


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 2451 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	2	3
1-	22/11/2023	<p>The appeal of Syed Shahinshah resubmitted today by him. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Syed Shahinshah Dy. Director Finance and Accounts LG&RDD Peshawar received today i.e on 14.11.2023 is incomplete on the following score which is returned to appellant for completion and resubmission within 15 days.

Pages no. 31, 32 & 33 of the appeal are illegible which be replaced legible/better one.

No. 3591 /S.T,

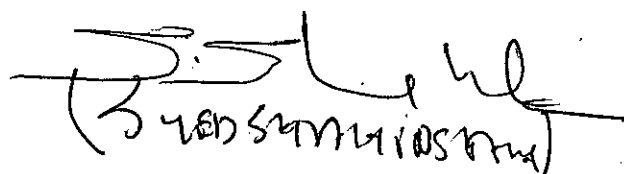
Dt. 15/11 /2023.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Shahinshah Appellant.

Received on 17-11-23. Clear copies  
are fixed/placed as needed.

  
(Syed Shahinshah)  
Appellant's Person  
22-11-23

**BEFORE THE HONBLE COURT SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 2451 2023

Syed Shahin Shah

---- VERSUS ----

Govt. of Khyber Pakhtunkhwa through  
Secretary Finance Department and others

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Dated: \_\_\_\_\_

**APPELLANT**

Through

  
**SYED SHAHIN SHAH**

1

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Service Appeal No. 2457 /2023

Syed Shahin Shah

Deputy Director (Finance and Accounts)

C/O Directorate General LG & RD, Plot No. 20, Phase-V,  
Hayatabad, Peshawar.

CNIC # 17301-9406669-3

Cell No. 0333-9006361.....(Appellant)

**V E R S U S**

1. Government of Khyber Pakhtunkhwa through its Secretary, Finance Department, Civil Secretariat Khyber Road, Cantt, Peshawar KP.
2. Accountant General of Khyber Pakhtunkhwa, Federal Government, Fort Road, Cantt Peshawar (KP).
3. Account Officer (Payroll-V) Office of the Accountant General of Khyber Pakhtunkhwa, Federal Government, Fort Road, Cantt Peshawar (KP).
4. Section Officer SR-1, Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat Khyber Road, Cantt, Peshawar KP.....(Respondents)

**SERVICE APPEAL UNDER SECTION 4 OF  
KHYBER PAKHTUNKHWA SERVICE TRIBUNL  
ACT FOR NOT FOLLOWING AND  
IMPLEMENTING OF THE PROVINCIAL**

GOVERNMENT KHYBER PAKHTUNKHWA  
DECISION VIDE LETTER NO FD SOS (R-1) 2-  
123/14 DATED 21.02.2014 FOR THE GRANT  
OF PREMATURE INCREMENT ON PROMOTION  
WITHIN THE SAME SCALE OF HIGHER POST  
AND ANOTHER CARRYING THE SAME BASIC  
PAY SCALE IN FIXATION OF PAY SCALES I.E.  
ONE INCREMENT OF HIGHER SCALE IN  
BASIC PAY SCALE BPS-17 ~~AND~~ <sup>VI</sup> THE NEXT  
STAGE AND ANOTHER AS A PREMATURE  
INCREMENT WILL BE ADMISSIBLE IN SUCH  
CASES OF PROMOTION I.E. ALL CASES OF  
PROMOTION READ WITH CIVIL PETITION NO.  
1371 <sup>of 1997</sup> DATED 22-01-2001 ALONG WITH C.A.  
NO. C-1939 OF 2021 DATED 27-4-21  
CIRCULATED AND ENDORSED BY FINANCE  
DEPARTMENT KHYBER PAKHTUNKHWA.  
THE NON ACTION OF THE RESPONDENTS  
MAY BE DECLARED ILLEGAL, UNLAWFUL AND  
AGAINST THE ARTICLE 25 ETC OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN 1973.

Prayer in Appeal:

On acceptance of the instant Appeal, Declaring the acts and conducts of the Respondents for not following and implementing of the Provincial Government Khyber Pakhtunkhwa Decision vide Letter No FD (SOSR-1)2-123/2014 dated 21.02.2014 for the grant of premature increment on

promotion within the same scale of higher post and another carrying the same basic pay scale in fixation of pay scales i.e. one increment of higher scale in basic pay scale BPS-17 and the next stage an another as a premature increment will be admissible in such cases of promotion i.e all cases of promotion. The non-action of the respondents may be declared illegal, unlawful and against the article 25 etc of the Islamic republic of Pakistan 1973 and to direct the Respondents to fix the Pay according to decision of the mentioned circular w.e.f. 01/01.2019 along with consequential benefits accruing thereon.

**Respectfully Sheweth:**

The Appellant humbly submits as under:

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.

- 4
2. That the learned Service Tribunal ignored the principle of Federation by objecting the Finance Department as a respondents and allowing the Accountant General under the Federal Government as a respondents vide order dated 06/10/2020 in Service Appeal No. 1532/ 2022.
  3. That the Appellant joined the Workers Welfare Board, KP on 01.09.1991 after the departmental competitive Examination and Interview. The Appellant joined the Civil Service in Local Government Department on 06.05.1996 through proper channel (NOC) via Public Service Commission KP.
  4. That the Appellant was promoted from Basic Pay Scale 17 to Basic Pay Scale 18 on October 12% 2018. (Copies of Service record of the Appellant is attached as annexure "A").
  5. That the Finance Department circulated the decision vide Letter No FD (SOSR-1)2-123/2014 dated 21.02.2014. (Copy of Letter dated 21.02.2014 is attached as annexure "B").

6. That the Respondents did not fix the pay of the Appellant in the light of self-explanatory letter mentioned above. The representations were made but did not respond and ignored. (Copies of representations are attached as annexure "C").
7. That the Respondents did not acted on the decision of the Provincial Government in the circular *ibid*, which constrained the Appellant to file this Service Appeal in the learned Service Tribunal on the following grounds:

**GROUND:**

- A. That the Appellant is peaceful, and law abiding citizen of Islamic Republic of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B. That the learned Service Tribunal ignored the principle of Federation by objecting the Finance Department as a respondents and allowing the



Accountant General under the Federal Government as a respondents vide order dated 06/10/2020 in Service Appeal No. 1532/ 2022.

- C. That the Finance Department before the Circular dated 21.02.2014 held that one advance increment is admissible to the Civil Servants at the time of their promotion to higher posts, who are already drawing pay in the basic pay scales of the higher post, this is the case if selection post, mover and up-gradation since 2002.
- D. That now the Finance Department of Khyber Pakhtunkhwa is further pleased vided circular No. FD (SOSR-1) 2-123/2014 dated 21.02.2014 on the same subject added the following instructions, reproduced as under:

***“Now in pursuance to the Government of Pakistan, Finance Division Islamabad Office Memorandum No. F. 11(30)R-2/2010-1180 dated 05<sup>th</sup> November, 2012 (Copy enclosed), the competent authority is pleased to allow on premature increment scale in all pay scales of***

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*the higher post in fixation of pay on promotion within the same pay scale in all cases of promotion to higher posts carrying the same basic pay scales, meaning thereby that one advance increment as next stage and another as a premature increment will be admissible in such cases of promotion.*

*These order will be effective from the date of its issuance.*

- E. That the grant of two increment in regular promotion one in the same scale of the higher post and another on promotion was discussed thread bare with the officer / officials by the persons Kamran and AO Shahid Iqbal of Accountant General, Khyber Pakhtunkhwa in Payroll-V Section but they were ignorant of this such legal facts and was also unwilling that it will open the cases of all regular promotions which were ignored in the illegal manner since 2014 and against the instruction of the Provincial Government in the circular *ibid*.

