

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

Appeal No. 1298/2022

Muhammad SarfrazAppellant

VERSUS

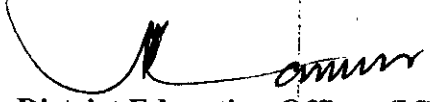
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

Joint Parawise Comments on behalf of Respondents

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Dated: 09-10-2023


District Education Officer (M)
Abbottabad.
(Respondent No.5)
MUHAMMAD TANVEER

12-12-2023

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

Appeal No. 1298/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9648

Dated 1-12-23

Muhammad Sarfraz.....Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

Joint Parawise Comments on behalf of Respondents

Respectfully Sheweth:-

Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. **That the instant service appeal is not maintainable in its present form as the previous Service Appeal No. 1110/2022 having the same cause of action was dismissed by this Honorable Tribunal on 19-07-2022 and appellant did not challenge order dated 19-07-2022 before the August Supreme Court of Pakistan. Hence, instant service appeal is liable to be dismissed without any further proceedings.**
2. That in compliance of the judgment dated 19-02-2018 passed by this Honorable Tribunal, competent authority rejected the case of the appellant regarding selection grade/ re-fixation of pay vide Notification Endstt: No. 3173-79 dated 07-01-2022, whereas appellant did not impugn Notification dated 07-01-2022 in the instant service appeal. Hence, Service Appeal in hand is liable to be dismissed on this score alone.
3. **That the instant appeal is not maintainable because there is no final order. Hence, the instant appeal is liable to be dismissed on this score alone.**

4. That appellant did not file application for condonation of delay and his previous Service Appeal No. 1110/2022 having the same cause of action was dismissed by this Honorable Tribunal on 19-07-2022 and appellant did not challenge order dated 19-07-2022 before the August Supreme Court of Pakistan. Hence, instant service appeal is liable to be dismissed without any further proceedings.
5. That the appellant has got no cause of action/locus standi to file present Service Appeal.
6. That the instant appeal is time barred hence, liable to be dismissed.
7. That the present appeal is hit by the Principle of Latches and Estoppel.
8. That as per Government of Pakistan Finance Division (Regulation Wing) Office Memorandum No. F.1 (5) Imp/2001 dated 04-09-2001 selection grade was discontinued w.e.f date of issuance of office memorandum.
9. That the petitioner retired on 23-06-2013 on attaining the age of superannuation and as per 2006 PLC (CS) 1034 promotion from back date being not available to a retired Civil Servant, relief claimed by appellant for retrospective promotion after his retirement was not admissible under the Law.
10. That the appellant has no locus standi to file instant service appeal.
11. That the appellant has filed the present service appeal just to pressurize the respondents.
12. That the appellant has not come to this Honorable Tribunal with clean hands hence, not entitled for any relief and appeal is liable to be dismissed.
13. That as per judgment reported as 2013-SCMR-99, this Honourable Tribunal has got no jurisdiction to entertain the instant Service Appeal as Tribunal has got nothing to do with the fitness for promotion case hence, instant service appeal is liable to be dismissed without further proceedings.
14. That the appellant is estopped to sue due to his own conduct.
15. That the instant service appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.

16. That the appellant has suppressed the original facts from this Honorable Tribunal hence, not entitled for any relief and instant service appeal is liable to dismissed without any further proceeding.
17. That the instant service appeal is against the prevailing rules and policy of the Provincial Government hence, instant service appeal is liable to be dismissed.
18. That the Notification dated 07-01-2022 was issued by the competent authority and same is liable to be maintained.

Factual objections:-

1. That the Para No. 1 of the instant service appeal relates to service record of the appellant hence, need no further comment.
2. That the Para No. 2 of the instant service appeal also relates to service record.
3. In reply to Para No. 3 of the instant service appeal it is submitted that appellant filed Service Appeal No. 875/2011 before this Honorable Tribunal for the grant of graded pay w.e.f 26-01-1986 to 23-12-1987 and the same was allowed on 19-02-2018 and sanction was accorded to the appellant for graded pay vide office order Endstt: No. 648-53 dated 31-12-2018. (Copy of order dated 31-12-2018 is already annexed as Annexure "C" at Page No. 13 of the Service Appeal however, copy of judgment dated 19-02-2018 is annex as **Annexure "A"**)
4. That the Para No. 04 of the instant appeal as composed is incorrect hence, denied as per order dated 31-12-2018 entries were revised but pay fixation party raised observation that no arrear prior to 16-03-1999 is admissible. As per receipt provided by the District Account Officer Abbottabad dated 21-08-2019 original service book of appellant is under his custody, however, attested copy of the relevant page of the service book provided by Principal Government High School Sherwan Abbottabad. (Copy of relevant page of Service Book and receipt regarding Service Book is annexed herewith as **Annexure "B" & "C"** respectively)
5. That the Para No. 05 of the instant appeal as composed is incorrect hence, denied. As per Government of Pakistan Finance Division (Regulation Wing) Office Memorandum No. F.1 (5) Imp/2001 dated 04-09-2001 selection grade was discontinued w.e.f date of issuance of office memorandum and

appellant did not impugn that very Notification when juniors to appellant were granted selection grade hence, the instant service appeal is hit under the **Principle of Laches and Acquiescence**. (Copy of Government of Pakistan Finance Division (Regulation Wing) Office Memorandum No. F.1 (5) Imp/2001 dated 04-09-2001 is annexed as **Annexure "D"**)


