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## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

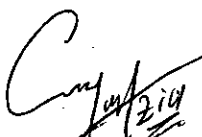
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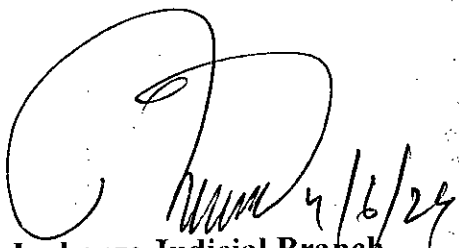
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### RUSTAM KHAN VS EDUCATION DEPARTMENT

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Muharir Compilation

  
Incharge Judicial Branch

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**KHYBER PAKHTUNKWA**

**SERVICE TRIBUNAL, PESHAWAR**

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

No. 1112 /ST Dated 8 / 5 /2024

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Elementary and Secondary Education Department, Peshawar.

Subject

**JUDGMENT IN SERVICE APPEAL NO. 423/2019**  
**TITLED RUSTAM KHAN -VERSUS- GOVERNMENT OF**  
**KHYBER PAKHTUNKHWA THROUGH SECRETARY**  
**ELEMENTARY AND SECONDARY EDUCATION**  
**DEPARTMENT, PESHAWAR AND OTHERS**

Dear Sir,

I am directed to forward herewith a certified copy of judgment dated 24.04.2024, passed by this Tribunal in the above mentioned service appeal for information.

*Encl. As above.*



(PIR MUHAMMAD KHAN AFRIDI)  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.

2

Service Appeal No.423/2019 titled "Rustam Khan versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar & others", decided on 24.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**AT CAMP COURT, ABBOTTABAD**

BEFORE:           **KALIM ARSHAD KHAN           ... CHAIRMAN**  
                          **MUHAMMAD AKBAR KHAN   ... MEMBER (Executive)**

*Service Appeal No.423/2019*

Date of presentation of Appeal.....18.03.2019  
Date of Hearing.....24.04.2024  
Date of Decision.....24.04.2024

**Rustam Khan, S/O Said Alam Ex-Head Master Resident of Mohallah Hayat Nagar Manglor Tehsil & District Mansehra.**  
.....(*Appellant*)

Versus

1. **Government of Khyber Pakhtunkhwa, through Secretary Elementary Education, Peshawar.**
2. **Secretary Finance, Government of Khyber Pakhtunkhwa, Peshawar.**
3. **District Comptroller, Account Office, Mansehra...(*Respondents*)**

Present:

Mr. Muhammad Riaz Swati, Advocate.....For the appellant  
Mr. Asif Masood Ali Shah, Deputy District Attorney ...For respondents

.....

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE OFFICE ORDER NO.(SOSR-I)2-123/2017 DATED 15.02.2019 WHEREBY RESPONDENT NO.2 REJECTED THE DEPARTMENTAL APPEAL/REPRESENTATION OF THE APPELLANT IS ILLEGAL AGAINST THE LAW AND FACTS AND POLICY APPELLANT BEING AN EMPLOYEE OF THE DEPARTMENT HAVING RETIRED ON 19.03.2006 AND AS SUCH BEING ENTITLED TO ALL USUAL INCREMENTS/PERSONNEL PAY IN HIS SALARIES W.E.F 1999 TILL THE DATE OF RETIREMENT, BE GIVEN ALL THE AFOREMENTIONED DUES/ARREARS OF USUAL INCREMENTS AS NOTIFIED VIDE NOTIFICATION NO. (SOSR-1)2-123/2017-18-2018 DATED 10.11.2017.**

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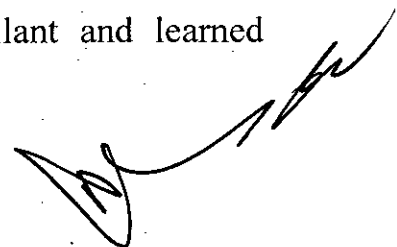
*Service Appeal No.423/2019 titled "Rustam Khan versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar & others", decided on 24.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad.*

### **JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Appellant's case in brief as per the averments of the Appeal is that he was serving in the Education Department since 1975 and was retired as Head Master on 19.03.2006 at the age of superannuation; that the appellant had drawn the salary under the pay scales of 1994 as ceiling of scale since 01.12.1998; that respondent No.2 (Secretary Finance Khyber Pakhtunkhwa) issued Notification dated 10.11.2017 to allow the usual increments with immediate effect to all the Provincial Government employees who were not allowed increment due on 01.12.2001 due to the reason that they were at the maximum of 1994 pay scales; that the appellant submitted an application on 23.06.2018 to issue a revised LPC (Last Pay Certificate) in the light of the said notification, w.e.f 01.12.1999, followed by a Writ Petition No.1300/2018 before the Peshawar High Court, Abbottabad Bench and the Hon'ble Peshawar High Court vide order dated 06.12.2018 directed the respondents to decide the departmental appeal; that vide order dated 15.02.2019 the departmental appeal of the appellant was rejected, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned Deputy District Attorney for respondents.



4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney controverted the same by supporting the impugned order(s).

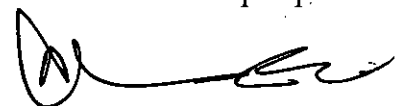
5. It appears from the record annexed with the appeal that vide applications dated 23.06.2018, 21.07.2018 and 23.12.2018, the appellant had requested for extension of the benefit of a Circular letter No. FD(SOSR-1)-2-123/2017 dated 10.11.2017 of the Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing), which reads as under:

*"I am directed to refer to the subject noted above and to state that the competent authority is pleased to allow usual increment with immediate effect to all the Provincial Government employees who were not allowed annual increment due on 01.12.2001 due to the reason that they were at the maximum of 1994 pay scales."*

6. The Finance Department vide letter No.FD(SOSR-1) 2-123/2017-18 dated 15.02.2019 dealt with the application of the appellant dated 23.06.2018 in the following manner:

*"I am directed to refer to your application No.nil dated 23.06.2018 on the subject noted above and to state that there is no such policy of Provincial Government under which usual increment has been granted in shape of Personal Pay w.e.f 01.12.2002 to the Provincial Government's employees"*

7. The urge of the learned counsel for the appellant is that when a specific date i.e. 01.12.2001 was mentioned in the circular letter of the Finance Department, then the benefit of the circular letter had to be extended to the appellant. As against that, the contention of the respondents was that the circular letter was issued to benefit the people



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Service Appeal No.423/2019 titled "Rustam Khan versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar & others", decided on 24.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad.

with immediate effect i.e. from the date of issuance of the circular letter, having no retrospective effect. Learned counsel for the appellant in order to support his contention, relied on the judgment of the Supreme Court of Pakistan in 2021 PLC (C.S) 1085 titled "Controller General of Accounts Vs. Fazil Ahmad, DAO EC (C&W Division Hangu) and others" and referred to Paragraph-11 of the judgment which is as under:

*"11. It is a settled principle of law that a notification, which is duly published in the official gazette takes effect from the date on which it is published except otherwise provided in the notification itself. In view of the fact that neither the notification had validly been issued on the basis of powers available to the controller General of Accounts and previous approval of the federal government not does it appears to have been published in the official gazette. As such, the validity of the notification and its impact on the rights of the Respondents was correctly assessed and determined by the learned High Court through the impugned judgment".*

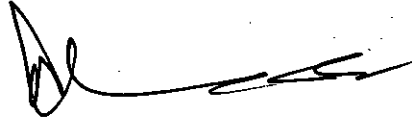
The above paragraph is regarding a notification, which is duly published in the official gazette and according to the judgment, it had to take effect from the date on which that was published except otherwise provided in the notification itself. We are afraid that the appellant cannot take benefit from the judgment of the Supreme Court of Pakistan, firstly, because it was regarding publication of a notification in the official gazette, whereas, in the case in hand, there is a circular letter and not a notification of the Government and secondly, because the circular letter has been issued "with immediate effect" i.e. it was to benefit the civil servants who were in the service at the time of issuance of circular and not those who had retired prior thereto. The appellant had retired much before the issuance of circular letter, which was given immediate effect, that is why, the urge of the appellant is not worth consideration

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Service Appeal No.423/2019 titled "Rustam Khan versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar & others", decided on 24.04.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad.

8. Therefore, this appeal is misconceived and is dismissed. Costs shall follow the event. Consign.

9. Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 24<sup>th</sup> day of April, 2024.



