governor, NWFP, Peshawar.
- 4) The Principal Secretary to Chief Minister, NWFP, Peshawar.
- 5) The Secretary, Provincial Assembly, NWFP Peshawar.
- 6) All Heads of attached Departments in NWFP.
- 7) The Registrar, Peshawar High Court Peshawar.
- 8) All Zila Nazims/District Coordination Officers/Political Agents District & Sessions Judges/Executive District Officers in NWFP.
- 9) The Registrar, N.W.F.P. Service Tribunal, Peshawar.
- 10) The Registrar, NWFP Public Service Commission, Peshawar.
- 11) The Secretary, Board of Revenue, NWFP Peshawar.

Subject:

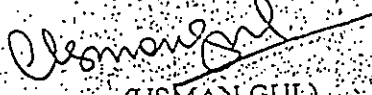
ENHANCEMENT OF ORDERLY ALLOWANCE.

Dear Sir,

I am directed to refer to this Department's letter of even number dated 04/5/2004 and to state that the Competent Authority has been pleased to revise the rate of Orderly Allowance from Rs.2375/- to Rs.3000/-p.m with effect from 01/10/2007 to the entitled Officers.

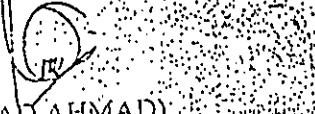
2 The Terms and Conditions for grant of this allowance as applicable at present will remain the same.

Yours faithfully,


(USMAN GUL)
ADDITIONAL SECRETARY(REG.)

Endsr. No. & date even

- Copy is forwarded for information to:-
- 1) All autonomous and Semi Autonomous bodies in NWFP.
 - 2) The Secretary to Government of Punjab, Finance Department Lahore.
 - 3) The Secretary to Government of Sindh, Finance Department Karachi.
 - 4) The Secretary to Government of Balochistan, Finance Deptt. Quetta.


(SAJJAD AHMAD)
DEPUTY SECRETARY(REG-I)

P.T.O

Approved: G
(S)

(22)

Government of Pakistan
Finance Division
(Regulations Wing)
FBC Building, Near State Bank of Pakistan

F.No.1(3)Imp/2012

Islamabad, the 16th July, 2012OFFICE MEMORANDUMSubject:- REVISION OF SPECIAL PAY AND ALLOWANCES

The undersigned is directed to say that pursuant to the approval of the competent authority, the following Special Pay and Allowances admissible to civil employees of the Federal Government as well as civilians paid from Defence Estimates are hereby revised with effect from 1st July, 2012:

I) QUALIFICATION PAY:

Qualification	Existing Rates	Revised Rates
- SAS/PFA	Rs. 400 P.M.	Rs. 800 P.M.
- ICMA/ICWA (Part-III)	Rs. 400 P.M.	Rs. 800 P.M.
- ICMA/ICWA	Rs. 1200 P.M.	Rs. 2100 P.M.
- Chartered Accountant	Rs. 1300 P.M.	Rs. 2300 P.M.
- Staff College/NMC/NDC	Rs. 1000 P.M.	Rs. 2000 P.M.
- NIPA-Advanced Course	Rs. 500 P.M.	Rs. 1000 P.M.
- Mid Career Mgt Course	Rs. 250 P.M.	Rs. 500 P.M.

II) SENIOR POST ALLOWANCE:

<u>Existing Rates</u>		<u>Revised Rates</u>	
BPS-20:	Rs.1100 P.M.	BPS-20:	Rs.1250 P.M.
BPS-21:	Rs.1200 P.M.	BPS-21:	Rs.1350 P.M.
BPS-22:	Rs.1600 P.M.	BPS-22:	Rs.1750 P.M.

Contd...P/2

: 2 :

III) TRAVELLING AND MILEAGE ALLOWANCE:

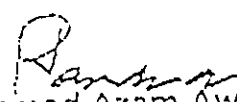
<u>TRANSPORTATION</u>	Existing Rates	Revised Rates
i) Motor Car	Rs.2/- per k.m.	Rs.5/- per k.m.
ii) Motor Cycle/Scooter	Rs.1/- per k.m.	Rs.2/50 per k.m.
<u>MILEAGE ALLOWANCE</u>		
i) Personal Car/Taxi	Rs.5/- per k.m.	Rs.10/- per k.m.
ii) Motor Cycle/Scooter	Rs.2/- per k.m.	Rs.4/- per k.m.
iii) Bicycle	Rs.1/- per k.m.	Rs.2/- per k.m.
iv) Public Transport	Rs.1/- per k.m.	Rs.2/50 per k.m.
<u>TRAVEL BY AIR</u>	Admissible to Government servants in BPS-17 and above.	No change
Carriage of personal effects on Transfer/Retirement	Rs 0.008 per kg per km	Rs.0.02 per kg per km

IV) ORDERLY ALLOWANCE FOR BPS-20 TO BPS-22 TO BRING IT AT PAR WITH MINIMUM WAGE:

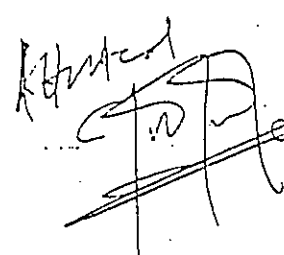
Existing Rates	Revised Rates
Rs.3000/- P.M.	Rs.7000/- P.M.

Note:

Subject to furnishing a certificate that the officer is not using the services of any official employee at his residence


(Muhammad Azam Awan)
Section Officer (Imp)

All Ministries/Divisions/Departments


Contd... P/3



24

Amir H

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (PRC) 1-1/2012
Dated Peshawar the: 09-08-2012

From:

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department,
Peshawar.

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All District Coordination Officers in Khyber Pakhtunkhwa.
8. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Service Tribunal, Khyber Pakhtunkhwa.

Subject: REVISION OF QUALIFICATION PAY & ALLOWANCES.

Dear Sir,

The Governor, Khyber Pakhtunkhwa, is pleased to revise the following Qualification Pay and Allowances admissible to all the employees of the Provincial Government w.e.f 1st July, 2012:-

I. QUALIFICATION PAY:-

Qualification	Existing Rates	Revised Rates
SAS	Rs.400/- P.M	Rs.800/- P.M
ICMA/ICWA (Part-III)	Rs.400/- P.M	Rs.800/- P.M
ICMA/ICWA	Rs.1200/- P.M	Rs.2100/- P.M
Chartered Accountant	Rs.1300/- P.M	Rs.2300/- P.M
Staff College/ NMC/NDC	Rs.1000/- P.M	Rs.2000/- P.M
NIPA Advanced Course	Rs.500/- P.M.	Rs.1000/- P.M
Mid Career Mgt Course	Rs.250/- P.M	Rs.500/- P.M

II. SENIOR POST ALLOWANCE:-

	Existing Rates	Revised Rates
BPS-20:	Rs.1100/- P.M	BPS-20: Rs.1250/- P.M
BPS-21:	Rs.1200/- P.M	BPS-21: Rs.1350/- P.M
BPS-22:	Rs.1600/- P.M	BPS-22: Rs.1750/- P.M

III) TRAVELLING AND MILEAGE ALLOWANCE:-

Transportation	Existing Rates	Revised Rates
i) Motor Car	Rs.2/- per k.m.	Rs.5/- per k.m.
ii) Motorcycle/Scooter	Rs.1/- per k.m.	Rs.2/50 per k.m.