6. That the Para No. 06 of the instant appeal as composed is incorrect, hence, denied. The promotion order of Headmasters (BPS-17) was issued on 27-03-2010 while appellant is claiming **arrears of Graded Pay, Selection Grade & promotion of Headmaster** in the instant Service Appeal which is badly time barred and without filing of Departmental Appeal hence, instant service appeal is not maintainable in its present form.
7. That the Para No. 07 of the instant appeal is correct to the extent of rejection of Departmental Appeal dated 07-01-2022 while, rest of the Para as composed is incorrect hence, denied as appellant did not annex any cogent proof regarding receiving letter dated 07-01-2022 on 03-02-2022. Hence, the instant service appeal is time barred.
8. That the Para No. 08 of the instant appeal relates to record.
9. That the Para No. 9 of the instant appeal as composed is incorrect, hence, denied. The instant service appeal is not maintainable in its present form as the previous Service Appeal No. 1110/2022 having the same cause of action was dismissed by this Honorable Tribunal on 19-07-2022 and appellant did not challenge order dated 19-07-2022 before the August Supreme Court of Pakistan. Hence, instant service appeal is liable to be dismissed without any further proceedings.


Grounds:-

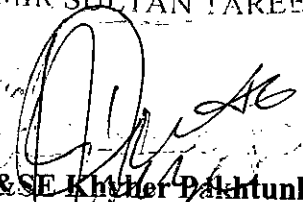
- a. That the ground a, of the instant appeal as composed is incorrect hence, denied. As per order dated 31-12-2018 entries were revised but pay fixation party raised observation that no arrear prior to 16-03-1999 is admissible.
- b. That the ground b, as composed is incorrect hence, denied.
- c. That the ground c, as composed is incorrect hence, denied.
- d. That the ground d, as composed is incorrect hence, denied. Instant Service appeal is hopelessly time barred and nit maintainable in its present form.
- e. No comment.

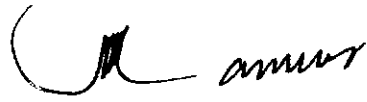
That answering respondents seek leave of this Honorable Tribunal to raise additional grounds/ points during the course of final arguments.

Under the circumstances it is humbly requested that in the light of above referred facts appeal in hand may please be dismissed with cost.


Secretary E&SED Khyber Pakhtunkhwa
Peshawar
(Respondent No. 01 & 02)
MOTASIM BILLAH SHAH


Secretary Finance Khyber Pakhtunkhwa
Peshawar
(Respondent No. 3)
AMIR SULTAN TAREEN


Director E & SE Khyber Pakhtunkhwa
Peshawar
(Respondent No. 4)
DR. IQBAL KHAN


District Education Officer (M)
Abbottabad
(Respondent No. 5)
MUHAMMAD TANVEER

Before the Honorable Khyber Pakhtunkhwa Service Tribunal
Peshawar Camp Court Abbottabad.

Appeal No. 1298/2022

Muhammad SarfrazAppellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

Joint Parawise Comments on behalf of Respondents

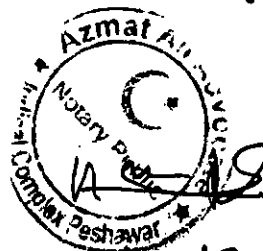
AFFIDAVIT

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

It is further stated that in this appeal the answering party have neither been placed ex-parte nor their defence is struck off/cost

DEPONENT - No-5
MUHAMMAD TANVEER
 District Education Officer
 (Male) Abbottabad

ATTESTED



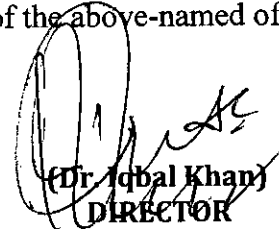
01-12-2023



**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

I, Dr. Iqbal Khan, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Behramand Khan, Assistant Director Litigation-II of this Directorate for submission of Joint Parawise Comments in **Service Appeal No. 1298/2022** case titled **Muhammad Sarfaraz Vs Government of Khyber Pakhtunkhwa & others** fixed for hearing on 12-12-2023, hence, an authority letter is hereby issued in favor of the above-named officer.


(Dr. Iqbal Khan)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar

Ann - A

07



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



K. P. F. Peshawar
No. 827
Dated: 28/5/11

Appeal No. 875 /2011 /

Muhammad Sarfraz SET Govt High School Sherman Abbotabad.
(Appellant)

VERSUS

1. Province of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa Finance Department, Khyber Pakhtunkhwa, Peshawar.
3. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Executive District Officer (Elementary and Secondary Education) Abbotabad.

(Respondents)

DEK Part 2
28-9-2011
Restore
13-7-2012
Against Ex-Parte
1-10-12
Restore
3-10-12
Part 2
28-9-1-2011

Appeal under Section 4 of the KHYBER PAKHTUNKHWA Service Tribunal Act, 1974 for the grant of Graded pay w.e.f 26.01.1986 to 23.12.1987 the departmental appeal dated 11/02/2011 has not been replied despite the lapse of 90 days.

Prayer in Appeal:

On acceptance of this appeal the appellant may please be held entitled to the graded pay w.e.f 26.01.1986 with arrears and benefits.

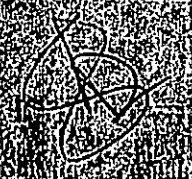
Filed on day
28/5/11

Respectfully Submitted.

1. That initially the appellant was appointed as PTC in the Education Department
2. That while serving as such the appellant improved his qualification and passed the Bachelor of Education degree. (Copy of the bachelor degree is attached as Annexure A)

ATTACHED

Attached
28/5/11





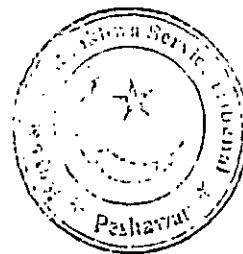
08

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD

Service Appeal No. 875/2011

Date of Institution...28.05.2011

Date of decision... 19.02.2018



Muhammad Sarfaraz SET, Government High School, Sherman Abbottabad.
... (Appellant)

Versus

1. Province of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education Department, Peshawar and others. (Respondents)

Haji Sabir Hussain Tanoli,
Advocate ... For appellant.

