



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

APPEAL NO. \_\_\_\_\_/2020

**ZELE HUMA VS EDUCATION DEPTT:**

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**APPELLANT**

THROUGH:



**UMAR FAROOQ MOHMAND**  
**ADVOCATE**

Flat No. 4, 2<sup>nd</sup> Floor, Jumma Khan Plaza,  
Warsak Road, Peshawar  
0313-8901647

Note:  
Sir,



Spare copies will be submitted  
After submission of the case.

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

**APPEAL NO. 13510 /2020**

Mst. Zele Huma, CT (BPS-16),  
GGMS, Sra Shah, District Mohmand.

Khyber Pakhtunkhwa  
Tribunal  
Case No. 13790  
Dated 2/11/2020  
**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.

**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ACTION OF THE RESPONDENTS BY ILLEGALLY AND UNLAWFULLY DEDUCTING THE CONVEYANCE ALLOWANCE OF THE APPELLANT DURING WINTER & SUMMER VACATIONS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the respondents may kindly be directed not to make deduction of conveyance allowance during vacations period (Summer & Winter Vacations) and make the payment of all outstanding amount of Conveyance allowance which have 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.

**R/SHEWETH:**

**ON FACTS:**

- 1- That the appellant is serving in the Elementary & Secondary Education Department as CT(BPS-16) 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

Filed to-day  
Registrar

2/11/20

employees from

BPS- 16 to 19 have been treated under the previous Notification by not enhancing their conveyance allowance. Copy of the Notification dated 20.12.2012 are attached as annexure.....**A.**

- 3- That appellant was receiving the conveyance allowances as admissible under the law and rules but the respondents 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. Copies of the Salary Slips of working/serving month and vacations (deduction period) are attached as annexure.....**B & C.**
- 4- That some of colleagues of the appellant approached to this august Tribunal in different service appeal which was allowed by this august Tribunal vide its judgment dated 11.11.2019. Copy of the judgment is attached as annexure.....**D.**
- 5- That appellant preferred departmental appeal before the respondents under the rule of consistency against the unlawful action of deducting the conveyance allowance, but no response has been given by the respondent department till the expiry of statutory period of ninety days. Copy of the departmental appeal is attached as annexure.....**E.**
- 6- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

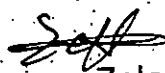
**GROUND:**

- 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 have not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That the action of the respondents is without any legal 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 aspects 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 legal 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 petitioners 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, and 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 petitioners seeks permission of this Honorable Court 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.

**APPELLANT**



Zele Huma



**THROUGH:  
UMAR FAROOQ MOHMAND**

**&**



**KAMRAN KHAN  
ADVOCATES**

A-4

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO.FD/SO(SR-II)/52/2012

Dated Peshawar the 20<sup>th</sup> 12.2012

From

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

To:

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

Subject: REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA, PROVINCIAL GOVERNMENT BPS-1-19

Dear Sir,

The Government of Khyber Pakhtunkhwa, has been pleased to enhance/revise 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 (PM)
1.	1-4	Rs. 1,500/-	Rs. 1,700/-
2.	5-10	Rs. 1,500/-	Rs. 1,840/-
3.	11-15	Rs. 2,000/-	Rs. 2,720/-
4.	16-19	Rs. 5,000/-	Rs. 5,000/-

2. 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 20<sup>th</sup> December, 2012

ATTESTED

B J

**Dist. Govt. NWFP-Provincial  
District Accounts Office GHALANAI  
Monthly Salary Statement (January-2020)**

~~2019~~  
2020



**Personal Information of Mrs ZELE HUMA d/w/s of SALAHUDDIN**

Personnel Number: 00154103 CNIC: 1710232243300  
Date of Birth: 14.11.1978 Entry into Govt. Service:

NTN:  
Length of Service: 00 Years 00 Months 000 Days

**Employment Category: Active Temporary**

Designation: SENIOR CERTIFIED TEACHER 80926292-DISTRICT GOVERNMENT KHYBE  
DDO Code: MG6015-Government Middle Schools Mohmand  
Payroll Section: 001 GPF Section: 001 Cash Center: 45  
GPF A/C No: Interest Applied: No **GPF Balance:** 178,395.00  
Vendor Number: -  
**Pay and Allowances:** Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 13

Wage type		Amount	Wage type		Amount
0001	Basic Pay	38,670.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1528	Unattractive Area Allow	2,500.00
1947	Medical Allow 15% (16-22)	1,500.00	2148	15% Adhoc Relief All-2013	740.00
2199	Adhoc Relief Allow @10%	501.00	2211	Adhoc Relief All 2016 10%	2,583.00
2224	Adhoc Relief All 2017 10%	3,867.00	2247	Adhoc Relief All 2018 10%	3,867.00
2264	Adhoc Relief All 2019 10%	3,867.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-821.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 8,499.15 Recovered till JAN-2020: 4,395.00 Exempted: 0.10- Recoverable: 4,104.25