For AMD
section
#124/112

11/10

2012

30/8

Noted
[Signature]

25

<u>Allowance Allowance:</u>		
i) Personal Car/Taxi	Rs.5/- per k.m.	Rs.10/- per k.m.
ii) Motor Cycle/Scooter	Rs.2/- per k.m.	Rs.4/- per k.m.
iii) Bicycle	Rs.1/- per k.m.	Rs.2/- per k.m.
iv) Public Transport	Rs.1/- per k.m.	Rs.2/50 per k.m.
<u>Travel Allowance</u>	Admissible to Government Servants in BPS-17 and above.	No change
Carriage of personal effects on Transfer / Retirement	Rs.0.008 per kg per km	Rs.0.02 per kg per km

IV) ORDERLY ALLOWANCE FOR OFFICERS BPS-20 TO BPS-22 TO BRING IT AT PAR WITH MINIMUM WAGE:-

Existing Rates	Revised Rates
Rs.3000/- P.M.	Rs.7000/- P.M.

Note: The Orderly Allowance is subject to furnishing a certificate that the officer is not using the services of any official employee at his residence.

Yours Faithfully,

(Signature)
(Sahibzada Saeed Ahmad)
Secretary Finance

Encls: No .FD(PRC) 1-1 /2012,

Dated Peshawar the 9th August, 2012

OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR
NO.H-24/Other allowance Master /2012-13/ 1753 Dated. 3.08.2012

- Copy for information and compliance to:-
1. All DCA's/DAO's/AAO's in Khyber Pakhtunkhwa
 2. All Pay Rolls Section local.
 3. HR.(lab)

(Signature)
Accounts Officer (HAD),
Khyber Pakhtunkhwa PESHAWAR. SA

A copy for information is forwarded to:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMU, Finance Department.
5. The Treasury Officer, Peshawar.
6. All the Senior District Accounts Officers, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers, Khyber Pakhtunkhwa.
8. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
9. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.

(Signature)
(SHAUKAT ULLAH)
SECTION OFFICER (SR-1)

A-G

(Signature)

Amended - I

26



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Ordinary No. 23212
Dated: 26/11/2012
Health Department

NO.FD(SOSR-II)8-34/2012
Dated Peshawar the 26/11/2012

To,

1. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Secretary to Chief Minister, Khyber Pakhtunkhwa.

Subject:- AMENDMENT REGARDING OPTION FOR RESIDENCE ORDERLY OR ORDERLY ALLOWANCE.

Dear Sir/Madam,

I am directed to refer to this Department letter of even number dated 17.09.2003 and to state that the option of availing appointment of orderly is discontinued forthwith & all eligible officers will only be allowed orderly allowance @ Rs.7,000/- per month henceforth.

Yours faithfully,

DS(B)

(WAZIR MUHAMMAD AFGAR)
SECTION OFFICER (SR.II)

Endst; No & date even.

Copy is forwarded for information and necessary action to.

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, FMIU, Finance Department.
3. All the Section Officers/Budget Officers in Finance Department, Khyber Pakhtunkhwa
4. The Private Secretary to Secretary/PAs to Special Secretary, Additional Secretaries/Deputy Secretaries in Finance Department.

SS/H
 SCB-1
 SCB-11
 SC/CE

pleas to be made

SECTION OFFICER (SR.II)

Amended

Government of Pakistan
Finance Division
(Regulations Wing)

No. F. 1(2)-Reg.6/91-Vol-IX


Islamabad, the 24th December, 2012

OFFICE MEMORANDUM

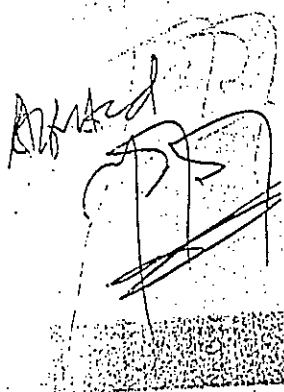
Subject: - IMPLEMENTATION OF THE RECOMMENDATIONS OF PAY AND PENSION COMMISSION-2009 REGARDING SPECIAL ADDITIONAL PENSION AND PROVISION OF ORDERLY/DRIVER TO THE OFFICERS IN BPS-20 AND ABOVE ON RETIREMENT.

The undersigned is directed to say in terms of para 2 of Finance Division's O.M. No. F. 1(2)-Reg.6/91 dated 29th September, 1991, officers in BPS-20 and above on retirement are entitled to Special Additional Pension equal to the admissible pre-retirement orderly allowance. This facility was further extended to all officers in BPS-20 and above who retired prior to 19.2.1991 on the orders of the Supreme Court of Pakistan. The rate of special additional pension remained fixed at the rate prevailing at the time of the officer's retirement and was not enhanced with the subsequent increases in the rate of orderly allowance.

2. The recommendations of Pay and Pension Commission-2009, Establishment Division and request of retired government officers in BPS-20 in the above matter have been examined in the Finance Division intensely. On the basis of principle of equity and fairness, the competent authority has been pleased to approve that the retired officers in BPS-20 and above shall be paid special additional pension equal to the orderly allowance admissible to serving officers w.e.f. 01.01.2013 and that whenever the Government revises the rates of orderly allowance in future, the same increase shall be made applicable to the special additional pension of the retired officers.


(MUHAMMAD SHAHID AHMED CH.)
Deputy Secretary (Reg.III)

ALL MINISTRIES/DIVISIONS/DEPARTMENTS



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD(SOSR-II)/8-34/2012
Dated Peshawar the 12/12/2013

Approved: 12
28

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All Commissioners in Khyber Pakhtunkhwa.
8. All Deputy Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Chairman, Ombudsman Secretariat, Khyber Pakhtunkhwa.

Subject:-

IMPLEMENTATION OF THE RECOMMENDATIONS OF PAY AND PENSION COMMISSION-2009 REGARDING SPECIAL ADDITIONAL PENSION AND PROVISION OF ORDERLY / DRIVER TO THE OFFICERS IN BPS-20 AND ABOVE ON RETIREMENT

I am directed to refer to this Department circular letter No.FD/SOSR-II/8-24/99 dated 17/09/2003, 18.2.2006 and to state that in pursuance of Finance Division O.M. No.F1(2)/Reg.6/91/Vol-IX dated 24/12/2012 on subject noted above, the competent authority has been pleased to approve that the officers in BPS-20 & above who are eligible for Special Additional Pension on their retirement in terms of above referred circulars letters, shall be paid Special Additional Pension equal to the Orderly Allowance admissible to serving officers w.e.f. 01/01/2013 or the date of his retirement whichever is later with the proviso that whenever the Government revises the rate of Orderly Allowance in future, the same increase shall be made applicable to the Special Additional Pension of the retired officers.

