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BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Khalida Bibi

VS

DEO ETC.

Service Appeal No 1972-19
CM#

Rejoinder on behalf of Appellant.

Respectfully Sheweth;-

Rejoinder is as follows,

Reply to Preliminary Objections:-

1. Para No 1 is incorrect, hence denied. As The Respondent No.1 has issued an illegal order affecting terms and conditions of appellant, therefore appellant has got a cause of action.
2. Para No. 2 of Reply is incorrect, hence vehemently denied. The appellant has invoked the jurisdiction of this August Tribunal bonafidely.
3. Para No. 3 is incorrect, hence denied. Nothing has been concealed from this Honorable Tribunal.
4. Paras No. 4 & 5 are incorrect, hence denied. Appeal is maintainable in its form.
5. Paras No. 6 & 7 are incorrect, hence vehemently denied. It is the appellant who has been pressurized by the Respondent No.1
6. Paras No. 8 & 9 are also against the facts, hence denied. The appellant has filed instant appeal within limitation.

7. Para No 10 of the appeal is also incorrect hence denied the appellant has rightly arrayed the respondents as a party in her appeal.

Reply to factual objections:-

1. Para No. 1 & 2 needs no reply.
2. In reply to Para No. 3 & 4, it is humbly stated that appellant was married with Shah Ilyas Hussain and she settled with her husband in village Mian Dheri, Tehsil Ghazi, District Haripur. The appellant neither availed any official vehicle facility, nor was she allotted any residential accommodation in Govt Centennial Model Girls Higher Secondary School Haripur for the purpose of her family residence. The respondent No. 1 has stopped the conveyance allowance of appellant illegally and just to satisfy her personal vendetta. The certificate issued by respondent No. 2 is also incorrect, and the same was issued upon the instructions of respondent no 1.
3. Paras No. 5 & 6 needs no reply.
4. Paras No. 7 & 8 are also based upon incorrect facts hence denied. The appellant was never allotted a residential accommodation in school during the period of her service. The appellant has received house rent and conveyance allowance in accordance with government policies and rules.

REPLY TO GROUNDS

1. Paras No A and B are incorrect hence vehemently denied. The impugned office order are based upon illegality, against the

law, based upon discrimination arbitrary, result of the malice and ill will of respondent no 1 with appellant, hence. The same are liable to be cancelled. The appellant served as hostel warden in GOVT centennial girls model higher secondary school Haripur, where as her family Residence is in native village Mian Dheri, Tehsil Ghazi District Haripur. The appellant was never allotted any residential accommodation within the same school. The appellant use to come on her duty from her native village Mian Dheri, and she has not availed any official car facility during her service, therefore appellant is entitled to receive conveyance allowance.

2. Paras No C & D of appeal are correct, while Paras No C & D of written statement are incorrect. The respondent No.1 has issued the impugned office orders on personal grudge with malice.
3. Para E of written statement and prayer made by the respondents is also incorrect hence denied.

It is, therefore most humbly prayed that appeal filed by the appellant may kindly be accepted and impugned notification issued by respondent no 1 and 2 may graciously be set aside.

Dated 4-2-2021

Appellant

Khalida Bibi.

Through Counsel

VERIFICATION

It is verified that all the contents of rejoinder are correct to the best of my knowledge & believe and nothing is concealed from the Honorable Authority.

Dated 4-2-2021

Appellant

Khalida Bibi.

Through Counsel

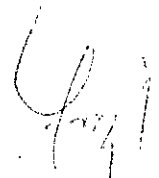
OFFICE OF THE PRINCIPAL
GOVT. GIRLS CENTENNIAL MODEL HIGH SCHOOL HARIPUR NO.1
DISTRICT HARIPUR

RESIDENT CERTIFICATE

It is certified that Ms. Khalida Bibi D/O Sarwar Shah Ex. Hostel Warden (BPS-07) has served in Education Department Haripur at GGCMHS Haripur as Hostel Warden (BPS-07) w.e.f 01-07-1983 to 31-12-2019

She has been retired from service on premature basis on 31-12-2019 (A.N). During her whole service she stayed in hostel being hostel warden.

Dated :- 07-02-2020


Principal
GGCMHS Haripur No.1
Principal
C.G.M.G.H.S
Haripur

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ALLOWANCES AND SPECIAL PAYS

1. RESIDENCE-OFFICE CONVEYANCE ALLOWANCE.

With effect from 1st May, 1977, all Government servants posted at Peshawar (w.e.f. 1/7/2011 irrespective of place or station of duty in Khyber Pakhtunkhwa), not residing within their work premises, shall be allowed Conveyance Allowance

No.FD/PRC/1-2/77, dated 16.5.1977 & PRC/1-1/2011 Dated 14/7/2011

Conditions:-

a) Category of Officers.

Admissibility of Residence Office Conveyance Allowance at Peshawar, the officers may be categorized as follows: -

- i) Those who have been provided with a staff car/Government vehicle to be used only for official purposes.
- ii) Those who have been provided with a staff car/Government vehicle and are entitled to its free use both for official and private purposes.
- iii) Those who are in receipt of Permanent Traveling Allowance in terms of Rule 2.6 of the Khyber Pakhtunkhwa T.A Rules.