**KALIM ARSHAD KHAN**  
Chairman  
Camp Court Abbottabad.



**MUHAMMAD AKBAR KHAN**  
Member (Executive)  
Camp Court Abbottabad

\*Mutazem Shah\*

S.A #.423/2019

ORDER

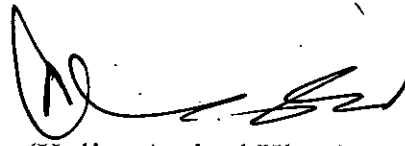
24<sup>th</sup> Apr. 2024 1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, instant service appeal is dismissed. Costs shall follow the event. Consign.

3. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 24<sup>th</sup> day of April, 2024.*



(Muhammad Akbar Khan)  
Member (E)



(Kalim Arshad Khan)  
Chairman  
Camp Court, Abbottabad




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23.01.2024

1. Appellant in person present. Mr. Syed Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

2. Former requested for adjournment on the ground that his learned counsel is not available today. Last chance is given. To come up for arguments on 25.03.2024 before D.B at camp court, Abbottabad. P.P given to parties.

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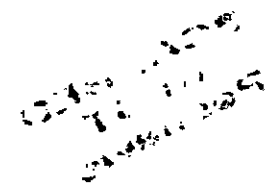
  
(Muhammad Akbar Khan)  
Member (E)

  
(Rashida Bano)  
Member (J)  
Camp Court, Abbottabad

\*KaleemUllah\*

Due to Cancellation of your case  
is adjourn to 24-4-2024.





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Service Appeal No. 423/2019


21<sup>st</sup> June, 2023

1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Appellant seeks adjournment on the ground that his learned counsel is not available today. Adjourned. To come up for arguments on 26.10.2023 before the D.B at Camp Court, Abbottabad.

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(Rashida Bano)  
Member (J)


  
(Kalim Arshad Khan)  
Chairman  
Camp Court, Abbottabad

26<sup>th</sup> Oct. 2023

*\*Adnan Shah, P.A.\**  
01. Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA for the respondents present.

02. As the learned Chairman is on leave, the bench is incomplete. To come up for arguments on 23.01.2024 before the D.B at camp court, Abbottabad. Parcha Peshi given to the parties.

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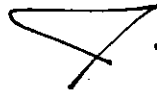
  
(Fareeha Paul)  
Member(E)  
Camp Court, A/Abad

*\*Fazle Subhan, P.S.\**

26<sup>th</sup> April, 2023 1. Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 25.5.2023 before D.B at camp court Abbottabad. P.P given to the parties.

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Peshawar



(Salah Ud Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

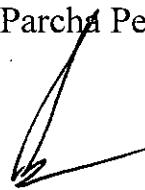
\*Adnan Shah, P.A\*

25.05.2023

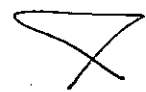
Appellant alongwith Mr. Muhammad Riaz Swati, Advocate present, who submitted fresh Wakalatnama on behalf of the appellant, which is placed on file. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant stated that he has been newly engaged in the instant appeal and has not gone through the record, therefore, an adjournment may be granted to him. Adjourned. To come up for arguments on 21.06.2023 before the D.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

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Peshawar



(Muhammad Akbar Khan)  
Member (E)  
Camp Court Abbottabad



(Salah-ud-Din)  
Member (J)  
Camp Court Abbottabad

\*Naeem Amin\*


14<sup>th</sup> Dec, 2022


Appellant in person present. Mr. Muhammad Adeel Butt,

Additional Advocate General for the respondents present.

Counsel are on strike. To come up for arguments on 21.02.2023  
before the D.B at Camp Court Abbottabad.

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(Salah Ud Din)  
Member (Judicial)  
Camp Court Abbottabad


  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad


21<sup>st</sup> Feb, 2023

Learned counsel for the appellant present. Mr. Muhammad  
Adeel Butt, Additional Advocate General for the respondents present.

Learned Additional Advocate General wants time to prepare  
the case. Granted. To come up for arguments on 26.04.2023 before  
the D.B at Camp Court Abbottabad.

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Peshawar

  
(Salah-ud-Din)  
Member (J)  
Camp Court Abbottabad

  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

21<sup>st</sup> Sept 2022

Appellant in person present. Mr. Muhammad Jan, District Attorney alongwith Mr. Asghar Ali, SO (Litigation) Finance Department and Mr. Fahim Khan, Assistant for the respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Last chance is given to argue the case failing the case will be decided on the available record without arguments. To come up for arguments on 17.11.2022 before D.B at camp court Abbottabad.