Raza Ullah
(RAZA ULLAH)

Additional Secretary (Reg.)

Encl: No. & date given.

Copy of the above is forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Secretaries to Government of Punjab, Sindh and Balochistan.
3. The Director General, Provincial Disaster Management Authority, Khyber Pakhtunkhwa.
4. The Director, Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar.
5. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
6. The Director, FMIU, Finance Department.
7. All the heads of Autonomous/semi Autonomous Bodies/Organizations in Khyber Pakhtunkhwa.
8. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
9. The All the District Agency Accounts Officers in Khyber Pakhtunkhwa / FAT A.
10. The Treasury Officer, Peshawar.
11. All the Section Officers/Budget Officers in Finance Department.
12. Section Officer (Reg.6) Govt. of Pakistan, Finance Division, (Regulation Wing) with reference to his O.M No.F1(2)-Reg.6/91/Vol-IX dated 24/12/2012 for information and record.
13. P.S to Minister for Finance Khyber Pakhtunkhwa.
14. P.S to Chief Secretary, Khyber Pakhtunkhwa.
15. P.S to Secretary Finance Khyber Pakhtunkhwa.

Shaukat Ullah
(Shaukat Ullah)
SECTION OFFICER (SR-II)

Approved
[Signature]

25 Soft-19-20

29

To

The Branch Officer
 Pension (main)

Subject: - LPC & TRANSFER OF SERVICE DOCUMENTS IN RESPECT OF MR. Dr. Aneel Akhtar, OSD, F&AD P.NO. 16715

Memo

The above named officer has been transferred to your Audit Control. His personal file and service statement are sent herewith, his other documents are as under:-

He/She has been paid up to 31-03-2015

Deductions		Payments	
GP Fund	= 2800	Basic Pay	Rs = 68900
Benevolent Fund	= 250	House Rent All	Rs = 10505
A.G.I	= 36	Convoynco All	Rs = -
Group Insurance	= 335	Medical All 15%	Rs = 5425
I/Tax	= 5923	Adhoc All 2010: 50%	Rs = 18085
		Special All 30%	Rs = -
		ARA 2011 15%	Rs = 5425
		ARA 2012 20%	Rs = 13720
		ARA 2013 15%	Rs = 10335
		ARA 2014 10%	Rs = 6890
		NPA	Rs = 4000
		NPA	Rs = 10000
		Ent. All	Rs = 600
		Sy. post allowance	= 1250
		TOTAL	= 155195/-

He is authorized to draw pay and allowances from _____ to _____ at the above rates. Overpayment of pay and allowances from _____ to _____ recoverable at above rates.

His statement at the above prior to 31-03-2015 the officer was under the audit control of DAO Quabi

Station	Date	Pay	HRA	CA	SAA	SRA	AR	DA	Total
---------	------	-----	-----	----	-----	-----	----	----	-------

Handed over the charge of his/her post on the 31-03-2015 (AN/FN)
 Availled no leave during his stay at this department.

HBA Rs. _____ Is recoverable.
 MCA Rs. _____ Is recoverable.

[Signature]
 DEPUTY DIRECTOR MANAGEMENT
 Provincial Health Services Academy
 Department of Health

[Signature]
 Account Officer O/O
 Accountant General, KPK

To

The Secretary

to Government of Khyber Pakhtunkhwa,
Health Department, Peshawar.

Annex L

30

Through Proper Channel.

Subject:- **APPLICATION FOR THE GRANT OF ORDERLY ALLOWANCE.**

Dear Sir,

It is to state that, I got retired from Services as a Senior Consultant Neurosurgeon (Chief Medical Officer) in BPS-20 on 11.03.2015, vide Notification No. SOH(E-V) 2-422/2013, Dated 18.12.2014, from Lady Reading hospital Peshawar (Photocopy attached).

According to Rules all the officers working / worked in BPS-20 or above under Federal Government are entitled for the grant of orderly allowance (Pensionable). The Provincial Government vide its Notification FD/SO(SR-II)/8-34/99, dated 17.09.2003, granted orderly allowance to the officers in BPS-20 and above to a special category of Civil Servant i.e APUG/PCS/(Executive) and PSC (Secretariat) only; while the officers working in other category having the same scale have been deprived of the facility. The officers / doctors of Provincial Health Department filed a Writ Petition No.3900/2014, before the Peshawar High Court Peshawar, for the grant of orderly allowance, stating that, vide Ministry of Finance Division Govt. of Pakistan letter dated 24.12.2012, all officers in BPS-20 and above either in service or retired prior to 19.02.1991 are entitled for the same allowance in accordance with judgment of the apex court.

In pursuance of the said order, Government of Khyber Pakhtunkhwa Finance Department vide letter dated 12.12.2013 allowed the said facility to serving officers with effect from 01.01.2013, or the date of his retirement again restricting it to the special category of Civil Servant which is against the concept of "equality before the law" and equal protection of law as enunciated under Article 4, 8 and 25 of the Constitution of Islamic Republic of Pakistan, 1973. The Honourable Peshawar High Court Peshawar vide their short order dated 24.02.2015 stated that this involves terms and condition of service, hence under Article 212 of the Constitution of Islamic Republic of Pakistan; this matter may be put up before the Service Tribunal of Khyber Pakhtunkhwa Peshawar.

In light of the foregoing, it is therefore, requested to take up the case with competent forum, so that my case may also be decided on the said analogy and I am not compelled to go into appeal before any court of law.

Handwritten signature and date: 30/07/15

Dr. Muhammad Ali
S/O Faqeer Muhammad
Ex- Neurosurgeon,
Lady Reading Hospital
Peshawar
0300-5906550

Postal contact
C/O Dr. Amer Hamid
DMS Litigation LRH
Peshawar

MEDICAL TEACHING INSTITUTION
LADY READING HOSPITAL PESHAWAR

Amna M.
(32)

No. 23762/LRH/Acctt

Dated 19-08-2015

To,

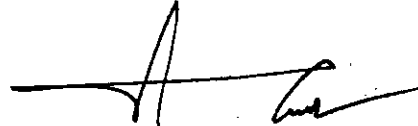
Dr. Muhammad Ali
S/o Faqir Muhammad
Ex-Chief Medical Officer
MTI/LRH, Peshawar

Subject:

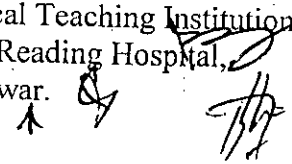
GRANT OF ORDERLY ALLOWANCE

Reference your application bearing Diary No. 14453 Dated 30.07.2015 on the subject cited above.

