

Service Appeal No.14129/2020 titled "Abdul Waheed Vs. Government of Khyber Pakhtunkhwa"

ORDER

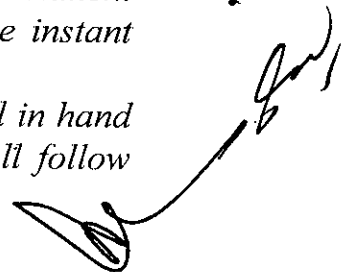
27th May. 2024 **Kalim Arshad Khan, Chairman.** Appellant in person present.

Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. At the very outset, learned Deputy District Attorney produced copy of judgment of this Tribunal dated 04.12.2023 passed in Service Appeal No.1318/2018 titled "Iqbal Jehan Vs. Government of Khyber Pakhtunkhwa" on the same matter which was dismissed in the following manner:

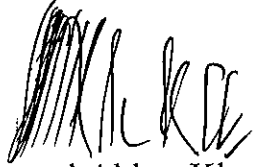
"05. *Perusal of record reveals that the appellant was awarded three advance increments on the basis of his higher qualification i.e. M.Ed degree in the year 2000 by the District Accounts Officer Swat. Later on in the year 2001 the said increments were adjusted upon promotion/move over of the appellant to BS-17 given the fact that the advance increment were given to the appellant wrongly as he was not entitled to the same. As per policy circular issued by the Finance Department dated 11.08.1991 the incentive of advance increment for obtaining higher qualification was available to the officials in BPS-1 to BPS-15 only. Moreover, there were policy instructions issued by Finance Department that the facility of advance increment on higher qualification was not extendable to the teaching cadre. The stance of the appellant that financial facility once granted to civil servant cannot be taken back is not justifiable if the same had been given mistakenly. Being custodian of the public exchequer the District Accounts Officer, Swat was duty bound to take corrective measures and his action for correcting wrong cannot be termed as illegal. Moreover, it has also come to limelight that the facility of advance increments upon acquiring higher qualification has been discontinued vide Provincial Government Notification dated 13.09.2001 and as such the instant case is past and closed transaction.*

06. *In view of above discussion the appeal in hand is dismissed being devoid of merit. Costs shall follow the event. Consign.*"



3. The appellant when confronted, did not controvert with the same. Therefore, the appeal in hand is dismissed. Costs shall follow the event. Consign.

4. *Pronounced in open Court at Abbottabad under our hands and seal of the Tribunal on this 27th day of May, 2024.*



(Muhammad Akbar Khan)
Member (E)

Mutazem Shah



(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad