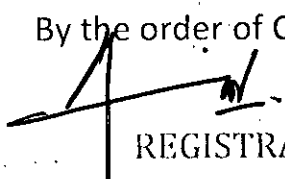


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 03/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1/	02.01.2024	<p>The implementation petition of Mr. Munir Hussain submitted today by Mr. Muhammad Irshad Khan Tanoli Advocate. It is fixed for implementation report before touring Single Bench at A.Abad on _____ . Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

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

*E. P. No. 03/2024*

Munir Hussain (Rtd) Principal GHSS, Kawai, District Mansehra.

...APPELLANT/PETITIONER

**VERSUS**

District Accounts Officer, Mansehra.

...RESPONDENT

**APPLICATION**

**INDEX**

S. #	Description	Page Nos.	Annexures
1.	Application alongwith affidavit	1 to 3	
2.	Copy of service appeal No. 723/2018 and judgment dated 17/03/2021	<i>4-15</i>	"A"
3.	Copy of execution petition	<i>16-22</i>	"B"
4.	Copy of sanction letter	<i>23</i>	"C"
5.	Copy of order dated 11/12/2023	<i>24-</i>	"D"
6.	Wakalatnama	<i>25</i>	<i>E</i>

*Munir Hussain*

...APPELLANT/ PETITIONER

Through;

Dated: *1/01* /2024

*(Muhammad Arshad Khan Tanoli)*  
Advocate Supreme Court of Pakistan  
at Abbottabad

*&*  
*(Muhammad Ibrahim Khan)*  
Advocate High Court, Abbottabad

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

Khyber Pakhtunkhwa  
Service Tribunal

E. P. No. 03/2024

Diary No. 10222

Munir Hussain (Rtd) Principal GHSS, Kawai, District Mansehra.

Dated 2-1-2024

...APPELLANT/PETITIONER

VERSUS

District Accounts Officer, Mansehra.

...RESPONDENT

**APPLICATION:** FOR SEEKING DIRECTION FOR  
PAYMENT OF SALARY PROCEEDS AS PER  
IMPLEMENTATION ORDER DATED 08/12/2023.

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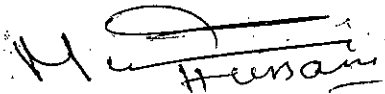
Respectfully Shewth;

1. That the appellant/petitioner filed service appeal No. 723/2018 before this Honourable Tribunal and decided vide judgment dated 17/03/2021. Copy of service appeal No. 723/2018 and judgment dated 17/03/2021 is annexed as Annexure "A".
2. That this Honourable Tribunal directed the respondents to make payment of salary of higher grade i.e. BPS-18 w.e.f 17/05/2010 to 30/06/2012 and BPS-19 w.e.f 2012 to till date.
3. That the applicant/appellant has filed execution petition before this Honourable Tribunal on 30/10/2021. Copy of execution petition is annexed as Annexure "B".

P-2

4. That due to the intervention of this Honourable Tribunal the respondent department i.e. Secretary Elementary & Secondary Education, Peshawar issued sanction of payment of pay and allowances on 08/12/2023. Copy of sanction letter is attached as Annexure "C".
5. That this Honourable Tribunal disposed off the execution petition vide order dated 11/12/2023. Copy of order dated 11/12/2023 is attached as Annexure "D".
6. That the appellant submitted pay bill/source-2 form for payment of pay and allowances of higher grade. But the respondent who was party in main service appeal, has declined to make payment to the petitioner which amounts to contempt of court.

In view of above it is requested that respondent may be directed to make payment of pay and allowances of higher grade failing to the petitioner, which contempt of court proceedings may be initiated against the respondent.




...APPLICANT/ PETITIONER

Dated: 01/01 /2024

Through;

  
(Muhammad Arshad Khan Fanoli)  
Advocate Supreme Court of Pakistan  
at Abbottabad

&  
  
(Muhammad Ibrahim Khan)  
Advocate High Court, Abbottabad

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

Munir Hussain (Rtd) Principal GHSS, Kawai, District Mansehra.

