


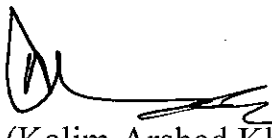
*District Accounts Officer, Swat was duty bound to take corrective measures and his action for correcting wrong cannot be termed as illegal. Moreover, it has also come to limelight that the facility of advance increments upon acquiring higher qualification has been discontinued vide Provincial Government 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."*

4. Learned counsel for the appellants when confronted, did not controvert with the same. Therefore, the appeals in hand are dismissed in the same manner. Costs shall follow the event. Copy of this order be placed on files of all connected cases. Consign.

5. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 4<sup>th</sup> day of June, 2024.*

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

Service Appeal No.1536/2019 titled "Muhammad Saeed Vs. Government of Khyber Pakhtunkhwa" & 15 others

ORDER

4<sup>th</sup> June. 2024

**Kalim Arshad Khan, Chairman.** Through this single order this appeal and all the following connected appeals are being decided as all are of similar nature. Appeal Nos: 1537/2019, 1538/2019, 1539/2019, 1540/2019, 1541/2019, 1543/2019, 1544/2019, 1545/2019, 1546/2019, 1547/2019, 1548/2019, 1549/2019, 1550/2019, 1551/2019 and 1552/2019.

2. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and heard.

3. At the very outset, learned Deputy District Attorney referred to 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*