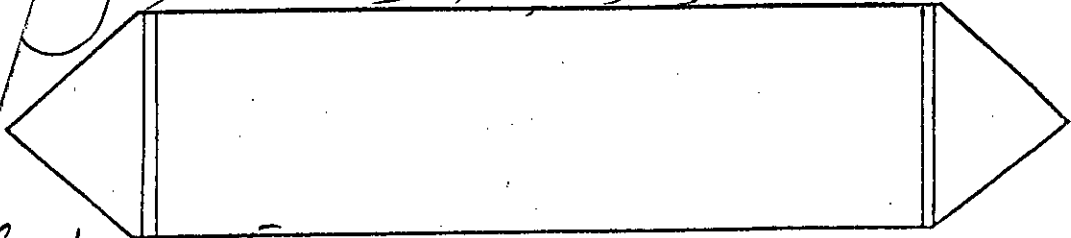
It is to inform you that vide Accountant General Khyber Pakhtunkhwa office letter No. PR-9(M)/Gazetted Seat/2014-15/467 dated 27.05.2015 and Finance Department Khyber Pakhtunkhwa Peshawar letter No. FD(SOR-II)8-34/99 dated. 28.12.2010 (photo copies attached) that Orderly Allowance is only allowed to the Officers in BPS-20, 21 and 22 working in the Civil Secretariate Khyber Pakhtunkhwa Peshawar.



Hospital Director
Medical Teaching Institution
Lady Reading Hospital,
Peshawar.



بعد التبعين صدرت من محكمة الاستئناف



2015ء بجانب البلد
محکمہ عدلیہ بنام درخواستیہ شخص

موزخہ

مقدمہ

دعویٰ

جرم

اہل نمبر 980/2015

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی دکل کاروائی متعلقہ
آن مقام کیٹھور کیلئے رحمن اللہ شہرہ کے درمیان اور رحمن اللہ شہرہ کے درمیان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب وہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برادگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پروا خلیہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ ماہ _____ سن 2015ء

_____ واہ الع

کے لئے منظور ہے۔

بمقام

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No. 980/2015.

Doctor Muhammad Ali.....Appellant.
V/S

Government of Khyber Pakhtunkhwa, through Chief Secretary,
Khyber Pakhtunkhwa Civil Secretariat, Peshawar and others.....Respondents.

(Para wise comments on behalf of respondent No. 4)

Preliminary Objections.

- 1). That the appellant has no cause of action.
- 2). That the appellant has no locus standi.
- 3). That the appeal is time barred.
- 4). That the appeal in hand is not maintainable.
- 5). That the appeal is not covered under the rules.
- 6). That in an identical case bearing writ petition No. 350-P/2014, the Peshawar High Court has already dismissed the claim of the petitioner on 20.11.2014. (Annex-A).
- 7). That another identical case bearing writ petition No. 3036-P/2014 Khurshid Ali V/S Government of Khyber Pakhtunkhwa and others has also been withdrawn by the petitioner on 11.12.2015 from Peshawar High Court. (Annex-B).

Respectfully Sheweth:-

Para 1:- Proved by record, hence no comments.

Para 2:- Proved by record, hence no comments.

Para 3:- Correct to the extent that views mentioned in Finance Department Government of Khyber Pakhtunkhwa letter No. FD/(SOSR-II)8-34/99, dated 17.09.2003, are very much clear that the grant of orderly allowance is admissible to officers in BPS-20, 21, 22 working in the Civil Secretariat.

Para 4:- Correct to the extent that views mentioned in Finance Department Government of Khyber Pakhtunkhwa letter No. FD/(SOSR-II)8-34/99,

dated 17.09.2003, are very much clear that the grant of orderly allowance is admissible to officers in BPS-20, 21, 22 working in the Civil Secretariat.


- Para 5:- Incorrect with the extent that the policy as referred in Ministry of Finance Division Islamabad vide letter No. FD(2)Ry.6/91-vol-IX dated 24.12.2012, is for Federal Government employees only. And the same policy has not yet adopted by the Provincial Government of Khyber Pakhtunkhwa.
- Para 6:- That identical case for the same cause in writ petition No. 350-P/2014 Peshawar High Court has dismissed the claim of the petitioner on dated 20.11.2014. (Annex-A).
- Para 7:- That respondent No. 4, is bound to follow the rules and instructions issued from the Provincial Government from time to time. And Respondent No. 2, has rightly been rejected the departmental appeal of the appellant vide its letter No. 23762/LRH/Acctt, dated 19.08.2015, under the rules. (Copy enclosed).
- Para 8:- That in light of Finance Department Government of Khyber Pakhtunkhwa letter dated 17.09.2003, the appellant is not entitled to get orderly allowance in lieu of residence orderly in his pension after his retirement.

GROUND:-

- A:- That respondent No. 4 has not violated any rule of law and is bound to follow the rules and instructions issued by Provincial Government from time to time.
- B:- Incorrect. That in light of Finance Department Government of Khyber Pakhtunkhwa letter dated 17.09.2003, the act of respondent No. 4, is under the rules and not discriminatory.
- C:- Incorrect.
- D:- Incorrect.
- E:- That respondent No. 4 has not violated any rule or law and is bound to follow the rules and instructions issued by Provincial Government from time to time.

- F:- That two identical cases i.e. writ petition No. 350-P/2014, and 3036-P/2015 have already been dismissed and withdrawn respectively from the Peshawar High Court Peshawar.
- G:- As mentioned in Para "E" above.
- H:- As mentioned in Para "F" above.
- I:- As mentioned in Para "F" above.
- J:- Incorrect. That respondent No. 4 has not violated any rule or law and is bound to follow the rules and instructions issued by Provincial Government from time to time.
- K:- As mentioned in Para "J" above.
- L:- That in light of Finance Department letter dated 17.09.2003, the appellant is not entitled for orderly allowance in lieu of residence orderly in his pension after retirement.

Keeping in view the above mentioned facts, it is humbly prayed that appeal in hand having no merits may be dismissed with cost.

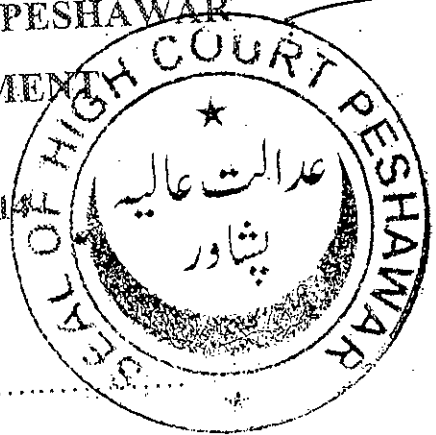

**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

Annex-II 30
Annex-A AN

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Writ Petition No.350-P/2014

JUDGMENT



Date of hearing.....20.11.2014.....

Petitioner(s)... *Petitioner in person*.....

Respondent(s)... *by Syed Qaiser Ali Shah, Advocate*.....

YAHYA AFRIDI.- Professor Nazir

Muhammad and others, the petitioners, seek the constitutional jurisdiction of this Court praying that

"It is, therefore, humbly prayed that on acceptance of this petition, a proper writ may be issued by directing the respondents to allow the benefit of the Memorandum/Notification of 24.12.2012 to the petitioners".

ATTESTED
Officer
EXAMINER
Peshawar High Court
06 JAN 2015

2. In essence, the grievance of the petitioners is that they are being discriminated by not providing the "Orderly Allowance" granted to other 'similarly placed'.