**...APPELLANT/PETITIONER**

**VERSUS**

District Accounts Officer, Mansehra.

**...RESPONDENT**

**APPLICATION**

**AFFIDAVIT**

I, *Munir Hussain (Rtd) Principal GHSS, Kawai, District Mansehra*, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



*Munir Hussain*  
**DEPONENT**

Annex-A

P-4

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

Appeal No \_\_\_\_\_ A/2018



Mir Hussain S/o Abdul Latif,

Via Principal / In charge Principal GHSS Kawai Manshera.

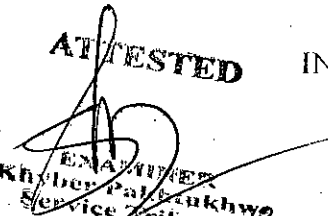
**..APPELLANT**

**VERSUS**

1. Government Of KPK through Chief Secretary KPK, Peshawar.
2. Secretary (E&SE) KPK Peshawar.
3. Secretary Finance KPK Peshawar.
4. Accountant General KPK Peshawar.
5. Director (E&SE)KPK, Peshawar.
6. District Education Officer, (Male) District Mansehra.
7. District Accounts Officer Mansehra.

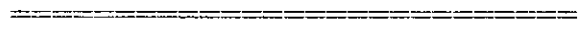
**...Respondents**

**SERVICE APPEAL UNDER SECTION 4  
OF SERVICE TRIBUNAL ACT 1974 FOR  
DECLARATION TO THE EFFECT THAT  
THE APPELLANT BEING SUBJECT  
SPECIALIST BPS-17 SERVED AS  
INCHARGE PRINCIPAL AGAINST THE**


**ATTESTED**  
  
**EXAMINED**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

P-5

POST OF PRINCIPLE BPS-18 AS WELL AS DRAWING AND DISBURSING OFFICER W.E.F 17-05-2010 TO 30-06-2012 AGAINST THE POST OF PRINCIPAL BPS-18 AND W.E.F 01-07-2012 TO TILL DATE AGAINST THE POST OF PRINCIPAL BPS-19 AND THE APPELLANT IS ELIGIBLE FOR GRANT OF PAY & ALLOWANCES FOR THE POST OF BPS-18 & 19 WORKING AGAINST THE POST OF PRINCIPAL.



PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL , RECONDENTS MAY BE DIRECTED TO MAKE PAYMENT PAY & ALLOWNACES OF BPS-18 W.E.F 17-05-2010 TO 30-06-2012 AND BPS-19 W.E.F 01-07-2012 TO TILL DATE ON ACCOUNT OF SERVING AGAINST THE POST OF PRINCIPAL BESIDES POST OF BPS 18 &19 MAY

**ATTESTED**  
  
EXAMINER  
Service Tribunal  
Peshawar

P-6

ALSO BE ALLOWED. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE UNDER THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

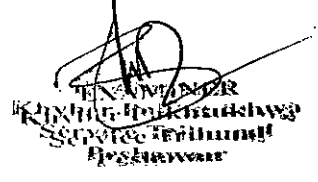
Respectfully Sheweth,

**Brief Facts of the case are as**

**under:-**

1. That the Appellant was serving in BPS-17 as subject specialist in Pakistan studies and Appellant was directed by the competent authority to serve as in charge principal in addition to his normal duties. (Copy of Appointment notification of SS Pakistan Studies and direction/letter of Respondent No 6 is attached as **Annexure" A & B"**.

**ATTESTED**



REGISTRAR  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

2. That the Appellant as per order of respondent no 6 served as in charge principal




P-7

against the post of Principal BPS-18 w.e.f 17-05-2010 to 30-06-2012 and thereafter w.e.f 01-07-2012 to till date against the post of principal BPS-19.

3. That the Appellant as per Notification NO. FD(PRC)1-1/2012 Dated Peshawar the: 17-08-2012. The above mentioned notification is Attached as **Annexure "C"**.