Mr. Kabir Ullah Khattak,
Additional Advocate General ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD HAMID MUGHAL, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was serving as PST right from 1974. He was given the charge of post of SET (BPS-15) on 26.01.1986 in his own pay and grade. He was then given regular promotion w.e.f. 23.12.1987. The appellant has approached this Tribunal through the present service appeal for the payment of pay of SET post from 26.01.1986 to

o/c
Attested
Principal
Govt: High School,
Sherwan, Abbottabad

ATTESTED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

23.12.1987. The appellant filed a departmental appeal on 11.02.2011 which was not responded to and thereafter he filed the present service appeal on 28.5.2011.

ARGUMENTS


3. The learned counsel for the appellant argued that the matter in controversy could not be declared time barred being a recurring cause of action. Secondly he argued that in the light of judgments of the Superior Courts any civil servant posted against a higher post was entitled for the pay of the higher post. One of such judgments relied upon by the learned counsel for the appellant is unreported judgment in case Civil Appeals No. 1081-1088 of 2006 entitled "*Habibur Rahman and others Vs. Director of Education etc.*" decided on 06.09.2007.


4. On the other hand learned AAG argued that the present appeal was time barred for the reason that the appellant filed departmental appeal after 25 years. That this Tribunal had no jurisdiction on the basis of judgment reported as PLD 1990-Supreme Court-1190 because the present appeal was one relating to fixation and re-fixation of pay.

CONCLUSION.

5. It has been consistent jurisprudence as developed in administrative law that the financial matter gives recurring cause of action. The next question for determination is whether the present controversy is matter of fixation/re-fixation of pay. This Tribunal is of the view that this is not a matter of fixation and re-fixation of the pay because the appellant is aggrieved from the order of departmental authority which added the words "in his own pay and grade" in the impugned order. So long as these words remain in the impugned order, no question of fixation and re-fixation arises. In view of the judgments of the Superior Courts including the one pressed into service by the learned counsel for

ATTESTED


 MEMBER
 Service Tribunal,
 Peshawar


 Attested
 by
 PRINCIPAL
 Govt. High School,
 Sherwan, Abbottabad

the appellant regarding pay of higher post. this Tribunal allows the appeal of the appellant. Parties are left to bear their own costs. File be consigned to the record room.

Announced
19.02.2018

Self-Niaz Muhammad Khan
Chairman
Camp Court Appad

Certified copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Self-M. Hamid Nughal,
Member

Date of Preparation	27/3/18
Number of Pages	1600
Copying Fee	10.00
Urgent	2.00
Total	12.00
Name of Officer	
Date of Receipt	27/3/18
Date of Delivery	27/3/18

Attested
A

Undertaking.

Ann-B³ (11)

I Mr Muhammad Sarfraz (Ex-SST) hereby undertake to refund all the amount of overpayment as result of

Name of Post	Whether substantive or officiating and whether permanent or temporary	State (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Grades	Date of Appointment	Signature of Government Ser.
			Entire Revert due to Graded pay was from 26-01-1986				
			BPS-9 (620-29-1200)	Rs = 1084/-		01-12-85	
			B-15 (900-55-2000)	Rs = 1120/-		26-1-86	H.S.G
				Rs = 1175/-		01-12-86	
			B-15 (1165-71-2585)	Rs = 1520/-		01-7-87	H.S.G
				Rs = 1591/-		01-12-87	
				Rs = 1662/-		01-12-88	H.S.G
				Rs = 1733/-		01-12-89	
				Rs = 1804/-		01-12-90	
			B-15 (1620-131-3585)	Rs = 2799/-		01-6-91	H.S.G
			B-16 (1875-146-4065)	Rs = 2897/-		01-7-91	
				Rs = 3043/-		01-12-91	H.S.G
				Rs = 3189/-		01-12-92	
				Rs = 3335/-		01-12-93	H.S
			B-16 (2335-197-5490)	Rs = 4505/-		01-6-94	
				Rs = 4702/-		01-12-94	H.S
				Rs = 4899/-		01-12-95	H.S.G
				Rs = 5096/-		01-12-96	H.S

No. 20716
 Office of the Accountant General
 Khyber Pakhtunkhwa Peshawar
 Pay Fixed in the Revised BPS Pay Scale
 BPS 2335-197-5490
 Pay Fixed @ Rs. 4308/-
 Date: 16/3/1999
 Date: 01-12-2000
 Date: 01-07-2000
 Date: 01-12-2000

PRINCIPAL
 Govt. Higher Secondary School
 Kitch Bhan (Abbotabad)

Accepted
 PRINCIPAL
 Govt. High School,
 Sherwan, Abbotabad

Ann. C^o

(12)

(12)

(12)

To

The District Comptroller Accounts
ABBOTTABAD.

Sub: Request of Issuance of Service Book

Sir,

It is requested that I am retired SST from GHS Sherwan.

According to court decision I have been awarded graded pay from the back date so, I need my Service Book. Kindly issue my Service Book.

Thanks.
yours

MUHAMMAD SARFARAZ
EX. SST
Comp: No 7623/12450

Dated: 21st Aug, 2019.

Attested


Receipt
Received my Service Book

21.8.2019.

