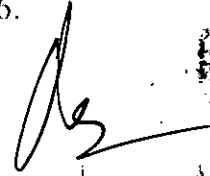


Appeal No. 522/2016
Miss Saigva vs Govt

2016

None present on behalf of the appellant. On the previous date due to strike of the bar none present for appellant. Notice be issued to the appellant and his counsel. To come up for preliminary hearing on 20.7.2016.



Member

20.07.2016

None present for appellant. Fresh notice be issued to appellant for preliminary hearing for 02.08.2016 before S.B.


MEMBER


02.08.2016

None present on behalf of the appellant. Fresh notice be issued to appellant for preliminary hearing for 25.08.2016 before S.B.


MEMBER

25.08.2016

None present for the appellant. Called several times till last court of the court but none appeared on behalf of the appellant despite notice through registered post. As such the appeal is dismissed in default. File be consigned to the record room.



Member

ANNOUNCED
25.08.2016

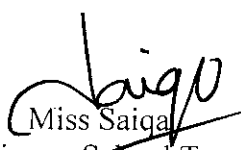
BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 522/2016

Miss Saiqa Primary School Teacher Versus Secretary Elementary & Secondary Education
etc. Peshawar.

INDEX

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| 9. | | | |
| 10. | | | |


Miss Saiqa
Primary School Teacher,
Jogiwara Govt: Girls Primary School Peshawar
(Appellant)

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Appeal No. 522 of 2016

Miss Saiqa
Primary School Teacher Peshawar..... Appellant

Versus

- 1. Secretary Elementary & Secondary Education Department KPK etc..... Respondents
- 2. Director Elementary & Secondary Education Department..... Respondant
- 3. District Education Officer (Female) Peshawar. Respondant

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST NON PROVISION OF INCENTIVE OF HIGHER PAY SCALE W.E.F 01.07.2012 IN LIGHT OF NOTIFICATION DATED 11.07.2012 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD.

Respectfully Shewith,

- 1. That the appellant is a matriculate and got Primary School Teaching Certificate on 17-09-1988.
- 2. That the appellant was appointed as PST on 26.10.1988. Copy of appointment order is attached as (Annx-I).
- 3. That the appellant served in different Girls, Primary Schools of district Peshawar during the service.
- 4. That the appellant has unblemished record of 28 years of service in Education Department.

That the Education Department issued notification on 11.07.2012 regarding up-gradation of the posts for grant of incentive of higher pay scale to different cadres of teachers in Elementary & Secondary Education Department w.e.f 01.07.2012. Copy of Notification dated 11.07.2012 is attached as (Annx-II).

That despite the laps of 4 years of the issuance of above said notification, the respondent Department has not granted any kind of incentive in respect of up-gradation.

It is also pertinent to mention here that the Finance Department has also issued notification on 30.06.2015 for one pay-scale up-gradation to all Government Employees from BS-06 to BS-15. Copy of the said notification is attached as (Annx-III). But the respondent Department has not granted one pay scale up-gradation to the appellant.

That the appellant filed a departmental appeal on 29.12.2015 which has not so far been responded by the respondent Department. Copy of departmental appeal is attached as (Annx-IV).

But despite the laps of statutory period, no reply has been received to the appellant by the department so far.

re-submitted to-day
and filed.

Registrar

12/5/16

Grounds.

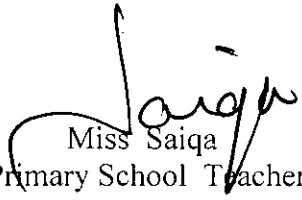
- (A) That non provision of incentives of higher pay scale to the appellant is against law, equity and norms of justice.
- (B) That the appellant has not been treated according to Law and rules and the respondents have violated the basic principles of justice and equity.
- (C) That the rights of the appellant have never been considered by the respondents.

Appellant seeks permission to advance other grounds at the time of hearing.

In view of the above, it is most humbly requested to this august Tribunal to grant up-gradation of the post of appellant for grant of incentive of higher pay scale retrospectively with arrears in the best interest of justice and equity. In this regard case of Mr. Habib Ullah Wazir Assistant Board of Revenue decided by Supreme Court of Pakistan is annexed as Annexure-V as a precedent in the case of appellant.

Any other remedy not specifically asked for and which this august Tribunal deems appropriate may also be given to the appellant.