3. Notice was issued to the respondents, who have filed their comments by annexing the letter

9

SECTION OFFICER (J-1)
Judicial Department
Khyber Pakhtunkhwa

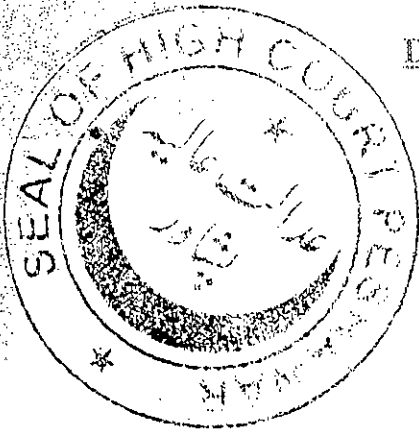
4. The aforementioned letter of the Government clearly shows that the "Orderly Allowance" is restricted only to those officers in BPS-20 and above, who either retired as Secretaries or the post of Secretary is included in their schedule of cadre.

5. Accordingly, the petitioners cannot claim to be discriminated, so as to invoke the constitutional jurisdiction of this Court.

In view of the above, this Writ Petition being misconceived is hereby dismissed.

429
 ⑦
Annex-A

DL20.11.2014.



ed/ Nabha Azizi
JUDGE

ed/ Haider Ali Khan
JUDGE

Nawab Shah

[Signature]
 CERTIFIED TO BE TRUE COPY
 Examined by
 Peshawar High Court, Peshawar
 Authorised Under Article 87 of
 The Constitution of Pakistan Order 1984
 06/01/15
 06 JAN 2015

8046
 Date of Presentation of Application 27/11/14
 No of Pages 111
 Copying fee 22
 Urgent Fee
 Total 22
 Date of Preparation of Copy 06/01/15
 Date Given For Delivery 06/01/15
 Date of Delivery of Copy 06/01/15
 Received By CG [Signature]

OFFICE OF THE CLERK
 PESHAWAR HIGH COURT
 KHAYAT BAZAR, PESHAWAR

①

Annex-B

BEFORE THE PESHAWAR HIGH COURT
PESHAWAR
WRIT PETITION NO. 3036-P/2014

Engr. Khushid Ali
Chief Engineer (retired)
Resident of Phase-II, Hayatabad
Peshawar

--- Petitioner

VERSUS

1. Accountant General
Khyber Pakhtunkhwa Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa
Finance Department, Peshawar
3. Senior District Accounts Officer
Swat
4. Secretary to Govt of Khyber Pakhtunkhwa
C&W Department, Peshawar

--- Respondents

Parawise Comments on behalf of Respondent No. 4

Respectfully Sheweth

Preliminary Objections

- i. That the petitioner has got no cause of action
- ii. That the petition is bad for non-joinder & mis-joinder of necessary parties
- iii. That the writ petition is not maintainable in its present form
- iv. That the petitioner has not come to the court with clean hands and the petition is based on mis-representation of facts.
- v. That the petitioner is estopped by his own conduct to the extra ordinary discretionary relief.
- vi. That the petition is pre-mature.

FACTS

1. Correct to the extent that petitioner was appointed as Assistant Engineer (BS-17) in C&W Department on 01.03.1969 and after serving more than 37 years retired from Government service on attaining the age of superannuation i.e. 60 years w.e.f. 04.06.2005 (A.N) as Chief Engineer (BS-20).
2. As explained in para-1 above.

Annex-B

3. Incorrect. Only the officers in BS-20 & above working in civil secretariat who are eligible for special additional pension on their retirement in terms of Finance Department circular letter dated 17.09.2003 and 18.02.2006 (Annex-I), shall be paid special additional pension equal to the pre-retirement orderly allowance admissible to serving officer w.e.f. 01.01.2013 or the date of his retirement whichever is later with the proviso that whenever the Government revise the rates of orderly allowance in future, the same increase shall be made applicable to the special additional pension of the retired officer.
4. Relates to Respondent No.1. i.e. Accountant General Khyber Pakhtunkhwa
5. Incorrect, in fact the petitioner has been retired from Government service as Chief Engineer (BS-20) from C&W Department as per Provincial Government circular letter dated 17.09.2003, orderly allowance is admissible to the officers of BS-20, 21 & 22 posted in the Civil Secretariat, therefore, the appellant is not entitled for the grant of orderly allowance.
6. Pertains to record, hence need no comments.

GROUNDS

- A. Incorrect, the petitioner mis-leading, mis-represented and manipulated the facts of the case, infact the Provincial Government has allowed orderly allowance to those officers of BS-20, 21 & 22 working in Civil Secretariat only.
- B. Incorrect. No discrimination to any individual, including petitioner nor any rule or principal of law infringed. The apprehension of the petitioner is mis-placed.
- C. Incorrect, as explained in above paras
- D. Incorrect, no right of the petitioner has been violated

In view of the above, it is prayed that the instant writ petition may kindly be dismissed with costs having no substance.

[Signature]
 SECRETARY TO
 Govt of Khyber Pakhtunkhwa
 C&W Department
 (Respondents No. 4)

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Annex-I

(4)

GOVERNMENT OF N.W.F.P.,
FINANCE DEPARTMENT PESHAWAR
(REGULATION WING)
NO.FD/SO(SR-II)/8-34/99/
Dated Peshawar the 17-9-2003.

*Annexure
referred in*

Pages - 3 & 4 & 8

To

1. All the Administrative Secretaries to Govt: of NWFP, Peshawar.
2. The Senior Member Board of Revenue NWFP, Peshawar.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary to Chief Minister, NWFP,
5. The Secretary Provincial Assembly Secretariat, NWFP, Peshawar.
6. All Heads of Attached Departments in NWFP, Peshawar.
7. All District Nazims in NWFP/All District Coordination Officers/Political Agents/ District & Session Judges in NWFP.
8. All Executive District Officers in NWFP.
9. The Registrar Peshawar High Court, Peshawar.
10. The Secretary Public Service Commission, NWFP, Peshawar.
11. The Registrar, Service Tribunal NWFP, Peshawar.
12. The Secretary Board of Revenue NWFP, Peshawar.

SUBJECT: GRANT OF ORDERLY ALLOWANCE

Dear Sir,

I am directed to refer to the subject noted above and to state that the Government of N.W.F.P. has decided to grant Orderly Allowance at the rate of Rs.1900/- P.M or residence orderly to officers in BS-20, 21 and 22 working in the Civil Secretariat with immediate effect.

2. The officers in BS-20, 21 and 22 posted in the Civil Secretariat are allowed to opt either for the provision of residence Orderly or for the Orderly Allowance.

Handwritten signature

Superintendent (Estab)
Govt: of Khyber Pakhtunkhwa
C&W Department

MEDICAL TEACHING INSTITUTION
LADY READING HOSPITAL PESHAWAR

No. 23762/LRH/Accit

Dated 19-08-2015

Amma 77
(32)

Ammaure
Para-7

To,

Dr. Muhammad Ali
S/o Faqir Muhammad
Ex-Chief Medical Officer
MTI/LRH, Peshawar

Subject: GRANT OF ORDERLY ALLOWANCE

Reference your application bearing Diary No. 14453 Dated 30.07.2015 on the subject cited above.

