Form- A FORM OF ORDER SHEET

Court of

48 Case No.-

/2021

S.No.	Date of order	Order or other proceedings with signature of judge					
•   	proceedings						
1	2	3					
1-	19/01/2021	The appeal presented today by Mr. Adnan Aman Advocate may be entered in the Institution Register and put to the Learned Member for					
		proper order please.					
2-	08-02-21	REGISTRAR This case is entrusted to S. Bench for preliminary hearing to be put up there on 01 - 03 - 21 MEMBER(J)					

01.03.2021 The learned Member Judicial Mr. Muhammad Jamal Khan is on leave, therefore, the case is adjourned. To come up for the same pefore S.B on 26.07.2021.



## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

## APPEAL NO. \_\_\_\_/2021

#### FARHAT BEGUM **EDUCATION DEPTT:** vs

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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6.	Vakalat nama		10

APPELLANT

THROUGH:

ADNAN AMAN **ADVOCATE HIGH COURT (S)** CELL NO 0321-9853530

Note: Spare copies will be submitted

Sir,

After submission of the case.

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

## PESHAWAR

Khyb**or Pakhtukhwa** Service Tribunai

Diary No

# APPEAL NO. 15 48 /2021

Mrs. **FARHAT BEGUM**, PSHT (BPS-15) GGPS, MAYAR JANDOOL SAMARBAGH, **LOWER DIR** Personnel Number: 00260624

.....APPELLANT

#### VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary,Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.

4- The Accountant General, Khyber Pakhtunkhwa, Peshawar.

5- The Director of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS WHO VIDE THE SAME ARE ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE OF THE APPELLANT DURING WINTER & SUMMER VACATIONS AND AGAINST IN ACTION OF THE DEPARTMENTAL APPEALLATE AUTHORITY WHO VIDE THE SAME DID NOT PASS ANY APPROPRIATE ORDER OVER THE DEPARTMENTAL APPEAL OF THE APPEALLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS.

#### PRAYER:

That on acceptance of this appeal the respondents may kindly be ordered/directed not to make deduction of conveyance allowance during vacations period (Summer & Winter Vacations) and make the during vacations period (Summer & Winter Vacations) and make the maximum of all outstanding amount of Conveyance allowance which whave been deducted previously with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

#### - <u>R/SHEWETH:</u> ON FACTS:

1- That the appellant is serving in the Elementary & Secondary Education Department as **PRIMARY SCHOOL HEAD TEACHER** (PSHT) **BPS-15** quite efficiently and up to the entire satisfaction of their superiors.

2- That the Conveyance Allowance is admissible to all the Civil Servants and to this effect a Notification No. FD (PRC)1-1/2011 dated 14.07.2011 was issued. That later on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees working in BPS 1 to 15 were enhance/revised while employees from

- 4- That appellant being aggrieved of the impugned action of the respondents regarding deduction of conveyance allowance in vacations period/months filed Departmental appeal but the same has not been decided so far. Copy of the Departmental appeal & is attached as annexure......D.
- 5- That other colleges of appellant of different cadre approached this august tribunal in different service appeals which was allowed by this august tribunal vide its judgment no 1452/2019 titled maqsad Hayat versus Education Department Dated 11-11-2019......**E**.

6- That the appellant also prayed to be treated alike through the principles of consistency for allowing such relief which was granted in appeal No 1452/2019 titled Maqsad Hayat versus Education Department in Judgment Dated 11.11.2019.

7- That where after the appellant waited for the statutory period of ninety days but no reply has been received from the respondents. That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

#### **GROUNDS:**

- A\* That the action and inaction of the respondents regarding deduction of conveyance allowance for vacations period/months is illegal, against the law, facts, norms of natural justice.
- B- That the appellant has not been treated by the respondent Department in accordance with law and Rules on the subject noted above and as such the respondents have violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned action of the respondents is without any legal & lawful authority, discriminatory and in clear violation of fundamental rights duly conferred by the Constitution and is liable to be declared as null and void.
- D- That there is clear difference between leave and vacation as leave is applied by the Civil Servant in light Government Servant Revised Leave Rules, 1981 while the vacations are always announced by the Government, therefore under the law and Rules the appellant fully entitled for the grant of conveyance allowance during vacations period.

E- That the Government Servants Revised Leave Rules, 1981 clearly explain that the civil servants who avail the vacations are allowed only one leave in a month whereas, the other civil servants may avail 04 days leave in a calendar months and the same are credited to his account and in this way he may avail 48 days earned leave with full pay, whereas the Government servants to avail vacation such as appellant is allowed one day leave in a month and twelve (12) days in a year and earned leave for twelve days in a year are credited to his account and there is no question of deduction of conveyance allowance for vacation period, the respondents while making the deduction of conveyance allowance lost sight of this legal aspect and illegally and without any authority started the recovery and deduction of conveyance allowance from appellant.