Dated. 13.05.2016


Miss Saiqa
Primary School Teacher,
Jogiwara Govt: Girl Primary School Peshawar
(Appellant)

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

No. 683 /S.T, Dated Peshawar, the 29/04/2016.


To,

Mst.Saiqa Primary School Teacher
Sogiwara GGPS Peshawar

Subject: **INCOMPLETE APPEAL/APPLICATION DATED 29/04/2016.**

No action can be taken on your above mentioned incomplete
Appeal/application.

If you want to file appeal before this Tribunal, please draft it according to the instructions detailed in Section 4 and 6 of the Khyber Pakhtunkhwa Service Tribunal, Act/Rules 1974 and resubmit the same within 20 days positively.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Returned in original.

43

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Appeal No _____ of 2016

Miss Saiqa
Primary School Teacher Peshawar..... Appellant

**A.W.F. Provincial
Service Tribunal**
Diary No 430
dated 29-4-2016

Versus

1. Secretary Elementary & Secondary Education Department KPK etc..... Respondents
2. Director Elementary & Secondary Education Departments..... Respondant
3. District Education Officer (Female) Peshawar. Respondant

Respectfully Shewith,

Respectfully it is stated that the appellat was appointed against the post of Primary School teacher on 26.10.1988. Copy of appointment order is attached as (Annx-I).

That the appellat has unblemished record of 28 years of service in Education Department.

That the Education Department issued notification on 11.07.2012 regarding up-gradation of the posts for grant of incentive of higher pay scale to different cadres of teachers in Elementary & Secondary Education Department w.e.f 01.07.2012. Copy of Notification dated 11.07.2012 is attached as (Annx-II).

That despite the laps of 4 years of the issuance of above said notification, the respondent Department has not granted any kind of incentive in respect of up-gradation.

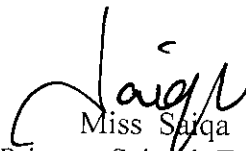
It is also pertinent to mention here that the Finance Department has also issued notification on 30.06.2015 for one pay-scale up-gradation to all Government Employees from BS-06 to BS-15. Copy of the said notification is attached as (Annx-III). But the respondent Department has not granted one pay scale up-gradation to the appellat.

That the appellat filed a departmental appeal on 29.12.2015 which has not so far been responded by the respondent Department. Copy of departmental appeal is attached as (Annx-IV).

In view of the above, it is most humbly requested to this august Tribunal to grant up-gradation of the post of appellat for grant of incentive of higher pay scale retrospectively with arrears in the best interest of justice. In this regard case of Mr. Habib Ullah Wazir Assistant Board of Revenue decided by Supreme Court of Pakistan is annexed as Annexure-V as a precedent in the case of appellat.

Any other remedy not specifically asked for and which this august Tribunal deems appropriate may also be given to the appellat.

Dated. 30.04.2016


Miss Saiqa
Primary School Teacher,
Jogiwara Govt: Girl Primary School Peshawar

Appellant

BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR

Appeal No. _____ of 2016

Miss Saiqa
Primary School Teacher Peshawar..... Appellant

Versus

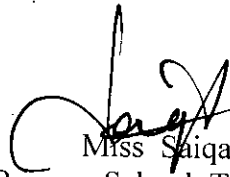
4. Secretary Elementary & Secondary Education Department KP etc.....Respondents

Affidavit

Certified that the contents of the instant appeal are correct to the best of my knowledge and nothing has been concealed from this august Tribunal.

It is also certified that no similar nature appeal has been filed earlier before this Tribunal or any other court.

Dated. 30.04.2016


Miss Saiqa
Primary School Teacher,
Jogiwara Govt: Girl Primary School Peshawar
(Appellant)

(Annex-1)

APPOINTMENT.

Appointment of the following P.T.S, trained candidates are hereby ordered in the BPS.No-7 (Rs.750-31-1370) on Rs.750/-PM plus usual allowances as admissible under the rules in the schools given against their names with effect from the dates of their taking over charge under the terms & conditions given below:-