Government of Karnataka
Finance Division
(Regulations Wing)

Bangalore, the 4th September, 2001

No.F.1 (5) Imp/2001

OFFICE MEMORANDUM

Subject: REVISION OF BASIC PAY SCALES AND PERKES AND BENEFITS OF CIVIL EMPLOYEES (BPS 1-22) OF THE FEDERAL GOVERNMENT (2001)

The President has been pleased to sanction, with effect from 1st December 2001, a Scheme, as detailed below, of the Basic Pay Scales, Allowances and Perquisites, 2001 for the civil employees of the Federal Government in BPS 1 to BPS 22 paid from the Civil Estimates and from the Defence Estimates respectively as shown in the following paragraphs.

PART I - BASIC PAY SCALES AND ALLIED MATTERS

2. Basic Pay Scales. - The existing basic pay scales and the revised basic pay scales are shown in Annexure-1 to this O.M. The revised basic pay scales shall replace the existing Basic Pay Scales, 1994, and shall be effective from 1st December, 2001.

3. Discontinuation of Allowances. - The following allowances shall cease to be payable on introduction of the revised pay scales w.e.f. 1-12-2001.

- i) Cost of Living Allowance to BS 1 to BS 22 @ 7% of basic pay.
- ii) Adhoc relief of Rs.300/- p.m. and Rs.100/- p.m. to BS 1 to 16 (inclusive of BPS-17 by virtue of BPS Over).
- iii) Secretariat/Personal Allowance.

4. Special Additional Allowance. - Special Additional Allowance sanctioned vide Finance Division O.M.No.F.171Imp/99 dated 23rd July 1999 shall be frozen at the level drawn as on date of issue of this O.M.

5. Initial Fixation of Pay. (i) Pay of the employees in service on 30.11.2001 shall be fixed at the stage in the revised pay scales which is as many stages above the minimum as the stage occupied by him above the minimum of the 1994 Basic Pay Scale.

Attested
F

Government of Pakistan
Finance Division
(Regulation Wing)

No. F.1 (5) Imp / 2001

Islamabad, the 4th September, 2001

OFFICE MEMORANDUM

Subject: **REVISION OF BASIC PAY SCALES AND FRINGE BENEFITS OF CIVIL EMPLOYEES (BPS 1-22) OF THE FEDERAL GOVERNMENT (2001)**

The president has been to sanction, with effect from 1st December 2001, a scheme as detailed below, of the Basic Pay Scales, Allowances and Pensions, 2001 for the civil employees of the Federal Government in BPS 1 to BPS 22 paid from the civil Estimates and from the Defence Estimates respectively as shown in the following paragraphs.

PART I - BASIC PAY SCALES AND ALLIED MATTERS

2. **Basic Pay Scales** The existing basic pay scales and the revised basic pay scales are shown in Annexure -1 in that O.M. The revised basic pay scales shall replace the existing Basic Pay Scales, 1994, and shall be effective from 1st December 2001.

3. **Discontinuation of Allowance:-** The following allowances shall cease to be payable on introduction of the revised pay scales w.e.f 1-12-2001.

- i). Cost of Living Allowance to BS 1 to BS 22 @ 71% of basic pay
- ii). Adhoc relief of Rs. - 300/- p.m. and Rs.100/- p.m. to BS 1 to 16 (inclusive of BPS-17 by virtue of Move over)
- iii). Secretariat / Personal Allowance.

4. **Special Additional Allowance** Special Additional Allowance sanctioned vide Finance Division G.M.No.F.1 (7) Imp/99 dated 23rd July 1999 shall be frozen at the level drawn as on date of issue of this O.M.

5. **Initial Fixation of Pay.** (1) Pay of the employees in service on 30.11.2001 shall be fixed at the stage in the revision pay scales which is as many stages above the minimum as the stage occupied by him above the minimum of the 1994 Basic Pay Scale.

Attested
§

(W)
(B)
(F)
(A)


17. Option: (a) All the existing civil employees (BYS 1 to 22) of the Federal Government shall within 45 days from the date of issue of this office memorandum, exercise an option in writing, addressed to the Audit Office concerned in the case of employees in BPS 16 and above and to the CEO concerned in the case of employees in BPS 15 and below, either to draw pay in the existing Basic Pay Scales of 1994 or in the Revised Basic Pay Scales and Pension/ commutation scheme 2001 as specified in this O.M. Option once exercised shall be final.

(b) An existing employee as aforesaid, who does not exercise and communicate such an option within the specified time limit, shall be deemed to have opted to continue to draw salary in basic pay scales of 1994 and Pension/Commutation as per existing formulae.

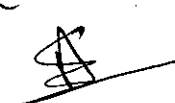
18. The government servant who will retire w.e.f. 1.7.2001 shall be given the benefit of revised pay scales on retroactive basis discounted by 5% increase in pension if availed, subject to the condition that all those who may like to avail this benefit should opt for the entire package i.e. revised schemes of Basic Pay Scales as contained in Part-I and revised packages of pension as contained in Part-II of this O.M.

(b) All existing rules/orders on the subject shall be deemed to have been modified to the extent indicated above. All existing rules/orders not so modified shall continue in force under this scheme.

19. Anomalies: An Anomalies Committee shall be set up in the Finance Division (Regulation Wing) to resolve the anomalies, if any, arising in the implementation of this Office Memorandum.


(Abdul Rauf Malik)
Joint Secretary (I)

All Ministries/Divisions/Department

Attended


6. **Option:-** (a) All the existing civil employees (BPS-1 to 22) of the Federal Government shall within 15 days from the date of issue of this office memorandum, exercise an option to writing, addressed to the Audit office concerned in the case of employees in BPS-16 and above and to the DDO concerned in the case of employees in BPS-15 and below, either to draw pay in the existing Basic Pay Scales of 1994 or in the Revised Basic Pay Scales and pension / commutation scheme 2001 as specified in this O.M. option once exercised shall be final.

