

13.03.2017

None for appellant present. Mr. Sohail Ahmad Zaib, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder not submitted and D.B is also not available. Adjourned for rejoinder and final hearing before the D.B to 23.08.2017 at camp court, Abbottabad.

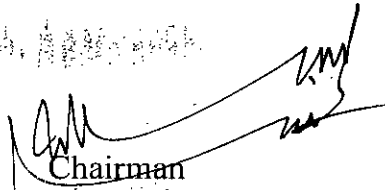
  
Chairman  
Camp Court, A/Abad

23.08.2017

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Zubair Ali, ADO for and Muhammad Haroon, AAO for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today in connected service appeal No. 371/2015, entitled "Rashid Iqbal Khan Versus District Comptroller of Accounts, Abbottabad and others", this appeal is also dismissed. Parties are left to bear their own costs. File be consigned to the record room.

  
Member

  
Chairman  
Camp Court, A/Abad.

ANNOUNCED

23.08.2017


15.12.2015

Appellant in person, M/S Haroon Khan, Senior Auditor, Irshad Muhammad, S.O and Sohail Ahmad Zeb, Assistant alongwith Mr.Muhammad Siddique, Sr.G.P for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 17.3.2016 before S.B at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad

17.03.2016

Appellant in person, M/S Haroon Khan, Senior Auditor, for respondents No. 1 and 2 Irshad Muhammad, SO for respondent No. 3 and Sohail Ahmed Zeb, Assistant for respondent No. 4 alongwith Mr. Muhammad Saddique, Sr. GP present. Written reply by respondent No. 3 submitted. Representatives of respondents No. 1, 2 and 4 rely on the same on behalf of remaining respondents No. 1, 2 and 4. The appeal is assigned to D.B for rejoinder and final hearing for 17.10.2016 at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad

17.10.2016

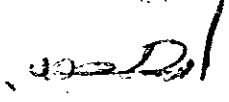
Appellant in person M/S Sohail Ahmad Zeb, Assistant and Malak Haroon, AAO alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Rejoinder submitted. Learned Sr.GP requested for adjournment. Adjourned for final hearing to 14.3.2017 before the D.B at camp court, Abbottabad.

  
Member


  
Chairman  
Camp Court, A/Abad

3 16.6.2015 Appellant in person present and heard. Argued that identical service appeal No.371/2015 has already been admitted to regular hearing.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 23.7.2015 before S.B at camp court A/Abad.

  
Chairman  
Camp Court A/Abad

4 23.7.2015 Appellant in person, M/S Haroon Khan, AAO, Irshad Muhammad, S.O and Sohail Ahmad, Assistant for respondents alongwith Mr.Muhammad Bilal, G.P present. Requested for adjournment. To come up for written reply on 15.9.2015 before S.B at camp court A/Abad.

  
Chairman  
Camp Court A/Abad



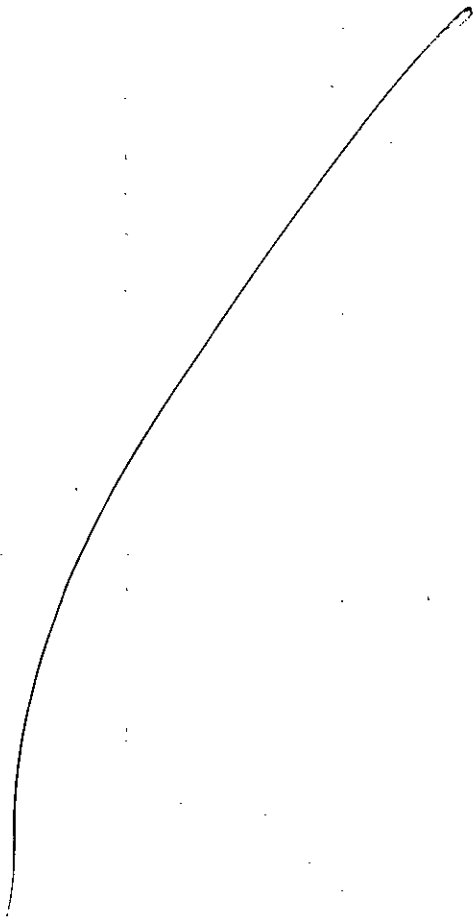
15.09.2015 Appellant in person, M/S Haroon Khan, Senior Auditor, Irshad Muhammad, S.O and Sohail Ahmad, Assistant alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 15.12.2015 before S.B at camp court A/Abad.

  
Chairman  
Camp Court A/Abad

Form- A  
FORM OF ORDER SHEET

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

Case No. 484/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.05.2015	<p>The appeal of Mr. Abdul Saboor presented today by him, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25-5-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>16-6-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.**

Service Appeal No: 484 of 2015

Abdul Saboor S/O Muhammad Amir Zaman Snr; AT teacher,  
Government High School (Boys) Jarral, Abbottabad. R/O Near Eid  
Gah, Upper Malikpura Tehsil & District Abbottabad.

Appellant

**Versus**

District Comptroller of Accounts, Abbottabad and 03 Other.