- F. That the required basic pay fixation is attached in the comparative statement. (Copy of statement is attached as annexure "D").
- G. That the pay fixed on promotion with advance increment of BPS-18 i.e. 2870 was Rs. 87,140/- which is adjusted with BPS-18 and then the regular promotion increment of BPS-138 if granted the basic pay will come Rs. 90010/- which is the required and prayed for, as on 01.01.2019.
- H. That Civil Petition No. 1371 of 97 dated 22-01-2001 along with C.A. No 345 of 87 dated 24-4-96 circulated and endorsed by Finance Department Khyber Pakhtunkhwa. In the light of Section 54 of the Law of Evidence, 1984;.....barring further litigation on the same question of law.
- I. That the respondent No. 1 never ~~take~~ <sup>took</sup> initiative on steps to create and establish the Provincial Accountant General Office since the dissolution of West Pakistan Province in 1969.
- J. That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Appeal, Declaring the acts and conducts of the Respondents for not following and incrementing of the Provincial Government Khyber Pakhtunkhwa Decision vide Letter No FD (SOSR-1) 123/2014 dated 21.02.2014 for the grant of premature increment on promotion within the same scale of higher post and another carrying the same basic pay scale in fixation of pay scales i.e. one increment of higher scale in basic pay scale BPS-17 and the next stage another as a premature increment will be admissible in such cases of promotion i.e. all cases of promotion. The non action of the respondents may be declared illegal, unlawful and against the article 25 etc of the Islamic republic of Pakistan 1973 and to direct the Respondents to fix the Pay according to decision of the mentioned circular w.e.f. 01.01.2019 along with consequential benefits accruing thereon.

Any other relief, not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

Appellant in person

Dated: 27/10/2023



**Syed Shahin Shah**

Deputy Director (Finance and  
Accounts) C/O Directorate General  
LG & RD, Plot No. 20, Phase-V,  
Hayatabad, Peshawar.  
CNIC # 17301-9406669-3  
Cell No. 0333-9006361

II

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2023

Syed Shahin Shah.....(Appellant)

**V E R S U S**

Government of Khyber Pakhtunkhwa through its Secretary,  
Finance Department and others.....(Respondents)

**AFFIDAVIT.**

I, Syed Shahin Shah, Deputy Director (Finance and  
Accounts) C/O Directorate General LG & RD, Plot No. 20,  
Phase-V, Hayatabad, Peshawar, solemnly affirm and declare  
that the contents of the **Service Appeal** are true and correct to  
the best of my knowledge and belief and nothing has been  
concealed from this Hon'ble Tribunal.

*Handwritten signature and date: 25-10-23*

*Handwritten signature*  
**DEPONENT**  
CNIC: 17301-9406669-3  
Cell No. 0334-9006361

12

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2023

Syed Shahin Shah.....(Appellant)

**V E R S U S**

Government of Khyber Pakhtunkhwa through its Secretary,  
Finance Department and others.....(Respondents)

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Syed Shahin Shah  
Deputy Director (Finance and Accounts)  
C/O Directorate General LG & RD, Plot No. 20, Phase-V,  
Hayatabad, Peshawar.  
CNIC # 17301-9406669-3  
Cell No. 0333-9006361.

**RESPONDENTS:**

1. Government of Khyber Pakhtunkhwa through its Secretary, Finance Department, Civil Secretariat Khyber Road, Cantt, Peshawar KP.
2. Accountant General of Khyber Pakhtunkhwa, Federal Government, Fort Road, Cantt Peshawar (KP).
3. Account Officer (Payroll-V) Office of the Accountant General of Khyber Pakhtunkhwa, Federal Government, Fort Road, Cantt Peshawar (KP)
4. Section Officer SR-1, Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat Khyber Road, Cantt, Peshawar KP.

Appellant in person

Dated: 27/10/2023

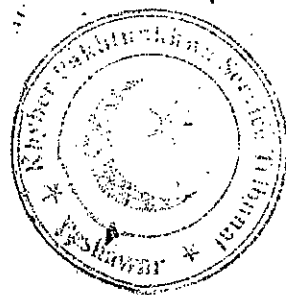
  
**Syed Shahin Shah**

Deputy Director (Finance and  
Accounts) C/O Directorate General  
LG & RD, Plot No. 20, Phase-V,  
Hayatabad, Peshawar.  
CNIC # 17301-9406669-3  
Cell No. 0333-9006361

06-10-23

A


13



Appal No. 1532/2022  
Syed Shalimshah vs Govt

I, the appellant, withdraw the appeal on 3. Some technical ground with permission of learned Senior Magistrate and will prefer the afresh appeal.

- 06<sup>th</sup> Oct. 2023 01. Appellant present in person. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
- 02. The appellant wants to withdraw this appeal with the intention of submitting some fresh appeal. As a token of admission of his submission, he signed the margin of order sheet.
- 03. In view of the above, the appeal is dismissed as withdrawn with permission to file fresh appeal, if so ~~desired~~ <sup>desired</sup>, subject to all just and legal objections. Consign.
- 04. Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 06<sup>th</sup> day of October, 2023.

  
 Faridha Paul  
 Member(E)  
 \*Huzle Subhan, PS\*  
 Peshawar District Tribunal  
 Peshawar

Date of Presentation 06-10-23  
 Number of pages Page 8  
 Copying Fee 40/-  
 Urgent  
 Total 40/-  
 Name of Court  
 Date of Court 18-10-23  
 Date of Delivery 18-10-23





Government of Khyber Pakhtunkhwa  
Local Government, Elections and Rural Development Department

**NOTIFICATION**

Dated Peshawar, 12<sup>th</sup> October, 2018

No.SO(LG-I)2-128/2018:- The Competent Authority on the recommendations of Provincial Selection Board has been pleased to promote Syed Shahinshah, Accounts Officer (BPS-17) to the post of Deputy Director (Finance and Accounts) BPS-18 in Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa Peshawar with immediate effect.

2. On his promotion, the officer will remain on probation, in terms of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
3. Consequent upon his promotion, Syed Shahinshah is posted against the vacant post of Deputy Director (Finance & Accounts) BPS-18 in Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar with immediate effect.

SECRETARY TO GOVT.OF KHYBER  
PAKHTUNKHWA, LG,E&RDD

Endst No. SO(LG-I)2-128/2018

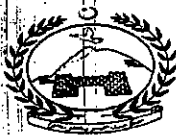
Dated Pesh: 12<sup>th</sup> October, 2018

Copy is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director General, LG&RDD, Khyber Pakhtunkhwa, Peshawar.
4. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
5. Syed Shahinshah, Accounts Officer, Directorate General, LG&RDD, KP, Hayatabad, Peshawar
6. The Manager, Government Printing Press, Peshawar.
7. Personal file of the officer concerned.
8. The PS to Secretary, LG,E&RDD.
9. Office order file.

Attested  
Relibinif

(HAJ MUHAMMAD)  
SECTION OFFICER (ESTAB)  
Ph: # 091-9213224



Date: 25-2-14  
LG & RDD

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)**

15

**NO. FD (SOSR-1) 2-123/2014  
Dated Peshawar the 21<sup>st</sup> February, 2014**

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 Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional 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 Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject: **GRANT OF PREMATURE INCREMENT ON PROMOTION  
WITHIN THE SAME SCALE.**

Dear Sir,

I am directed to refer to the subject noted above and to say that under Rule 10 (2) of the Khyber Pakhtunkhwa Civil Services Pay Revision Rules – 1978, one advance increment is admissible to the Civil Servants; at the time of their promotion to higher posts, who are already drawing pay in the basic pay scales of the higher post.

2. Now, in pursuance to the Government of Pakistan, Finance Division, Islamabad Office Memorandum No.F.11(30)R-2/2010-1150 dated 5<sup>th</sup> November, 2012 (copy enclosed), the competent authority is pleased to allow one premature increment in the pay scales of the higher post in fixation of pay on promotion within the same pay scale in all cases of promotion to higher posts carrying the same basic pay scales, meaning thereby that one advance increment as next stage and another as a premature increment will be admissible in such cases of promotion.

3. These orders will be effective from the date of its issuance.

Yours faithfully,

*Masood Khan*  
*S.S. Khan*

*Razaullah Khan*  
**(RAZAULLAH KHAN)**  
Addl. Secretary (Regulation)

**Endst: No. FD (SOSR-1) 2-123 /2014**

**Dated 21<sup>st</sup> Feb, 2014**

**Copy for information & necessary action to the:-**

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, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
8. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
9. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.