(b) An existing employee on aforesaid, who does not exercise and communicate such an option within the specified time limit, shall be deemed to have opted to continue to draw salary in basic pay scales of 1994 and pension / commutation as per existing formulae.

(7) The government servant who will retire w.e.f 1.7.2001 shall be given the benefit of revised pay scales on presumptive basis discontinued by 5% increase in pension if availed, subject to the condition that all those who may like to avail the benefit deems fit for the entire package be the revised schemes of this pay scales as contained in part-I and revised package of pension as contained in Part-II of this O.M.

(8) All existing rules/ orders on the subject shall be deemed to have been modified to the extent indicated above. All existing rules / orders not so modified shall continue in force under this scheme.

(9) **Anomalies:** An Anomalies Committee shall be set up in the Finance Division (Regulation Wing) to resolve the anomalies if any, arising in the implementation of this Office Memorandum.

(Abdul Rauf Malik)
Joint Secretary HQ

All Ministries Division / Department

Attested
[Signature]

15

5. Pay Fixation on Promotion (2) The existing provisions regulating the fixation of pay in case of promotion from lower to a higher post shall continue to apply.

6. Selection Grade and Move Over - Selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discontinued w.e.f. the date of issue of this O.S.

7. Pay Fixation of employees in Selection Grade and those who have Moved Over to higher scales. Pay of an existing employee drawing pay by move over shall be fixed with reference to the pay scale of the post for the time being held by him. In case the employee was drawing pay in a Selection Grade, his pay will be fixed in the Selection Grade pay scale. The stage of fixation will be arrived at after allowing increments on national basis in the original scale of the post or the Selection Grade, in 1994 Basic Pay Scales, upto the point of existing pay. Pay of the employees will then be fixed at the relevant stage in the revised pay scales 2001.

Example-I


Assistant, BS-11 Selection Grade, BS-15, Moved Over BS-16 and in receipt of Pay of Rs.5650/- Pay will be fixed in BS-15 i.e. Selection Grade pay scale at Rs. 6320/- as under:

1994 Scale	Stage 15	Stage 16	Stage 17	Stage 18	Stage 19
	4845	5022	5199	5376	5553
2001 Scale	7260	7525	7790	8055	8320

Example-II

Pay fixation of an employee in BS-11 who has moved over to BS-14 and is in receipt of basic pay of Rs.4400/- will be fixed after allowing national increments in BS-11 of 1994 Basic Pay Scales upto the stage of basic pay drawn. Pay in revised BPS-11 will be fixed at the corresponding stage of Rs. 6790/- as under:

BS-11 1994	Stg 15	Stg 16	Stg 17	Stg 18	Stg 19	Stg 20	Stg 21	Stg 22	Stg 23	Stg 24
Pay Scale	3465	3581	3697	3813	3929	4045	4161	4277	4393	4509
BS-11 2001 Pay Scale	5215	5390	5565	5740	5915	6090	6265	6440	6615	6790

Attested




(4)

(5) Pay Fixation on Promotion (2) The existing provision regulating the fixation of pay in case of promotion from lower to a higher post shall continue to apply.

(6) Selection grade and Move Over Selection grade in the scheme of basic pay scales and move over scheme shall stand discontinued w.e.f the date of issue of this O.M.

(7) Pay Fixation of employees in Selection Grade and those who have Moved Over to higher scale Pay of an existing employee drawing pay by move over shall be fixed with reference to the pay scale of the post for the time being held by him. In case the employee was drawing pay in a selection grade, his pay will be fixed in the selection grade pay scale. The stage of fixation will be arrived at after allowing increment on selection basis in the original scale of the post or the selection grade in 1994 basic pay scales, upto the point of existing pay. Pay of the employees will then be fixed at the relevant stage in the revised pay scales 2001.

Example-I

Assistant, BS-11 Selection Grade, BS-15, Moved Over BS-16 and in receipt of pay of the Rs. 5490/- Pay will be fixed in BS-15 i.e Selection Grade pay scale at Rs.8320/- as under:-

1994 Scale	<u>Stage 15</u> 4845	<u>Stage 16</u> 5022	<u>Stage 17</u> 5199	<u>Stage 18</u> 5376	<u>Stage 19</u> 5553
2001 Scale	7260	7525	7790	8055	8320

Example-II

Pay fixation of an employee in BS-11 who has moved over to BS-14 and is in receipt of basic pay of Rs.4400/- will be fixed after allowing notional increments. In BS-11 of 1994 Basic Pay Scales upto the stage of Basic Pay drawn. Pay in revised BPS-11 will be fixed at the corresponding stage of Rs. 6790/- as under:-

BS-11 1994 Pay Scale	<u>Stg</u> 15 3465	<u>Stg</u> 16 3581	<u>Stg</u> 17 3697	<u>Stg</u> 18 3813	<u>Stg</u> 19 3929	<u>Stg</u> 20 4045	<u>Stg</u> 21 4161	<u>Stg</u> 22 4277	<u>Stg</u> 23 4393	<u>Stg</u> 24 4509
BS-11 2001 Pay Scale	5215	5390	5565	5470	5915	6090	6265	6440	6615	6790

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Example-III

Pay fixation of an employee in BS-5 who has moved over to BS-11 and in receipt of basic pay of Rs. 1465/- will be fixed after allowing notional increments in BS-5 at 1994 BPS upto the stage of basic pay drawn. Since basic pay of Rs. 1465/- is beyond the 30 stages in notional BS-5, (1994 BPS), a resultantly more than the 30 stages of BPS 1994, therefore, his pay will be fixed at the notional 32nd stage i.e. at Rs. 5300/- The difference of Rs. 200/- (Rs. 5300-5100) will be personal to him as under:-

BS-5 1994	Stage-30 3400	Stage-31 3845	Stage-32 5300
BS-5 2001	3700	5200	5300

In such cases future increments upto a maximum of 3 years will also be allowed as personal to such employees.

ii. Date of Increment:- Annual increment shall continue to be admissible subject to the existing conditions, on the 1st December each year.

iii. Special Pay/Allowance for Officers:- The Special Pay/Allowance sanctioned to officers as percentage of pay shall be discontinued on the introduction of revised pay scales a.o.f. 1-12-2001 and adjusted in future increments.

iv. Minimum Increments:- The existing scheme of seven increments is discontinued w.e.f. 1.12.2001. A fresh scheme, if any, will be introduced in due course.