(Fareeha Paul)  
Member (Executive)



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad


17<sup>th</sup> Nov, 2022

Nemo for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Abid, Computer Operator for the respondents present.

Counsel are on strike, therefore, the case is adjourned to 14.12.2022 for arguments before the D.B at Camp Court Abbottabad.



(Salah Ud Din)  
Member (Judicial)  
Camp Court Abbottabad



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

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Peshawar

16.06.2022

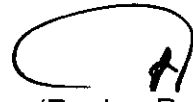
Appellant present in person.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Naseem Khan S.O (Litigation) for respondents present.

Former requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 20.07.2022 before D.B at Camp Court, Abbottabad.



(Fareeha Paul)  
Member (E)  
Camp Court, A/Abad



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

20<sup>th</sup> July 2022

Appellant in person present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. To come up for arguments on 21.07.2022 before D.B at camp court Abbottabad.



(Salah Ud Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

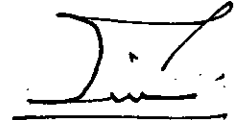
20.01.2022

Appellant in person present. Mr. Kabir Ullah Khattak, Additional Advocate General, Abdul Waheed Senior Auditor and Muhammad Saleem Junior Auditor for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 21.04.2022 at Camp Court, Abbottabad.



(Rozina Rehman)  
Member (J)  
Camp Court A/Abad



(Salah-Ud-Din)  
Member (J)  
Camp Court A/Abad

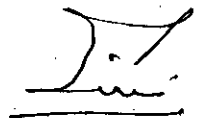
21.04.2022

Appellant alongwith his counsel present. Mr. Naseeb Khan, Section Officer (Litigation) and Mr. Faheem Ullah, Litigation Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Additional Advocate General sought adjournment on the ground that he has not handed over the brief of the instant appeal, therefore, he could not make preparation for arguments. Learned counsel for the appellant is having no objection on the adjournment. Adjourned. To come up for arguments on 16.06.2022 before the D.B at Camp Court Abbottabad.



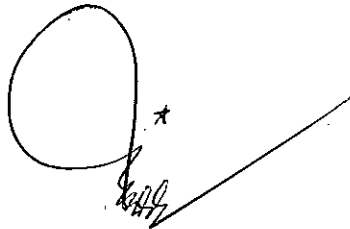
(Rozina Rehman)  
Member (J)  
Camp Court Abbottabad



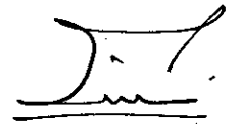
(Salah-ud-Din)  
Member (J)  
Camp Court Abbottabad

22.12.2021 Appellant alongwith his counsel present: Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Abdul Waheed, Senior Auditor for respondents present

Reply/comments on behalf of respondents No.2 and 3 have already been submitted while reply/comments on behalf of respondent No.1 not submitted even today. Vide order dated 22.09.2021 it was directed that in case respondent No.1 failed to submit reply/comments, his right for submission of reply/comments shall stand ceased. The right for submission of reply/comments of respondent No.1, therefore stands ceased. Adjourned. To come for arguments before D.B on 20.01.2022 at camp court Abbottabad.



(Mian Muhammad)  
Member(E)



(Salah Ud Din)  
Member(J)  
Camp Court Abbottabad



22.09.2021

Nemo for the appellant. Mr. Usman Ghani, District Attorney alongwith Mr. Naseeb Khan, Section Officer representative of respondent No. 2 present.

Written reply on behalf of respondent No. 1 not submitted. Learned District Attorney requested for adjournment for submission of reply/comments on behalf of respondent No. 1. Request is accorded with the directions to respondents to furnish reply/comments within 10 days. In case the respondents failed to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 22.12.2021 at Camp Court Abbottabad.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel for the date fixed.



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD

15.12.2020

Due to Covid-19, case is adjourned to 16.03.2021 for the same as before.


  
READER

16.03.2021

Junior to counsel for the appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General along with for respondents present.

Written reply/comment on behalf of respondent No. 1 is still awaited, therefore, notice be issued to respondent No.1 for submission of reply/comments. To come up for reply/comments on 22/4/2021 before S.B at Camp Court, Abbottabad.