Obviously all officers falling in category (i) above are eligible for the grant of "Residence-Office Conveyance Allowance". The officers falling in category (ii) shall not, however, be eligible for the grant of this allowance as they use Government vehicle for attending duty. No option shall be available to such category of officers to use private vehicle for attending duty and to claim the conveyance allowance in lieu thereof. Regarding the last category of officers, it has been decided that their entitlement to conveyance allowance in addition to the Permanent Traveling Allowance will be subject to the condition that they are not allowed the use of staff car/Government vehicle between residence and office. The officers in receipt of Permanent Traveling Allowance will in future record a certificate to this effect on the bills presented to Accountant General, Khyber Pakhtunkhwa.

Administrative Departments etc; are requested to keep the above position in view while allowing the residence office conveyance allowance to various categories of officers, with effect from 1st, May, 1977:

Authority: No.FD(SR-II)8-2/70, dated 6th June, 1977.

b). Work Premises: It is clarified that the term "Work premises" denotes the area where an office and residential accommodation both are situated within the same compound wall or courtyard, e.g. in the case of polytechnic Institutes, Government Press, Government Hospitals, College Hostels, Police Lines, etc. However, in the case of an institution spread over a wide area like University Campus where an individual is supposed to under-take journeys to attend office daily, the admissibility of conveyance allowance may be decided by the Administrative Department on the merits of each case under intimation to the Audit Office concerned.

Authority:- No.FD/SO/PRC/1-2/77, dated 9th July, 1977.

----- to be stopped. Copies of CIRC to be retained

9-4-77

(ON NEXT PAGE)

Admissibility during leave

The conveyance allowance, Motor Cycle maintenance allowance and car maintenance allowance are not admissible during the period of leave. No.FD(SR-II)/8-27/2012 dt. 11-11-2012

Conveyance Allowance

BPS	W.E.F 01-07-2005	W.E.F 01-07-2008	W.E.F 01-07-2011	BPS	W.E.F 01-07-2012	W.E.F 01-09-2012	W.E.F 01-07-2014
1-4	340 PM	680 PM	850 PM	1-4	1500	1700	1985
5-10	460 PM	920 PM	1150 PM	5-10	1500	1840	1932
11-15	680 PM	1360 PM	1700 PM	11-15	2000	2720	2856
16-20	1240 PM	2480 PM		16-19	5000	5000	5000
21-22	1240 Who are not sanctioned official vehicle	2480 Who are not sanctioned official vehicle	All (except those allowed monetized value of transport or avail transport facility) irrespective of place or station of duty			Admissible to BPS 17 to 19 who have not been sanctioned official vehicle	
FD(PRC) 1-1	2005 dt.9-7-2005	2008 dt 10-7-2008	2011 dt 14-7-2011	FD(PRC)1-1/2012 dt:9-8-2012	FD/SO(SR-II)/8-52/2012 20-12-2012	FD/SO(SR-II)/8-52/2012 09-01-2014	FD/SO(SR-II)/8-52/2014 09-01-2014

W.E.F 01/12/2013 Conveyance Allowance @ Rs.5000/- PM to BPS 20 & above as admissible to BPS-16 to 19, who have neither been provided official vehicle nor allowed monetized value of transport. FD/SO(SR-II)/8-52/2012 09-01-2014

2. SPECIAL CONVEYANCE ALLOWANCE TO DISABLE EMPLOYEES:-

W.e.f 01-07-2016, Special conveyance allowance @ Rs.1000/- PM has been allowed to disable employees of Khyber Pakhtunkhwa subject to following conditions:-

- It will be allowed to those Provincial Government employees who have been appointed against disable employee quota, or they have been declared/certified as disable by an authorized Medical Board during service.
- It will not be admissible during leave of any kind, except leave up to one month or casual leave. FD/SO(SR-II)/8-57/2016 dated 14-7-2016

3. House Rent Recovery.

w.e.f. 15.2.1987, House rent will be deducted @ 5% of basic pay and not on emoluments. No.FD(SR-II)2-1/78/Vol-V, dated 15.2.1987.

Note: - Government servant residing in two rooms shall be exempted from the payment of house rent i.e. 5% w.e.f. 1.2.1989. No.FD(SR-II)2-1/78/Vol-V, dated 23.1.1989

4. HOUSE RENT ALLOWANCE.

All employees not provided with Government accommodation and posted at the following stations are entitled to House Rent Allowance at the rates specified below:-

Station	w.e.f. 1-5-1977	w.e.f. 1-7-1979	w.e.f. 1-7-1981	w.e.f. 1-5-1987	w.e.f. 1-5-1991	w.e.f. 1-7-1991	w.e.f. 1-12-2000	w.e.f. 1-12-2000	w.e.f. 1-7-2007	w.e.f. 1-7-2008
	% of the minimum of the relevant scale of pay									



Office of the District Education Officer (F) Haripur

AUTHORITY LETTER

Mr. ~~Muhammad Ayub~~ Assistant Litigation is hereby authorized to attend the
Service Tribunal
Honorable Peshawar High Court Abbottabad Bench on 17-02-2021 in connection with
case titled Mst: Khalida Bibi VS DEO (F) on behalf of the undersigned.

Muhammad Ayub
District Education Officer (F)
Haripur