It is to inform you that vide Accountant General Khyber Pakhtunkhwa office letter No. PR-9(M)/Gazetted Seat/2014-15/467 dated 27.05.2015 and Finance Department Khyber Pakhtunkhwa Peshawar letter No. FD(SOR-II)8-34/99 dated. 28.12.2010 (photo copies attached) that Orderly Allowance is only allowed to the Officers in BPS-20, 21 and 22 working in the Civil Secretariate Khyber Pakhtunkhwa Peshawar.



Hospital Director
Medical Teaching Institution
Lady Reading Hospital,
Peshawar.

[Handwritten initials]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 980/2015
DR. Muhammad Ali, (EX-Neuro Surgeon), MTI/LRH,
Khyber Pakhtunkhwa, Peshawar.

...Appellant

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt: of Khyber Pakhtunkhwa, Health Department, Peshawar.
3. The Secretary to Govt: Khyber Pakhtunkhwa, Finance Department, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

...Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT No.1, 2 & 3

Preliminary Objections:

1. That the appellant has neither cause of action nor locus standi.
2. The appeal is not maintainable in its present form.
3. That the appeal is bad due to non-joinder and mis-joinder of necessary parties.
4. That the appellant has concealed the material facts from this Honorable Tribunal.
5. That the appeal is badly time-barred.

Facts:

1. No Comments pertain to record.
2. No Comments pertain to record.
3. Subject to Proof.
4. Subject to Proof.
5. Incorrect. Decisions of Federal Government as well as other provinces are not binding on this Provincial Government.
6. Incorrect. Appellant has not been discriminated. The orderly allowance is admissible only to the officers working in BPS-20 and above in Civil Secretariat, granted by the competent authority, whose duties and responsibilities, no doubt of an immense magnitude as they are responsible for policy making and monitoring the work of all the departments of the Provincial Government. The Officers other than above are neither entitled for orderly allowance nor special additional pension equal to the admissible pre-retirement orderly allowance. The duties of employees working in Secretariat & attached Departments have been analysed in the detailed report submitted by the high level committee under the chairmanship of Additional Chief Secretary (**Annexure-A**), constituted in compliance with the order of Peshawar High Court in respect of some allowances claimed by various employees of attached Departments and its findings regarding ineligibility of attached Departments employees to the benefits allowed to the Secretariat Employees were accepted by the Peshawar High Court(**Annexure-B**). Appellant being a medical doctor by profession is entitled to allowances which are not permissible to other service groups. Moreover, the appellant is a civil servant, however, has been exempted from Rule-16 of the Khyber Pakhtunkhwa Government Servants (conduct) Rules, 1987. Appellant being a medical doctor is entitled for private practice while Rule-16 is binding upon the service group who are in receipt of orderly allowance.
7. Pertains to record.


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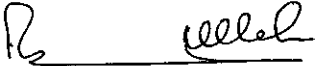
Grounds:

- a) Incorrect. The appellant has been treated as per law & rules. No right of the appellant has been snatched.
- b) Incorrect. As mentioned at Para-07 of the Fact. Appellant has not been discriminated.
- c) Incorrect. As explained in preceding paras. No Article of the constitution has been violated by the respondents.
- d) Incorrect. As explained in preceding paras.
- e) Incorrect. Appellant is not entitled to the orderly allowance as claimed. As such, has not been subjected to any financial loss/mental torture.
- f) Incorrect. Appellant is medical doctor by profession and is not similarly placed to the officers (BPS-20 & above) working in the Civil Secretariat.
- g) Incorrect. Law/rules have not been violated by the respondents.
- h) Incorrect. As explained in preceding paras.
- i) Incorrect. Appellant is not similarly placed to the officers (BPS-20 & Above) working in Civil Secretariat.

It is therefore, humbly prayed that appeal of the appellant being devoid of merit may be dismissed.

CHIEF SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
(RESPONDENT NO.1)


SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
(RESPONDENT NO.2)


SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(RESPONDENT NO.3)

Report of the High Level Committee

Subject: Judgment/Directions of Peshawar High Court Peshawar in Connection with Writ petition Filed by Certain Employees of Attached Department for Allowing Special Allowance And utility Allowance On The Analogy of Secretariat Employees.

Constituted in furtherance of Judgment and Order of Peshawar High Court in W.P. 87 of 2010 and other Petitions dated 26.05.2011 in respect of Special Allowance and Utility Allowance claimed by various employees of different attached Departments

1. A high level Committee comprising of BS 21 and BS 20 Senior Government functionaries was constituted under the Chairmanship of Additional Chief Secretary (BS - 22) and accordingly notified vide Notification No. FD(SOSR-II)8-7/2011 dated 02/07/2011 (Annex-A) in terms of the aforesaid Judgment and Order of a worthy Divisional Bench of Peshawar High Court dated 26.05.2011 where a period of Six months was fixed (Annex-B) with following terms of reference:

- (i) The Committee will examine the difference between the duties and functions of those Government employees who have been granted Special Allowance @ 20% and Utility Allowance @ 10% of the basic pay and those who have not been extended these facilities.
- (ii) The Committee will finalize its report/recommendations within three months period, commencing from the date of issuance of this Notification.

2. The Committee, after its constitution and notification, convened its meeting on 11.07.2011 and deliberated the matter referred thereto thoroughly in light of the Judgment of the Peshawar High Court. Proceedings of the meeting were duly minuted (Annex-C) and it was decided in larger interest of justice and fair play to co-opt a few more high level officials from the attached departments. It was also decided that the Committee may also require different attached Departments to provide them with the respective roster of duties, job

167/113

descriptions and details of working hours of employees working therein for comparison with those who are the beneficiaries of the two Allowances. Committee also directed Secretary Finance to apprise Committee about status of different allowances, being given to various groups, cadres or categories of Government Servants. Chair also asked the Establishment Department to analyze and monitor trends of retention and posting out of employees from Secretariat.

The Governor Secretariat and Chief Minister Secretariat, being the recipients of the two Allowances alongside Civil Secretariat Employees were also requested to apprise the Committee in writing about their roles and longer working hours, if any.

3. After co-opting a number of senior functionaries from different Attached Departments (List Annex-D) and receiving required information from various quarters, Committee accordingly reconvened its proceedings on 15.11.2011. A marathon session of meticulous consideration of the material gathered so far and protracted deliberations/consultations ensued.