Respondents

**SERVICE APPEAL**

**INDEX**

S.No	DESC: OF DOCUMENTS	ANNEXURES	PAGE No
1	Memo; of Service Appeal	----	1 to 6
2	Copy of Notification No FD (PRC) 1-1/89 dated 07/08/1991 issued by respondent no-03	A	7 to 8
3	Copy of selection grade Order dated 18/04/2001	B	9 to 10
4	Copy of Notification dated 27/05/2006	C	11 to 12
5	Copy of Notification/letter dated 31/12/2013	D	13 to 14
6	Copy of representation / application dated 10/02/2015.	F	15

Dated 16/05/2015

  
(Abdul Saboor)  
Appellant in person

1

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.**

Service Appeal No: 487 of 2015

Abdul Saboor S/O Muhammad Amir Zaman Snr; AT teacher,  
Government High School (Boys) Jarral, Abbottabad. R/O Near Eid  
Gah, Upper Malikpura Tehsil & District Abbottabad.

Appellant

**Versus**

K.W.P. Province  
Service Tribunal  
Diary No. 540  
Dated 22/5/2015

- 1 District Comptroller of Accounts, Abbottabad.
- 2 Accountant General Khyber Pakhtunkhwa Peshawar.
- 3 Government of Khyber Pakhtunkhwa through Secretary Finance Department Peshawar.
- 4 Government of Khyber Pakhtunkhwa through Secretary (Elementary & Secondary Education), Department Peshawar.

Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, FOR GRANT OF (TWO INCREMENTS) ONE PREMATURE & ONE SPECIAL INCREMENT ALONGWITH ALL BACK BENEFITS W.E.F. 01/09/2007 UNDER THE LAW AND ON THE BASIS OF CLARIFICATION ISSUED UNDER NOTIFICATION NO FD (SOSR-1) 2-123/2013 DATED 31/12/2013 ISSUED BY RESPONDENT NO 3 (FINANCE DEPARTMENT) BEING SELECTION GRADE HOLDER ALREADY WORKING IN THE SAME SCALE ON UPGRADATION OF HIS POST. THE IMPUGNED ACTION OF RESPONDENT NO 1, I.E. NONE DECIDING OF REPRESENTATION DATED 10/02/2015 AND NONE GRANTING OF TWO INCREMENTS IS, WITHOUT LAWFUL AUTHORITY, ARBITRARY, DISCREMINATORY

Filed to-day  
22/5/15

AGAINST THE PRINCIPAL OF NATURAL JUSTICE AND INEFFECTIVE UPON THE APPELLANT'S RIGHTS OF ADVANCE INCREMENTS, GRANTED BY COMPETENT AUTHORITY AND FOR ACCEPTANCE OF DEPARTMENTAL REPRESENTATION DATED 10/02/2015 WHICH IS STILL PENDING WITH OUT RESPONSE.

**PRAER:-**

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, RESPONDENTS MAY PLEASE BE DIRECTED FOR GRANT OF (TWO INCREMENTS) ONE PREMATURE & ONE SPECIAL INCREMENT ALONGWITH ALL BACK BENEFITS W.E.F. 01/09/2007 UNDER THE LAW AND MAY PLEASE BE IMPOSED HEAVY COST AGAINST THE RESPONSIBLE RESPONDENTS.

Respectfully Sheweth,

**FACTS**

- 1) That appellant is a school teacher, he is now working as Senior A.T teacher in (BPS 16), appellant was placed in BPS No 14 from BPS No 09, on the basis of Para No 03 of Notification No FD (PRC) 1-1/89 dated 07/08/1991 issued by respondent no 03. Copy of Notification is annexed as **Annexure "A"**
- 2) That appellant was awarded Selection Grade in BPS No 15 with effect from 02/12/1998, while his Juniors were remained in BPS No 14 on the basis of same notification dated 07/08/1991(Annexure A). Copy of selection grade Order dated 18/04/2001 is annexed as **Annexure "B"**
- 3) That respondent No 3 issued Notification No. SO(B&A)10-13/AT.O.Teachers/S&L dated 27/05/2006, wherein AT

teachers were also up-graded in BPS No 15, but those selection grade holders (including appellant) who were already working in BPS No 15 with effect from 02/12/1998, was not up-graded in the same notification. Copy of Notification dated 27/05/2006 is annexed as Annexure "C"

- 4) That It is well pertinent to mention here that in the 1st up-gradation Notification dated 07/08/1991 and recent Notification 27/05/2006, the condition imposed was almost same for further up-gradation in BPS 15, but appellant being selection grade holder working in BPS 15 was not further up-graded in BPS 16.
- 5) That appellant has come to know that respondent No 3 (Finance Department) has compensated the selection grade holders by granting two increments (one special advance increment for same scale promotion) while other is (one premature increment for up-gradation).
- 6) That when respondents especially respondent no 1 did not allow and grant two increments in his office routine process, to the appellant being selection grade holder, working in BPS # 15 while post of AT was upgraded in BPS # 15. In the situation appellant along-with others submitted an application dated 10/02/2015 for grant of two increments to the respondent no 1 on the basis of clarification Notification/letter No. FD(SOSR-1) 2-123/2013 Dated Peshawar the: 31/12/2013 issued by respondent No 03. Copy of Notification/letter dated 31/12/2013 and representation/application dated 10/02/2015 are annexed as Annexure "D" & "E".
- 7) That respondent no 1 received application through proper Channel which is still pending with out any response after



passing the statutory period of 90 days, Hence this appeal inters-alia on the following ground, and appellant's appeal is within 120 days from the submission of his departmental remedy/representation.