| S.No. | Name of Candidates/Father's Name and Address. | Posted at. | Remarks. |
|----------------|---|--|------------------------------------|
| 1). | Ishrat Waheed D/O Fazal-E-Wahid, 866/1200, FA/PTC, 1987-88, Village, Tehkal Bala No.2 Peshawar. | GGPS, Islamia Collegiate Pesh: | Against the vacant post. |
| 2). | Zahia Begum D/O Molvi Mohibullah, 857/1200, Mat:PTC, 1987-88, H/No.3331 Moh:Mofti Ali Ahmad Illaqa Dabgari. | GGPS, Pabbi No.2. Nowshera. | Against the newly created post. |
| 3). | Ishrat Amir D/O Amir Sharafat Ali, 849/1200, Mat:PTC, 1987-88, H/No.439, Moh:Barh I/S Sarki Gate Peshawar. | GGPS, Sheikh Mohm- adi No.1 Peshawar. | -do- |
| 4). | Rozia Bashir D/O Fakhru Bashir, 841/1200, FA/PTC, 1987-88, Village Z.K.K.Sahib Nowshera. | GGPS, A.S.C.Centre, Nowshera. | -do- |
| 5). | Saeeda Bahramand Bano D/O Mian Amanul Mulk, 837/1200, Mat:PTC, 1987-88, Village & P.O.Z.K.K.Sahib Nowshera. | GGPS, Nowshera Cantt. | -do- |
| 6). | Farhat Jabeen D/O Israr-ud-Din, 826/1200, FA/PTC, 1987-88, Village & P.O.Gul Bela Peshawar. | GGPS, Gul Bela Kochian, Peshawar. | Against the vacant post. |
| 7). | Safia Qudoos D/O Abdul Qudoos, 823/1200, FA/PTC, 1987-88, Block No.3 Flat No.17 L.R.H, Peshawar. | GGPS, Dalazak Pesh: | Against the newly created post. |
| 8). | Bibi, Zulikha D/O Adneena Khan, 815/1200, Mat:PTC, 1987-88, H/No. 112-Behari Colony Peshawar. | GGPS, Panam Dheri, Peshawar. | -do- |
| 9). | Saiqa D/O Fazal-E-Rahim, 813/1200, Mat:PTC, 1987-88, Moh:Sabeerina Tent Service Bazar Kalan Peshawar. | GGPS, Wadpaga Pesh: | -do- |
| 10). | Gul Maz Begum D/O Mohammad Gul Dad, 809/1200, Mat:PTC, 1987-88, Civil Qtr: Qtr:No.F.C, 3/8 Peshawar. | GGPS, Sarband No.2, Peshawar. | -do- |
| 11). | Robina Naz D/O Mian Ghulam Farooq, 800/1200, Mat:PTC, 1987-88, Village Badrashi Tehsil Nowshera. | GGPS, Nowshera Cantt. | -do- |
| 12). | Nazim Akhtar D/O Fazal Qadar, 787/1200, Mat:PTC, 1987-88, G/31 Saddar Bazar Risalpur Cantt NSR. | GGPS, Rashaki NSR. | -do- |
| 13). | Gulnar Begum D/O Abdul Karim Qureshi, 779/1200, Mat:PTC, 1987-88, Al-Haj Nasrullah Jan H/No.884 Unit Committee, No.1 Peshawar Cantt. | GGPS, Achani Payan, Peshawar. | Against the vacant post. |
| 14). | Hussan Ara D/O Abdul Jalil, 778/1200, FA/PTC, 1987-88, H/No.J/4354 A, Moh: Gulab Khana Peshawar. | GGPS, Kukar Pesh: | Against the newly created post. |