F- That as the act of the respondents is illegal, unconstitutional, without any lawful authority and not only discriminatory but is also the result of malafide on the part of respondents.

- G- That appellant has the vested right of equal treatment before law and the act of the respondents to deprive the appellant from the conveyance/allowance is unconstitutional and clear violation of fundamental rights.
- H- That according to Government Servants Revised Leave Rules, 1981 vacations are holidays and not leave of any kind, therefore, the deduction of conveyance allowance in vacations is against the law and rules.
- I- That according to Article 38 (e) of the Constitution of Islamic Republic of Pakistan, 1973 the state is bound to reduce disparity in the income and earning of individuals including persons in the services of the federation, therefore in light of the said Article the appellant fully entitle for the grant of conveyance allowance during vacations.
- J- That the appellant seeks permission of this Honorable Tribunal to raise any other grounds available at the time of arguments.
  - It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for under the golden principals of consistency.

APPELLANT FARHAT BEGUM THROUGH:

ADNAN AMAN ADVOCATE< HIGH COURT(S)

پېچېنې	GOVERNMENT OF KHYBER PAKHTUNKHWA
	FINANCE DEPARTMENT (REGULATION WING)
	NO. FD/SO(SR-II)/8-52/2012 Dated Peshawar the: 20-12-2012
From	The Secretary to Gevil of Khyber Pathtusithwa. Finance Department, Peahawar,
	All Administrative Secretaries to Gov. of Kingter Pakhtunkhwa. The Secretary to Governer, Knyber Pakhtunkhwa. The Secretary to Child Minster, Knyber Pakhtunkhwa. The Secretary to Child Minster, Knyber Pakhtunkhwa. The Secretary, Franched Ascerby, Knyber Pakhtunkhwa All Heads of Altaches Departments in Knyber Pakhtunkhwa
	Af District Coordination Officered Xwyder Pakind Handler Af Polisical Agents / District & Semions Judges in Khytter Paking Handler The Registry: Peshawar Hytrocott, Peshawat The Charman, Public Senice Commission, Khytter Pokhlunkawa. The Charman, Senices Tribunal Kayos: Pakhlunkawa.
Seibjèct Dear Sir,	REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA, PROVINCIAL GOVERNMENT BPS 1-19
	The Government of Knyter Pakhturathing has been pleased to enhance / rete of Conveyance Allowance admissible to all the Provincial Civil Servants, Gove

of Novber Pathtunkhwa (Working in BFS-1 to BPS-13) w.e.f from 1<sup>2</sup> September, 2012 at the following rates. However, the conveyance allowarice for employees in SFS+15 to 6PS+19 - 19775-300917 93H 7 . . .....

rien v Cenim	RPS	EXISTING RATE (PH)	REVISED RATE (PM)
	1-4	35.1.500/-	Rs.1.700/- Rs.1.840/-
	5-10	<u>Rs.1,500/-</u> Rs.2,600/-	Rs. 2,720/-
<u>)</u>	16-19	Rs.5,000/-	R\$.5,000/-

Conveyance Allowance at the above rates per month shall be admissible to those BPS-17, 18 and 19 effects who have not been sandbared effects.

(Sahibzada Sacod Ahmad) Secretary Finance

Yours Fashiully,

Dated Pestiawar the 20" December, 2012 Endsit NO. PD:SO(SR-II)-8-52/2012

A Copy is forwarded for information to the:-

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- Aboundant General, Kander Pakittarking, Pesinarat Secretarias to Government of Punjab, Sciah & Salacheran, Fanarat Destatution As Anteranous / Sens Autonomous Booles in Whyder Pakittarkinga

(INTIAZ AYUB) Additional Secondary (Row

BETTER COPY PAGE-5

## GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGUALTION WING)

Q - 1

#### NO.FD/SO(SR-II)/52/2012 Dated Peshawar the: 20.12.2012

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

#### To:

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

## Subject: <u>REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE</u> <u>CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA</u>; <u>PROVINCIAL</u> <u>GOVERNMENT BPS-1-19</u>

Dear Sir,

The Government of Khyber Pakhtunkhwa has been pleased to enhance/jevise the rate of Conveyance Allowance admissible to all the Provincial Civil Servants Govt: of Khyber Pakhtunkhwa (working in BPS-1 to BPS-15) w.e.f from 1<sup>st</sup> September, 2012 at the following rates. However, the conveyance allowance for employees in BPS-16 to BPS-19 will remain unchanged.