  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, A/Abad

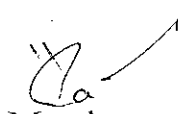
22-4-21

*Due to COVID 19, case is adjourned to 23-9-2021 for the same.*



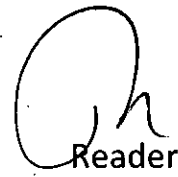
22.01.2020

Appellant in person present. Sohail Assistant representative of respondent No.2 present. Written reply of respondent No.1 is still awaited. Fazal Subhan S.O representative of respondent No.1 absent. Notice be issued to respondent No.1 and its representative for reply. Adjourn. To come up for reply on behalf of respondent No.1 on 20.02.2020 before S.B at Camp Court Abbottabad.



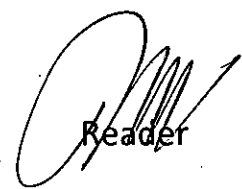
Member  
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on 16/4/20 at camp court abbottabad.



Reader

Due to summer vacation case to come up for the same on 10/10/20 at camp court abbottabad.



Reader

20.10.2020

Appellant in person present

Riaz Paindakheil learned Assistant Advocate General for respondents present.

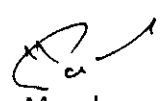
Written reply on behalf of respondents No.1 is still awaited. Notice be issued to respondent No.1 for submission of reply, for 15.12.2020 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

23.10.2019

Appellant present in person. Mr. Usman Ghani, District Attorney present. Syed Munir Hussain Shah, AAO for respondent No. 3 present and furnished reply of respondent No. 3, placed on file. Mr. Muhammad Sabil Assistant for respondent No. 2 present and seeks adjournment. Granted. No one is present for respondents No. 1. Fresh notice be issued to respondent No. 1. To come up for written reply/comments of respondents No. 1 and 2 on 16.12.2019 before S.B at Camp Court, Abbottabad.



Member  
Camp court, A/Abad

16.12.2019

Appellant in person and Mr. Muhammad Sohail, Assistant on behalf of respondent No. 2 alongwith Mr. Usman Ghani, District Attorney present. Written reply on behalf of respondent No. 3 already submitted while representative of respondent No. 2 relies on the written reply already submitted by respondent No. 3 on behalf of respondent No. 2. Neither written reply on behalf of respondent No. 1 submitted nor his representative is present, therefore, notice be issued to respondent No. 1 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Case to come up for written reply/comments on behalf of respondent No. 1 on 22.01.2020 before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

21.06.2019

Counsel for the appellant present.

Contends, that the Finance Department (Regulation Wing) Government of Khyber Pakhtunkhwa issued order on 10.11.2017 wherein it was clearly noted that the Provincial Government employees who were not allowed annual increments due on 01.12.2001, due to the reasons that they were at the maximum of 1994 pay scale, were allowed usual increments with effect from the date of order. Despite, the same department regretted the request of appellant on 15.02.2019 on the ground that there is no policy of the Provincial Government under which usual increment could be granted in the shape of Personal Pay w.e.f 01.12.2002 to the Provincial Government employees. It was added that the said stance was not only contradictory but also discriminatory towards the appellant.

The appeal in hand is admitted for regular hearing in the light of arguments of learned counsel. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 22.08.2019 before S.B at camp court, Abbottabad.



Chairman  
Camp Court, A/Abad

22.08.2019

Appellant in person present. Security and process not deposited. Appellant submitted application for extension of time to deposit security. Application allowed with direction to deposit the same within 10 days. Thereafter notices be issued to the respondents for written reply/comments. Adjourn. To come up for written reply/comments on 23.10.2019 before S.B at Camp Court Abbottabad.

Appellant Deposited  
Security Process Fee  
26/8/19



Member  
Camp Court A/Abad

Form- A

FORM OF ORDER SHEET

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

Case No. 423/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/04/2019	<p>The appeal of Mr. Rustam Khan received today by post through Mr. Zaheer Ahmad Qureshi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 3/4/19</p>
2-	5-4-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>21-06-19</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Rustam Khan son of Said Alam Ex-Head Master District Mansehra received today i.e. on 18.03.2019 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant. ✓
- 2- Annexures of the appeal may be attested. ✓
- 3- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal. ✓

No. 438 /S.T,

Dt. 19-3- /2019

*Zaheer Ahmad Qureshi*  
 REGISTRAR -  
 SERVICE TRIBUNAL  
 KHYBER PAKHTUNKHWA  
 PESHAWAR.