4. That The Appellant is eligible for receipt of payment of salary of higher grade, but respondents department did not make payment to the Appellant for serving against the higher post. In this regard, the Appellant filed departmental appeal to the competent Authority on 29-01-2018. Which has yet not been replied by the Department. Copy of Departmental appeal of the Appellant is attached as **Annexure "D"**.

**ATTESTED**  
  
**ATTESTER**  
Member Peshawar Tribunal  
Peshawar

Hence, feeling aggrieved, the instant Appeal is filed inter-alia on the following Grounds.

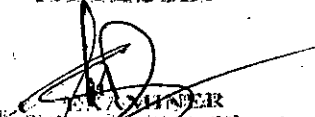
P-8

a) That as per notification No. FD(PRC)1-I/2012 Dated Peshawar the : 17-08-2012. The Appellant is entitled to receive salary of higher post in BPS-18 & 19 i.e. 17-05-2010 to 30-06-2012 and 01-07-2012 to till date respectively.

b) That as per rules on the subject, it is submitted that the Appellant worked against the post of BPS-18 & 19 and the department is supposed to make payment of salary of higher post to the Appellant.

c) That there is no cavil with the proposition that the Appellant is eligible to have his dues for the services rendered by him against the higher post in addition to his normal duties.

**ATTESTED**

  
S. A. KHAN  
Secretary  
Peshawar

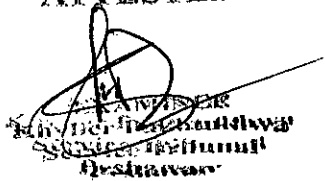
d) That law demands that the employees rendering their services against a post, is entitled for salary of the Grade of that post:

Hence, respondents have led the Appellant to the place which is utterly unknown to the principle of jurisprudence.

e) That good administration of justice demands that when law prescribes something which is to be done in a particular manner that must be done in that manner and not otherwise. Therefore, as per notification in filed, the appellant is to be allowed the benefit of said salary of the higher grade.

f) That there is no prompt and efficacious remedy available to the Appellant except the instant jurisdiction of this honourable tribunal.

**ATTESTED**

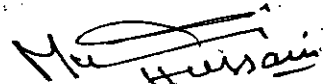
  
Secretary

**Prayer:**

On acceptance of the instant Appeal, respondents may be directed to make

P-10

payment pay & allowances of BPS-18 w.e.f 17-05-2010 to 30-06-2012 and BPS-19 w.e.f 01-07-2012 to till date on account of serving against the post of principal. Besides, Post of BPS 18 & 19 may also be allowed. Any other relief which this honourable tribunal deem appropriate under the circumstances of the case may also be granted to the appellant.

  
...Appellant

Through

Dated: 26/05 /2018

  
(MUHAMMAD ARSHAD KHAN TANOLI)  
ADVOCATE HIGH COURT, ABBOTTABAD

VERIFICATION :-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this honourable Court.

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
...APPELLANT

Date of Presentation of Application 05/4/22  
Number of Word 2800  
Copying Fee 36/-  
Urgent 36/-  
Total 36/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 05/04/22  
Date of Delivery of Copy 05/04/22

P-11

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

Service Appeal No. \_\_\_\_\_/2018

Munir Hussain son of Abdul Latif, Vice Principal/Incharge, Principal GHSS  
Kawai, Mansehra.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary KPK, Peshawar &  
others.

....RESPONDENTS

**SERVICE APPEAL**

**ADDRESSES OF THE PARTIES**

Respectfully Sheweth:-

Addresses of the parties are as under:-

Munir Hussain son of Abdul Latif, Vice Principal/Incharge, Principal GHSS  
Kawai, Mansehra.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary KPK,  
Peshawar.
2. Secretary (E&SE) KPK, Peshawar.
3. Secretary Finance, KPK, Peshawar.
4. Accountant General, KPK, Peshawar.
5. Director (E&SE), KPK, Peshawar.
6. District Education Officer, (Male) District Mansehra.
7. District Accounts Officer Mansehra.

