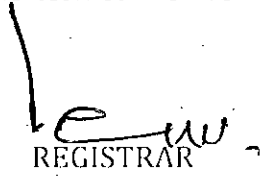



Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 13956 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/11/2020	<p>The appeal presented today by Mr. Umar Farooq Advocate may be entered in the Institution Register and put to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	01.03.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>1/3/21</u></p> <p style="text-align: right;">MEMBER(J)</p> <p>The learned Member Judicial Mr. Muhammad Jamal Khan is on leave, therefore, the case is adjourned. To come up for the same before S.B on 26.07.2021.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2020

ZAHIDA PARVEEN

VS

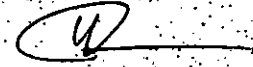
EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1- 3
2.	Notification	A	4
3.	Pay slips	B & C	5- 6
4.	Departmental appeal	D	7
5.	Service Tribunal judgment	E	8- 9
6.	Vakalatnama		10

APPELLANT

THROUGH:



UMAR FAROOQ

ADOCATE HIGH COURT

FLAT NO.4 2ND FLOOR, JUMMA KHAN PLAZA

WARSAK ROAD, PESHAWAR.

CELL NO 0313-8901647

Note:

Sir,



Spare copies will be submitted
After submission of the case.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 13986 / 2020

**Khyber Pakhtunkhwa
Service Tribunal**

Mr, ZAHIDA PARVEEN SCT(BPS-16)
GGMS BAZ MUHAMMAD DIST MOHMAND.
Personnel Number:00155947

Diary No. 14517

Dated 11/11/2020

.....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 **to-day** 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:

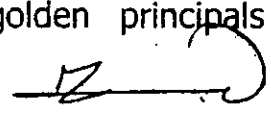

ON FACTS:

- 1- That the appellant is serving in the Elementary & Secondary Education Department as **SCT (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 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.**

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 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, 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 under the golden principals of consistency.

APPELLANT 
ZAHIDA PARVEEN
THROUGH: 
UMAR FAROOQ
ADVOCATE HIGH COURT

GOVERNMENT OF KHYBER PAKHTUNKHWA

FINANCE DEPARTMENT

(REGULATION WING)

NO. FDSOSR-ITD-52/2012

Dated Peshawar the: 20-12-2012

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 Govt. of 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 in Khyber Pakhtunkhwa.

8. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.

9. The Registrar, Peshawar High Court, Peshawar.

10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.

11. The Chairman, Sewerage Tribunal, Khyber Pakhtunkhwa.

REVISION IN THE RATE OF CONVEYANCE ALLOWANCE FOR THE

CIVIL EMPLOYEES OF THE KHYBER PAKHTUNKHWA PROVINCIAL

GOVERNMENT BPS-17

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-16) w.e.f. from 1st 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 (PK)	REVISED RATE (PK)
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/-

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 vehicles.

Yours Faithfully,

(Sambizara Saad Ahmad)

Secretary Finance

Dated Peshawar the 20th December, 2012

Ref: NO. FDSOSR-ITD-52/2012

A Copy is forwarded for information to the:-

1. Accountant General, Peshawar, Peshawar.
2. Secretaries to Government of Punjab, Govt. of Sindh, Govt. of Balochistan, Govt. of West Bengal, Govt. of Karnataka, Govt. of Kerala, Govt. of Tamil Nadu, Govt. of Andhra Pradesh, Govt. of Odisha, Govt. of Jharkhand, Govt. of Chhattisgarh, Govt. of Madhya Pradesh, Govt. of Uttar Pradesh, Govt. of Bihar, Govt. of Assam, Govt. of Manipal, Govt. of Mizoram, Govt. of Nagaland, Govt. of Tripura, Govt. of Arunachal Pradesh, Govt. of Meghalaya, Govt. of Assam, Govt. of West Bengal, Govt. of Karnataka, Govt. of Kerala, Govt. of Tamil Nadu, Govt. of Andhra Pradesh, Govt. of Odisha, Govt. of Jharkhand, Govt. of Chhattisgarh, Govt. of Madhya Pradesh, Govt. of Uttar Pradesh, Govt. of Bihar, Govt. of Assam, Govt. of Manipal, Govt. of Mizoram, Govt. of Nagaland, Govt. of Tripura, Govt. of Arunachal Pradesh, Govt. of Meghalaya.
3. All Administrators / State Autonomous Bodies in Khyber Pakhtunkhwa.

(MIAZ AYUB)

Additional Secretary (Reg.)