- 15). Shamini Ara D/O Mohammad Munir
776/1200, Mat:PTC, 1987-88, Village
& P.O. Chamkani Moh: Qazian Pesh:
GGPS, Chughal Pura,
Peshawar. Against
created p
- 16). Sohila Rano D/O Shahzad Mir, 771/1200,
Mat:PTC, 1987-88, H/No. 776 Bilal Lane,
Arbab Road Tehkal Bala Peshawar.
GGPS, Sufaid Dheri,
Peshawar. -do-
- 17). Sultana Bibi D/O Mohammad Yousaf,
766/1200, Mat:PTC, 1987-88, H/No. 655
Kabari Bazar Chowk Fowara Pesh: Cantt.
GGPS, Mathra Pesh:
-do-
- 18). Abida D/O Abdul Karim, 765/1200, FA/
PTC, 1987-88, C/O Mohammad Iqbal ASI,
Village Alo Killi P.O. Mathra Pesh:
GGPS, Panam Dheri,
Peshawar. -do-
- 19). Shagufta Shafat D/O Mohammad Shafat,
Hussain 763/1200, FA/PTC, 1987-88, F-16
Postal Colony Kohat Road Peshawar.
GGPS, Mathani Pesh:
-do-
- 20). Tasleem Bibi D/O Akbar Khan, 747/1200;
Mat:PTC, 1987-88, H/No. 2027 Mohallah
Sheikhul Islam Gunj Peshawar.
GGPS, Mathani Pesh:
-do-
- 21). Samia Bibi D/O Kachkool Khan 747/1200,
Mat:PTC, 1987-88, Village Chamkani Pesh: Peshawar.
GGPS, Fato Abdur Rahima,
Against vacant
post.
- 22). Yasmin D/O Mohammad Sharif, 746/1200,
Mat:PTC, 1987-88, H/No. 456 Mohallah
Tora Baz Peshawar.
GGPS, Sheikh Mohammadi,
No. 2 Peshawar. -do-
- 23). Farzana Shaheen D/O Abdul Latif,
745/1200, Mat:PTC, 1987-88 Village
Risalpur Cantt Block F/23-24 NSR.
GGPS, Kalanger NSR. Against the newly
created post.
- 24). Shakila Akhtar D/O Saifur Rehman,
745/1200, Mat:PTC, 1987-88, V/15,
Civil Colony Kohat Road Peshawar.
GGPS, Maryam Zai,
Peshawar. Against the vacant
post.
- 25). Mukhtiara D/O Jamil Khan, 744/1200,
Mat:PTC, 1987-88, Village & P.O. Masho
Khel Peshawar.
GGPS, Masho Khel,
Peshawar. -do-
- 26). Bushra Rehman D/O Abdur Rehman,
739/1200, Mat:PTC, 1987-88, H/No. 250,
Moh: Shali Koban Namak Mandi Illaqa
Dabgari Peshawar.
GGPS, Mushtar Zai,
Peshawar. -do-
- 27). Humera Nawab D/O Nawab Ali, 735/1200,
Mat:PTC, 1987-88 H/No. 3642 Mohallah,
Fato Mandi Illaqa Dabgari Peshawar.
GGPS, Mushtar Zai,
Peshawar. -do-
- 28). Ozlifat Begum D/O Arif Ullah,
734/1200, Mat:PTC, 1987-88, Village
Landi Yarghajo Peshawar.
GGPS, Bazid Khel,
Peshawar. Against the newly
created post.
- 29). Nargis D/O Badshah Gul, 734/1200,
Mat:PTC, 1987-88, Mohallah Sonia,
H/No. 1023 Andher Sheher Peshawar.
GGPS, Mian Gujar,
Peshawar. -do-
- 30). Samina Akhtar D/O Atta Mohammad,
732/1200, FA/PTC, 1987-88, C/O Hakim
Tila Mohammad Moh: Fufti Ali Ahmad
H/No. 2864 Dabgari Peshawar.
GGPS, Shahab Khel,
Peshawar. -do-
- 31). Rukhsana Minhas D/O Abdul Halim,
732/1200, Mat:PTC, 1987-88, H/No. 2427,
Moh: Sarbanan I/S Lahori Gate Pesh:
GGPS, Regi No. 1,
Peshawar. -do-
- 32). Samina Tabassum D/O Biloor Din,
731/1200, Mat:PTC, 1987-88, Moh: Pir
Abdullah Shah Dabgari Peshawar.
GGPS, Surizai Bala,
Peshawar. -do-

Lakia Begum
628/1200, Mat
Master Sarfraz
Arbab Peshawar
Abida Gul D/O St
Mat: PTC, 1987-88,
O/S Kohat Gate No
Robina Saeed
625/1200, G
Gate No
Azam

33) Waheda Shamim D/O Mda Mohammad, Mat: PTC, 1987-88, Moh: Barh, Peshawar. Against the vacant post.

34) Mumtaz Begum D/O Habib-ur-Rehman, Mat: PTC, 1987-88, H/No. 1405, Moh: Garhi Mir Ahmad Shah Illaga Dabgarh Peshawar. Against the newly created post.

35) Shaista Begum D/O Mohammad Zafar, Mat: PTC, 1987-88, Village & P.O. Akbar Pura Peshawar. Against the newly created post.

36) Khushnood Begum D/O Ghulam Mohammad, Mat: PTC, 1987-88, Sheikh Durdah Abad No. 3 Peshawar City. Against the newly created post.

37) Farhad Begum D/O Fayaz-Ud-Din-717/1200, Mat: PTC, 1987-88, Village Akora Khattak, Khan Nowshera. Against the newly created post.