Mr. Zaheer Ahmad Qureshi Adv.  
High Court A.Abad.

23

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE**  
**TRIBUNAL, PESHAWAR**

Appeal No. /2019

Rustam Khan

Appeal no. 423/2019

**SCANNED**  
**KPST**  
...APPELLANT Peshawar

**VERSUS**

Secretary to Govt of Khyber Pakhtunkhwa, Peshawar, & Others \*

**INDEX**

S.No.	Description of Document	Annexure	Page No.
1.	Appeal Alongwith Affidavit	--	1-8
2.	Copy of the order 27/05/2003	"A"	9-11
3.	Copy of the order 19/03/2006	"B"	12-
4.	Copy of the Salary Slips 01/12/1998	"C"	13-19
5.	Copy of the Notification 10/11/2017	"D"	20
6.	Copy of the Application 23/06/2018	"E"	21
7.	Copy of the Application 21/07/2018	"F"	22
8.	Copy the application & Comments	"G" & H"	23-25
9.	Copy of the order 15/02/2019	"I"	26
10	Copy of the Notification Federal Government 27/10/2014	"J"	27-33
11	Vakalat Nama		28

  
...APPELLANT

Through:


Dated:- 12/03/2019

(Zaheer Ahmad Qureshi)

&

  
(Abdul Aziz Khan Tanoli)

Advocates High Court, Abbottabad.





**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE  
TRIBUNAL, PESHAWAR**

Appeal No. 423/2019

Rustam Khan S/o Said Alam Ex-Head Master Resident of Mohallah Hayat Nagar  
Manglor Tehsil & District Manshera.

...APPELLANT  
Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 347

Dated 18/3/2019

**V E R S U S**

1. Government to Khyber Pakhtunkhwa, through Secretary Elementary Education, Peshawar. ✓
2. Secretary Finance, Government of Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller, Account Office, Mansehra.

**...RESPONDENS**

**APPEAL:-** UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE OFFICE ORDER NO.(SOSR-1)2-123/2017 DATED 15/02/2019 WHEREBY RESPONDENT NO.2 REJECTED THE DEPARTMENTAL APPEAL/ REPRESENTATION OF THE APPELLANT IS ILLEGAL AGAINST THE LAW AND FACTS AND POLICY APPELLANT BEING AN EMPLOYEE OF THE DEPARTMENT HAVING RETIRED ON 19/03/2006 AND AS SUCH BEING ENTITLED TO ALL USUAL INCREMENTS/PERSONNEL PAY IN HIS SALRIES W.E.F 1999 TILL THE DATE OF RETIREMENT, BE GIVEN ALL THE AFOREMENTIONED DUES/ ARREARS OF USUAL INCREMENTS AS NOTIFIED VIDE NOTIFICATION NO (SOSR-1)2-123/2017-18-2018 DATED 10/11/2017.

Filed to-day

Registrar

18/3/19

Re-submitted to-day  
and filed.

Registrar

3/4/19

PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL OFFICE ORDER NO. (SOSR-1)2-123/2017 DATED 15/02/2019 SET-ASIDE AND RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO GRANT ALL THE BACK BENEFITS ARREARS IN RESPECT OF THE USUAL INCREMENTS AS NOTIFIED VIDE NOTIFIATION DATED 10/11/2017 W.E.F FROM 01/12/1999 TILL THE DATE OF HIS RETIREMENT IN LUMP SUM OR ANY OTHER RELIEF AS DEEM APPROPRIATE AND EQUIATBLE MAY ALSO BE GRACIOUSLY GRANT.

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*Respectfully Sheweth:-*

1. That appellatant was appointed as SV teacher at Government High School Kabgani Mardan on 28/06/1967.
2. That appellatant was promoted to the post of CT on 23/01/1972 thereafter to the post of SET on 03/09/1975.
3. That appellatant was awarded selection grade of BPS-17 on 29/12/1986 and was allowed Move over from BPS-17 to BPS -18 WEF 01/12/1996.