### Grounds

- a) That appellant under the law, was entitled to 02 increments and the respondents (respondent No 01) was not at all have powers to deny the 02 increments, which were granted by the competent authority (Finance Department) and respondent no 1 & 2 is not competent authority but just executing agency, the denial of respondent no 1 is with out jurisdiction illegal and malafide.
- b) That in the matter of two increments relating to Selection Grade holders, the respondent no 3 has already issued several clarifications/letters to quarter concerned including respondent no 1 & 2 but they did not implement the legal policy of the Government and committed illegal & impugned action while respondents were legally bound to grant of increments to appellant along-with all back benefits/arrears.
- c) That it is absolutely proved that appellant was awarded BPS # 15 as a selection grade with effect from 02/12/1998, and his BPS No 15 is personal to him while the scale of AT post was BPS No 09 and on 01/10/2007 in pursuance of Notification, the scale of AT post was Up-graded from BPS No 09 to 15 and appellant was already working in BPS # 15 with effect from 02/12/1998 and appellant was not granted

any benefit under the Article 25 of the Constitution by the respondents, factually and legally these two increments are granted to appellant to eliminate discrimination.

- d) That those junior teachers who were working in BPS # 14 before 01/10/2007 and was up-graded in BPS # 15, has granted one premature increment, but appellant is not granted one premature increment on the basis of up-gradation and one special increment on the basis of with in scale promotion, thus impugned action of respondents is illegal with out jurisdiction.
- e) That the action of respondent no 1 is apparent activity of serious disapproval of the policy of the competent authority, which is beyond its jurisdiction and tried to create self made complications and reopen the same matters which are finally decided under the rule of law.
- f) That appellant is dragged into litigation, that his claims of two Increments have been solved completely by the competent authority (Finance Department) by issuing several letters for clarification; the conduct of the respondents is admittedly arbitrary capricious unjust and against all norms of justice contemptuous and as such requires indulgence of this Honourable Court by awarding appropriate Cost to the respondents.
- g) That the involved matters in the instant appeal is relating to pay and under the law limitation did not run in such matters and it is an admitted fact that

under question illegal Action fell in the matter of great public importance.

It is, therefore, respectfully prayed that on acceptance of instant service appeal, respondents may please be directed for grant of (two increments) one premature & one special increment along-with its arrears with all back benefits w.e.f. 01/09/2007 under the law with-out any further delay and may please be imposed heavy cost against the responsible respondents.

Any other relief for which the appellant is entitled, and the same is not asked/prayed specifically, may very kindly be granted in favour of the appellant.

Dated 16/05/2015

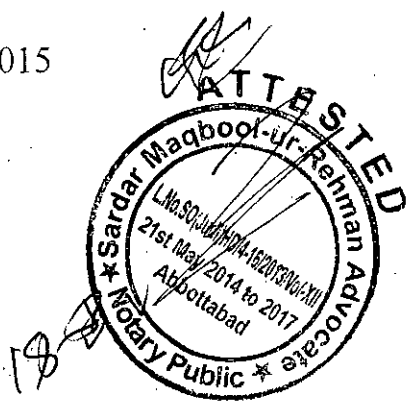
*(Signature)*  
(Abdul Saboor)  
Appellant in person

**Affidavit**

I, Abdul Saboor S/O Muhammad Amir Zaman Snr; AT teacher, Government High School (Boys) Jarral, Abbottabad. R/O Near Eid Gah, Upper Malikpura Tehsil & District Abbottabad. do here by affirm on oath that contents of instant appeal is correct and true according to my best knowledge and belief and nothing has been suppressed from this Honourable Tribunal and this instant appeal is first appeal & same nature of any other appeal is not pending before Honourable Tribunal

Dated 16/05/2015

*(Signature)*  
(Abdul Saboor)  
Appellant in person  
**DEPONENT**



Annexure A

7

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE  
FINANCE DEPARTMENT

NOTIFICATION

Peshawar, dated the 7th August, 1991

No, FD(PRC)1-1/89- In exercise of all the powers enabling him in this behalf the Governor of the North West Frontier Province is pleased to order the following scales of pay/benefits to various categories of Teachers with effect from 01-07-1991.