38) Farzana Tableen D/O Nisar Mohammad, Mat: PTC, 1987-88, H/No. 108, Gul Bahar Colony No. 1 Peshawar. Against the vacant post.

39) Iemat Jehan Ara D/O Khair Mohammad, Mat: PTC, 1987-88, H/No. 2160, Patan Colony Kohat Road Peshawar. Against the vacant post.

40) Fazilat D/O Nazir Ullah, 710/1200, Mat: PTC, 1987-88, Village & P.O. Chankam Peshawar. Against the newly created post.

41) Nighat D/O William Gill, 709/1200, Mat: PTC, 1987-88, Sarda Godan O/S, Kohat Gate Peshawar. Against the newly created post.

42) Surriya Rozy D/O Mohammad Sharif, Mat: PTC, 1987-88, Moh: Said, H/No. 2139, Yalaka Post Peshawar. Against the vacant post.

43) Yasmin Naz D/O Mohammad Yamin, Mat: PTC, 1987-88, 700/1200, Moh: Bazar Bahadar. Against the vacant post.

44) Masim Akhtar D/O Gazi Mohammad, Mat: PTC, 1987-88, C/O Zafar 688/1200, H/No. 8-2/35 CIVIL Quarter Kohat Road Peshawar. Against the newly created post.

45) Shamim Begum D/O Amir Nawaz Khan, Mat: PTC, 1987-88, Village, Babi Gadeen Nowshera. Against the vacant post.

46) Raziat Jan D/O Mohammad Latif, Mat: PTC, 1987-88, Gul Afshan Colony Near CIVIL Quarter O/S Distt: Council Peshawar. Against the newly created post.

47) Seema Akhtar D/O S. Sultan Shah, Mat: PTC, 1987-88, Sher Ahmad Building H/No. 3 I/S Ralte Gate Peshawar. Against the vacant post.

48) Azra Yasmin D/O Abdul Latif, Mat: PTC, 1987-88, Moh: Malik Shah Dad New Karimpura Peshawar. Against the newly created post.

49) Zeenat Ara D/O Shamsul Qamar, Mat: PTC, 1987-88, Moh: Tariq Abad New Lakshal Peshawar. Against the newly created post.

8

- Lakia Begum D/O Samiullah Jan,
628/1200, Mat:PTC, 1987-88, C/O
Master Samiullah Jan G.P.S, Landi
Arbab Peshawar. GGPS, Bazid Khel
Peshawar. Against the new
created post.
- 51). Abida Gul D/O Subhan Shah, 627/1200,
Mat:PTC, 1987-88, Ghufraan Habib Moh:
O/S Kohati Gate Peshawar. GGPS, Koga Wala,
Peshawar. Against the vacant
post.
- 52). Robina Saeed D/O Saeed Ahmad,
625/1200, Mat:PTC, 1987-88, C/O Mujhad
Azam Afghan Metal Works Saeeda Abad
New Frienders Landery Pajaggi Road
Peshawar. GGPS, Garanga Bala,
Peshawar. -do-
- 53). Robina Tabassum D/O Fida Mohammad,
624/1200, Mat:PTC, 1987-88, C/O Mushtaq
Ahmad Qtr:No.5 III/3 Civil Colony
Kohat Road Peshawar. GGPS, Tela Band,
Peshawar. Against the newly
created post.
- 54). Mussarat Parveen D/O Abdul Jalil,
620/1200, Mat:PTC, 1987-88, Mohallah
Sikandar Town O/S G.T.S. Workshop Pesh:
GGPS, Kukar Pesh: -do-

TERMS AND CONDITIONS

- 1). Their appointment are purely temporarily and liable to termination any time without any assigning/reasons or notice.
- 2). In case of resignation they/she will have to submit one Month's prior notice to the Deptt: or forfeit one Month's pay in lieu thereof to the Government.
- 3). She/They are required to produce Health & Age Certificate from the Medical Authorities concerned before taking over charge provide they are not in Government Service.
- 4). She/They should not be allowed to take over charge if her/their age is less than 18 years or above 30 years.
- 5). Her/Their appointment is/are subject to further condition that/she/they are domicile of N.W.F.P.
- 6). Her/Their antecedents forms should be obtained duly verified by the local Police authorities and submit to this office together with application for appointment on prescribed form and under taking declaration of moveable and immoveable property for record in this office.
- 7). All Educational, Character and Domicile Certificates should be thoroughly checked before handing over charge if necessary it should be verified from the Institutions concerned.
- 8). If She/they fails to take over charge of the post within a week of the receipt of these order the offer of appointment shall stand cancelled.
- 9). Charge reports should be submitted to all concerned.
- 10). No TA/DA etc; is allowed.
- 11). She/They should be given test in Nazira Quran and Pakistan Studies and submit result intimated to this office.

