

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Mr. Muhammad Ali Shah
Service Appeal No. 615/2023

Appellant

Secretary to Govt. of Khyber Pakhtunkhwa Finance Department and
others.

Respondents

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Shahid

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 615 of 2023

Muhammad Ali Shah (PCS EG BS-20) Commissioner Kohat Division Kohat

..... Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa & 03 others

..... Respondents

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.01, 02 & 03

**Khyber Pakhtunkhwa
Service Tribunal**

PRELIMINARY OBJECTIONS

Diary No. 10853

Dated 29-1-2024

1. That the instant appeal is not maintainable on the ground that provincial Cabinet has already approved Executive Allowance for OSD Period.
2. That under the law, no retrospective effect is allowed.
3. That the grant of back benefits will cause irreparable loss to the Govt.

ON FACTS

1. No comments.
2. No comments.
3. No comments.
4. Correct to the extent that departmental appeal of the appellant was received which was processed accordingly and decided to place it on the agenda of Grievances Redressal Committee. Meanwhile upon decision of the Provincial Cabinet dated 20.06.2023, the Provincial Govt. vide Notification dated 11.07.2023 extended the Executive Allowance/Executive Performance Allowance to the Officers (PAS, PCS & PMS) on Special Duty (OSD) with effect from 01.07.2023 (**Annex-A**).
5. Incorrect. As explained above.

GROUND

- A. No comments.
- B. No comments.
- C. No comments.
- D. The Provincial Cabinet in its meeting held on 13.06.2022 decided to allow Executive Allowance to Muhammad Arshad officer on special duty vide Finance Department's Notification dated 05.07.2022 with a condition that the said benefits shall, however, be specific to the petitioner i.e. Muhammad Arshad and shall not be treated/quoted as precedent to other Officers (**Annex-B**).

E. As explained above.

F. No comments.

PRAYER

It is most humbly prayed that the appeal being devoid of merit on account that retrospective effect of law is not covered under the rules therefore in first instance, this appeal not being maintainable, may graciously be dismissed.

(NADEEM ASLAM CHAUDHARY)

Chief Secretary
(Respondent No.01)

through
(Kaleemullah Baloch)
Special Secretary
Establishment

(AMIR SULTAN TAREEN)

Secretary Finance
✓ (Respondent No.3)

(SHARIDULLAH)

Secretary Establishment
(Respondent No.02)

through
(Kaleemullah Baloch)
Special Secretary
Establishment

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

**Mr. Muhammad Ali Shah
Service Appeal No. 615/2023**

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Finance Department and others.

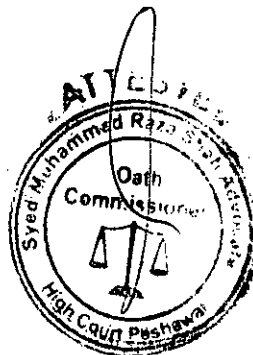
Reply /Parawise Comments on Behalf of Secretary Finance Govt. of Khyber Pakhtunkhwa Respondent No. 01, 02 & 03.

AFFIDVAIT

I, Amir Sultan Tareen Secretary to Govt. of Khyber Pakhtunkhwa Finance Department do hereby solemnly affirm and declare on oath that the contents of Para-wise Comments in Service Appeal No. 615/2023 on behalf of Respondents is true and correct to the best of my knowledge and belief and that nothing has been concealed from the Honourable Tribunal.



Deponent





Amir-A 5

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

Dated Peshawar the 11th July, 2023

NOTIFICATION

NO. SO (SR-IV) / FD / 1-1/2023 / Executive Allowance: In partial modification of Finance Department's Notification No. FD (SOSR-II) 8-7/2016-17 dated 02.02.2018; the Government of Khyber Pakhtunkhwa has been pleased to extend Executive Allowance/Executive Performance Allowance to the Officers (PAS, PCS & PMS) on Special Duty (OSD) with effect from 01.07.2023.