....RESPONDENTS

  
...APPELLANT

Through

Dated: \_\_\_\_\_/2018

  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

P-12

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



Appeal No 723 / 2018

Munir Hussain S/o Abdul Latif,

Vice Principal / In charge Principal GHSS Kawai Manshera.

Khyber Pakhtunkhwa Service Tribunal  
Peshawar

978

Date 28/5/2018

..APPELLANT

**VERSUS**

1. Government Of KPK through Chief Secretary KPK, Peshawar.
2. Secretary (E&SE) KPK Peshawar.
3. Secretary Finance KPK Peshawar.
4. Accountant General KPK Peshawar.
5. Director (E&SE)KPK, Peshawar.
6. District Education Officer, (Male) District Mansehra.
7. District Accounts Officer Mansehra.

...Respondents

SERVICE APPEAL UNDER SECTION 4  
OF SERVICE TRIBUNAL ACT 1974 FOR  
DECLARATION TO THE EFFECT THAT  
THE APPELLANT BEING SUBJECT  
SPECIALIST BPS-17 SERVED AS  
INCHARGE PRINCIPAL AGAINST THE

**ATTESTED**  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

28/5/18

P-13

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR  
AT CAMP COURT, ABBOTTABAD**



Service Appeal No. 723/2018

Date of Institution ... 28.05.2018  
Date of Decision ... 17.03.2021

Munir Hussain S/O Abdul Latif Vice Principal/Incharge Principal  
G.H.S.S Kawai Mansehra.  
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary  
Khyber Pakhtunkhwa Peshawar and six others.  
... (Respondents)

Muhammad Arshad Khan Tanoli,  
Advocate ... For appellant.

Riaz Khan Paindakheil,  
Assistant Advocate General ... For respondents.

ROZINA REHMAN ... MEMBER (J)  
ATIQU UR REHMAN WAZIR ... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : The relevant facts leading to filing of instant appeal are that appellant was serving in BPS-17 as Subject Specialist in Pakistan Studies and was directed by the competent authority to serve as Incharge Principal in addition to his normal duties. As per order of the authority, appellant served as Incharge Principal against the post of Principal (BPS-19). As per notification dated

Handwritten signature and date: 17/3/21

ATTESTED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



17.08.2012 appellant is eligible for receipt of payment of salary of higher grade, therefore, he filed departmental appeal which was not responded to, hence, the present service appeal.

2. We have heard Muhammad Arshad Khan Tanoli Advocate for appellant and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Muhammad Arshad Khan Tanoli Advocate counsel appearing on behalf of appellant, inter-alia, contended that as per notification dated 17.08.2012, appellant is entitled to receive salary of higher post in BPS-18 and 19 i.e. from 17.05.2010 to 30.06.2012 from 01.07.2012 till today. He submitted that he worked against the post of BPS-18 and 19, therefore, eligible to have his dues for the services rendered by him against higher post in addition to his normal duties.

4. Conversely, learned A.A.G contended that the officer does not fulfill the criteria laid down in the Government of Khyber Pakhtunkhwa Finance Department letter dated 17.08.2012 as he was not appointed on the higher post by the authority competent to make appointment on that post.

5. From the record, it is evident that appellant was serving in BPS-17 as Subject Specialist in Pakistan Studies. Upon approval of the competent authority he was directed to act and discharge duties as Incharge Principal against the vacant post of Principal (BPS-18) in the

*[Handwritten signature]*

17/3/21

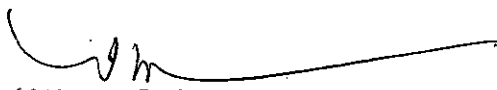
**ATTESTED**  
*[Handwritten signature]*  
Secretary, Government of Khyber Pakhtunkhwa  
Peshawar