(MRS. R.A. BUKHARI)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst:No. 1035-1145 /A-I/Apptt:/PTC/DA-IV/Dated Pesh:the 26-10-1988.

- Copy of the above is forwarded for information & n/action to the:-
- 1). All the Sub:Divisional Education Officers (Female) in Peshawar District.
 - 2). All the Headmistresses Govt:Girls Middle/Primary Schools concerned.
 - 3). All Candidates concerned.
 - 4). Superintendant local office.

Infaullah
Habibullah

R.A. Bukhari
DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. 26-10-88



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

(Annex-11)

Dated Peshawar, 11.07.2012

NOTIFICATION:

No. SO (B & A)/1-18/E&SE/2012:

Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up gradation of the posts for Grant of Incentive of Higher Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department w.e.f. 01-07-2012 as per details given below:-

| Sr. No. | Nomenclature of Teaching Cadre Post | Location | Existing Basic Pay Scale | New Approved Basic Pay Scale | Remarks |
|---------|---|---|--|------------------------------|---|
| 1. | Primary School Teacher (PST) | Govt. Primary School | BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12 | (BPS-12) | The post of PST is upgraded to BPS-12. Accordingly, 33,497 posts of PSTs, already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees. |
| 2. | Senior Primary School Teacher (Sr. PST) | "do" | Newly Upgraded/Redesignated Post | (BPS-14) | 22,331 posts of the existing PSTs in various existing pay Scales are upgraded to BPS-14 and redesignated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post. |
| 3. | Primary School Head Teacher (PSHT) | "do" | Newly Upgraded/Redesignated Post | (BPS-15) | 20,804 posts of the existing PST's (one post in each Primary School) are upgraded to BPS-15 and redesignated as Primary School Head Teacher, and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post. |
| 4. | Certified Teachers (CT) | Govt. Middle/High/Higher Secondary School | BS-09 BS-10 BS-12 BS-14 BS-15 | (BPS-15) | All the existing posts of CTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees. |
| 5. | Senior Certified Teachers (Sr. CT) | "do" | Newly Upgraded/Redesignated Post | (BPS-16) | One thirds (1/3 rd) of the total CT posts are upgraded to BPS-16 and redesignated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post. |
| 6. | Arabic Teachers (A.T) | "do" | BS-09 BS-10 BS-12 BS-14 BS-15 | (BPS-15) | All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees. |
| 7. | Senior Arabic Teachers (Sr. AT) | "do" | Newly Upgraded/Redesignated Post | (BPS-16) | One thirds (1/3 rd) of the total AT posts are upgraded to BPS-16 and redesignated as Senior AT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post. |
| 8. | Teacher of Theology (TT) | "do" | BS-07 BS-09 BS-10 BS-12 BS-14 BS-15 | (BPS-15) | All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees. |
| 9. | Senior Teacher of Theology (Sr. TT) | "do" | Newly Upgraded/Redesignated Post | (BPS-16) | One thirds (1/3 rd) of the total TT posts are upgraded to BPS-16 and redesignated as Senior TT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post. |
| 10. | Drawing Masters (DM) | "do" | BS-09 BS-10 BS-12 BS-14 BS-15 | (BPS-15) | All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees. |
| 11. | Senior Drawing Masters (Sr. DM) | "do" | Newly Upgraded/Redesignated Post | (BPS-16) | One thirds (1/3 rd) of the total DM's posts are upgraded to BPS-16 and redesignated as Senior DM, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or |

| | | | | | |
|-----|--|------|--|----------|--|
| 12. | Physical Education Teachers (PET's) | "do" | BS-09 BS-10 BS-12 BS-14 BS-15 | (BPS-15) | All the existing posts of PETs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees. |
| 13. | Senior Physical Education Teachers (Sr. PET's) | "do" | Newly Upgraded/ Redesignated Post | (BPS-16) | One thirds (1/3 rd) of the total PETs posts are upgraded to BPS-16 and redesignated as Senior PET, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post. |
| 14. | Qari/Qaria | "do" | BPS-7 BPS-9 BPS-10 BPS-12 BPS-14 BPS-15 | (BPS-12) | All the existing posts of Qari/Qaria are upgraded to BPS-12 for the present incumbents to the post as well as future appointees. |
| 15. | Sr.Qari/Sr.Qaria | "do" | Newly Upgraded/ Redesignated Post | (BPS-15) | One thirds (1/3 rd) of the total Qari/Qaria posts are upgraded to BPS-15 and redesignated as Senior Qari/Qaria, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post. |

2. A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, punctuality, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not take the scheme for granted but work for it.