	•			
	S.No.	BPS	Existing Rate (PM)	Revised Rate (PMI)
	0.1.0.	1_4	Rs. 1,500/	Rs. 1,700/-
	1.	5-10 -	Rs. 1,500/-	Rs. 1,840/-
•	2.	11 15	Rs. 2,000/-	Rs. 2,720/-
	3	<u>11-15</u>		Rs. 5,000/-
	4.	16-19	Rs. 5,000/	1 KS. 3,000/-

Conveyance Allowance at the above rates per month shall be admissible to those BPS-17,
 18 and 19 officers who have not been sanctioned official vehicle.

Your Faithfully (Sahibzada Saeed Ahmad)

Secretary Finance

Endst No. FD/SO(SR-II)8-52/2012 Dated Peshawar the 20th December; 2012

Dist. Govt. NWFP-Provincial District Accounts Office Dir at Timargar Monthly Salary Statement (February-2020)



### Personal Information of Mrs FARHAT BEGUM d/w/s of SHAH SAWAR KHAN

Personnel Number: 00260624 Date of Birth: 18.08, 1967

 60624
 CNIC: 10891124462
 #

 57
 Entry into Govt. Service: 14.09.1989

Length of Service: 30 Years 05 Months 017 Days

NTN:

Employment Category: Active Temporary

Designation: PR'MARY SCHOOL HEAD TEACH 80001411-DISTRICT GOVERNMENT KHYBE DDO Code: DA6144-GOVT. PRIMARY SCHOOLS (F) SAMARBAGH Payroll Section: 001 GPF Section: 001 Cash Center: 04 GPF A/C No: EDUDA006057 Interest Applied: Yes **GPF Balance:** 476,432.00 Vendor Number: --Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil **BPS: 15** Pay Stage: 22

Wage type		Ámount Wage type		- Amount	
0001	Basic Pay	45,380.00	1000	House Rent Allowance	2,349.00
1300	Medical Allowance	1,500.00	1505	Charge Allowance	40.00
1923	UAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	985.00
2199	Adhoc Relief Allow @10%	682.00	1	Adhoc Relief All 2016 10%	3,479.00
2224	Adhoc Relief All 2017 10%	4,538.00		Adhoc Relief All 2018 10%	4,538.00
2264	Adhoc Relief All 2019 10%	4,538.00			0.00

#### Deductions - General

	Wage type	Amount	Wage type	Amount
3015	GPF Subscription	-2,890.00	3501 Benevolent Fund	-600.00
3609	Income Tax	-762.00	3990 Emp.Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-600.00	- 1. Treatment	0.00