2. Other terms & conditions will remain the same as notified from time to time.

**Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department**

Endst: No & date ever

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

- 1- The Accountant General, Khyber Pakhtunkhwa.
- 2- The Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- 3- The Principal Secretary to Governor Khyber Pakhtunkhwa.
- 4- All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- 5- The Director FMI J, Finance Department.
- 6- The Director, Staff Training Institute (STI) E&A Department.
- 7- PSO to Chief Secretary Khyber Pakhtunkhwa.
- 8- All Section Officers/Budget Officers in Finance Department Khyber Pakhtunkhwa.
- 9- PS to Minister Finance Khyber Pakhtunkhwa.
- 10- PS to Secretary to Government of Khyber Pakhtunkhwa Finance Department.
- 11- PS to Special Secretary (A & R), Finance Department.
- 12- PS to Special Secretary (Budget), Finance Department.
- 13- PAs to Additional Secretaries/Deputy Secretaries in Finance Department.
- 14- Master File

Section Officer (Lit-II)
Finance Department
Govt. of Khyber Pakhtunkhwa

(YAR MUHAMMAD)
SECTION OFFICER (SR. IV)



Amended B
4
17/7

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

Dated Peshawar the 5th July, 2022

NOTIFICATION

NO. SO(SR-IV)/FD/1-1/Executive Allowance (Muhammad Arshad)/2022: In pursuance of judgment of Services Tribunal Khyber Pakhtunkhwa on 09-06-2021 in execution petition No- 166/22 in service appeal No- 1132/19 case titled Mr. Muhammad Arshad v/s Govt. of Khyber Pakhtunkhwa and upon decision of Provincial Cabinet in its meeting held on 13-06-2022, the Government of Khyber Pakhtunkhwa has been pleased to allow Executive Allowance to the officer i.e. Muhammad Arshad for the period he remained OSD with effect from 19.11.2018 to 19.03.2019.

2- The said benefits shall, however, be specific to the petitioner and shall not be treated/quoted as precedent.

**Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department**

Endst: No & date even

Copy of the above is forwarded the:-

- 1- The Accountant General, Khyber Pakhtunkhwa.
- 2- Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
- 3- The Director FMIU, Finance Department with the request to upload the same on Finance Department website.
- 4- The Director, Staff Training Institute (STI) E&A Department.
- 5- The Principal Secretary to Chief Minister Khyber Pakhtunkhwa
- 6- PSO to Chief Secretary Khyber Pakhtunkhwa.
- 7- Registrar, Services Tribunal Khyber Pakhtunkhwa Peshawar.
- 1- The Section Officer (Cabinet) Government of Khyber Pakhtunkhwa Establishment & Administration Department with reference to his letter No- SOC (E&AD) 9-74/2022 dated 20th June, 2022.
- 8- PS to Secretary to Government of Khyber Pakhtunkhwa Finance Department.
- 9- PS to Special Secretary (A & R), Finance Department.
- 10- PS to Special Secretary (Budget), Finance Department.
- 11- PA to Additional Secretary (Reg) Finance Department.
- 12- PA to Deputy Secretary (Reg-I) Finance Department.
- 13- Master File.

[Signature]
Section Officer (Lit-II)
Finance Department
Govt. of Khyber Pakhtunkhwa

[Signature]
(MAQSOOD KHAN)
SECTION OFFICER (SR. IV)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

**MOST IMMEDIATE
COURT MATTER**

AUTHORITY LETTER.

Mr. Hashmatullah Superintendent (BS-17) (Litigation-II) Section, Finance Department is authorized to attend the Service Tribunal Khyber Pakhtunkhwa Peshawar, Service Appeal No.615/2023 in case titled Muhammad Ali Shah versus Government of Khyber Pakhtunkhwa on behalf of Secretary Finance Government of Khyber Pakhtunkhwa.


(NADEEM ASLAM CHAUDHARY)

Chief Secretary
(Respondent No.01)


(SHAHIDULLAH)

Secretary Establishment
(Respondent No.02)


(AMIR SULTAN TAREEN)

Secretary Finance
(Respondent No.3)