3. District wise/ school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

Endst: No. SO(FR)/FD/10-22(E)/2010 Dated Pesh: the 16/07/2012

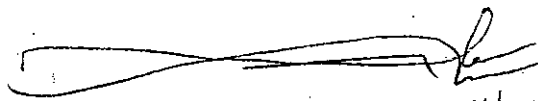
Copy is forwarded to Accountant General Khyber Pakhtunkhwa, Peshawar.
All District Account Officers


SECTION OFFICER (FR)
FINANCE DEPARTMENT

Endst. Of even Number & Date.

Copy of the above is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, with reference to his letter No SO(FR)/FD/10-22(E)/2010 dated 26.06.2012.
2. P.S. to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
3. P.S. to Special Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
4. P.S. to Deputy Secretary-II, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
5. P.S. to Minister of E&SE, Khyber Pakhtunkhwa.
6. The Director, E&SE Khyber Pakhtunkhwa, Peshawar.
7. All the Executive District Officers, E&SE Khyber Pakhtunkhwa.
8. The Managing Director, Printing Press, Khyber Pakhtunkhwa, Peshawar.
9. Master file.


(NOOR ALAM KHAN WAZIR)
SECTION OFFICER (B&A)
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

11/07/2012



10
(Annex-III)
GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 30-06-2015

NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to the upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

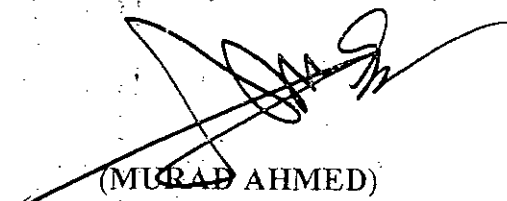
- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
 - b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15.
 - c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
 - d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
 - e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
 - f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40% or more of their normal pay shall not be entitled for the instant upgradation.
2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
 3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.
 4. The above upgradation scheme shall not be applicable to employees of Autonomous Bodies, Semi Autonomous Bodies and Public Sector Companies.
 5. Explanatory note and subsidiary instructions on the subject will be issued separately.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the: -

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13) Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.


(MURAD AHMED)
SECTION OFFICER (FR)

100

(Annex-iv)

1552/Secy Sel
29/12/15

To

The Secretary to Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education, Department.

SUBJECT: GRANT OF INCENTIVE OF HIGHER PAY SCALE/GRADE ON THE BASIS OF TIME SCALE TO THE DIFFERENT CADERS OF TEACHERS IN ELEMENTARY & SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA.

R/Sir,

I have the privilege to request you that I have completed 26 years of unblemished service as a PST Teacher (BPS-12).

The education department issued notification on 11-07-2012 (copy attached) regarding up-gradation of the posts for grant of incentive of higher pay scale to different cadres of teachers in Elementary and Secondary Department w.e.f 01-07-2012.

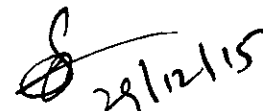
Despite the lapse of three years of the issuance of above notification, I have not been granted any kind of incentive in respect of up-gradation. Likewise Finance Department issued notification on 30-06-2015 for one pay scale up-gradation to all government employees from BS-06 to BS-15 (copy attached) but no one pay scale up-gradation has been given to me.

In view of the above, it is most humbly requested to kindly direct the concerned to grant me incentive alongwith arrears and ail back benefits in the shape of up-gradation in light of the above said notifications giving it the retrospective effect.

I shall pray for your long life and good health.

Thanks

Your Most Obedient Servant,

e/c  29/12/15
Mst: Saiqa, PST GGPS
Jogiwara, Peshawar Distt:
0343-5216610

Copy forwarded to:-

Copy forwarded to the Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa for similar action, please.