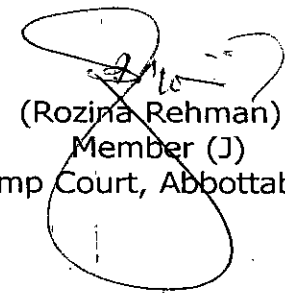
P-15

Government Higher Secondary School Kawai (Mansehra) w.e.f 17.05.2010 till further orders vide notification dated 17.05.2010. The appellant was promoted to the post of Vice Principal (BPS-18) on 01.12.2016, whereas, the post of Principal (BPS-19) is still vacant and he has been performing the duties as Principal against the vacant post of Principal (BPS-19) till today. From the record it becomes crystal clear that appellant was appointed on the higher post by the authority to make appointment on that post and he was fully qualified in every respect to be appointed to that higher post. He discharged all the duties and responsibilities of the higher post independently, therefore, as per notification No.FD(PRC)1-1/2012 dated 17.08.2012, appellant is eligible for receipt of pay of higher grade.

6. In view of the above, appeal stands accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
17.03.2021

  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Abbottabad

  
(Rozina Rehman)  
Member (J)  
Camp Court, Abbottabad

Date of Presentation of Application 05/4/21  
Number of Words 1500  
Copying Fee 4/28/-  
Urrent 22/-  
Total           
Name of Copyist           
Date of Completion of Copy 05/4/21  
Date of Delivery of Copy 05/4/21

Certified to be true copy

  
Atiq ur Rehman Wazir  
Khyb. Service Tribunal  
Peshawar

Annex - B

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

P B

Munir Hussain son of Abdul Latif, Vice Principal/ Incharge Principal Govt.  
Higher Secondary School Kawai District Mansehra.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary KPK, Peshawar & others.
2. Secretary Elementary & Secondary Education, KPK, Peshawar.
3. District Accounts Officer, District Mansehra.

...RESPONDENTS

**APPLICATION** FOR IMPLEMENTATION OF  
JUDGMENT DATED 17/03/2021 SERVICE APPEAL  
NO. 723/2018.

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Respected Sir,

1. That the appellant/ applicant filed service appeal No. 723/2018 before this Honourable Tribunal which was decided by this Honourable Tribunal vide judgment dated 17/03/2021. (Copy of service appeal No. 723 of 2018 and judgment dated 17/03/2021 is attached as Annexure "A").

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2. That this Honourable Tribunal while accepting the service appeal of the appellant/ applicant, directed to respondents to make payment of salary of Higher Grade whose break down is appended below;-

a. *BPS-18 dated 17/05/2010 to 30/06/2012.*

b. *BPS-19 dated 01/07/2012 to till date.*

3. That inspite of clear verdict of this Honourable Tribunal, the respondents are not making payment of salaries mentioned in Para No. 2 above.

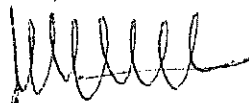
In view of the above it is prayed that respondents may graciously be directed to make payment to appellant/ applicant as per judgment dated 17/03/2021 of this Honourable Tribunal.



...APPELLANT/ APPLICANT  
Munir Hussain

Dated: 30/10/2021

Through



(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

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

Munir Hussain son of Abdul Latif, Vice Principal/ Incharge Principal Govt.  
Higher Secondary School Kawai District Mansehra.

**...APPELLANT**

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Chief Secretary KPK, Peshawar &  
others.

**...RESPONDENT**

**APPLICATION FOR IMPLEMENTATION**

**AFFIDAVIT**

I, *Munir Hussain son of Adul Latif, Vice Principal/ Incharge Principal Govt. Higher Secondary School Kawai District Mansehra*, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

*Munir Hussain*  
DEPONENT  
ATTESTED  
SOHAEL AYUB TANOLI  
NOTARY PUBLIC  
ADVOCATE HIGH COURT PESHAWAR  
2018

Annex - A 19

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



Appeal No 723 / 2018

Munir Hussain S/o Abdul Latif,

Vice Principal / In charge Principal GHSS Kawai Manshera.

P-4 978  
28/5/2018  
..APPELLANT

**VERSUS**

1. Government Of KPK through Chief Secretary KPK, Peshawar.
2. Secretary (E&SE) KPK Peshawar.
3. Secretary Finance KPK Peshawar.
4. Accountant General KPK Peshawar.
5. Director (E&SE) KPK, Peshawar.
6. District Education Officer, (Male) District Mansehra.
7. District Accounts Officer Mansehra.