4. The Committee, before proceeding further, unanimously acknowledged the legal position that it is a well-established prerogative of the "Executive" to incentivize any given set of its employees by way of special pay/allowances, if such preference is based on intelligent differentia and is arising out of a situation where either (a) the employees are tasked with specially arduous nature of duties or (b) where there are specific additions to work or responsibilities of a group or class of employees. Committee is also cognizant of Rule 9(25) of the Fundamental Rules, which fortifies this proposition, while defining the "Special Pay". The concept finds further strength when seen in context of the provisions related to "Compensatory Allowances", so dealt with under Rule 44 of the Fundamental Rules read with Rule 17 of the Subsidiary Rules. While taking stock of different notifications dealing with different allowances, admissible to various classes or

categories of government servants, as compiled by the Finance Department, the Committee is of the considered opinion that Governments of the day have been incentivizing different cadres or categories of Government functionaries by way of allowance for a variety of reasons such as (a) to promote a particular discipline of knowledge, (b) to boost morale of its employees in different exacting positions, (c) to ensure improvements in quality of work, (d) to create attraction for incumbency in different less advantageous positions, (e) to promote higher education, (f) to promote various best practices and to discourage corruption, (g) to improve governance and (h) to compensate employees with arduous duties or extended responsibilities etc. The Committee took into consideration a whole bunch of different allowance(s) granting notifications (Annex - E) with assistance of the Finance Department to judge the intrinsic rational of these notifications. After examining these Notifications and various judgments of the Superior Judiciary, cited in the Peshawar High Court's Judgment, the Committee finds its view reaffirmed that it is within the powers of the Government to provide additional monetary benefits by way of special pays or allowances to any given set of employees in preference and exclusion to others, if any of the afore-listed considerations are attracted to the circumstances of such preferred employees.

5. The Committee, after examining the general rationale for allowances, examined the parameters of Special and Utility Allowances, granted to the employees of three Secretariats in preference to employees of the attached Departments. It was also brought to the notice of the Committee that while Committee was seized with instant deliberations, the Provincial Government has modified the regime of Allowances and rather than two separate allowances, have since been notified as grant of a "Special Allowance" @ 30% of basic pay to the employees working at Civil Secretariat, Governor's Secretariat and C.M. Secretariat with some added rationalizations vide Notification No. FD(SOSR-II)8-7/2011 dated 27-04-2011 (Annex-E). While examining the job descriptions

provided by various Secretariat Departments and the Attached Departments, the Committee find itself in agreement with the comments of the Establishment Department which advocate a clear distinction between the statutory role of a "Department" vis-à-vis an "Attached Department" based on the definition provided in Rule 2(h) of the Khyber Pakhtunkhwa Rules of Business, 1985, defining a "Department" to mean a self-contained administrative unit in the Secretariat, responsible for the conduct of business of Government in a distinct and specified sphere and declared as such by the Government (underlining added for emphasis). While read with Rule 5 of the Rules of Business *ibid*, framing of the policy is the responsibility of the Minister Incharge and it is the responsibility of the Secretary of the Department to assist the Minister in formulation of the policy and its implementation, whereas the attached departments are tasked to implement the law and policies so made and duly sanctioned by the provincial government. With this discussion at hind sight, the Committee finds itself in unison with Establishment Department, who has categorized different levels of governance, reproduced hereunder for facility of reference and to acknowledge their significance to the instant discussion:

a. Strategic level: i.e. Cabinet. Being collectively responsible to Provincial Legislature, all vital policies of administrative, economic and strategic significance emanate from the Cabinet decisions as well as directive of Governor and Chief Minister.

b. Tactical level:

Secretariat: Since Chief Secretary, Khyber Pakhtunkhwa and Administrative Secretaries are responsible to Cabinet and their respective Departments to them, thus indirectly responsible to the Cabinet as well, the Secretariat of the Provincial Government provides policy and strategic input to the Cabinet. Therefore all policies originate from the Secretariat. For this purpose, all the

177

research work and other application of mental faculties at the higher level is done at the secretariat which calls for painstaking effort to ensure quality and quantity of work.

c. Implementation level:

Attached Departments: Policies framed in the Secretariat are passed on to Attached Departments in the shape of "ready-made" protocols of action or tools for implementation, with no direct responsibility to the Cabinet.

6. While juxtaposing and weighing the duties for finding semblances and similarities in functions and responsibilities of those provided with the Allowances and those, for whom such benefits does not stand extended, this Committee could not lightly brush aside the fact that three "Secretariats" being the policy pinnacles of the Government, serve as nerve center for tactical decision making for the "Executive". With Secretaries along with their Departments (Comprising of Secretariat staff) remaining responsible to their Ministers, who collectively as cabinet in their turn is responsible to legislature, there is necessitated a profound sense of accountability in the employees working in the Secretariat, making the Secretariat positions more exacting and directly responsible. While the nomenclature of the posts in different "Departments" of the Secretariat may sound semantically akin to those in the "Attached Departments", this Committee clearly sees merits in the rationale that the Secretariat Positions, as envisaged in the Rules of Business are arduously demanding in terms of responsibilities as they require more fastidious and painstaking observance of different affairs, direct answerability, pedantic protocols and excruciating decision making with minimal liaison with public. Another very important aspect, that came time and again, to the notice of this Committee, was the fact that in all the three Secretariats, because of closer

100/74

The beneficiaries of the two allowances are not more than three thousands who are rightfully receiving these benefits against given positions whereas if extended across the board to hundreds of thousands of employees, the benefits will have financial implications worth Billions of rupees annually with recurring liability. A hefty portion of the Budget (almost Rs. 86 Billion per annum) goes to salaries alone making this non-developmental expenditure already unbearable. Any further increase towards universal application of allowances will prod the Provincial Government to a state of quandary, with no wherewithal to meet even its day to day expenditures, leaving absolutely no room for development at all. Even otherwise, concept of special pay necessitate payment against arduous or additional responsibilities and thus a backbreaking payment without attending circumstances will make the same, absolutely without any plausible rational or justification.

10. This Committee, after examining all the relevant material and bearing in mind all the attending circumstances, facts and figures and especially after making thorough analysis of two different categories of employees (ones, who are receiving these benefits and the ones, who are not), finds them placed differently in different circumstances. This Committee, is therefore of the considered opinion, that it was within the prerogative of the Provincial Government to incentivize more exacting and arduous secretariat positions to ensure retention of better officers and employees at the tactical secretariat level. The employees at the Secretariat perform functions and duties which are more demanding and burdensome with responsibilities with heavier accountability vis-à-vis those serving in attached Departments. Different job positions at Secretariat thus require special benefits to make them more attractive and thus retain functionaries at these positions. This Committee therefore holds that there exists clear distinction between the duties and functions of those who have been granted allowances and those who have been excluded and thus employees

119
195

unceasing responsibilities to assist political bosses even during odd or beyond usual working hours and because of enhanced quantum of work, are ordered to sit much beyond usual working hours. These extended accountability and arduous aspect of serving at secretariat positions, if not made little more rewarding, would make these position far less attractive thus would make retention of good officers at these policy echelons extremely difficult. In comparison to these arduous conditions, the employees posted in smaller and more dependently attached departments and semi-autonomous wings are performing limited functions in far less-demanding environs thus treating the two distinct classes similarly would serve injustice rather than justice.