Director. ES
091/9210389
29/12/15

Wj F/60/DSEL
30/12/15

AD 9211775

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE SARMAD JALAL OSMANY
MR. JUSTICE DOST MUHAMMAD KHAN

(Annex-V)

Civil Petition No.800/2015

(On appeal from the judgment dated 20.03.2015 passed by the KPK Service Tribunal in Service Appeal No.752 of 2013)

Habibullah Wazir

...Petitioner

VERSUS

Govt. of KPK thr. Chief Secretary, Peshawar & others

..Respondents

For the petitioner:

Mr. Nasir Mahmood, ASC

For the respondents:

Mr. Mujahid Ali Khan, Addl. A.G. KPK

Date of hearing:

29.9.2015

JUDGMENT

Sarmad Jalal Osmany, J.— This petition impugns the judgment of the learned KPK Service Tribunal in Service Appeal No.752 of 2013, whereby the same was disposed of by directing the concerned authority to consider, "*genuine grievance of the petitioner*".

2. Briefly stated facts of the case are that admittedly the petitioner, who at the relevant time was serving as Assistant in the office of BOR, KPK was considered along with 25 other Assistants for promotion to the post of Tehsildar (BPS-16) by the Departmental Promotion Committee vide Memorandum dated 17.10.2011. Per the said Memorandum the petitioner along with his other colleagues fell amongst the 20% of the criteria of Graduate Assistant, Senior Scale Stenographers etc. of the office of Commissioners, who were eligible for such promotion. However vide notification dated 29.10.2011 only 8 employees out of 26 recommended for promotion were so promoted to

ATTESTED

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grade-16, also excluding the petitioner. The petitioner filed the departmental appeal, which was unheeded to and this prompted him to approach the learned Service Tribunal, which decided the case as afore mentioned.

3. In the backdrop of the foregoing facts, learned ASC for the petitioner has submitted that the petitioner's case along with his other colleagues, who were not promoted, attracts the old rules before the same were amended on 29.09.2012 whereby now they would be promoted to grade-14 (Naib Tehsildar) instead of grade-16. Per the learned ASC when once the concerned authority had recommended the petitioner's case for promotion under the old rules viz to grade-16 and there were vacancies to accommodate him and the others then the new rules could not be applied retrospectively and the petitioner along with others should have been promoted to grade-16.

4. When we posed the question about the retrospective applicability, the learned Additional Advocate General could not give any valid answer.

5. We have heard both, the learned ASC for the petitioner as well as the learned Additional Advocate General, KPK.

6. In our opinion when admittedly the petitioner along with his other colleagues were considered fit for promotion by the Departmental Promotion Committee under the old rules to the post of Tehsildar (BPS-16) then, particularly, when such vacancies were available, the petitioner could have not been denied promotion and that too without assigning any reasons.

7. For the foregoing discussion, this petition is converted into an appeal and allowed; the impugned judgment is set aside; the petitioner stands promoted to the post of Tehsildar w.e.f. 29.10.2011.

ATTESTED


Superintendent
Supreme Court of Pakistan
Islamabad

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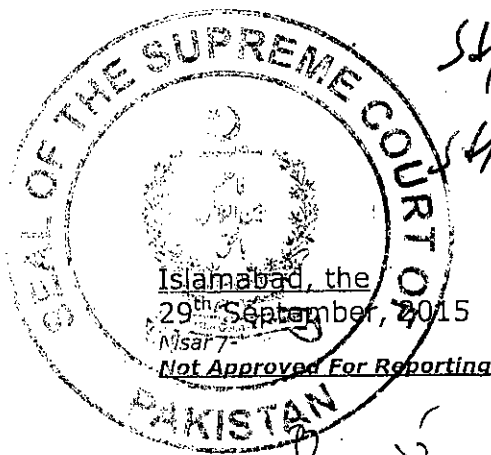
103

when his colleagues were so promoted. He shall be given all back benefits including salary etc.;

8. The respondents shall file a statement as to how many employees of the department whose names appear in the Memorandum dated 17.10.2011 i.e. Sr. No.9 to 26, have been promoted and if not so, then reasons should be stated.

To come up on 06.10.2015.

M. Sarwar Jal Oswany,
H. Dost Muhammad Khan,



Certified to be True Copy
Supintendent
Supreme Court of Pakistan
Islamabad

GR No: 13412/15 Civil/Criminal

Date of Presentation: 29-9-15

No. of Words: 99

No. of Follies: 6

Exposition Fee Rs: 5.08

Copy Fee in: 5.08

Court Fee stamps: 10.58

Date of Completion of Copy: 11/10/15

Date of delivery of Copy: 11/10/15

Compared by/Prepared by: [Signature]

Received by: [Signature]