S, No	Name of the post	Benefits extended
1	2	3
1.	Primary schools teachers (PTC/JV)	<p>All the present and future Primary school Teachers who hold the qualification of FA/F, Sc(2nd Division) plus existing prescribed professional training shall be placed in BPS-9 with 1/3rd in selection grade BPS-10.</p> <p>All other teachers who do not possess higher qualification shall continue getting existing pay scales with selection grade accordingly.</p> <p>However the higher scales/Grades allowed to these teachers will be personal to them and the inter-se- seniority will remain intact.</p>
2.	Elementary school teachers(E.S.T/S.V /PET/Drawing Master/PTI.	<p>All the present and future elementary school teachers who possess the qualification of BA/B, Sc(2nd division) plus existing prescribed professional training shall be placed in BPS-14 with 1/3rd in selection grade BPS-15.</p> <p>All other teachers who do not possess higher qualifications shall continue getting existing pay scale with Selection Grade accordingly.</p> <p>However, the higher scales/Grades allowed to these teachers will be personal to them and the inter-se- seniority will remain intact.</p>
3.	Arabic teachers -	<p>All the present and future Arabic teacher who possess the qualification of Trained Fazal with BA/B, Sc (2nd Division) and Five years teaching experience or MA, Arabic or equivalent qualifications shall be placed in BPS-14 with 1/3rd in Selection Grade BPS-15</p>

contd ----- 2

*attested  
- wj*

8

S.No Name of the post Benefits Extended

1 2 3

All other teachers who do possess Higher qualification shall continue getting existing pay scale with Selection Grade accordingly .

However, the Higher Scale/Grade allowed to these will be personal to them and the inter-se seniority will remain intact.

4. Secondary school teachers.

All the present and future Secondary school teachers with prescribed qualification under the rules shall be placed in BPS-16 with 1/3rd in Selection Grade BPS-17.

The advance increments sanctioned by Finance Department vide para -9 of its letter No: FD(SR-1) 1-67/82 dated: 24.08.1983 will not be admissible on acquiring / possessing qualifications for which higher pay scales are being sanctioned through this notification.

sd/ x x x

SECRETARY TO GOVERNMENT OF NORTH WEST FRONTIER PROVINCE FINANCE DEPARTMENT.

Endst No: FD(PRC) 1-1/89

Dated Peshawar the 7th August, 1991.

A copy is forwarded to the accountant General, N.W.F.P Peshawar for information and necessary action.

sd/ x x x

(GHULAM DASTGIR AKHTAR ) Deputy Secretary (Regulation) Finance Department.

Endst No: FD(PRC) 1-1/89

Dated Peshawar the 7th August, 1991

A copy is forwarded to :-

1. All Administrative Secretaries to Govt of N.W.F.P.
2. All Commissioners of Divisions in N.W.F.P
3. All District Accounts Officers.
4. All the District Education Officer
5. Secretary to the Govt of N.W.F.P
6. Registrar Peshawar High Court.
7. Registrar Service Tribunal N.W.F.P
8. All Deputy Commissioners/Political Agents / District and session Judges in N.W.F.P

sd/ x x x

(GHULAM DASTGIR AKHTAR ) Deputy Secretary (Regulation) Finance Department.

*After lunch  
NW F*

# Annexure B,

9

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SECY: ABBOTTABAD.

AWARD OF SELECTION GRADE TO AT TEACHERS.

The following Arabic Teachers are hereby awarded Selection Grade in BPS-12 and BPS-15 (in case of B.A IInd Divisions and Shahad-ul-Almia) w.e.f the dates noted against each their names:-

S.No. and Name of Teacher	Father's S/List No. Name and School.	D/O prom:to the present Post.	D/O Award of Selection Grade.
1	2	3	4
1/6	Muhammad Sadiq S/O Abdul Qayyum AT G/S No.1 Hamelian.	20-11-1984	02-12-1998.
2/8	Fazal-ur-Rehman S/O Ali Zaman AT GHS Makol Payeen.	23-11-1984	02-12-1998.
3/9	Abdur Rashid S/O Q.Ghulam Jelani AT GHS Harn. Aziz Abad.	01-12-1984	02-12-1998.
4/11	Shah Zaman S/O Muhammad Akbar AT GMS Narcupba.	01-01-1985	02-12-1998.
5/12	Sadiq-ur-Rehman S/O Molvi Habib ur-Rehman AT GMS Salhad.	23-06-1985	02-12-1998.
6/13	Ameer Wahid S/O Karim Ullah AT GHS Kakul.	24-08-1985	02-12-1998.
7/14	Muhammad Riaz S/O Muhammad Azeem AT GHS Nagri Tutial.	08-09-1985	02-12-1998.
8/14-A	Abdul Naseer S/O Abdul Mateen AT GHS Chando Maira	13-11-1985	02-12-1998.
9/15	M. Javed Iqbal S/O M. Wali Ahmad AT GMS Ghotmawan.	10-12-1985	02-12-1998.
10/16	Abdul Saboor S/O Muhammad Yaqub AT GHS Kisla	16-12-1985	02-12-1998.
11/17	Nazir Ahmed Qureshi S/O Abdul Rashid AT GHSS Birote.	12-03-1986	02-12-1998.
12/18	Abdul Hashid S/O Molvi Abdul Ghafoor AT GHS No.2 Abbottabad	22-10-1986	02-12-1998.
13/19	Mir Afsar S/O Muhammad Akram AT Bagan.	18-11-1986	02-12-1998.
14/20	Habib-ur-Rehman S/O Obaid-ur-Rehman AT GHS Choona Kari.	01-12-1986	02-12-1998.
15/21	Hafiz Ghulam Jilani S/O Nazeer Muhammad AT GHSS Lora.	01-12-1986	02-12-1998.
16/23	Muhammad Jan S/O Amir Zaman AT GMS Bandi Phullan.	11-05-1987	02-12-1998.
17/24	Khalil-ur-Rehman S/O Ali Zaman AT GMS Budhair.	16-05-1987	02-12-1998.
18/24-A	Abdul Saboor S/O <del>Muhammad</del> Amir Zaman AT GHS No.1 <del>Abbottabad</del> (05)	26-05-1987	02-12-1998.
19/25	Abdul Saboor S/O Tala (05) AT GHS No.3 Abbottabad.	26-05-1987	02-12-1998.
20/25	Muhammad Abdullah S/O Muhammad Shamraz AT GHS She	30-06-1987	02-12-1998.
21/29	Ali ur-Rehman S/O Jee T Nawa	30-06-1987	02-12-1998.