#### **Deductions - Loans and Advances**

Loan	· · · · · · · · · · · · · · · · · · ·	Descri	ption	Principal amoun	t Deductio	n Balance
)eductions	- Income Tax	-		-		· •
Payable:	11,699.10	Recovere	d till February-2020:	5,730.00 Exempl	ted: 2923.98 R	ecoverable: 3,045.12
Fross Pay (	(Rs.): 69,0	29.00	Deductions: (Rs.):	-4,977.00	Net Pay: (Rs.):	64,052.00
Account Ni	e: FARHAT BE umber: 100-143 ils: UNITED BA	6-5	FED, 211157 UBL M	AYAR UBL MAYAR, N	MARDAN	:
eaves: `	Opening Ba	alance:	Availed:	Earned:	3 Balanc	e:
	Address: VILL.	MAYAR	· · · · · · · · · · · · · · · · · · ·			
City: DIR L Cemp. Add			Domicile: NW -	Khyber Pakhtunkhwa	Housing	g Status: No Official
City:		`:	Email:		•.	
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Personal Information of Min PARHAT BEGUNG device of SIEAI SAVAR KIEAN Personal Information of Min PARHAT BEGUNG device 14.09 (1949) The Personal Number 01201024 United Blank 18.01877 Empiring Category: Active Temporary Designation: REMARY SCHOOL SIPS (1949) 1949 Empiring REMARY SCHOOL SIPS (1940) Distribution: REMARY SCHOOL SIPS (1950) SAMARARGH Payroll Science 10 GPF Section: 00 GPF Section: 01 GPF Section: 01 GPF Section: 02 GPF Section: 02 GPF Section: 03 GPF Section: 03 GPF Section: 03 GPF Section: 04	Distr	ist. Govt. NW ict Accounts Off nthly Salary Sta	lice Dir at T	imargar	6-6			
Designation: PRIMARY SCHOOL HEAD TEACH S000/41-DISTRICT GOVERNMENT RETYIE DO Code: DA44-GOVT, FINARAY SCHOOLS (F) SAMARRACH Payrell Section: 001 GPF Section: 001 Cash Center: 04 GPF ACN & EDUJA000037 Interest Applied: Yes GPF Balance: 485, 02.00 Vedor Number - Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type Civil BPS: 15 Pay Stage: 22 Vedor Number - Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type Civil BPS: 15 Pay Stage: 22 Vedor Number - Pay and Allowance 2023 2, 355,000 1000 House Ren: Allowance 2, 2,367,000 1210 Carree Allowance 2023 2, 355,000 1200 Medical Allowance 2, 2,367,000 1210 Carree Allowance 2023 2, 355,000 2139 Adhore Reief Allowance 2, 2,367,000 1211 Carree Allowance Reief All/2013 985,00 2139 Adhore Reief Allowance 4, 4,538,000 2214 Adhore Reief All/2016 10% 4, 538,000 22464 Adhore Reief All/2017 10% 4, 4,538,000 2247 Adhore Reief All/2016 10% 4, 538,000 2264 Adhore Reief All/2019 10% 4, 538,000 2247 Adhore Reief All/2016 10% 4, 538,000 2264 Adhore Relief All/2019 10% 4, 538,000 2247 Adhore Reief All/2016 10% 4, 538,000 200 5900 Emp.Edu. Fund 4, 6670,00 3600 Jenewitz Relief All/2018 10% 4, 538,000 200 5900 Emp.Edu. Fund 4, 6670,00 3600 Jenewitz Relief All/2018 10% 4, 538,000 200 5900 Emp.Edu. Fund 4, 6670,00 3600 Jenewitz Relief All/2018 10% 4, 538,000 200 5900 Emp.Edu. Fund 4, 6670,00 3600 Jenewitz Relief All/2018 0, 4600 8, 440 80 Exempted: 3119,41 Recoverable: 919 64 Gross Pay (Rs.): 71,885,00 Deductions: (Rs.): -5,135,00 Net Pay: (Rs.): 66,750,00 Payee Num: FARHAT BEGUM Account Number 100-155-5 30,AR Details: UNITED SANK LIMITED, 211157 UBL MAYAR UBL MAYAR, MARDAN Leaves: Opening Balance: Availed: Eturned: Balance: Payentis: 10,515-55 30,AR Details: UNITED BANK LIMITED, 211157 UBL MAYAR UBL MAYAR, MARDAN Leaves: Opening Balance: Availed: Eturned: Balance: Payer Numer FARHAT BEGUM Account Number 100-155-5 30,AR Details: UNITED BANK LIMITED, 211157 UBL MAYAR UBL MAYAR, MARDAN Leaves: Opening Balance: Availed: Eturned: Balance: Payer Nu	Personnel Number: 00260624	CNIC: 108911244	162		NIN:	ars 08 N	4onths 019 Days	
Pay and Allowances:         Pay scale: BPS For - 2017         Pay Scale Type C(VIIII BPS: 13         Pay stage: 22           Wage type         Amount         Wage type         Amount         Other in the stage type         Amount           0001         Basic Par         45,380.00         1000         House Reint Allowance         2,359.00           120         Convey Allowance         40.00         1923         UXA-OTHER 2005(1:15)         1,000.00           1303         Charge Allowance         40.00         1923         UXA-OTHER 2005(1:15)         1,000.00           2143         Hits Adhase Relief All 2018         10%         4,538.00         2247         Adhoe Relief All 2018         4,538.00           2247         Adhoe Relief All 2018         10%         4,538.00         2264         Adnoe Relief All 2019         4,538.00           2247         Adhoe Relief All 2018         10%         4,538.00         2264         Adnoe Relief All 2019         4,538.00           2247         Adhoe Relief All 2018         10%         4,538.00         2264         Adnoe Relief All 2019         4,538.00           2247         Adhoe Relief All 2018         10%         4,538.00         2,609.00         3501         Berevolew Fund         4,009.00         4,009.00         4,009.00	Designation: PRIMARY SCHOOL DDO Code: DA6144-GOVT. PRIM Payroll Section: 001 C GPF A/C No: EDUDA006057 In	HEAD TEACH MARY SCHOOL SPF Section: 001	S (F) SAMA	RBAGH	f 🚽 🚽			•
Wage type         Annount         Value         2.342.00           1210         Convey Allowance         1.500.00         1200         Medical Allowance         1.500.00           1265         Convey Allowance         40.00         12921         UAA_OUTER 20% (1.15)         1.500.00           1266         Convey Allowance         40.00         12921         UAA_OUTER 20% (1.15)         1.500.00           1261         St&Adoce Relief All 2013         985.00         21221         Adhoce Relief All 2015         1.500.00           2211         Adhoce Relief All 2016         10%         4.538.00         2224         Adhoce Relief All 2017         10%         4.538.00           2247         Adhoce Relief All 2018         10%         4.538.00         2264         Adhoce Relief All 2017         10%         4.538.00           2247         Adhoce Relief All 2018         10%         4.538.00         2264         Adhoce Relief All 2017         4.538.00           Deductions - General         Wage type         Amount         Wage type         Amount         4.538.00           15 (DFF bisecription         -2.890.00         1500         Emp.Edu         Fund KPK         1125.00           15 (GF bisecription         -2.890.00         1500         Emp.Edu <td>Vendor Number: - Pay and Allowances:</td> <td>Pay scale: BPS F</td> <td>or - 20!7</td> <td>Pay S</td> <td>cale Type: Civil BPS: 15</td> <td>Pay S</td> <td>tage: 22</td> <td></td>	Vendor Number: - Pay and Allowances:	Pay scale: BPS F	or - 20!7	Pay S	cale Type: Civil BPS: 15	Pay S	tage: 22	