PART II - ALLOWANCES

11. Conveyance Allowance:- The rates of Conveyance Allowance and Motorcycles/Motor car maintenance allowance presently fixed with reference to pay drawn shall be increased and related to Basic Pay Scales as follows:

Sr. No.	Relating	Pay Band
i)	Government servants drawing pay in BS-17/Gazetted and above and maintaining motor car not registered for commercial purpose. Rs. 355/-p.m.	BS-16 Rs. 620/-p.m.
ii)	Government servants drawing pay of Rs. 3249/-per month and above other than those at (i) above. Rs. 183/-p.m.	BS-11 and above Rs. 340/-p.m.
iii)	Government servants drawing pay of Rs. 1685/-p.m. and above but less than Rs. 3249/-p.m. and maintaining Motorcycle/Scooter. Rs. 130/p.m.	BS-1-10 maintaining Motor Cycle/Scooter Rs. 230/-p.m.
iv)	Others. Rs. 94/- per month	BS-1-10 Rs. 170/-p.m.

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Example-III

Pay fixation of an employee in BS-5 who has moved over to BS-11 and is in receipt of basic pay of Rs.1465/- will be fixed after allowing notional increments in BS -11 of 1994 upto the stage of basic pay of Rs. 1465/- is beyond the 30 stages in notional BS-5, 1994 BPS, resultantly more than 30 stages of BPS, 2001, therefore, his pay will be fixed at the notional 32nd stage i.e at Rs. 5300/-. The difference of Rs. 200/- (Rs. 5300-5100) will be personal to him as under:-

BS-5	Stage - 30	Stage - 31	Stage - 32
1994	3300	3446	3512
BS-5 2001	5100	5200	5300

In such cases future increments upto a maximum of 3 years will also be allowed as personal to such employees.

a. Date of Increment Annual increment shall continue to be admissible subject to the existing conditions, on the 31st December each year.

b. Special Pays/ Allowances for Offices The special Pays / allowances sanctioned to officers as percentage of pay shall be discontinued on the introduction of revised pay scales w.e.f 1-12-2001 and adjusted in future increments.

c. Advance Increments The existing scheme of advance increments is discontinued w.e.f 1-12-2001. A fresh scheme, if any, will be introduced in due course.

PART-II - ALLOWANCES

11. Conveyance Allowance The rates of conveyance allowance and Motorcycle / Motor Car maintenance allowance presently fixed with reference to pay drawn shall be increased and related to basic pay scales as follows:

Sr No.	Existing	Revised
i.	Government Servants drawing pay in BS-16 (Gazetted) and above and maintaining motor car POL registered for commercial purpose Rs. 355/- p.m.	BS-16 (Gazetted) or above Rs. 620/-p.m.
ii.	Government Servants drawing pay of Rs. 3240/- per month and above other than those at (i) above Rs. 193/-p.m.	BS-11 and above Rs. 340/- p.m.
iii.	Government Servants drawing pay of Rs. 1680/- per month and above but less than Rs. 3240/- p.m. and maintaining Motorcycle / Scooter Rs. 130/-p.m.	BS -10 maintaining Motor Cycle / Scooter Rs. 230/-p.m
iv.	Others Rs. 96/- per month	BS 1-10 Rs. 170/- p.m.

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Daily Allowance - Daily Allowance rates presently fixed with reference to pay drawn shall be increased and related to Basic Pay Scales as under:-

BPS	Special Rates Per day (Rs.)	Ordinary Rates Per day (Rs.)
1-4	110	80
5-11	170	140
12-16	200	180
17-19	250	220
20-20	350	300
21-22	550	450

13. Medical Allowance - Medical Allowance to employees in BS.1-16 shall be increased from Rs.90/- p.m. to Rs.100/- p.m.

14. Computer Allowance - The Computer Allowance shall be increased subject to the existing conditions of advisability as under:-

Existing Scale

Rs.500/- p.m.

Rs.1000/- p.m.

Revised Scale

Rs.750/- p.m.

Rs.1500/- p.m.

15. Special Pays/Allowances - All the Special Pays and Allowances admissible on certain posts as percentage of pay are revised subject to the following limits:

a) Special Pays/Allowances sanctioned @ 20% and above of Pay.

b) Special Pays/Allowances sanctioned @ 10% - 19% of Pay.

c) Special Pays/Allowances sanctioned @ 5% - 9% of Pay.

Revised

On existing rates subject to a maximum of Rs.2000/- p.m.

On existing rates subject to a maximum of Rs.1500/- p.m.

On existing rates subject to a maximum of Rs.1000/- p.m.

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12. Daily Allowances:- Daily Allowances rates presently fixed with reference to pay drawn shall be increased and related to basic pay scales as under:-

BPS	Special Rates per day (Rs.)	Ordinary Rates Per Day (Rs.)
1-4	110	30
5-11	120	100
12-16	200	180
17-18	350	320
19-20	450	400
21-22	550	450

13. Medical Allowances:- Medical Allowances to employees in BS 1-16 shall be increased from Rs. 90/- p.m. to Rs. 160/-p.m.