*circulate to all  
in 8/9/10/11/12  
S.O. 9/11/12*

*Masood Khan*  
*25-2-2014*

**(MASOOD KHAN)**  
Deputy Secretary (Reg-II)

**P.T.O**

**Endst: No. & Date Even**

**Copy for information is forwarded to:-**

1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt:

  
Section Officer (SR-1)



**SELF-CONTAIN NOTE FOR**

Subject: **GRANT OF PREMATURE INCREMENT ON PROMOTION WITH THE SAME SCALE**

1. This self-contained case / brief on the subject in respect of pay fixation upon promotion of Syed Shahinshah : Deputy Director (F/A) , BS-18 is given as with following terms & phrase as notified by the Government of KP vide notification No. FD/SO (SR-1) 1-1 / 2017 dated 17<sup>th</sup> July, 2017 -Annexure -I
2. The table of calculation as sequence and consequence of the above notification is attached as annexure-II.
3. The notification of promotion of the Deputy Director: Syed Shahinshah BS-18 w.e.f 12.12.2018 (F.N) is already available in the file along-with the monthly salary statements (Pay slips) for the month of November, December 2017 and January 2018 and are attached as annexures III, IV, & V respectively.
4. The basic scale are that notified vide annexure -I and running with twenty stages with increment of Rs.2300/- in BPS-17
5. The personal pay is notified pay as per annexure-I and is allowed after the completion of 20<sup>th</sup> stages in BPS-17.
6. The increment is Rs.2300/- in BPS-17 and falls or accrues on 1<sup>st</sup> December, of each calendar year. It is also notified as per annexure-I
7. The last stage 20<sup>th</sup> in BPS-17 carries the Personal pay with sum of Rs.4630/- vide annexure-III & IV.
8. The personal Pay of Rs.4600/- is added with another increment in BPS-17 of Rs. 2300/- as on 1<sup>st</sup> December, 2017 and come to Rs.6900/- as on 31<sup>st</sup> December, 2017 in Personal Pay as reflected in Annexure-IV & V – Pay Slips
9. Then upon promotion to BPS-18 as Deputy Director w.e.f 2<sup>nd</sup> December, 2018 one advance increment of Rs.2870/- in BPS-18 was granted in next stage and total sum of running basic pay in BPS-18 comes as:

Rs	76360/-	running basic pay in BPS-17
	6900/-	personal Pay in BPS-17
	83270 /-	additions
	2870/-	Increment in <u>BPS-18 on promotion</u>
	<u>86140/-</u>	with stage adjustment.
So	87140/-	running pay in BPS-18
10. The monthly statement /pay slips showing the basic pay of Rs.87140/- all addition and stage adjustment.

**The self-contained brief through Annexure do not show any premature increment on promotion with same scale, so case which was supposed to be sent to AG, is need to be sent to SO (G) of Local Government, KP**

Deputy Director (Finance/Accounts)  
Dt, General LG&DD, KP

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**MOST IMMEDIATE/REMINDER**

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
LOCAL GOVERNMENT, ELECTIONS & RURAL  
DEVELOPMENT DEPARTMENT**

**No.SOG/LG/7-1/Misc:/2020**

Dated Peshawar the 09<sup>th</sup> November, 2020 | 5234

To

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

D. No. 22793  
DATED 10/11/2020  
SO LOCAL GOVERNMENT

Subject: **GRANT OF PREMATURE INCREMENT ON PROMOTION WITHIN THE SAME SACLE.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Directorate General, Local Government & Rural Development, Khyber Pakhtunkhwa letter No. DG(LG)/3-14/Budget/2020-21/17149 dated 23/10/2020 (alongwith its enclosure) for necessary action.

I am further directed to request that advice with regard to application of Syed Shahinshah, Deputy Director (F&A), LG&RD for grant of premature increment on promotion within the same scale may be furnished to this Department for further processing, please.

Yours faithfully

**SECTION OFFICER (GENERAL)**

**Encl: As above**

Copy forwarded to:

- 1. The Director General, LG&RD w/r to his letter quoted above.
- 2. PS to Secretary, LG E&RD Department.

  
**SECTION OFFICER (GENERAL)**

*Handwritten notes and signatures:*

AD(A) [Signature] 10/11/2020

AD(A) [Signature] 10/11/2020

AD(A) [Signature] 10/11/2020

AD(A) [Signature] 10/11/2020

AD(A) [Signature] 10/11/2020

Place in the relevant file. 2



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# GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPDF](https://www.facebook.com/GoKPDF)

[twitter.com/GoKP](https://twitter.com/GoKP)

NO. FD(SOSR-1)2-123/2021

Dated Peshawar the: 09-11-2021

To

2-6  
11.11.2021

The Secretary to Govt: of Khyber Pakhtunkhwa,  
Local Govt., Elections & Rural Development Department

Subject: - GRANT OF PREMATURE INCREMENT ON PROMOTION WITHIN THE SAME SCALE

Dear Sir,

I am directed to refer to your Department letter No. SOG/LG/7-1/Misc:/2020 dated 09-11-2021 on the above noted subject and to state that the case may be decided in light of Government of Pakistan, Finance Division, Islamabad office Memorandum No. F.11 (30) R-2010-1150 dated 05-11-2012 (copy enclosed).

Yours faithfully,

Mohd  
S. S. [Signature]

SECTION OFFICER (SR-1)



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**DIRECTORATE GENERAL**  
**LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT**  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**

No. DD (F&A)/Budget/LG RDD/2022-23/2452-56  
Dated Peshawar the 7<sup>th</sup> July, 2022

To,

1. The Secretary to Government of Pakistan,  
Finance Division Public Secretariat Block Q, Constitutional Avenue,  
Islamabad, Pakistan
2. Controller General of Pakistan, Federal Government, Islamabad
3. Accountant General of Khyber Pakhtunkhwa, Federal Government, Fort  
Road, Cantt Peshawar (KP)
4. Account Officer (Payroll-V), Office of the Accountant General of Khyber  
Pakhtunkhwa, Federal Government, Fort Road, Cantt Peshawar (KP)
5. Auditor (Payroll-V) for Local Government and Rural Development  
Department, KP, Office of the Accountant General of Khyber  
Pakhtunkhwa, Federal Government, Fort Road, Cantt Peshawar (KP)

**Subject: GRANT OF PREMATURE INCREMENT ON PROMOTION WITHIN THE  
SAME SCALE.**

Kindly refer to the subject and in pursuance of the Government of Pakistan, Finance Division, Islamabad, office memorandum No.F.11(30)R-2/2010-1150 dated 05/11/2012. It is brought in your notice that the Finance Division, Government of Pakistan (Regulation Wing) vided Circular No. F. 11(30)R-2/2010-1150 dated 5<sup>th</sup> November, 2012 with reference to the judgment of the Honorable Supreme Court of Pakistan in a Civil Appeal 1371-1392 of 1997 dated 2/01/2001 Title Mr. Saeed Ahmad and other against the Government of Pakistan decided the issue of the grant of premature increment of promotion within the same scale.

The Finance Department Government of Khyber Pakhtunkhwa is further pleased vided circular No.FD (SOSR-1) 2-123/2014 dated 21/02/2014 on the same subject added the following instructions, reproduced as under:-

***"Now, in pursuance to the Government of Pakistan, Finance Division, Islamabad Office Memorandum No. F.11(30)R-2/2010-1150 dated 05<sup>th</sup> November, 2012 (copy enclosed), the competent authority is please to allow on premature increment scale in all pay scales of the higher post in fixation of pay on promotion within the same pay scale in all cases of promotion to higher posts carrying thee same basic pay scales, meaning thereby that one advance increment as next stage and another as a premature increment will be admissible in such cases of promotion.***

***These order will be effective from the date of its issuance."***

The grant of two increment in regular promotion one in the same scale of the higher post and another on promotion was discussed thread bare with the officers/officials of Accountant General, Khyber Pakhtunkhwa in Payroll-V Section but they were ignorant of this such legal facts and was also unwilling that it will open the cases of all regular promotions which were examined and passed in the illegal manner since 2014 and against the instruction of the Provincial Government in the circular ibid.