**...Respondents**

**SERVICE APPEAL UNDER SECTION 4**

**OF SERVICE TRIBUNAL ACT 1974 FOR**

**DECLARATION TO THE EFFECT THAT**

**THE APPELLANT BEING SUBJECT**

**SPECIALIST BPS-17 SERVED AS**

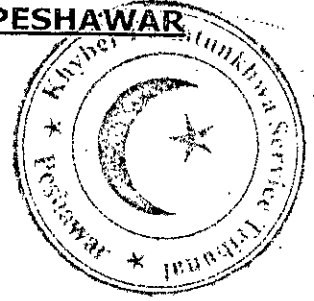
**INCHARGE PRINCIPAL AGAINST THE**

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

28/5/18

P-20

**THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT, ABBOTTABAD**



Service Appeal No. 723/2018

Date of Institution ... 28.05.2018  
Date of Decision ... 17.03.2021

Munir Hussain S/O Abdul Latif Vice Principal/Incharge Principal  
G.H.S.S Kawai Mansehra.

(Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary  
Khyber Pakhtunkhwa Peshawar and six others.

(Respondents)

Muhammad Arshad Khan Tanoli,  
Advocate

For appellant.

Riaz Khan Paindakheil,  
Assistant Advocate General

For respondents.

ROZINA REHMAN

... MEMBER (J)

ATIQU UR REHMAN WAZIR

... MEMBER (E)

**JUDGMENT**

**ROZINA REHMAN, MEMBER :** The relevant facts leading to filing of instant appeal are that appellant was serving in BPS-17 as Subject Specialist in Pakistan Studies and was directed by the competent authority to serve as Incharge Principal in addition to his normal duties. As per order of the authority, appellant served as Incharge Principal against the post of Principal (BPS-19). As per notification dated

17/3/21

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

17.08.2012 appellant is eligible for receipt of payment of salary of higher grade, therefore, he filed departmental appeal which was not responded to, hence, the present service appeal.

2. We have heard Muhammad Arshad Khan Tanoli Advocate for appellant and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Muhammad Arshad Khan Tanoli Advocate counsel appearing on behalf of appellant, inter-alia, contended that as per notification dated 17.08.2012, appellant is entitled to receive salary of higher post in BPS-18 and 19 i.e. from 17.05.2010 to 30.06.2012 from 01.07.2012 till today. He submitted that he worked against the post of BPS-18 and 19, therefore, eligible to have his dues for the services rendered by him against higher post in addition to his normal duties.

4. Conversely, learned A.A.G contended that the officer does not fulfill the criteria laid down in the Government of Khyber Pakhtunkhwa Finance Department letter dated 17.08.2012 as he was not appointed on the higher post by the authority competent to make appointment on that post.

5. From the record, it is evident that appellant was serving in BPS-17 as Subject Specialist in Pakistan Studies. Upon approval of the competent authority he was directed to act and discharge duties as Incharge Principal against the vacant post of Principal (BPS-18) in the

ATTESTED

17/3/21  
 [Signature]  
 Khyber Pakhtunkhwa  
 Service Tribunal



*P-22*

Government Higher Secondary School Kawai (Mansehra) w.e.f 17.05.2010 till further orders vide notification dated 17.05.2010. The appellant was promoted to the post of Vice Principal (BPS-18) on 01.12.2016, whereas, the post of Principal (BPS-19) is still vacant and he has been performing the duties as Principal against the vacant post of Principal (BPS-19) till today. From the record it becomes crystal clear that appellant was appointed on the higher post by the authority to make appointment on that post and he was fully qualified in every respect to be appointed to that higher post. He discharged all the duties and responsibilities of the higher post independently, therefore, as per notification No.FD(PRC)1-1/2012 dated 17.08.2012, appellant is eligible for receipt of pay of higher grade.