Oot         Basic Par         45.380.00         1000         House Rent Allowance         2,349.00           1210         Convey Allowance         1.500.00         1.600.00         1.600.00           1565         Charge Allowance         1.600.00         1.600.00         1.600.00           1565         Charge Allowance         1.600.00         1.600.00         1.600.00           1565         Charge Allowance         40.00         1.223         LAA.OTHER 2019(1-15)         1.600.00           1211         Adhoc Relief All 2016         985.00         2129         Adhoc Relief All 2017 10%         6.82.00           2211         Adhoc Relief All 2018         10%         4.538.00         2264         Adhoc Relief All 2019 10%         4.538.00           2247         Adhoc Relief All 2018         10%         4.538.00         2264         Adhoc Relief All 2019 10%         4.538.00           2247         Adhoc Relief All 2018         10%         4.538.00         2264         Adhoc Relief All 2016 10%         4.538.00           2247         Adhoc Relief All 2016         10%         4.538.00         2264         Adhoc Relief All 2016 10%         4.538.00           2064         Income Tax         -920.00         3900         Emp.Edu, Fund         -125.	Waga tuna	······	Amount		Wage type		Amount	
Under Jahr Fab         Description         1.800 Medical Allowance         1.900 00           1300 Charge Allowance         40.06         1923 UAA-OTHER 20%(1-15)         1.000.00           1301 Convey Allowance         40.06         1923 UAA-OTHER 20%(1-15)         1.000.00           1302 Charge Allowance         40.06         1923 UAA-OTHER 20%(1-15)         1.000.00           2148 15% Adhoe Relief All-2013         3.479.00         2199 Adhoe Relief All 2017 10%         4.538.00           2247 Adhoe Relief All 2018 10%         4.538.00         2264 Adhoe Relief All 2019 10%         4.538.00           2247 Adhoe Relief All 2018 10%         4.538.00         2264 Adhoe Relief All 2019 10%         4.538.00           2247 Adhoe Relief All 2018 10%         4.538.00         2266 I Adhoe Relief All 2019 10%         4.538.00           2247 Adhoe Relief All 2018 10%         4.538.00         2266 I Adhoe Relief All 2019 10%         4.538.00           2247 Adhoe Relief All 2018 10%         4.538.00         2266 I Adhoe Relief All 2019 10%         4.538.00           2247 Adhoe Relief All 2018 10%         501 Benevolent Fund         -1600.00         0.00           3015 [QPF Subscription         -2.890.60         3501 Benevolent Fund         -1600.00         0.00           2004 IR Benofits & Death Conip         -600.00         0.00         0.				1000		. <u>-</u>	2,349.00	
Little         Convey Atlowance         40.00         1923         UAA-OTHER 20%(1-15)         1.000.00           2148         15% Adhoe Relief All-2013         985.00         2199         Adhoe Relief All 2016         682.00           2211         Adhoe Relief All 2016         10%         4.538.00         2224         Adhoe Relief All 2016         682.00           2247         Adhoe Relief All 2018         10%         4.538.00         2224         Adhoe Relief All 2019         10%         4.538.00           2247         Adhoe Relief All 2018         10%         4.538.00         2224         Adhoe Relief All 2019         10%         4.538.00           2247         Adhoe Relief All 2018         10%         4.538.00         2246         Adhoe Relief All 2019         10%         4.538.00           2247         Adhoe Relief All 2018         10%         4.538.00         2246         Adhoe Relief All 2019         10%         4.538.00           2247         Adhoe Relief All 2018         10%         4.538.00         2246         Adhoe Relief All 2019         10%         4.538.00           2247         Adhoe Relief All 2018         Adhoe Relief All 2018         10%         10%         10%         10%         10%         10%         10%         10%							1,500.00	
100         Contract Allow (201%)         682.00           2214         L5% Adhee Kelief All 2013         985.00         2199         Adhoe Relief All 2016 10%         682.00           2211         Adhoe Relief All 2016         10%         3.479.00         2224         Adhoe Relief All 2016 10%         4.538.00           2247         Adhoe Relief All 2018         10%         4.538.00         2264         Adhoe Relief All 2019 10%         4.538.00           2247         Adhoe Relief All 2018         10%         4.538.00         2264         Adhoe Relief All 2019 10%         4.538.00           2247         Adhoe Relief All 2018         10%         4.538.00         2264         Adhoe Relief All 2019 10%         4.538.00           2247         Adhoe Relief All 2018         10%         4.538.00         2264         Adhoe Relief All 2019 10%         4.538.00           2247         Adhoe Relief All 2018         10%         2.890.00         3501         Benevolent Fund         -600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00         600.00		·					1,000.00	
2110       1/274_CMUR Child All 2016 10%       3,479.00       2224       Auhoc Relief All 2016 10%       4,538.00         2211       Adhoc Relief All 2018 10%       4,538.00       2264       Adhoc Relief All 2018 10%       4,538.00         2247       Adhoc Relief All 2018 10%       4,538.00       2264       Adhoc Relief All 2017 10%       4,538.00         Deductions - General							682.00	
111. [10005] Guide Relief All 2018 10%       4,538.00       2264       Adhoc Relief All 2019 10%       4,538.00         Deductions - General       Image type       Amount       Wage type       Amount         3015       GIPF Subsections       -2,830.00       3561       Benevelent Fund       -600.00         3004       R. Benefits & Death Conig       -2,800.00       3990       Emp.Edu. Fund KPK       -125.00         3004       R. Benefits & Death Conig       -600.00       10.00       10.00       10.00         Deductions - Loans and Advancest       Image type       Amount       Deductions       10.00       10.00         Deductions - Income Tax       Psyable:       12,479.05       Recoverable:       919.64         Gross Pay (Rs.):       71,885.00       Deductions: (Rs.):       -5,135.00       Net Pay: (Rs.):       66,750.00         Payee Name: FARHAT BEGUM       Account Number: 100-136-5       Balance:       Earned:       Balance:         Payees:       Opening Balance:       Availed:       Earned:       Balance:       10.00         Permanent Address:       VILLMAYAR       Domicile: NW - Khyber Pakhtunkhwa       Housing Stitus: No Official       10.00         Permanent Address:       City:       Email:       Email:       10.00 <td></td> <td></td> <td></td> <td></td> <td></td> <td>_</td> <td>4,538.00</td> <td>3</td>						_	4,538.00	3