**SELF-CONTAIN NOTE FOR**

**Subject: GRANT OF PREMATURE INCREMENT ON PROMOTION WITH THE SAME SCALE**

1. This self-contained case / brief on the subject in respect of pay fixation upon promotion of **Syed Shahinshah : Deputy Director (F/A) , BS-18** is given as with following terms & phrase as notified by the Government of KP vide notification No. FD/SO (SR-1) 1-1 / 2017 dated 17<sup>th</sup> July, 2017 -Annexure -I
2. The table of calculation as sequence and consequence of the above notification is attached as annexure-II.
3. The notification of promotion of the Deputy Director: Syed Shahinshah BS-18 w.e.f 12.12.2018 (F.N) is already available in the file along-with the monthly salary statements (Pay slips) for the month of November, December 2017 and January 2018 and are attached as annexures III, IV, & V respectively.
4. The basic scale are that notified vide annexure -I and running with twenty stages with increment of Rs.2300/- in BPS-17
5. The personal pay is notified pay as per annexure-I and is allowed after the completion of 20<sup>th</sup> stages in BPS-17
6. The increment is Rs.2300/- in BPS-17 and falls or accrues on 1<sup>st</sup> December, of each calendar year. It is also notified as per annexure-I
7. The last stage 20<sup>th</sup> in BPS-17 carries the Personal pay with sum of Rs.4630/- vide annexure-III & IV.
8. The personal Pay of Rs.4600/- is added with another increment in BPS-17 of Rs. 2300/- as on 1<sup>st</sup> December, 2017 and come to Rs.6900/- as on 31<sup>st</sup> December, 2017 in Personal Pay as reflected in Annexure-IV & V – Pay Slips
9. Then upon promotion to BPS-18 as Deputy Director w.e.f 2<sup>nd</sup> December, 2018 one advance increment of Rs.2870/- in BPS-18 was granted in next stage and total sum of running basic pay in BPS-18 comes as:

Rs	76360/-	running basic pay in BPS-17
	<u>6900/-</u>	personal Pay in BPS-17
	83270 /-	additions
	2870/-	Increment in <u>BPS-18 on promotion</u>
	<u>86140/-</u>	with stage adjustment.
So	87140/-	running pay in BPS-18

10. The monthly statement /pay slips showing the basic pay of Rs.87140/- all addition and stage adjustment.

**The self-contained brief through Annexure do not show any premature increment on promotion with same scale, so case which was supposed to be sent to AG, is need to be sent to SO (G) of Local Government, KP**



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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
LOCAL GOVERNMENT, ELECTIONS & RURAL  
DEVELOPMENT DEPARTMENT**

No. SOG/LG/3-13/DG, LG&RD/2022  
Dated Peshawar the 29<sup>th</sup> March, 2022

3047

To

The Director General,  
Local Govt: & Rural Development,  
Khyber Pakhtunkhwa, Peshawar.

S No. 532  
DATED 30-03-2022  
UG LOCAL GOVERNMENT

Subject:- GRANT OF PREMATURE INCREMENT OF PROMOTION WITHIN A  
SAME SCALE

I am directed to refer to your letter No. DD(F&P)/Miscellaneous/2021-22/20026 dated 01/03/2022 on the subject noted above and to request that the case may be taken-up with Accountant General, Khyber Pakhtunkhwa at your level, in light of instructions issued by Finance Department, Govt: of Khyber Pakhtunkhwa, please.

SECTION OFFICER (GENERAL)

Copy forwarded to:

PS to Secretary, LG,E&RD Department.

SECTION OFFICER (GENERAL)

*M. S. Usmani*  
*3.5 Usmani*  
*Diff (A/HR)*

*30/3/2022*

*DD/CA*  
*30/3*

*AD/PT*  
*2022*

*Please check*  
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**THE RECORD COMPARATIVE STAGES OF BPS-17 AND BPS-18 OF THE SCALES OF 20**

**THE INCREMENT OF BPS-17 IS RS. 2300.0 AND BPS-18 IS RS. 2870.0**

Stages	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	1 <sup>st</sup> PP
BPS-17 30370 to 76370	32670	34970	37270	39540	41870	44170	46470	48770	51070	53370	56670	57970	60270	62270	64870	67170	69471	71770	74070	76370	2300

Stages	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	1 <sup>st</sup> PP
BPS-18 38350 to 95750	41220	44090	46960	49830	52700	55570	58440	61310	64180	67050	69920	72790	75660	78530	81400	84270	87140	90010	92880	95750	2870

*Checked by 27/10/2018  
35/10/18*

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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)**

NO. FD/SO(SR-1) 1-1/2017  
Dated Peshawar the: 17<sup>th</sup> July, 2017

To:

1. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
3. The Principle Secretary to Governor, Khyber Pakhtunkhwa
4. The Principle Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All Deputy Commissioners, 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, Services Tribunal, Khyber Pakhtunkhwa.

Subject: **REVISION OF BASIC PAY SCALES & ALLOWANCES OF CIVIL  
SERVANTS OF THE PROVINCIAL GOVERNMENT (2017)**

Dear Sir,

The Competent Authority has been pleased to sanction the revision of Basic Pay Scales & Allowances w.e.f 1<sup>st</sup> July, 2017 for the Civil Servants of the Provincial Government, detailed in the following paragraphs:-

**Part-I (Pay)**

2. **Revision of Basic Pay Scales:**

The Basic Pay Scales – 2017 shall replace the Basic Pay Scales – 2016 with effect from 01-07-2017 as contained in the Annexure-I to this circular letter.

3. **Fixation of Pay of the Existing Employees:-**

- i. The basic pay of an employee who was in service on 30-06-2017 shall be fixed in the Basic Pay Scale – 2017 on point to point basis i.e. at the stage corresponding to that occupied by him / her above the minimum of Basic Pay Scales – 2016;
- ii. In case of Personal Pay being drawn by an employee as part of his / her basic pay beyond the maximum of his / her pay scale on 30-

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*S.S.* *11/11/17*

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06-2017, he / she shall continue to draw such pay in the Basic Pay Scales - 2017 at the revised rates.

4. **Fixation of Pay on promotion:-**

In cases of promotion from a lower to higher posts / scale before introduction of these scales, the pay of the employees concerned in the revised pay scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if his promotion to the higher post / scale had taken place after the introduction of these scales.

5. **Annual increment:-**

Annual increment shall continue to be admissible, subject to the existing conditions, on 1<sup>st</sup> of December each year.

**PART-II (ALLOWANCES)**

6. **Adhoc Relief Allowance - 2010:**

- (i) The Adhoc Allowance 2010 @ 50% granted w.e.f 01-07-2010 vide Finance Department's circular letter No.FD (PRC) 1-1/2010 dated 15-07-2010, shall cease to exist with effect from 01-07-2017;
- (ii) For those who are in receipt of an allowance equal to 100% of the basic pay in BPS-2008 as on 30-06-2011 and not in receipt of Adhoc Allowance 2010 @ 50%, the existing amount of 100% allowance (being drawn at frozen level) shall be reduced by 50% w.e.f 01-07-2017. The remaining amount shall continue to be drawn at reduced frozen level;
- (iii) For those who are in receipt of an allowance equal to 100% of basic pay in BPS-2011 as on 30-06-2015 and not in receipt of Adhoc Allowance 2010 @ 50%, the existing amount of 100% allowance (being drawn at frozen level) shall be reduced w.e.f 01-07-2017 by 50% of the amount to be calculated at the level admissible on 30-06-2011. The remaining amount shall continue to be drawn at reduced frozen level vide examples at Annex-II.

*Abdullah*  
*S.S.* *nd* *keca*

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Annex-I

**ANNEX TO FINANCE DEPARTMENT'S CIRCULAR LETTER  
NO.FD/SO(SR-1) 1-1/2017 DATED 17<sup>th</sup> JULY, 2017**

Existing Basic Pay Scales - 2016					Adjusted Basic Pay Scales - 2017			
BPS	MIN	INCR	MAX	STG	BPS	MIN	INCR	MAX
1	7,640	240	14,840	30	1	9,130	290	17,830
2	7,790	275	16,040	30	2	9,310	330	19,210
3	8,040	325	17,790	30	3	9,610	390	21,310
4	8,280	370	19,380	30	4	9,900	440	23,100
5	8,590	420	21,190	30	5	10,260	500	25,260
6	8,900	470	23,000	30	6	10,620	560	27,420
7	9,220	510	24,520	30	7	10,990	610	29,290
8	9,540	560	26,340	30	8	11,380	670	31,480
9	9,860	610	28,160	30	9	11,770	730	33,670
10	10,180	670	30,280	30	10	12,160	800	36,160
11	10,510	740	32,710	30	11	12,570	880	38,970
12	11,140	800	35,140	30	12	13,320	960	42,120
13	11,930	880	38,330	30	13	14,260	1,050	45,760
14	12,720	980	42,120	30	14	15,180	1,170	50,280
15	13,510	1,120	47,110	30	15	16,120	1,330	56,020
16	15,880	1,280	54,280	30	16	18,910	1,520	64,510
17	25,440	1,930	64,040	20	17	30,370	2,300	76,370
18	31,890	2,400	79,890	20	18	38,350	2,870	95,750
19	49,370	2,660	100,570	20	19	59,210	3,050	120,210
20	57,410	3,750	109,910	14	20	69,090	4,510	132,230
21	63,780	4,150	121,880	14	21	76,720	5,000	146,720
22	68,540	4,870	136,720	14	22	82,380	5,870	164,560

  
17/7/17

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**GOVERNMENT OF  
THE  
NORTH-WEST FRONTIER PROVINCE**

**FINANCE DEPARTMENT**

**THE NORTH-WEST FRONTIER PROVINCE  
CIVIL SERVICES PAY REVISION  
RULES, 1978.**

**(CORRECTED UPTO 31ST AUGUST, 1982)**

*Handwritten signature: Ahmed...  
B.S. ...*

Printed by the Manager,  
Government Stationery & Printing Department,  
North-West Frontier Province,  
Peshawar.