6. In view of the above, appeal stands accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
17.03.2021

*(Signature)*  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Abbottabad

*(Signature)*  
(Rozina Rehman)  
Member (J)  
Camp Court, Abbottabad

**Certified to be true copy**  
*(Signature)*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 05/4/21  
Number of Words 1500  
Copyright Fee 18/-  
Deposit 2/-  
Total 20/-  
Name of Applicant \_\_\_\_\_  
Date of Completion of Copy 05/4/21  
Date of Receipt of Copy 05/4/21



Annex-C

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA** P-23  
**ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

**SANCTION**

*Dated Peshawar, the 08.12.2023*

**SO(B&A)1-16/Pay & Allowance/:** -In compliance of judgement of service appeal No. 723/2018 dated 17.03.2021 & order sheet dated 27.11.2023 in H.P No: 271/2021 of Services Tribunal Khyber Pakhtunkhwa Secretary to Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Department is pleased to make payment pay and allowances of BS-18 w.e.f 17.05.2010 to 30.06.2012 and BS-19 w.e.f 01.07.2012 till date of retirement (conditionally subject to final outcome CPLA) in r/o Mr. Munir Hussain Ex-SS GHSS Kawai Manshra, subject to the observance of all codal formalities.

**Note:-** In case decision in CPLA comes against the appellant him then the benefits received on account of higher post will be recovered.

**SECRETARY  
E&SE DEPARTMENT**

**Endst. Of even Number & Date.**

Copy of the above is forwarded to: -

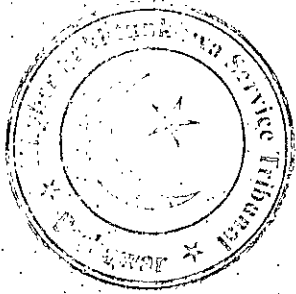
- (i) Director E&SE Peshawar.
- (ii) District Education Officer (Male) Manshra.
- (iii) District Accounts Officer Manshra.
- (iv) PS to Secretary E&SE Department.
- (v) PA to Additional Secretary E&SE Department.
- (vi) Master file.

**SECTION OFFICER (BUDGET)**

Annex-D

P-24

11<sup>th</sup> Dec. 2023



01. Petitioner alongwith counsel and Asif Masood Ali Shah, DDA alongwith Sohail Ahmad Zaib, Assistant for the respondents present.

02. Representative of the respondents produced a copy of sanction order dated 08.12.2023 vide which payment of pay and allowance of BS-18 w.e.f 17.05.2010 to 30.06.2012 and BS- 19 w.e.f. 01.07.2012 till date of retirement has been sanctioned in respect of the petitioner, conditionally subject to the final outcome of CPLA. The petitioner is satisfied from the sanction order. As the judgment of the Tribunal has been implemented, instant execution petition are consigned. Salaries of respondents attached on 27.09.2023 <sup>are</sup> released.

03. ***Pronounced in open Court at Camp Court, Abbottabad and given under my hand and the seal of the Tribunal on this 11<sup>th</sup> December, 2023.***

*[Signature]*  
Member(E)  
Camp Court, A/Abad

*[Signature]*  
**(Fareeha Paul)**  
Member(E)  
Camp Court, A/Abad

Date of Presentation of ..... 02/01/24  
Number of .....  
Copying Fee .....  
Urgent .....  
T .....  
N .....  
D .....  
Date of Delivery ..... 02/01/24

کورٹ فیس

وکالت نامہ

Service Tribunal LPA Peshawar بعدالت  
 Munir Hussain نام District Accounts Officer

Appellant منجانب:  
 Application نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

M. Arshad Khan Tanoli Asc of Pakistan

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کی کل کاروائی کا سبب ہو گا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہو گا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جگہ تقرر کا اختیار بھی ہو گا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داختمہ مجھ کو منظور و قبول ہو گا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہو گا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہو گا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برادر

استجارت ناش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہو گا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المقوم:

بمقام: Abbat Abbas

Accepted

Accepted

M. Arshad Khan Tanoli  
 Asc of Pakistan  
 Abbat Abbas

M. Arshad Khan Tanoli  
 Asc of Pakistan at  
 Abbat Abbas