



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

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NO. FD(SOSR-1)1-1/2023/Mr.Farmanullah
Dated Peshawar the: 10-11-2023

To

The Secretary to Govt: of Khyber Pakhtunkhwa
Irrigation Department.

Subject: - **EXECUTION PETITION NO. 488/2023 IN SERVICE APPEAL NO.990/2019
TITLED FARMAN ULLAH V/S GOVT OF KHYBER PAKHTUNKHWA
THROUGH SECRETARY IRRIGATION & OTHERS.**

Dear Sir,

I am directed to refer to your Department's letters No. 11-AO/IRR/B.E/ Reports/ 2023-24 dated 18-09-2023 & dated 31.10.2023 on the subject noted above and to state that in compliance with Hon'ble Service Tribunal Judgment dated 22.06.2021 in Service Appeal No.990/2019 and Execution Petition No 488/2023 in the said Service Appeal, Finance Department agrees to convey concurrence to the grant of pay of higher post to **Mr. Farmanullah**, Sub-Engineer (BS-16) for holding charge of the higher post of SDO/Assistant Engineer (BS-17) Irrigation Department Khyber Pakhtunkhwa w.e.f 16.12.2009 to 31.08.2021 subject to the following conditions:-

- i. The pay & allowances of the higher post will be fixed presumptively w.e.f 16.12.2009 to 31.08.2021 and it will include the increments of the pay scale of the higher post for the period of higher post appointment on that post. In such cases premature increment shall not be admissible.
 - ii. On relinquishment of charge of the higher post or on transfer or on regular promotion to that higher post, the pay will be re-fixed with reference to original scale of pay of the post, held by the officer and increments carried (if any) on higher post will count for increments in his original scale as per provisions of FR-26.
 - iii. The pay of the higher post shall not be accounted for the calculation of emoluments towards the pension.
 - iv. The above concurrence is subject to final outcome of CPLA in the Supreme Court of Pakistan i.e in case decision in CPLA comes against the appellant then the benefits received on account of higher post will be recovered.
2. Furthermore, the Administrative Department may move an application for early hearing, please.

Your's faithfully

SECTION OFFICER (SR-1)

Endst: No & Date even

Copy of the above is forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa for information & necessary action.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. Section Officer (Lit-II), Finance Department, Peshawar.

SECTION OFFICER (SR-1)