Approved  
 Date:

Sl. No.	Name	3	4
22/29	Muhammad Ishaq S/O. Gohar Din AT GHSS Howshera.		
23/30	Ubaid-ur-Rahman S/O Mian Abdullah AT GMS Sumwara.	30-06-1987	02-12-1998.
24/31	Muhammad Amin Khaleeq S/O Mian Abdur Hashid AT GMS Manjia.	30-06-1987	02-12-1998.
		30-06-1987,	02-12-1998.

NOTES AND CONDITIONS.

1. Necessary entries to this effect should be made in their Service Book.
2. An undertaking on the prescribed form given below should be obtained from the above named teachers and pasted in their Service Book duly attested by their respective heads of institution before the drawal of Payment of arrears/pay.

UNDERTAKING (DULY ATTESTED).

- I AT GHSS/GHS/GMS hereby given an undertaking to the effect that if any over payment is made to me as a result of incorrect award of Selection Grade and detected later on it will be made good by recovery from my Pay/Pension/Gratuity as may be fixed by the Govt. Department.
3. Arrears due to the award of selection grade would be drawn and disbursed to them.
  4. The teacher if transferred from the school mentioned against their name, the Principals/Headmasters of the school concerned may please be informed under intimation to this office.
  5. The above award is subject to the condition that their ACRs/Results for the last three years good/v.good and no judicial/Departmental or any kind of inquiry exists against them.
  6. If any of the above named AT is not trained/qualified on the date of his promotion to AT Post as noted above he will not be eligible for Selection Grade and factual position be intimated to this office.
  7. In case any one of the above named teachers have ~~xxx~~ already been awarded Selection Grade at Provisional/Divisional level his name/names may be intimated to this office within a week time positively so that his/their award be rectified.
  8. If any of the above named teacher has changed his cadre, joined any other post or retired/died, the fact may please be conveyed to this office within a week for further necessary action.
  9. The Principals/Headmasters/DDO's are responsible to check their particulars and other entries from the Service Books.

(SYED NIAMAT SHAH)  
DISTRICT EDUCATION OFFICER  
(MALE) SECONDARY ABBOTTABAD.

Endst: No. 6403-54 /43-I/S.G/AT Dated ATD The 18-04-2001.

- Copy for information to the:-
1. Director of Secondary Education NWFP Pashawar.
  - 2-25. All the Principals/Headmasters GHSS/GHS/GMS concerned.
  - 26-49. All the above named teachers.
  50. District Account Officer Abbottabad.
  51. ADEO (A) Local Office.

M. Bilal

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(MALE) SECONDARY ABBOTTABAD.

# Annexure C

11

GOVERNMENT OF NWFP.  
SCHOOLS & LITERACY DEPARTMENT.  
DATED PESH: THE 27.5.06.

## NOTIFICATION.

No. SO(B&A)10-13/AT.O.Teachers/S&L:- In pursuance of the Finance Deptt:letter No.FD(SR-I)6-4/2005, dated 23.5.06 the competent authority has been pleased to all the following pay Scales w.e. from 23/5/2006 to the Arabic Teachers and Theology Teachers, who possess or acquires the following qualifications on or after the said date.

SNo.Designation/Existing pay Scale.	Qualification.	Revised pay scale.
1. Arabic Teacher BPS-9.	1. SSC with Shahadatul Alamia Fil-Oloomul Arabia Wal Islamia at least 2nd Division from Tanzimatul Wafaqaul Madaris. OR 2. MA (Arabic) at least 2nd Division from a recognized University.	15.
2. Theology Teacher BPS-7.	1. SSC with Shahadatul Aalia at least 2nd Disision from any one of the recognized Tanizamatul Wafaqaul Madaris. OR 2. BA 2nd Division with Islamic Studies and Arabic and Shaadatul Khasa from any one of a recognized Tanzematul Wafaqul Madaris.	14.

SECRETARY.

Endst:of even Number & Date.

Copy of the above is forwarded to the:- Sd/xxxx

1-9. All concerned.