Deductions - General         Wage type       Amount       Wage type       Amount         3015       GPF Subscription;       -2,890.00       3501       Benevolent Fund       -600.00         4004       R. Benefits & Death Compo       -125.00       -125.00       -125.00         4004       R. Benefits & Death Compo       -125.00       -125.00       -125.00         2004       R. Benefits & Death Compo       -125.00       -125.00       -125.00         2004       R. Benefits & Death Compo       -125.00       -125.00       -125.00         2004       R. Benefits & Death Compo       -125.00       -125.00       -125.00         Deductions - Loans and Advances				2264	Adhoc Relief All 2019 10%		4,538.00	
Wage type       Attount         3015       GPF Subscription       -2,890.00       3501       Benevolent Fund       -600.00         3060       Income Tax       -920.00       3990       Emp.Edu. Fund       -125.00         4004       R. Benefits & Death Comip:       -600.00       0.00       0.00       0.00         2020.01       Benefits & Death Comip:       -600.00       0.00       0.00       0.00         Deductions - Loans and Advances       Description       Principal amount       Deduction       Balance         Payable:       12,479.05       Recovered till May-2020:       8,440.00       Exempted: 3119.41       Recoverable:       919.64         Gross Pay (Rs.):       71,885.00       Deductions: (Rs.):       -5,135.00       Net Pay: (Rs.):       66,750.00         Payee Name: FARHAT BEGUM       Account Number: 100-1436-5       Balance:       Earned:       Balance:         Payees:       Opening Balance:       Availed:       Earned:       Balance:         Permanent Address: VILLMAYAR       Domicile: NW - Khyber Pakhtunkhwa       Housing Status: No Official         Temp. Address:       City:       Email:       Yes								
3015       GPF Subscription       -2,890.00       3501       Benevolent Fund       -400,00         3609       Income Tax       -920.00       3990       Emp.Edu. Fund KPK       -125.00         4004       R. Benefits & Death Comip:       -600.00       -600.00       -0.00       -0.00         Deductions - Loans and Advances	Wage type		Amount		Wage type		Amount	
3669       Income Tax       -920.00       3990       Emp.Edu, Fund KPK       -123.00         4004       R. Benefits & Death Comig:       -600.00       0.00       0.00         Deductions - Loans and Advances			-2,890.00	3501	Benevolent Fund		-600.00	
4004       R. Benefitis & Death Comp:       -600,00       0.00         Deductions - Loans and Advances         Loan       Description       Principal amount       Deduction       Balance         Deductions - Income Tax Payable:       12,479.05       Recovered till May-2020:       8,440.00       Exempted: 3119.41       Recoverable:       919.64         Gross Pay (Rs.):       71,885.00       Deductions: (Rs.):       -5,135.00       Net Pay: (Rs.):       66,750.00         Payee Name: FARHAT BEGUM Account Number: 100-1436-5       Bank Details: UNITED BANK LIMITED, 211157 UBL MAYAR UBL MAYAR, MARDAN         Leaves:       Opening Balance:       Availed:       Earned:       Balance:         Permanent Address: VILL.MAYAR City: DIR LOWER Temp. Address:       Domicile: NW - Khyber Pakhtunkhwa       Housing Status: No Official         City:       Email:			-920.00	3990	Emp.Edu, Fund KPK		-125.00	
Deductions - Loans and Advances         Loan       Description       Principal amount       Deduction       Balance         Deductions - Income Tax Payable:       12,479.05       Recovered till May-2020:       8,440.00       Exempted: 3119.41       Recoverable:       919.64         Gross Pay (Rs.):       71,885.00       Deductions: (Rs.):       -5,135.00       Net Pay: (Rs.):       66,750.00         Payee Name:       FARHAT BEGUM Account Number:       100-1436-5       66,750.00         Bank Details:       UNITED BANK LIMITED, 211157 UBL MAYAR UBL MAYAR, MARDAN       Balance:         Leaves:       Opening Balance:       Availed:       Earned:       Balance:         Vermanent Address:       VILL.MAYAR       Domicide: NW - Khyber Pakhtunkhwa       Housing Status: No Official         Temp. Address:       Email:			-600.00				0.00	
Payable:       12,479.05       Recovered till May-2020:       8,440.00       Exempted: 3119.41       Recoverable:       919.04         Gross Pay (Rs.):       71,885.00       Deductions: (Rs.):       -5,135.00       Net Pay: (Rs.):       66,750.00         Payee Name:       FARHAT BEGUM       Account Number: 100-1436-5       Bank Details: UNITED BANK LIMITED, 211157 UBL MAYAR UBL MAYAR, MARDAN         Leaves:       Opening Balance:       Availed:       Earned:       Balance:         Permanent Address:       VILL.MAYAR       Domicile: NW - Khyber Pakhtunkhwa       Housing Status: No Official         Temp. Address:       Email:	Loan Des	· · · · · · · · · · · · · · · · · · ·		Princ	ipal amount Deduction		Balance	-
Gross Pay (Rs.):       11,363.00       Deductions (clos):       Externel         Payee Name: FARHAT BEGUM       Account Number: 100-1436-5       Bank Details: UNITED BANK LIMITED, 211157 UBL MAYAR UBL MAYAR, MARDAN         Leaves:       Opening Balance:       Availed:       Earned:       Balance:         Permanent Address:       VILL.MAYAR       Earned:       Balance:         City: DIR LOWER       Domicile: NW - Khyber Pakhtunkhwa       Housing Status: No Official         City:       Email:       '								·.
Account Number: 100-1436-5 Bank Details: UNITED BANK LIMITED, 211157 UBL MAYAR UBL MAYAR, MARDAN Leaves: Opening Balance: Availed: Earned: Balunce: Permanent Address: VILL.MAYAR City: DIR LOWER Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official Temp. Address: City: Email:	Gross Pay (Rs.): 71,885.00	Deduction	s: (Rs.):	-5,135	.00 Net Pay: (RS.):	00,730	.00	
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City: DIR LOWER Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official Temp. Address: City: Email:	Leaves: Opening Balance:	Availe	d:	:Ea	arned: Balance:			
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The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