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**FINANCE DEPARTMENT**

**NOTIFICATION.**

21st May, 1978.

No. F. D. S. O. (PRC) 1-2-77.—In exercise of the powers conferred by section 26 of the North-West Frontier Province, Civil Servants Act, 1973, the Governor of the North-West Frontier Province is pleased to make the following rules namely :—

**THE NORTH-WEST FRONTIER PROVINCE CIVIL SERVICES  
PAY REVISION RULES, 1978.**

1. **Short title, application and commencement.** (1) These rules may be called the North-West Frontier Province Civil Services Pay Revision Rules, 1978.

(2) They shall come into force at once and shall be deemed to have taken effect on and from the 1st day of May, 1977.

(3) Except as provided in rule 4, these rules shall apply to all civil servants holding posts specified in the schedule.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

(a) "Annexure" means an annexure appended to these rules ;

(b) "existing civil servant" means a civil servant who was in service on 30th April, 1977, and continued in service after that date ;

(c) "existing pay" means the pay, other than special pay, personal pay, teaching pay or any other pay or allowance that an existing civil servant would have drawn on 30th April, 1977.

(d) "existing pay scale" means the scale of pay to which a civil servant was entitled immediately before the coming into force of these rules ;

(e) "Government" means the Government of the North-West Frontier Province ;

(f) "National Pay scale" means the scales of pay prescribed under :—

(i) the North-West Frontier Province (Non-Gazetted) Civil Services, (National Scales of Pay) Rules, 1972 ;

or

(ii) the North-West Frontier Province (Gazetted) Civil Services (National Scales of Pay) Rules, 1974 ;

or

(iii) the North-West Frontier Province (Non-Gazetted), Teaching Staff (National Scales of Pay) Rules, 1973 ;

or

(iv) the North-West Frontier Province (Gazetted) Teaching Staff (National Scales of Pay) Rules, 1974 ;

(g) "Revised National Pay Scales" means the scales of pay as specified in column 3 of Annexure "A" to these rules ; and

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(2) Subject to the provisions of rule 4, an existing civil servants shall draw pay in the Revised National Pay Scales as shown against the post held by him ; provided that an existing civil servant drawing pay in a National Scale of Pay higher than a scale prescribed for the post by virtue of any of the following rules, namely :—

- (i) rule 10 and 11 of the North-West Frontier Province (Non-Gazetted) Civil Services (National Scales of Pay) Rules, 1972 ;
- (ii) rule 8 and 11 of the North-West Frontier Province (Gazetted) Civil Services (National Scales of Pay) Rules, 1974 ;
- (iii) rule 9 and 10 of the North-West Frontier Province (Non-Gazetted) Teaching Staff (National Scales of Pay) Rules, 1973 ;
- (iv) rule 7 and 11 of the North-West Frontier Province (Gazetted) Teaching Staff (National Scales of Pay) Rules ; 1974 ;

shall draw pay in such Revised National Pay Scale as corresponds to that higher National Pay Scale shown in Annexure "A".

4. **Option.**—All existing civil servants who, under the Finance Department's Letter No. FD (SO) PRC/1-2/77, dated 16th May, 1977, had opted to retain their existing scales of pay shall not be governed by these rules and the option exercised by them shall be deemed to have been exercised under these rules. Such civil servants shall continue to be governed by the rules/orders, etc., which were applicable to them immediately before the coming into force of these rules.

5. **Admissibility of compensatory allowance and other benefits.**—(1) Compensatory Allowances and other benefits sanctioned in the Finance Department's Letter No. FD (SO) PRC/1-2/77, dated 16th May, 1977, shall be admissible only to those existing civil servants who draw pay in the Revised National Pay Scales.

(2) An existing civil servant who opts to retain the existing pay scale shall continue to draw the dearness pay/allowances and the compensatory allowances admissible to him immediately before the coming into force of these rules.

6. **Fixation of pay in Revised National Pay Scales.**—(1) The pay of all existing civil servants who do not opt for the existing pay scales shall be fixed in the Revised National Pay Scales with effect from 1st May, 1977.

(2) The pay shall be fixed at a stage in the Revised National Pay Scales which is equal to or, if there is no such stage, at the stage next above the aggregate of the following :—

- (i) the existing Pay ;
- (ii) the amount being received as —
  - (a) dearness allowance sanctioned by Government *vide* Letter No. FD (SR-I) 7-1/73, dated 27th September, 1973 ;
  - (b) special dearness allowance, sanctioned by Government *vide* Letter No. FD (SR-I) 7-2/74, dated 25th June, 1974, to be calculated on existing pay as defined in clause (c) of rule 2 ;
  - (c) additional dearness allowance sanctioned by Government *vide* Letter No. FD (SR-II)/7-2/75, dated 16th April, 1975 ; and
- (iii) the amount determined at the rate of 10% of the total of (i) and

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the scale of the higher post shall be fixed at the stage next above his pay in the scale of the lower post ; and

(iii) Where a lower and a higher pay scale have been prescribed for the same post, the pay on promotion from the lower to the higher scale upto National Pay Scale 19 shall be fixed in the manner given in clause (1) above

(2) If, by virtue of the benefit admissible under rule 8, a civil servant at the time of his promotion to a higher post is already drawing pay in the Revised National Pay Scale of the higher post, he will be allowed, one advance increment in that scale with effect from the date of promotion.

(3) If a civil servant before reaching the maximum of a Revised National Pay Scale is promoted to a higher pay scale between the 2nd June and the 30th November, of a calendar year and his initial pay in the later scale is fixed with reference to his pay in the former scale, he may, at his option, get his pay re-fixed in the higher scale with effect from the 1st day of December of the year of his promotion with reference to his presumptive pay on that date in his pre promotion scale ; provided that his promotion is not subject to the length of service prescribed in Annexure "B".

11. Admissibility of increments on promotion to a post in Revised National Pay Scale 18 and above.—If a civil servant is appointed by promotion to a post in Revised National Pay Scale 18 or above before he completes the length of service prescribed for the higher post in Annexure "B", he shall be entitled to draw the pay,—

(i) at the minimum of the Revised National Pay Scale of the higher post till such time as he completes the prescribed length of service and the next increment shall accrue to him on the first day of December, following the completion of the prescribed length of service or following the completion of at least six months' service in the scale, whichever is later.

(ii) admissible to him from time to time in the lower post held by him immediately before his promotion to the higher post, if that be more beneficial to him till such time as he completes the prescribed length of service when his pay shall be fixed in the manner prescribed in rule 10 and the next increment shall accrue to him in the manner prescribed in rule 7

Note:—In computing the length of service prescribed in Annexure "B".

(a) half of the service rendered in Revised National Pay Scale 16 or National Pay Scale 16 or in the former Class-II and 1/4th of the service rendered in Revised National Pay Scale below Scale-16 or the National Pay Scale below Scale 16 or the former Non-Gazetted service, if any, shall be added to the length of service in Revised National Pay Scale 17, and above or National Pay Scale, 17 or above or in the former Class-I, as the case may be ; and

(b) the service rendered in the Federal Government or any other Provincial Government shall also be taken into account for the purposes of, and in the manner specified in, clause (a).

12. Special Pay.—If a special pay was attached to a post in the existing pay scale such special pay shall, unless otherwise specified in the Schedule be admissible at the existing rates with the Revised National Pay Scale till further orders.

13. Modification of existing rules.—All existing rules or order shall be deemed to have been modified to the extent indicated in these rules.

14. Relaxation.—Any of these rules may, for reasons to be recorded in writing, be relaxed by Government where the strict application thereof causes undue hardship to a civil servant.

Amended vide P-107 to the Collection Rule

This is also made applicable to cases of upgradation vide letter No F-DPRC/1-1/86 Vol: (VITA)

Dated 5-6-86

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dated 16th May, 1977, shall be deemed to have been so fixed under these rules.

(3) The dearness allowance, special dearness allowance and additional dearness allowance referred to in the preceding sub-rules shall not be admissible to those who draw pay in the Revised National Pay Scales.

(4) No specific orders for crossing of efficiency bar will be necessary if by virtue of the formula given in sub-rule (2), the pay of a civil servant is fixed at a stage beyond the efficiency bar.