14. Computer Allowance:- The Computer Allowance shall be increased subject to the existing conditions of admissibilities as under:-

Existing Rates

Rs. 500/- p.m.
Rs. 1000/-p.m

Revised Rates

Rs. 750/-p.m.
Rs. 1500/-p.m

15. Special Pays/Allowances:- All the special Pays and Allowances admissible on certain POSTS as percentage of pay are revised subject to the following limits:-

a. Special Pays/ Allowances Sanctioned BS 20 and above of pay

Revised

On existing rates subject to a maximum of Rs. 2000/- p.m

b. Special Pays/ Allowances Sanctioned BS 10 – 19 of pay

On existing rates subject to a maximum of Rs. 1500/- p.m

c. Special Pays/ Allowances Sanctioned BS 1 –9 of pay

On existing rates subject to a maximum of Rs. 1000/- p.m

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PART III - PENSION AND COMMUTATION.

16. Pension. - The Government has made the following revisions in pension/commutation scheme w.e.f. 1.12.2001 in respect of civil pensioners of Federal Government including civilian paid from Defence Estimates as well as retired Armed Forces Personnel.

- a) Commutation Table shall be replaced by the new Commutation Table at Annexure-12 to this Office Memorandum.
- b) Commutation upto 40% of Gross pension shall be admissible at the option of the pensioner.
- c) The additional benefit of 24 - 10% for extra years of service after completion of 30 years of qualifying service in respect of Civil Pensioners shall be discontinued.
- d) The increase in pension of 20% - 25% to Civil Pensioners allowed vide this Division's O.M. No. 4(1)-Reg. 6/99 dated 23.7.1999 shall be discontinued.
- e) The benefit of restoration of surrendered portion of pension in lieu of commutation/gratuity shall be withdrawn.
- f) In future, the increase in pension to the pensioners shall be allowed on net pension instead of gross pension.
- g) All the pensioners shall be allowed an increase in net pension (inclusive of dearness increases allowed in the past) as follows:-

	<u>Increase in net pension</u>
i) Pensioners who retired prior to the introduction of 1991 Basic Pay Scales.	15%
ii) Pensioners who retired prior to the introduction of 1994 Basic Pay Scales but on or after the introduction of 1991 Pay Scales.	10%
iii) Pensioners who retired on or after the introduction of 1994 Basic Pay Scales and upto the date of introduction of revised Basic Pay Scales i.e. 1-12-2001.	5%

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PART III - PENSION AND COMMUTATION

16. Pension The Government has made following reforms in pension / commutation scheme w.e.f 1.12.2001 in respect of civil pensioners of Federal Government including civilian paid from Defence Estimates as well as retired Armed Forces Personnel.

- a) Commutation Table shall be replaced by the new Commutation Table at Annexure-II to this Office Memorandum.
- b) Commutation upto 40% of gross pension shall be admissible at time option of the pensioner.
- c) The additional benefit of 24 - 10 for extra years of service after completion of 30 years of qualifying service in respect of civil pensioners shall be discontinued.
- d) The increase in pension 20% - 25% to civil pensioners allowed vide this Division's O.M No. 4 (i) - Reg 6/99 dated 23-7-1999 shall be discontinued.
- e) The benefit of restoration of surrendered portion of pension in lieu of commutation / gratuity shall be withdrawn.
- f) In future, the increase in pension to the pensioners shall be allowed on net pension instead of gross pension.
- g) All the pensioners shall be allowed an increase in net pension (inclusive of dearness increases allowed in the past) as follows:-

	<u>Increase in net pension</u>
i). Pensioners who retired prior to the introduction of 1991 Basic Pay Scales.	15%
ii). Pensioners who retired prior to the introduction of 1994 Basic Pay Scales but on or after the introduction of 1991 Pay Scales	10%
iii). Pensioners who retired on or after the introduction of 1994 Basic Pay Scales and upto the date of introduction of revised Basic Pay Scales i.e 1-12-2001	5%

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ANNEXURE I TO FINANCE DIVISION'S G.M.SULE.115111m/2001, dated September 2, 2001
EXISTING AND REVISED PAY SCALES

PAY SCALES OF 1994 (CVII)

REVISED PAY SCALES, 2001 (CVIII)

Scale	Min	Incr	Max	Steps	Scale	Min	Incr	Max	Steps
1	1245	35	1770	15	1	1870	55	2520	10
2	1275	44	1935	15	2	1915	65	2865	20
3	1320	50	2070	15	3	1980	75	4230	20
4	1360	58	2230	15	4	2040	85	4570	10
5	1400	66	2390	15	5	2100	100	5100	30
6	1440	73	2525	15	6	2160	110	5460	30
7	1480	81	2695	15	7	2220	120	5820	30
8	1540	88	2860	15	8	2310	130	6210	30
9	1605	97	3060	15	9	2410	145	6760	30
10	1660	107	3265	15	10	2490	160	7290	30
11	1725	116	3465	15	11	2590	175	7845	30
12	1830	130	3780	15	12	2745	195	8595	20
13	1950	144	4110	15	13	2925	215	9375	30
14	2065	161	4480	15	14	3100	240	10300	30
15	2190	177	4845	15	15	3285	265	11235	30
16	2535	197	5490	15	16	3805	295	12655	30
17	3080	290	7360	12	17	6210	465	15510	20
18	5085	366	8745	10	18	8135	585	19835	20
19	7750	385	11600	10	19	12400	615	24700	20
20	9195	440	13595	10	20	14710	950	28010	14
21	10190	545	15640	10	21	16305	1070	31285	14
22	10900	610	17000	10	22	17440	1250	34940	14

Attested
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ANNEXURE TO FINANCE DIVISION'S O.M.NO.F.1(5)Imp/2091 dated September 4, 2001