(MUHAMMAD TARIQ KHAN)  
DEPUTY SECRETARY.

Endst:No. 6904-59 /A-No.465/A-15/AT/TT/CT dt:26.6.06 Pesh:

Copy to the:-  
1-7. All concerned.

Sd/xxx

(SYED MANZAR JAN SAJID)  
DEPUTY DIRECTOR(ESTAB:)  
DIRECTORATE OF SCHOOLS &LIT:  
NWFP PESHAWAR.

PTO/P-II.

*Attestation  
- [Signature]*



12

P-II

OFFICE OF THE EXECUTIVE DISTRICT OFFICER(S&L) ABBOTTABAD.

E/No. 22519-620 /EB-(M/F) Dated ATD the 28/11/2006.

Copy of the above is forwarded to the:-

- 1-All the Principals/Headmaster/Headmistress of GGHS/GHS/GHSS/GHS/GGMS & GMS in District Abbottabad with the remarks that the teachers working on AT & TT posts in <sup>neel</sup>schools having qualification as mentioned in the above notification are hereby allowed/awarded BPS-15 and BPS-14 w.e.from 25.05.2006.
- 2.District Coordination Officer Abbottabad, for H/approval: please.
- 3.PA to Director(S&L) NWFP Peshawar w/r to his No.& date, noted above.
- 4.Accountant General NWFP Peshawar.
- 5.P/S to Honourable Chief Minister's NWFP Peshawar.
- 6.P/S to Secretary to Govt:of NWFP(S&L) Deptt: Peshawar.
- 7 Hanif Gul Khan Jadoon G/S ATA Distt: A.Abad.

(SYED BASHIR HUSSAIN SHAH).  
EXECUTIVE DISTRICT OFFICER  
(SCHOOLS & LITERACY) A.ABAD.

*[Signature]*  
28/11/06  
DISTRICT OFFICER(S&L)  
ABBOTTABAD.  
*[Signature]*

*[Signature]*  
28/11/06

*[Signature]*  
- *[Signature]*



GOVERNMENT OF KHYBER PAKHTUNKHWA

FINANCE DEPARTMENT  
(REGULATION WING)

Annexure D

13

No. FD (SOSR-1) 2-123/2013  
Dated Peshawar the: 31-12-2013

To

1. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue Khyber Pakhtunkhwa.
3. The Secretary of Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Department in Khyber Pakhtunkhwa.
8. All Divisional Commissions in Khyber Pakhtunkhwa.
9. All Political Agents/District & Sessions Judges in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject:

CLARIFICATION REGARDING GRANT OF ONE SPECIAL  
ADVANCE INCREMENT TO THE EMPLOYEES HOLDING  
SELECTION GRADE PRIOR TO UPGRADATION OF THEIR  
POSTS IN BPS ALREADY HELD BY THEM.

Dear Sir,

I am directed to refer to this department's notification No. FD (SR-1) 2-4/2008 dated 04-04-2009 and to state the certain queries have been received from different quarters as to whether the employees, who were holding selection grade prior to up-gradation of their posts in BPS already held by them, are also eligible to the benefit of premature increment on up-gradation of their posts.

2. In this connection, the Provincial Government in consultation with Government of Pakistan, Finance Division, has to clarify that one special advance increment is admissible also to the employees who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, just as in the case of same scale promotion.

3. This order will take effect from 01-09-2007.

*Attestation*  
*[Signature]*

*[Signature]*  
(RAZAULLAH KHAN)

Addl: Secretary (Regulation)

(Cont'd...P/2)

14

Adst: No.FD (SOSR-1) 2-123/2013

Dated: 31<sup>st</sup> Dec, 2013

Copy for information & necessary action to the:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa/FATA.

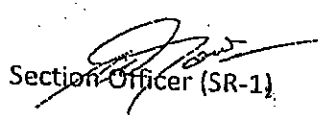
  
(MASOOD KHAN)

Deputy Secretary (Reg-II)

Endst: No. & Date Even

Copy for information is forwarded to:-

1. All the Section Officers/Budget Officer in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary to Secretary/F.As to Special Secretary, Additional Secretaries/Deputy Secretaries in Finance Deptt:

  
Section Officer (SR-1)

Attest  
ms D

Annexure F,

15

To

The Comptroller of Accounts  
District Abbottabad.

The Principal (D.D.O)  
Government High School  
(Boys) Jarral  
Abbottabad.

Subject

APPLICATION FOR GRANT OF (TWO INCREMENTS) ONE PREMATURE & ONE SPECIAL INCREMENT ALONGWITH ITS ARREARS W.E.F. 01/09/2007 ON THE BASIS OF CLARIFICATION ISSUED UNDER NOTIFICATION NO FD (SOSR-1) 2-123/2013 DATED 31/12/2013 ISSUED BY GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT PESHAWAR FOR SELECTION GRADE HOLDERS ALREADY WORKING IN THE SAME SCALE ON UPGRADATION OF THEIR POSTS.

Respected Sir,


Applicant has the honour to request their submission that he is working in the capacity of S AT, in Elementary & Secondary Education Department Abbottabad.