Subject:

#### DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ACTION OF THE CONCERNED AUTHORITY BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE DURING WINTER & SUMMER VACATIONS

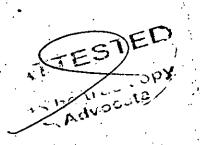
Respected Sir,

With due respect it is stated that I am the employee of your good self Department and is serving as PSHT (BPS-15) quite efficiency and up to the satisfaction of the superiors. It is stated for kind information that entire Conveyance Allowance is admissible to all the civil servants and to this effect a. Notification No. FD (PRC) 1-1/2011 dated 14.07.2011 was issued. Later ion vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees working in BPS 1 to 15 were enhance/revised while employees from BPS-15 to 19 have been treated under the previous Notification by not enhancing their conveyance allowance. Respected Sir, I was receiving the conveyance allowance as admissible under the law and rules but the concerned authority without any valid and justifiable reasons stopped/deducted the payment of conveyance allowance under the wrong and illegal pretext that the same is not allowed for the leave period. One of the employee of Education. Department in Islamabad filed service appeal No.1888 (R) CS/2016 before the Federal Service Tribunal, Islamabad regarding conveyance allowance which was accepted by the Honorable Service Tribunal vide its judgment dated 03.12.2018. That the august K.P.K service tribunal also allowed the restoration of the convence allowance in its judgment dated 11.11.2019 in appeal No 1452/2019 titled Maqsad Hayat versus Education Derpartment.Copy attached. That I also the similar employee of Education Department and under the principle of consistency I am also entitled for the same treatment meted out in the above mentioned service appeal but the concerned authority is not willing to issue/grant the same conveyance allowance which is granting to other employees. Copy attached. I am feeling aggrieved from the action of the concerned authority regarding deduction of conveyance allowance in vacations period/months preferred this Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal the concerned authority may very kindly be directed the conveyance allowance may not be deducted from my monthly salary during the winter & summer vacations.