(5) The pay of every civil servant covered by this rules shall be fixed both in the scale of his substantive post and the scale of the post held by him in a temporary/Officiating capacity or on *ad hoc* basis, or if already fixed under Letter No. FD (SO) PRC/1-2/77, dated 16th May, 1977, shall be deemed to have been fixed under these rules.

7. **Increments in the Revised National Pay Scales.**—The increments in the Revised National Pay Scales shall fall due on 1st day of December, following the completion of at least six months service at a stage in the relevant Revised National Pay Scale.

8. **Admissibility of next higher Revised National Pay Scale.**—(1) A civil servant holding post in the Revised National Pay Scales 1 to 15, who has reached the maximum of a Revised National Pay Scale shall be allowed the next higher Revised National Pay Scale with effect from the 1st day of December, of the year in which he completes one year of such service at the said maximum as counts for increment under these rules, subject to the condition that there is no adverse entry in the Annual Confidential Reports of the civil servant in Revised National Pay Scale 4 to 15 for the last four years. If this condition is not fulfilled, he shall wait at the said maximum till he has earned in succession four Annual Confidential Reports without any adverse entry and his move over to the next higher Revised National Pay Scale shall take effect from the 1st day of December of the year, following the year for which the earns the fourth such annual confidential report.

(2) (a) A civil servant who has reached the maximum of Revised National Pay Scale 16 or 17 shall be brought to Revised National Pay Scale 17 or 18, respectively, with effect from the 1st day of December, of the year in which he completes three years of such service at the aforementioned maximum as counts for increment under these rules subject to the condition that there is no adverse entry in the Annual Confidential Reports from the year of reaching of maximum upto the year of moving over (both years inclusive). If this condition is not fulfilled he shall wait at the maximum till he has earned in succession four annual confidential reports without any adverse entry and his move over to the next higher Revised National Pay Scale shall take effect from the 1st day of December, of the year, following the one for which the last such report is earned.

(b) A civil servant holding post in Revised National Pay Scale 16 shall be allowed to move over only to Revised National Pay Scale 17 and the one holding post in Revised National Pay Scale 17 shall be allowed to move over only to the Revised National Pay Scale 18.

9. **Fixation of pay on transfer from a lower scale to a higher scale.**—When a civil servant is allowed to draw pay in the next higher Revised National Pay Scale under rule 8 or his post having been upgraded, his pay in the higher scale shall be fixed at a stage not above his pay in the lower scale.

10. **Fixation of pay on promotion.**—(1) Subject to the provisions of rule 11—

(i) Where a civil servant is promoted from a lower to a higher post in Revised National Pay Scales 2 to 19 where the stage in the Revised National Pay Scale of the higher post, next above the pay of the civil servant concerned in the pay scale of the lower post gives a pay increase equal to or less than a full increment of the pay scale of the higher post, the initial pay in the Revised National Pay Scale of the higher post shall be fixed after allowing a premature increment in the Revised National Pay Scale.

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dated 16th May, 1977, shall be deemed to have been so fixed under these rules.

(3) The dearness allowance, special dearness allowance and additional dearness allowance referred to in the preceding sub-rules shall not be admissible to those who draw pay in the Revised National Pay Scales.

(4) No specific orders for crossing of efficiency bar will be necessary if by virtue of the formula given in sub-rule (2), the pay of a civil servant is fixed at a stage beyond the efficiency bar.

(5) The pay of every civil servant covered by these rules shall be fixed both in the scale of his substantive post and the scale of the post held by him in a temporary/Officiating capacity or on *ad hoc* basis, or if already fixed under Letter No. FD (SO).PRC/1-2/77, dated 16th May, 1977, shall be deemed to have been fixed under these rules.

7. **Increments in the Revised National Pay Scales.**—The increments in the Revised National Pay Scales shall fall due on 1st day of December, following the completion of at least six months service at a stage in the relevant Revised National Pay Scale.

8. **Admissibility of next higher Revised National Pay Scale.**—(1) A civil servant holding post in the Revised National Pay Scales 1 to 15, who has reached the maximum of a Revised National Pay Scale shall be allowed the next higher Revised National Pay Scale with effect from the 1st day of December, of the year in which he completes one year of such service at the said maximum as counts for increment under these rules, subject to the condition that there is no adverse entry in the Annual Confidential Reports of the civil servant in Revised National Pay Scale 4 to 15 for the last four years. If this condition is not fulfilled, he shall wait at the said maximum till he has earned in succession four Annual Confidential Reports without any adverse entry and his move over to the next higher Revised National Pay Scale shall take effect from the 1st day of December of the year, following the year for which the earns the fourth such annual confidential report.

(2) (a) A civil servant who has reached the maximum of Revised National Pay Scale 16 or 17 shall be brought to Revised National Pay Scale 17 or 18, respectively, with effect from the 1st day of December, of the year in which he completes three years of such service at the aforementioned maximum as counts for increment under these rules subject to the condition that there is no adverse entry in his Annual Confidential Reports from the year of reaching of maximum upto the year of moving over (both years inclusive). If this condition is not fulfilled, he shall wait at the maximum till he has earned in succession four annual confidential reports without any adverse entry and his move over to the next higher Revised National Pay Scale shall take effect from the 1st day of December, of the year, following the one for which the last such report is earned.

(b) A civil servant holding post in Revised National Pay Scale 16 shall be allowed to move over only to Revised National Pay Scale 17 and the one holding post in Revised National Pay Scale 17 shall be allowed to move over only to the Revised National Pay Scale 18.

9. **Fixation of pay on transfer from a lower scale to a higher scale.**—When a civil servant is allowed to draw pay in the next higher Revised National Pay Scale under rule 8, or his post having been upgraded, his pay in the higher scale shall be fixed at a stage next above his pay in the lower scale.

10. **Fixation of pay on promotion.**—(1) Subject to the provisions of rule 11—

(i) Where a civil servant is promoted from a lower to a higher post in Revised National Pay Scales 2 to 19 where the stage in the Revised National Pay Scale of the higher post, next above the pay of the civil servant concerned in the pay scale of the lower post gives a pay increase equal to or less than a full increment of the pay scale of the higher post, the initial pay in the Revised National Pay Scale of the higher post shall be fixed after allowing a premature increment in the Revised National Pay Scale of the higher post ;

(ii) Where a civil servant is promoted from a lower post to a higher post in Revised National Pay Scale 20 and above after completion of the minimum length of service prescribed for the relevant grade, his pay in

Government of Pakistan  
Finance Division  
(Regulations Wing)

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40 F. 11(30)R-2/2010 - 1/83

Islamabad, 5th November, 2012.

OFFICE MEMORANDUM

subject:- GRANT OF PREMATURE INCREMENT ON PROMOTION WITHIN THE SAME SCALE.

The undersigned is directed to say that vide Finance Division's O.M. No. F.2(8)R-1(1)/80 dated 17-11-1991, it was, inter-alia, decided to allow next stage equal to one increment on fixation of pay in the cases where a Government Servant already drawing pay in a pay scale by virtue of selection grade, or, otherwise holding a lower post in the pay scale is promoted to a higher post falling in the same scale.

The pay fixation procedure contained in paras (iii) and (vii) of the Annexure to the Auditor General of Pakistan (Regulations) Islamabad u.o. No. AT.50/93/Reg.1/14/C/87-KW dated 26-05-1993 provides as under:-

(iii) "The National pay scales however, provide a uniform and simple formula for fixation of pay i.e. on promotion from a lower post to a higher post, where the fixation under normal rules gives an increase of pay equal to or less than one full increment of pay scale of the higher post, pay will be fixed by allowing the benefits of one premature increment in the pay scale of the higher post."

X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X

(vii) "As such, in the situations under discussion for the purpose of fixation of pay, the civil servants concerned would be treated as having been promoted to the post carrying the same pay scale and their pay fixed according to the formula discussed in (iii) above."

The above said benefit of premature increment within the same scale was withdrawn abinitio vide Auditor General of Pakistan letter No. 164/R-1/14C/87KW/267 dated 26-08-1996, which was challenged by the affectees in the Court of Law. The Supreme Court of Pakistan Islamabad passed a judgment dated 22-01-2001 in Civil appeals No. 1371 to 1392 of 1997 filed by Mr. Saeed Ahmad and others against a common judgment dated 15-05-1997 passed by the FST Lahore in Appeals No. 25(L) to 9(L) of 1997, as under:-

"we allow the appeals by setting aside the impugned judgment dated 15-05-1997 holding that the case of the appellants is...