That he had granted higher scale on the basis of award of Selection Grade in BPS 15 w.e.f. 02/11/1998 before the up-gradation of his existed post, which were up-graded in the year 2006 and no benefit in the shape of further up-gradation or in the shape of increments were given to him in the up-gradation of his present existing post.

That now Government of Khyber Pakhtunkhwa has been pleased to compensate the applicant and other equally placed teachers/employees/persons by issuing the clarification Notification No FD (SOSR-1) 2-123/2013 Dated 31/12/2013 for grant of two increments mentioned in above subject.

It is therefore requested that appropriate measures may please be taken in accordance with the pay matters of undersigned teacher in pursuance of his remaining claims referred above in full detail and outstanding arrears may also be drawn in the coming pay.

Dated 10/02/2015

  
Abdul Saboor S/O Muhammad Amir  
Zaman Snr; AT teacher, Government  
High School (Boys) Jarral, Abbottabad.  
R/O Near Eid Gah, Upper Malikpura  
Tehsil & District Abbottabad.



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

Service Appeal No.484/2015  
Abdul Saboor, AT, Abbottabad.

...

**Appellant**

**VERSUS**

1. District Comptroller of Accounts, Abbottabad.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary, Finance Department, Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary (Elementary & Secondary Education Department), Peshawar.

...

**Respondents**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.03**

*Respectfully Sheweth,*

**Preliminary Objections:**

- i) That the appellant has no cause of action.
- ii) That the appellant has no locus standi.
- iii) That the appeal in hand having no merits is not maintainable.
- iv) That appeal is time barred.
- v) This Honourable Tribunal lacks jurisdiction to entertain the appeal.
- vi) That the appeal is bad for mis-joinder and non-joinder of necessary parties.

**Facts:**

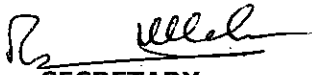
1. Needs no comments by Respondent No.03.
2. Needs no comments by Respondent No.03.
3. Correct.
4. Correct to the extent of Notification dated 07.08.1991 and 01.10.2007. However, appellant has neither been discriminated, nor he is an aggrieved person.
5. Incorrect. Provincial Govt:(Finance Department) vide letter No.FD(SR-I)2-4/2008 dated 04.04.2009 sanctioned one special advance increment to the Assistants, Auditors, Senior Clerks and Junior Clerks as well as employees from BPS-01 to BPS-04 in their upgraded/moved up scales(**Annexure-A**). The matter was further clarified (in consultation with Govt: of Pakistan, Finance Division, Islamabad) vide letter No.FD(SOSR-I)2-123/2013 dated 31.12.2013 (**Annexure-B**) wherein selection grade holders were compensated by granting one special advance increment on the basis of same scale promotion and lastly vide Para-3 of Finance Department letter No.FD(SOSR-1)2-123/2013 dated 31.03.2014(**Annexure-C**), it was further clarified that the said facility is admissible to Clerical Cadre only and not to any other category of employees.
6. As mentioned above, hence needs no further comments by Respondent No.03.
7. Relates to Respondent No.04 being Administrative Department.

**Cont'd Next Page-(2)**

**Grounds:**

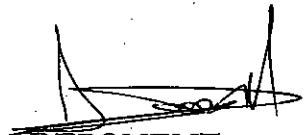
- a) Incorrect. Appellant is not entitled to 02 increments as elaborated vide Para-5 of "Facts".
- b) Incorrect. Respondent No.02 has correctly implemented policy of the Provincial Government and committed no illegality.
- c) Incorrect. Appellant has been treated in accordance with the policy in vogue and has not been subjected to discrimination in any shape.
- d) Incorrect. Appellant is not entitled to the increments as clarified above.
- e) Incorrect. Respondent No.1 has correctly applied policy of the Competent Authority while dealing with the case of the appellant.
- f) Incorrect. Claim of the appellant (for grant of 02 increments) is based on misconception of the policy/clarification issued by the Competent Authority in Provincial Government.
- g) Incorrect. Appeal of the appellant is time barred.

It is therefore, humbly prayed that appeal of the appellant being devoid of merit may be dismissed.

  
**SECRETARY**  
**GOVERNMENT OF KHYBER PAKHTUNKHWA,**  
**FINANCE DEPARTMENT**  
**(RESPONDENT NO.3)**  
*50/11/17*

**AFFIDAVIT**

I, Irshad Muhammad, Section Officer(Litigation-II) do hereby solemnly affirm and declare that the contents of accompanying Parawise Comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

  
**DEPONENT**  
**SECTION OFFICER(LIT-II)**  
**Govt. of Khyber of Pakhtunkhwa**  
**FINANCE DEPARTMENT**



GOVERNMENT OF N.W.F.P  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar the: April 04, 2009

**Notification**

NO.FD(SR-1)2-4/2008. The competent authority has been pleased to sanction one special advance increment to the Assistants, Auditors, Senior Clerks and Junior Clerks as well as employees from BPS-01 to BPS-04 in their up-graded / moved up pay scales, allowed vide Govt. of NWFP Finance Department Notification No. FD(SO) (FR)7-2/2007 dated 28<sup>th</sup> July, 2007.

