

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

appeal NO 1792/19

Mst Khalida Bibi

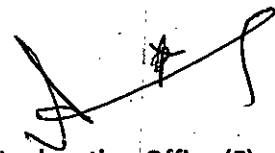
VS

DEO etc

SERVICE APPEAL

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District education Office (F)
Haripur

1026

1026
21-9-2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Mst Khalida Bibi

VS

District education officer(F)Haripur
and others

SERVICE APPEAL

JOINT PARAWISE COMMENTS ON BEHALF OF ANSWERING RESPONDENTS NO 1 to 4

RESPECTED SHEWTH,

JOINT PARAWISE COMMENTS ON BEHALF OF ANSWERING RESPONDENTS NO 1 to 4

Preliminary Objection:

1. The appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honorable with clean hands. Hence the appellant has got no locus standi to file the instant appeal.
3. That the appellant has concealed the material facts from this Honorable Tribunal hence liable to be dismissed.
4. The appeal is bad in its present form, hence liable to be dismissed with cost.
5. The appeal in question is already treated according to law rules and policy of appointment by the respondents.
6. The instant appeal has just been instituted with malafide intentions in order to pressurize the Departments of Government to get benefits.
7. The instant appeal is liable to be rejected under order 7 Rule 11 CPC.
8. The instant appeal is barred by law and time.
9. That the instant appeal is against the prevailing law and rules.
10. That the instant appeal is bad for misjoinder and non-joinder of the necessary parties hence liable to be dismissed.

Factual Objection:

1. Para no 1 is subject to the extent of court order.
2. Para no 2 is correct to the extent of her permanent residence whereas remaining para is incorrect.
3. Para no 3 is correct to the subject that she already availed conveyance allowance and house rent whereas remaining para is incorrect .The Appellant was entered in Government service as Hostel Matren on dated 1-7-1983.She took charged and

availed accommodation of two rooms kitchen and bathroom with family within hostel building.

4. Para no 4 is correct to the extent of letter No 6073 dated 03-04-02019 which is self-explanatory that according to rules of conveyance Allowance and house rent mentioned below

“ Work premises ;- it is clarified that the term work premises denotes the area an office and residential accommodation both are situated within the same compound wall r courtyard ,e.g. in the case of polytechnic institute ,Government press, Government Hospitals, collage hostel ,police lines, etc. however in the case of an institution spread over a wide area like University campus where any individual is supposed to undertake journeys to attend office daily ,the admissibility merit of each case under intimation to the audit office concerned “

Conveyance allowance is payable to those servants who are not residing, the institution where they are working. (copy of Rules is attached as annexure A)

In the case of appellant she availed not only facility of accommodation of two rooms , kitchen and bathroom with family and she had never paid the utility bills (electricity, Gas, water etc.).She availed Conveyance allowance with house rent) According to rules she was not entitled for conveyance allowances.

5. Para no 5 is correct to the extent of letter no 13974 dated 13-11-2019 and recovery of Conveyance allowances.
6. Para no 6 is correct to the extent of retirement of appellant whereas remaining para is incorrect.
7. Para no 7 is incorrect, the stoppage of Conveyance allowance was rightly action of respondent.
8. Para no 8 is incorrect. Appellant availed facility of house rent allowance, accommodation facility with Conveyance allowance.

Grounds:

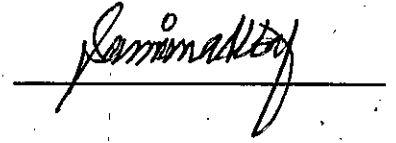
- A. That the act of the department is legal, lawful and according to the rules more ever neither discriminatory nor arbitrary while the present appeal is based on malafied hence liable to be dismissed.
- B. Incorrect appellant and her family was living inside hostel as Hostel Matren availing all facilities of Government building without paying utility charges etc. She was Hostel Matren and her duty was to look after girls student who were living in hostel how is it possible to go village which is situated at 180 km distance one side from the hostel.
- C. Incorrect and not admitted the respondent being lawful authority has taken right action and appellant is treated with rules and laws. Detail reply is already given in para 4.

- D. Incorrect and not admitted appellant is treated with rules and laws. Detail reply is already given in para 4.
- E. That the respondent also seeks leave of this Honorable Tribunal to clear more points and record at the time of hearing of instant service appeal.

Prayer: It is therefore most respectfully submitted that in the light of above mentioned reply the appeal may graciously be dismissed please.

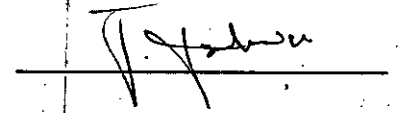
Respondent No 1

District Education Officer (F) Haripur



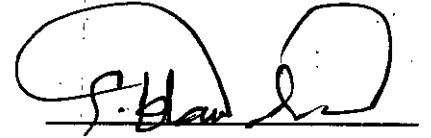
Respondent No 2

Principal Government t Girls Centennial Model High School No 1 Haripur



Respondent No 3

Director E&SE Department Khyber Pakhtunkhwa Peshawar



Respondent No 4

Secretary E&SE Department Khyber Pakhtunkhwa Peshawar




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

ALLOWANCES AND SPECIAL PAYS

I. 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.

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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)8-2/70, Dt 17.7.77.

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
4	340 PM	680 PM	850 PM	4	1500	1700	1785
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)/8-52/2014 9-7-2014	

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. 1-7-1987	w.e.f. 1-6-1991	w.e.f. 1-7-1991	w.e.f. 1-12-2001	w.e.f. 1-07-2005	w.e.f. 1-7-2007	w.e.f. 1-7-2008
	% of the minimum of the relevant scale of pay									

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