**Gross Pay (Rs.): 65,822.00 Deductions: (Rs.): -5,761.00 Net Pay: (Rs.): 60,061.00**

Payee Name: ZELE HUMA  
Account Number: 000251407324  
Bank Details: UNITED BANK LIMITED, 211480 MANDHNI MANDHNI,

Leaves: Opening Balance: Aailed: Earned: Balance:

**Permanent Address:**

City: X Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

**Temp. Address:**

City: Email: babar.edu2004@gmail.com

J

ATTESTED

Government of Pakistan  
District Accounts Office GHALANAI  
Monthly Salary Statement (July-2019)

31/07  
2019



**Personal Information of Mrs ZELE HUMA d/w/s of SALAHUDDIN**

Personnel Number: 00154103      CNIC: 1710232243300      NTN:  
Date of Birth: 14.11.1978      Entry into Govt. Service:      Length of Service: 00 Years 00 Months 000 Days

**Employment Category: Vocational Temporary**

Designation: C.T TEACHER      00000006-Min. Of Education  
DDO Code: MG0004-Agency Education Officer Mohmand  
Payroll Section: 001      GPF Section: 001      Cash Center: 45  
GPF A/C No:      Interest Applied: No      **GPF Balance:**      158,355.00  
Vendor Number: -

**Pay and Allowances:**      Pay scale: BPS For - 2017      Pay Scale Type: Civil      BPS: 16      Pay Stage: 12

Wage type		Amount	Wage type		Amount
0001	Basic Pay	37,150.00	1000	House Rent Allowance	2,727.00
1528	Unattractive Area Allow	2,500.00	1947	Medical Allow 15% (16-22)	1,500.00
2148	15% Adhoc Relief All-2013	740.00	2199	Adhoc Relief Allow @10%	501.00
2211	Adhoc Relief All 2016 10%	2,583.00	2224	Adhoc Relief All 2017 10%	3,715.00
2247	Adhoc Relief All 2018 10%	3,715.00	2264	Adhoc Relief All 2019 10%	3,715.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3300	GPF Other Govt. Emp	-2,890.00	3609	Income Tax	-111.00
3661	E.E.F (Exchange)	-125.00	3701	Benevolent Fund(Exchange)	-800.00
3705	R. Ben & Death Comp(Exch)	-650.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 5,307.55      Recovered till JUL-2019: 111.00      Exempted: 3980.17      Recoverable: 1,216.38

**Gross Pay (Rs.): 58,846.00      Deductions: (Rs.): -4,576.00      Net Pay: (Rs.): 54,270.00**

Payee Name: ZELE HUMA  
Account Number: 000251407324  
Bank Details: UNITED BANK LTD., 211480 MANDHNI MANDHNI,

Leaves:      Opening Balance:      Availed:      Earned:      Balance:

**Permanent Address:**

City: X      Domicile: NW - Khyber Pakhtunkhwa      Housing Status: No Official  
Temp. Address:  
City:      Email: babar.edu2004@gmail.com

**ATTESTED**



(D7) (E8) 1500

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**



APPEAL NO. 1452 /2019

No. 1500  
Date 24/10/2019

Mr. Maqсад Hayat, SCT (BPS-16),  
GHS Masho Gagar, Peshawar.....**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 (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

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**PRAYER:**

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**R/SHEWETH:**  
**ON FACTS:**

- 1- That the appellant is serving in the elementary and secondary education department as Certified Teacher (BPS-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 on vide revised Notification dated 20.12.2012 whereby the conveyance allowance for employees

**ATTESTED**  
  
EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal

**ATTESTED**

Two days  
Magistrate  
24/10/19

RECEIVED  
14/11/19

28

0373-2801034  
WATERBURY, CONNECTICUT  
FIVE FOUR FIVE EIGHT NINE ZERO ONE  
OFFICE:

ADVOCATES  
KARLTON KHAN

A  
B

UWAB FAROOQ MOHAMED  
ACCREDITED

STREET

05050

the above named matter.  
deposited in the name and amount payable or deposited on my/our account in  
and through the said Advocate to deposit, withdraw and receive on my/our  
and/or about any other Advocate counsel on my/our case. I/We  
note that I/We without any liability for his default and with the right to  
refer to arbitration for myself as my/our counsel/advocate in the above  
Advocate's presence to appear, plead, act, compromise, withdraw or  
do hereby appear and constitute UWAB FAROOQ MOHAMED  
WATERBURY

\_\_\_\_\_  
(DEFENDANT)  
(RESPONDENT)  
\_\_\_\_\_  
(PETITIONER)  
\_\_\_\_\_  
(PLAINTIFF)  
\_\_\_\_\_  
OF 5050

WATERBURY  
WATERBURY SERVICE CENTER  
WATERBURY