2. These orders will take effect from 01-09-2007 to be payable in next financial year, 2009-10

SECRETARY TO GOVT. OF NWFP  
FINANCE DEPARTMENT

Endst. of even No & date:

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

1. All Administrative Secretaries to Government of NWFP
2. Senior Member, Board of Revenue, NWFP, Peshawar.
3. Accountant General, NWFP, Peshawar.
4. Secretary to Governor, NWFP, Peshawar.
5. Principal Secretary to Chief Minister, NWFP.
6. Secretary Provincial Assembly, NWFP.
7. All Heads of Attached Departments in NWFP.
8. Registrar, Peshawar High Court, Peshawar
9. All Zilla Nazims / District Coordination Officers / Political Agents / District & Sessions Judges / Executive District Officers in NWFP.
10. Registrar, NWFP, Public Service Commission, Peshawar.
11. Registrar, Service Tribunal NWFP.
12. All Autonomous and Semi Autonomous Bodies in NWFP.
13. Secretaries to Government of Punjab, Sindh and Balochistan, Finance Department.
14. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
15. The Senior District Accounts Officers Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir (Lower).
16. The Treasury Officer, Peshawar.
17. All District / Agency Accounts Officers in NWFP / FATA
18. Director Local Fund Audit, NWFP, Peshawar.
19. Director, FMIU, Finance Department for placing the same on Website of Finance Department.
20. All Section Officers / Budget Officers in Finance Department.
21. PS to Chief Secretary, NWFP.
22. PS to Additional Chief Secretary, NWFP.
23. PS to Minister for Finance NWFP.
24. PS to Finance Secretary, Special Secretary in Finance Department.
25. PAs to All Addl. Secretaries / Deputy Secretaries in Finance Department.

(ABDUL JABBAR)  
Section Officer (SR-1)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO. FD (SOSR-1) 2-123/2013  
Dated Peshawar the: 31-12-2013

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa
3. The Secretary to Governor, Khyber Pakhtunkhwa
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject: CLARIFICATION REGARDING GRANT OF ONE SPECIAL ADVANCE INCREMENT TO THE EMPLOYEES HOLDING SELECTION GRADE PRIOR TO UPGRADATION OF THEIR POSTS IN BPS ALREADY HELD BY THEM.

Dear Sir,

I am directed to refer to this Department's notification No.FD (SR-1) 2-4/2008 dated 04-04-2009 and to state that certain queries have been received from different quarters as to whether the employees, who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, are also eligible to the benefit of premature increment on up-gradation of their posts.

2. In this connection, the Provincial Government in consultation with Government of Pakistan, Finance Division, has to clarify that one special advance increment is admissible, also to the employees who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, just as in the case of same scale promotion.

3. This order will take effect from 01-09-2007.

(RAZAULLAH KHAN)  
Addl: Secretary (Regulation)



Endst: No. FD (SOSR-1) 2-123/2013

Dated 31st Dec, 2013

**Copy for information & necessary action to the:-**

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.

  
(MASOOD KHAN)  
Deputy Secretary (Reg-II)

**Endst: No. & Date Even**

**Copy for information is forwarded to:-**

1. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. The Private Secretary to Senior Minister Finance, Khyber Pakhtunkhwa.
3. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Deptt.

  
Section Officer (SR-1)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Annex  
'C'

NO. FD (SOSR-1) 2-123/2013  
Dated Peshawar the: 31-03-2014

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Subject:

CLARIFICATION REGARDING GRANT OF ONE SPECIAL  
ADVANCE INCREMENT TO THE EMPLOYEES HOLDING  
SELECTION GRADE PRIOR TO UPGRADATION OF THEIR  
POSTS IN BPS ALREADY HELD BY THEM.

Dear Sir,

I am directed to refer to this Department's circular letter dated 31-12-2013 on the above noted subject and to state that a number of references have been received in this Department seeking clarification about the admissibility of one special advance increment granted vide this Department's letter No. FD (SR-1) 2-4/2008 dated 04-04-2009.

2. In this connection, it is to clarify that the said increment has only been extended to the officials who were holding Selection Grade prior to upgradation of their posts in BPS, already held by them, just as in the case of same scale promotion, for instance:-

- i. Junior Clerks (B-5) holding selection grade BPS-07 upgraded to BPS-7 is entitled to one special advance increment.
- ii. Senior Clerks (B-7) holding selection grade BPS-09 upgraded to BPS-09 is entitled to one special advance increment.
- iii. Assistants (B-11) holding selection grade BPS-15 upgraded to BPS-14, is not entitled to one special advance increment.

3. The above referred Notification / circular letter is not applicable to any other category of employees.

(MASOOD KHAN)  
Deputy Secretary (Reg-II)

P.T.O

Endst: No .FD (SOSR-1) 2-123 /2013

Dated 31-03-2014

**Copy for information & necessary action to the:-**

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
8. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar.
9. The Private Secretary to Senior Minister Finance, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Deptt.

  
(Wazir Muhammad Afgar)  
Section Officer (SR-1)