Handwritten signature and initials.

Government of Pakistan  
Finance Division  
(Regulations Wing)

No. F. 11 (30) R-2/2010-1150

Islamabad 5<sup>th</sup> November, 2012

Office Memorandum

Subject: Grant of premature increment on promotion within the same scale.

The undersigned is directed to say that vide Finance Division's O.M. No. F.2 (8)R-1(1)/80 dated 17/11/1991, it was, inter-alia, decided to allow next stage equal to one increment on fixation of pay in the cases where a Government Servant already drawing pay in a pay scale by virtue of selection grade, or otherwise holding a lower post in the pay scale is promoted to a higher post falling in the same scale.

2. The pay fixation procedure contained in paras (iii) and (vii) of the Annexure to the Auditor General of Pakistan (Regulations) Islamabad D.O. No. AT.50/93/Reg.1/14/C/37-KW dated 26/05/1993 provides as under:

iii) The National pay scales however, provide a uniform and simple form a lower post to a higher post, where the fixation order normal rules gives an increase of pay equal to or less than one full increment of pay scale of the higher post, pay will be fixed by allowing the benefits of one premature increment in the pay scale of the higher post".

x	x	x	x	x	x	x	x	x	x	x	x
x	x	x	x	x	x	x	x	x	x	x	x

vii) "As such, in the situations under discussion for the purpose of fixation of pay, the civil servants concerned would be treated as having been promoted to the post carrying the same pay scale and their pay fixed according to the formula discussed in (iii) above".

3. The above said benefit of premature increment within the same scale was withdrawn abinitio one Auditor General of Pakistan letter No. 164/R-1/14C/87KW/267 dated 26/08/1996, which was challenged by the affectees in the Court of law. The Supreme Court of Pakistan Islamabad passed a judgment dated 22/01/2001 in Civil Appeals No. 1371 to 1371 of 1997 filed by Mr. Saeed Ahmad and Others against a common judgment dated 15/05/1997 passed by the PST Lahore in Appeals No. 28 (L) to 9 (L) of 1997, as under:-

"We allow the appeals by setting aside the impugned judgment dated 15/05/1997 holding that the case of the appellants is not affected by circular dated 26/08/1996.

*Attested*  
*S. S. Khan*  
*Appellate*

A 33

(2)

orders of the honorable Supreme Court of Pakistan have already been implemented  
appellants.

of the judgment of the Supreme Court of Pakistan in Mr. Hamid Akhtar Niazi's  
(S), it has been decided that the benefit of judgment of the Supreme Court of  
above may be extended in all other similar cases to the non-litigating employees.

modification of Finance Division's O.M. referred to at para-1 above, it has been  
premature increment in the pay scale of the higher post in fixation of pay on  
same scales.

m

/Departments.

  
(URSHAD AHMED)  
Section Officer (R-2)

(2)

4. The above Orders of the honorable Supreme Court of Pakistan have already implemented appeals.

5. In pursuance Of the judgment of the Supreme Court of Pakistan in Mr. Hameed Akhtar Niazi's SST, it has been decided that the benefit of judgment of the Supreme Court of Pakistan have may e extended in all other similar cases to the non-litigating employees. Modification of Finance Division's O.M. refereed to at Para-1 above. It has been premature increment in the pay scale of the higher post in fixation of pay on same scales.

All Ministries/ Divisions/Departments

(Irshad Ahmad)  
Section Officer (R-2).

Attested  
S S [Signature]  
M. A. [Signature]

Endst: No. & Date Even

Copy for information is forwarded to:-

1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary / Additional Secretaries / Deputy Secretaries in Finance Deptt.

Section Officer (SR-1)





GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

35

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPFd](https://www.facebook.com/GoKPFd)

[twitter.com/GoKPFd](https://www.twitter.com/GoKPFd)

NO. FD(SOSR-1)2-123/2021

Dated Peshawar the: 09-11-2021

To

*7-11-2021*

The Secretary to Govt: of Khyber Pakhtunkhwa,  
Local Govt., Elections & Rural Development Department

Subject: - GRANT OF PREMATURE INCREMENT ON PROMOTION WITHIN THE SAME SCALE

Dear Sir,

I am directed to refer to your Department letter No. SOG/LG/7-1/Misc./2020 dated 09-11-2021 on the above noted subject and to state that the case may be decided in light of Government of Pakistan, Finance Division, Islamabad office Memorandum No: F.11 (30) R-2010-1150 dated 05-11-2012 (copy enclosed).

Yours faithfully,

*OK*

SECTION OFFICER (SR-1)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO.SOE-V (E&AD)/1-10/2009  
Dated Peshawar, the 16<sup>th</sup> March, 2012

To: District Coordination Officer,  
Mardan,

Subject: REGULARIZATION OF SERVICE THROUGH PROPER CHANNEL VIA PUBLIC SERVICE COMMISSION

*Page-1/c*

Dear Sir,

I am directed to refer to your letter No.8791-92/DCO(M)/EA-01-A dated 03-08-2011 on the subject and to enclose herewith copy of Finance Department letter No.K/F(SR-I)12-1/2011 dated 29-11-2011 with its enclosures and to request to process the case of pay protection of Syed Shahinshah, Deputy District Officer (Finance & Planning) Mardan, in consultation with Local Govt. & Rural Development Department (parent department of applicant) and Labour Department (Administrative Department of Workers Welfare Board) in light of the following provision contained in Finance Department letter referred to above.

*However, the benefit of Pay protection will be admissible to employees of such autonomous organizations who have adopted scheme of basic Pay Scale in to-to, on their appointment in Govt. offices, provided they have applied for the post through proper channel."*

Yours faithfully,

[Ghazi Khan]  
SECTION OFFICER (E-V)

Endst. No. & Date Even:-

Copy forwarded for information to:-

1. Section Officer (SR-), Finance Department w/r to his letter quoted above.
2. Section Officer (Estt) Local Govt. & Rural Dev. Department w/r to this letter No.SO(LG-J)10-458/2008 dated 05-03-3012.
3. Syed Shahinshah, Deputy District Officer (Finance & Planning) Mardan.

*Q*  
*13-12*

SECTION OFFICER (E-V)

ATTESTED

37      37

**IN THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**

**PRESENT:**

**MR. JUSTICE GULZAR AHMED, CJ**  
**MR. JUSTICE IJAZ UL AHSAN**  
**MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI**

**CIVIL APPEAL NO. 39 OF 2021**

*(On appeal against the judgment dated 27.12.2019  
passed by the Khyber Pakhtunkhwa Service Tribunal,  
Peshawar in Service Appeal No. 980/2016)*

*Government of KPK through Chief Secretary, KPK and others*  
...Appellant(s)

**VERSUS**

*Muhammad Ismail and another*  
...Respondent(s)

*For the Appellant(s):*      *Mr. Atif Ali Khan, Addl. A.G.*

*For the Respondent:*      *Mr. Muhammad Asif Yousafzai, ASG*

*Date of Hearing:*      *27.04.2021*

**JUDGMENT**

**SAYYED MAZAHAR ALI AKBAR NAQVI, J.** Through this appeal by leave of the Court under Article 212(3) of the Constitution of Islamic Republic of Pakistan, 1973, the appellants have assailed the judgment dated 27.12.2019 passed by the Khyber Pakhtunkhwa Service Tribunal whereby the Service Appeal filed by the respondent No. 1 was accepted and he was allowed pay protection.

2. Succinctly stated the facts of the matter are that on 25.03.2002, the respondent No. 1 was appointed as Master in Pak Studies/Lecturer (BPS-17) in Cadet College Razmak, North Waziristan. Later on, pursuant to the advertisement issued by the Khyber Pakhtunkhwa Public Service Commission for the posts of Subject Specialist (BPS-17), he applied through proper channel for the said post. The appellant passed through the selection criterion as such he was selected vide notification dated 19.09.2006, hence, posted at Government Higher Secondary School, Sheikhan, Peshawar. On 04.06.2011, the Finance Department, Government of KPK, issued a notification whereby it allowed pay protection to the employees of the autonomous bodies who had adopted pay scales of the Provincial Government. To get the benefit, the respondent filed departmental

**ATTESTE**

appeal but it was rejected vide order dated 20.04.2016. Being aggrieved, he filed Service Appeal before the KPK Service Tribunal, which has been allowed vide impugned judgment. Hence, this appeal by leave of the Court.