8. While respecting the point of views of different co-opted members from the attached Departments favoring a similar treatment for their subordinates too, the Committee also remained cognizant of the fact that despite these two paltry percentile based allowances, the positions at Secretariat with no direct public liaison are generally conceived as more taxing and grueling by the government functionaries and they try to opt for positions outside these secretariats. Establishment Department confirmed that a large number of officers posted at different Secretariat positions have either shown tendencies or expressed desires to post themselves out to different less demanding administrative positions outside secretariats. In such circumstances, giving no added benefits for secretariat postings will render the Secretariat virtually empty and devoid of good officers at important tactical positions.

9. It may also be added that the Committee was requested by different Head of Attached Departments to consider favorably for the attached Department employees and extend similar benefits to them too on compassionate grounds alone, if not otherwise admissible, but it may be worth considering that presently

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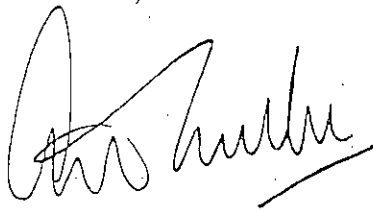
proximity to the strategic level of governance and because of direct liaison with actual decision makers i.e. the Governor, Chief Minister and the Ministers Incharge of various line ministries, the employees are required to observe relatively longer working hours, as more often than not, they are required to remain available on their positions beyond normal duty hours. In fact, the comments furnished by the Governor and Chief Minister Secretariats respectively, it has been reported that late sittings till evening is a matter of routine in the two Secretariats because of day long engagements and extended working hours of the worthy Governor and Chief Minister respectively. The Committee was provided with a number of Notifications and Intra Office Memos of various Departments in the Civil Secretariat as well, where the staff working in different Departments has been instructed to stay and remain available till the sitting of the Minister, till the session of the Provincial Assembly (which usually go till late in the evening) or during days of Provincial Budget, preparation of ADP or in the matter of different other emergencies, burdening the employees posted at Civil Secretariat every now and then with additional duties and extended working hours as matter of routine. While being fully appreciative of the dedication of employees at attached Departments as well, this Committee has observed that the practice of late sittings or extended working hours is virtually inexistent at the attached Departments as they perform their implementation responsibilities, mostly within the normal office hours. No attached Department, in its comments provided to this Committee, has claimed any additional workload on account of longer working hours, whereas the practice of late sitting is a regular feature when one works at any of the three Secretariats. While making a fair estimate of the workload based on discussions with co-opted members and observing the pattern of tasking, this Committee feels that employees working at the three Secretariats are required to perform different secretariat responsibilities over any given period of one month which are at least 25% to 30% more burdensome when compared to those who work in different

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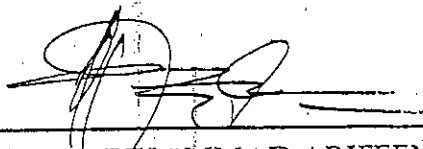
attached Departments or field formations with similar nomenclatures. Just to narrate an example, any of the Stenographers/Steno-typists, attached with administrative Secretaries have usually 40 to 50 documents per day to compose, while those at the attached Departments are usually tasked to compose 25 to 30 pages per day on a busy working day. Similarly record keeping and handling of files, maintaining DAK registers and correspondence and other secretariat support at Secretariat level is more painstaking and onerous on any given day, when compared with these activities at the implementation level attached Departments. Another important aspect that came under consideration of the Committee was that at attached Departments, as explained at some length above, are positions, primarily related to field duties or on-ground implementation activities whereas at Secretariat there are no parallel positions, so in essence, nature of responsibilities of the two groups are not alike or similar at all, as far as these implementation level positions are concerned such as in Directorates or field offices. Employees in such positions, although have been, petitioners in many of the Writ Petitions seeking two allowances, but have no comparison at all with those working at Secretariats and cannot be regarded as "placed in similar conditions".

7. After a thorough examination of list of responsibilities of different Secretariat positions, so listed in Khyber Pakhtunkhwa Manual of Secretariat Instructions, 2008 and comparing them with job descriptions of positions at different attached Departments, and especially taking into account the prevalent practices in different departments and their respective attached Departments, this Committee has observed that while working in support of Governor, Chief Minister and the Cabinet, the three Secretariat employees are mostly required to perform activities that need painstaking research, punctilious observation of codal formalities and comparatively more hard work to ensure quality and quantity of work. More often than not, employees at Secretariats, due to their

working at the attached Departments are not entitled for such special and utility allowances. Before parting with this determination, the Committee however recommends that in case, any particular attached wing or field formation still feels that it has similar conditions of work, akin to that of Secretariat with similarly demanding accountability and longer working hours and matching workload, it may send its case separately to the Finance Department, with all supporting material and evidence through proper channel for consideration, purely on merit for grant of such special pay/allowance. This Committee expresses its gratitude to all concerned for supporting and assisting this Committee to arrive at an informed and just determination.



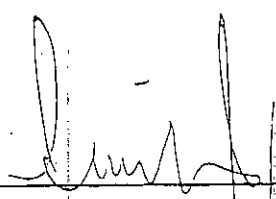
(MR. ATTA ULLAH KHAN)
Additional Chief Secretary, Khyber Pakhtunkhwa
(Chairman)



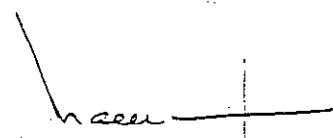
(MR. MUHAMMAD ARIFEEN)
Secretary to Govt. of Khyber Pakhtunkhwa
Establishment Department (Member)



(MR. HIFZ-UR-REHMAN)
Secretary to Govt. of Khyber Pakhtunkhwa
Administration Department (Member)



(SYED AMIRUDDIN)
Secretary to Govt. of Khyber Pakhtunkhwa
Law and Preliminary Affairs Department
(Member)



(SAHIBZADA SAEED AHMAD)
Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department (Secretary)


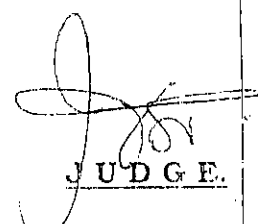
Annex: B

Peshawar High Court, Peshawar

FROM 'A'

FORM OF ORDER SHEET

COURT OF
CASE NO.....

SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS.	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY.
1	2	3
	15.08.2012	<p>COC No. 90-P/2012 in W.P. No. 350/2010 (D).</p> <p>Present: -</p> <p>Mr. Muhammad Yousaf Zai, Advocate counsel for the petitioner.</p> <p style="text-align: center;">←*****→</p> <p><u>YAHYA AFRIDI J.</u> This Contempt of Court petition is directed against the alleged non compliance of the orders of this Court in W.P. No. 87/2010 decided on 26.02.2011.</p> <p>The matter was reviewed it was found that the directions of this Court for constitution of High Level Committee and its findings regarding the illegibility of the petitioner to avail the facilities has been complied with. The report of the committee is placed on record which was shown to the learned counsel for the petitioner.</p> <p>In view of the above this COC is misconceived and thus the notice so issued is hereby recalled. Disposed of, accordingly.</p> <div style="text-align: right;">  JUDGE. </div> <div style="text-align: right;">  JUDGE. </div> <p>Announced 15.08.2012</p>

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15/08/12