[Handwritten signature]



A-4

A-4

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

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

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 1st 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 20th December, 2012

(123)

0155947 ZAHIDA PARVEEN CNIC: 1710102864524 Desig: SENIOR CERTIFIED TEA(80950769) Grade: 16 NTN: Buckle No.: Gazetted/Non-Ga
PAYMENTS AMOUNT DEDUCTIONS AMOUNT LOAN/FUND PRINCIPAL REPAYD BALANCE

0001 Basic Pay	38,670.00	3016 GPF Subscription	3,340.00-	GPF#: IV.EDU.MND.4806	236,505.00
1000 House Rent Allowance	2,727.00	3501 Benevolent Fund	800.00-	INCOME TAX 9,196.56	1,583.00 7,613.64
1210 Convey Allowance 20	5,000.00	3990 Emp.Edu. Fund KPK	150.00-		
1300 Medical Allowance	1,500.00	4004 R. Benefits & Death C	650.00-		
1528 Unattractive Area A	2,500.00	3609 Income Tax	846.00-		
2148 15% Adhoc Relief All	810.00				
2199 Adhoc Relief Allow @	546.00				
2211 Adhoc Relief All 201	2,807.00				
2224 Adhoc Relief All 201	3,867.00				
2247 Adhoc Relief All 201	3,867.00				
2264 Adhoc Relief All 201	3,867.00				

PAYMENTS	66,161.00	DEDUCTIONS	5,786.00-	NET PAY	60,375.00	01.09.2019	30.09.2019
Branch Code:211143	SHABQADAR		UNITED BANK LIMITED	SHABQADAR			Accnt.No: 010-2982-5

5-13

Zahida parveen sr-ct
GGMs bag mamael

~~ATTACHED~~

0155947 ZAHIDA PARVEEN

Prev Pers No:

Desig: C.T TEACHER

(00000281) Grade: 16 NTN:

Buckle No.:

Gazetted/Non-Gazetted: G

PAYMENTS

AMOUNT

DEDUCTIONS

AMOUNT

LOAN/FUND

PRINCIPAL

REPAID

BALANCE

0001 Basic Pay	38,670.00	3300 GPF Other Govt. Emp	3,340.00-		GPF#: IV.EDU.MND.4806	203,708.00
1000 House Rent Allowance	2,727.00	3661 E.E.F (Exchange)	125.00-		INCOME TAX 1,674.12	140.00 1,534.61
1300 Medical Allowance	1,500.00	3701 Benevolent Fund(Excha	800.00-			
1528 Unattractive Area A	2,500.00	3705 R. Ben & Death Comp(E	650.00-			
2148 15% Adhoc Relief All	810.00	3609 Income Tax	140.00-			
2199 Adhoc Relief Allow @	546.00					
2211 Adhoc Relief All 201	2,807.00					
2224 Adhoc Relief All 201	3,867.00					
2247 Adhoc Relief All 201	3,867.00					
2264 Adhoc Relief All 201	3,867.00					

PAYMENTS

61,161.00

DEDUCTIONS

5,055.00-

NET PAY

56,106.00

01.07.2019 31.07.2019

Branch Code:211143

SHABQADAR

UNITED BANK LIMITED

SHABQADAR

CHARSADDA

Acct.No: 010-2982-5

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To

The Secretary (E&SE) Department,
Khyber Pakhtunkhwa, Peshawar.

7 = D

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 SCT (BPS-16) quite efficiency and up to the entire satisfaction of the superiors. It is stated for kind information that 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 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 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 conveyance allowance in its judgment dated 11.11.2019 in appeal No 1452/2019 titled Maqсад Hayat versus Education Department. **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: 20.07.2020



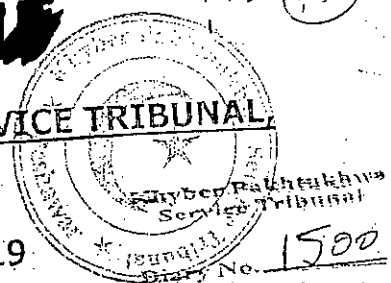
Your Obediently

ZAHIDA PARVEEN
GGMS BAZZ MUHAMMAD DIST MOHMAND

ATTESTED
To Be True Copy

E-8

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 1452 /2019

Date 24/10/2019

Mr. Maqsd 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

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 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.

Filed to-day
Registrar
24/10/19

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
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

Received to-day
11/11/19

Appeal No. 1452/2019
Marbad Hayat vs Govt

22 (17)

11.11.2019

Counsel for the appellant present. 9 9

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 reimbursed. 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.

ATTESTED

Chairman

Certified

Peshawar

ANNOUNCED

11.11.2019

EX-108
Se
11

M