3. Learned Additional Advocate General, KPK, *inter alia* contended that the respondent was appointed as Subject Specialist (BPS-17) on 19.09.2006 whereas the notification on the basis of which the respondent claimed pay protection came on 04.06.2011 which was prospective in nature, therefore, the respondent was not entitled for the relief in question; that for the first time, the respondent claimed the relief of pay protection on 05.11.2015 through departmental appeal after more than four years of issuance of notification dated 04.06.2011 and the same was barred by laches; that the learned Tribunal did not take into consideration this aspect of the matter and passed the impugned judgment, which may be set aside.

4. On the other hand, learned counsel for the respondent No. 1 has supported the impugned judgment. He mainly contended that the respondent applied through proper channel after proper departmental permission, therefore, under the law and rules, he is legally entitled to pay protection because the Cadet College Razmak had also adopted the Basic Pay Scale and that if the respondent is deprived of the benefit in question, it would be against the principles of justice and fair play.

5. We have heard learned Law Officer as well as learned counsel for the respondent No. 1 and have perused the record.

6. On our specific query, learned Additional Advocate General conceded that the Cadet College Razmak where the respondent was earlier working as Master in Pak Studies/Lecturer (BPS-17) had adopted the Basic Pay Scales and the respondent had applied through proper channel after getting permission from the department for the post of Subject Specialist. The only point on which he emphasized is that the notification dated 04.06.2011 on the basis of which the respondent claimed pay protection is prospective in nature and it does not allow retrospective claims. However, we do not tend to agree with the learned Law Officer. While passing the impugned judgment, the learned Service Tribunal has relied upon a judgment of this Court dated 27.1.2019 passed in Civil Appeal No. 1308/2019. In that case the respondent was appointed as Lecturer in the University of Engineering and Technology, Peshawar on 03.12.1986. Later on he applied for the post of Inspector in

the Mines Department through proper channel and was not selected vide order dated 21.06.1989. On the basis of the notification dated 04.06.2011 referred above, he claimed pay protection which was ultimately granted by the Service Tribunal and appeal against the order of the Tribunal was dismissed by this Court. It would be advantageous to refer to the relevant portion of the order dated 27.11.2019 passed by this Court, which reads as under:-

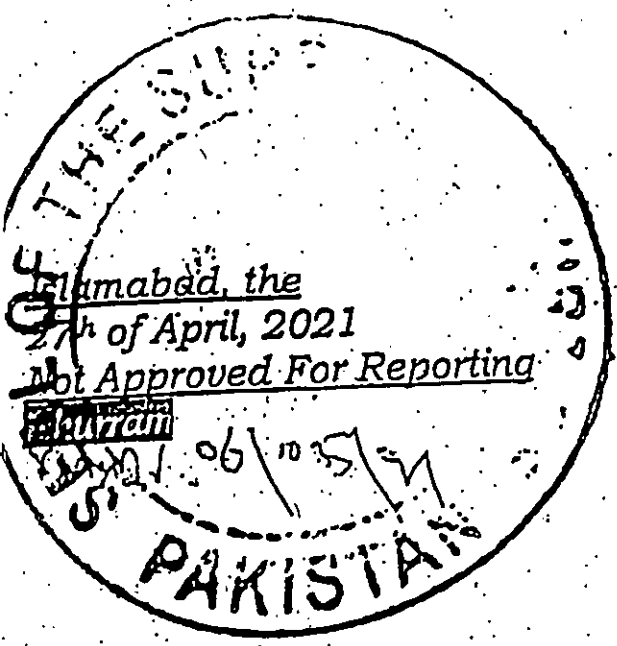
2. Learned Additional Advocate General has stated that the respondent was appointed as a Lecturer in the University of Engineering and Technology, Peshawar on 03.12.1986. The respondent applied for being appointed as Inspector Mines through proper channel in the Mines Department and ultimately, succeeded in the same and was appointed as an Inspector Mines vide order dated 21.06.1989. Learned Addl. AG further contends that by virtue of the letter dated 04.06.2011, as reproduced above, the respondent was not entitled to pay protection. This letter has been considered by the Service Tribunal in its impugned judgment and even on our own reading, we are unable to agree with the learned Addl. AG that this has affected the case of the respondent, for that, the very letter used the word "henceforth" and provides to discontinue the benefit of pay protection of the employees of autonomous bodies. However in the last line it gives such benefit of pay protection to the employees of such autonomous organizations who have adopted the Scheme of Basic Pay Scale in toto on their appointment in Government Offices. In the first place, the very letter shows that it will apply from 04.06.2011 and will not affect the employees who have already been employed in Government service from the autonomous organizations and the case of the respondent being that of appointed on 21.06.1989, the same is not affected. Further, it is also an admitted fact that the University, in which the respondent was working, has adopted the Scheme of Basic Pay Scale in toto in the Government service. Besides, the respondent has applied for the post through proper channel, therefore, the condition of applying through proper channel has been satisfied."

7. In the above referred case, almost in similar circumstances as in the present case, the benefit of pay protection was given retrospectively, therefore, the respondent being standing on the same pedestal also deserves the same treatment to be meted out in the spirit of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973. So far as the issue of laches is concerned, this point was specifically taken by the appellants before the learned Service Tribunal and the same was rightly discarded by the Tribunal in paragraph No. 5 of the impugned judgment by holding that being a financial matter, limitation will not have any adverse implication on respondent's claim.

8. For what has been discussed above, we are of the candid view that the learned Service Tribunal has passed a well reasoned

judgment to which no exception can be taken. This appeal having no merit is accordingly dismissed.

Sd/CJ  
Sd/J  
Sd/J



Certified to be True Copy

Senior Counsel Associate  
Supreme Court of Pakistan  
Islamabad

GR no: 7790/21 Civil/Criminal

Date of Presentation: 27.04.21

No of Words: 1200

No of Pages: 12

Requisite: 5-00

Copy Fee: 7.44

Court: 12.64

Date of: 7/5/21

Date of Dec: 17.5.21

**Government of Khyber Pakhtunkhwa**  
**Accountant General Khyber Pakhtunkhwa, Peshawar**  
**Monthly Salary Statement (January-2019)**

41  
01/2019



**Personal Information of Mr SYED SHAIN SHAH d/w/s of AFTI NOESH**

Personnel Number: 00081230      CNIC: 13787407169      NTN:  
 Date of Birth: 15.11.1962      Entry into Govt. Service: 06.05.1996      Length of Service: 22 Years 08 Months 027 Days

**Employment Category: Active Temporary**

Designation: DEPUTY DIRECTOR      80004087-GOVERNMENT OF KHYBER PAKH  
 DDO Code: PR5704-Director General Local Govt & Rural Development Khyber Pakhtunkhwa  
 Payroll Section: 005      GPF Section: 011      Cash Center:  
 GPF A/C No: GA 015388      Interest Applied: Yes      GPF Balance: 310,250.00

Vendor Number: -  
**Pay and Allowances:**      Pay scale: BFS For - 2017      Pay Scale Type: Civil - BFS-18      Pay Stage: 17

Wage type		Amount	Wage type		Amount
0001	Basic Pay	87,140.00	1897	Housing Subsidy Allowance	18,465.00
1947	Medical Allow 15% (16-22)	3,928.00	2148	15% Adhoc Relief All-2013	1,940.00
2199	Adhoc Relief Allow @10%	1,295.00	2211	Adhoc Relief All 2016 10%	6,597.00
2224	Adhoc Relief All 2017 10%	8,714.00	2247	Adhoc Relief All 2018 10%	8,714.00
5322	Adj Adhoc Relief All 2018	374.00	5801	Adj Basic Pay	3,746.00
5990	Adj Adhoc Relief All 2017	374.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3018	GPF Subscription - Rs5360	-5,360.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-1,073.00	4004	R. Benefits & Death Comp	-1,350.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 11,802.00      Recovered till JAN-2019: 6,441.00      Exempted: 0.65-      Recoverable: 5,361.00

**Gross Pay (Rs.): 141,287.00      Deductions: (Rs.): -8,553.00      Net Pay: (Rs.): 132,734.00**

Payee Name: SYED SHAIN SHAH

Account Number: PLS 3884-1

Bank Details: NATIONAL BANK OF PAKISTAN, 230389 UNIVERSITY TOWN UNIVERSITY TOWN, PESHAWAR

Leaves:      Opening Balance:      Availed:      Earned:      Balance:

**Permanent Address:**

City: Peshawar      Domicile:      Housing Status: No Official

**Temp. Address:**

City:      Email: syedshainshah.2015@gmail.com