EXISTING AND REVISED PAY SCALES

PAY SCALES OF 1994 (CIVIL)

REVISED PAY SCALES 2001 (CIVIL)

<u>Scale</u>	<u>Min</u>	<u>Incr</u>	<u>Max</u>	<u>Stgs</u>	<u>Scale</u>	<u>Min</u>	<u>Incr</u>	<u>Max</u>	<u>Stgs</u>
1	1245	35	1770	15	1	1870	55	3520	30
2	1275	44	1935	15	2	1915	65	3865	30
3	1320	50	2010	15	3	1980	75	4230	30
4	1360	58	2230	15	4	2040	85	4598	30
5	1400	66	1280	15	5	2100	100	5100	30
6	1440	73	2535	15	6	2160	110	5460	30
7	1480	81	2695	15	7	2220	120	5820	30
8	1540	88	2860	15	8	2310	130	6210	30
9	1605	97	3060	15	9	2410	145	6760	30
10	1660	107	3265	15	10	2490	160	7290	30
11	1725	116	3465	15	11	2590	175	7840	30
12	1830	130	3780	15	12	2745	195	8595	30
13	1950	144	4110	15	13	2925	215	9375	30
14	2065	161	4480	15	14	3100	240	10300	30
15	2190	177	4845	15	15	3285	265	11235	30
16	2535	197	5490	15	16	3805	295	12655	30
17	3880	290	7360	12	17	6210	465	15510	20
18	5085	366	8745	10	18	8135	585	19835	20
19	7750	385	11600	10	19	12400	615	24700	20
20	9195	440	13595	10	20	14710	95	28010	14
21	10190	545	15640	10	21	16305	1070	31285	14
22	10900	610	17000	10	22	17440	1250	34940	14

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Forwarded for information to:-

- Chief Executive Officer (Public Personnel), Islamabad
- Chief Executive Officer, Secretariat, Islamabad
- Chief Executive Officer, Islamabad
- National Assembly Secretariat, Islamabad
- Senate Secretariat, Islamabad
- Election Commission of Pakistan, Islamabad
- Supreme Court of Pakistan, Islamabad
- High Court of Pakistan, Islamabad
- Assistant General of Pakistan Revenues, Islamabad
- M.A.O. Rawalpindi
- Auditor General of Pakistan and all Audit and Accounts Officers under his control
- Pakistan Mint, Lahore
- Corporate Law Authority, Islamabad
- Federal Public Service Commission, Islamabad
- Capital Development Authority, Islamabad
- Cost Accountants Organization, Islamabad
- Central Directorate of National Savings, Islamabad
- Ministry of Free Trade Commission, Islamabad
- Chief Accounts Officer, Ministry of Foreign Affairs, Islamabad
- Financial Adviser and Chief Accounts Officers, Pakistan Railways, Lahore
- All Financial Advisers/Deputy Financial Advisers attached to Ministries/Divisions etc
- Chief Officers of the Finance Division
- Secretary, Finance Division, Islamabad
- Chief Officers of the Finance Division, Karachi
- Deputy Secretary, Finance Division, Islamabad
- Deputy Secretary, Finance Division, Islamabad
- Administrative ICT, Islamabad
- Director General, Post Office, Islamabad
- Director General, Tax Administration, Islamabad
- Finance Secretary, Azad Government of Jammu & Kashmir Muzaffarabad.
- The A.O. Punjab/Sindh/NWFP/Balochistan, Lahore, Karachi, Peshawar and Quetta.
- Secretary, Waqar Mubtasim's Secretariat, Islamabad
- Copy also forwarded to Chief Secretaries/Finance Secretaries of the Government of Punjab, Sindh, NWFP/Balochistan
- The National Accountability Bureau (NAB), Islamabad
- The National Reconstruction Bureau (NRB), Islamabad.
- Intelligence Bureau, K.I.B., Islamabad

A. Sattar Sadiq
 (A.O. PUNJAB, SINDH, NWFP, BALUCHISTAN)
 Deputy Secretary

Attended
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Forwarded for information to:-

Federal Secretariat Office Islamabad,
National Assembly Secretariat Islamabad.
Chief Executive Office Islamabad
Senate Secretariat Islamabad
Election Commission of Pakistan, Islamabad
Supreme Court of Pakistan, Islamabad
Federal Shariat Court Islamabad
Accountant General of Pakistan Revenues, Islamabad
MAG Rawalpindi
Auditor General of Pakistan and all Audit and Accounts Officers under his control
Pakistan Mineral, Lahore
Corporate Law Authority Islamabad
Federal Public Service Commission Islamabad
Capital Development Authority Islamabad
Cost Accounts Organization Islamabad
Central Directorate of National Savings Islamabad
Chief Executive Inspection Commission Islamabad
Chief Accounts Officer Ministry of Foreign Affairs, Islamabad
Federal Advisor and Chief Accounts Officers Pakistan Railways Lahore
All Financial Advisors / Deputy Financial Advisor attached to Ministries / Divisions etc
All offices of the Finance Division
Administrator, ICT Islamabad
Director General Post Office Islamabad
Finance Secretary Azad Government of Jammu & Kashmir Muzaffarabad
The AG Punjab/ Sindh / NWFP/ Baluchistan/ Lahore, Karachi, Peshawar and Quetta
Secretary Wafaqi Mohtasib Secretariat Islamabad
Copies forwarded to Chief Secretaries / Finance Secretaries of the Government of
Punjab, Sindh, NWFP Balochistan
The National Accountability Bureau (NAB) Islamabad
The National Reconstruction Bureau (NRB) Islamabad
Intelligence Bureau, IB Islamabad

(ABDUL SATTAR SADIQ)
Deputy Secretary

Attested