Dated: 24.09.2020

Your Obediently



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ANUBIS BEFORE THE KHYBER PAKHTUNKHWA SERVICE PESHAWAR 00 APPEAL NO. 1452 /2019 10/2019 Data CE Mr. Maqsad Hayat, SCT (BPS-16), APPELLAN GHS Masho Gagar, Peshawar.... VERSUS 1-7 ine Government of Khyber Pakhtunkhwa through Chief Secretary, 2- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar... 3- The Secretary Finance Department, Khyber Fakhtunkhwa, Peshawar. 4- The Ac ountant General, Khyber Pakhtunkhwa, Peshawar. 5- The Director (E&SE) Department, Knyber Pakhtunkhwa, Peshawar. RESPONDENTS APPEAL UDNER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT; 1974 AGAINST, THE IMPUGNED OF THE RESPONDENTS BY ILLEGALLY UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE & SUMMER THE APPELLANT DURING WINTER VACATIONS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE -QF STATUTORY PERIOD OF NINETY DAYS. That on acceptance of this appeal the respondents may kindly be directed not th make deduction of conveyance PRAYER: allowance during vacations period (Summer & Winter. Vacations) and make the payment of all outstanding amount of Conveyance allowarde which have been deducted Electer-day previously with all back benefits. Any other remedy which this august Tribunal desins fit that may also be awarded in favor of the appellant favor of the appellant AC DELES 21/01/Ha V EXN R/SHEWETH: Khvi 🖓 1- That the appellant is serving in the elementary and eservidary ON FACTS: education department as Certified Teacher (BFS-15) quite-efficiency and up to the entire satisfaction of the superiors. 2- That the Conveyance Allowance is admissible to all the civil servants and to this effect a Notification No. 'FD (PRC) '1-1/2011 dated 14.07.2011, was issued. That later ion vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees 5 5125-2

Appeal No. 1452/2019 Markad Hayat Vs Govt 1722

11.11.2019

Counsel for the appellant present.

Learned counsel referred to the judgment passed by learned Federal Service Tribunal in Appeal No. 1888(R)CS/2016 which was handed down on 03.12.2018. Through the said judgment the issue of payment of Conveyance Allowance to a civil servant during summer and winter vacations was held to be within his entitlement and the deduction already made from him was to be reinibursed. Similar reference was made to the judgment by Honourable Peshawar High Court passed on 01.10.2019 in the case of appellant.

Learned counsel, when confronted with the proposition that the issue, in essence, was dilated upon by the Federal Service Tribunal and, more particularly, by the Honourable Peshawar High Court in the case of appellant, stated that in case the respondents are required to execute the judgment of Peshawar High Court, the appellant will have no cavil about disposal of instant appeal.

The record suggests that while handing down judgment in the Writ Petition preferred by the appellant, the Honourable High Court not only expounded the definition of "Pay" as well as "Salary" but also entitlement of a civil servant for the Conveyance Allowance during the period of vacations. It is important to note that the respondents were represented before the High Court during the proceedings.

In view of the above noted facts and circumstances and in order to protect the appellant from a fresh round of litigation which may protract over a formidable period, the appeal in hand is disposed of with observation that the judgment of Honourable Peshawar High Court passed in Writ Petitions including W.P. No. 3162-P/2019 shall be honoured and implemented by the respondents within shortest possible time. The appellant shall, however, be at liberty to seek remedy in accordance with law in case his grievance is not redressed by the respondents within a reasonable time.

File be consigned to the record.

ATTES

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<u>ANNOUNCED</u> 11.11.2019

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Chairman

## VAKALATNAMA

#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TIBUNAL, PESHAWAR

OF 2021

FARHAT BEGUM

(APPELLANT)

(PLAINTIFF)

(PETITIONER)

VERSUS

#### Education Department

(RESPONDENT) (DEFENDANT)

#### I/We FARHAT BEGUM

do hereby appoint and constitute **ADNAN AMAN**, **Advocate**, **High Court**, **Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated.\_\_\_/\_\_/2021

CLIENT

ACCEPTED ADNAN AMAN ADVOCATE