4. That appellant was promoted as Deputy District Education Officer (Male) E&SE Mansehra on 22/09/1996 and on regular basis BPS-17 on 27/05/2003. *(Copy of the order attached as Annexure "A")*
5. That appellant was and retired on 19/03/2006 at the age of superannuation. *(Copy of the order attached as Annexure "B")*
6. That, appellant had drawn the salary under the pay scales of 1994 PM as ceiling of scale since 1/12/1998. *(Copy of Salary slips are attached and marked as Annexure "C")*
7. That respondent No.2 Issued a notification dated 10/11/2017 to allow the usual increments with immediate effect to all the provincial government employees who were not allowed increment due on 1/12/2001 due to the reason that they were at the maximum of 1994 pay scales. *(Copy of the notification is attached and marked as Annexure "D")*
8. That appellant submitted an application on 23/06/2018 to the respondent No.3 to issue a revised last pay drawn certificate (LPC) in the light of aforementioned Notification. *(Copy of the application is attached and marked as Annexure "E")*

9. That the appellant approached the respondent No.2 vide written application /representation dated 21/07/2018 to release the usual increments in the light of the notification mentioned above W.e.f 01.12..1999. (*Copy of the application is annexed as Annexure "F"*)
10. That no heed has been paid to the grievances of the appellant as mentioned in the application by not releasing usual increments as mentioned in the notification dated 10/11/2017.
11. That conduct of the respondents not releasing the usual increments of, as appellant is entitled for, is against the law, feeling aggrieved filed writ petition which was allowed with directions to respondent No.2 to decide the representation within period of one month.
12. That appellant submitted an application on 23/12/2018 to the respondent No.2 in the light of the order dated 6/12/2018 of honourable Peshawar High Court Peshawar Abbottabad bench to decide the representation within period of one month as per directions of high Court and the same was forwarded with remarks that "please process this. Let me know about the delay on the earlier application as well "and in compliance with the order of

respondent No.2 comments were furnished by the respondent No.3.(Copy the application & Comments are attached and Marked as Annexure"G"&" H" respectively.)

13. That departmental appeal/representation was rejected by the respondent No.2 on 15-02-2019. *(Copy of the order is attached and marked as Annexure "I")*

14. That feeling aggrieved from the order dated 15/02/2109 the appellant approaches this Honorable Tribunal for redressal of his grievances inter-alia, amongst the following grounds:-

**GROUNDS:-**

- a. That the act of the respondents is against the law, policy as well as precedent case law settled by the Apex court.
- b. When the law prescribed something which is to be done in a particular manner and must be done in that manner and not otherwise.
- c. That the said act of the respondents amounts to violation of the fundamental rights of the petitioner.

- d. That the respondents department led the petitioner to the place which is utterly unknown to the principle of natural justice and good governance.
- e. That federal Government Vide notification **No.F.No3 (1) R-2/2014-889 Islamabad** dated 27<sup>th</sup> October 2014 allowed personal pay up to three years (i.e. for 01/12/2002, 01/12/2003 and 01/12/2004.(**Copy of the notification is attached and marked as Annexure "J"**)
- f. That in such like case relief has been granted to other employees as well.
- g. That the act of the respondents is based on malafide as well as discrimination.
- h. That other grounds will be agitated with permission of this Honourable Tribunal at the time of arguments.

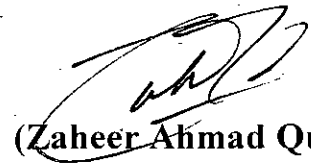
**ON ACCEPTANCE OF INSTANT  
APPEAL OFFICE ORDER NO. (SOSR-1)2-123/2017  
DATED 15/02/2019 SET-ASIDE AND  
RESPONDENTS MAY GRACIOUSLY BE  
DIRECTED TO GRANT ALL THE BACK BENEFITS  
/ARREARS IN RESPECT OF THE USUAL  
INCREMENTS AS NOTIFIED VIDE  
NOTIFICTION DATED 10/11/2017 W.E.F FROM  
01/12/1999 TILL THE DATE OF HIS RETIREMENT**

IN LUMP SUM OR ANY OTHER RELIEF AS DEEM APPROPRIATE AND EQUITABLE MAY ALSO BE GRACIOUSLY GRANTED..

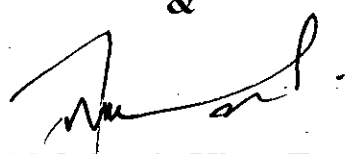
...APPELLANT

Through:

Dated:- 12/03 /2019

  
(Zaheer Ahmad Qureshi)


&

  
(Abdul Aziz Khan Tanoli)  
Advocates High Court, Abbottabad.

**VERIFICATION:-**

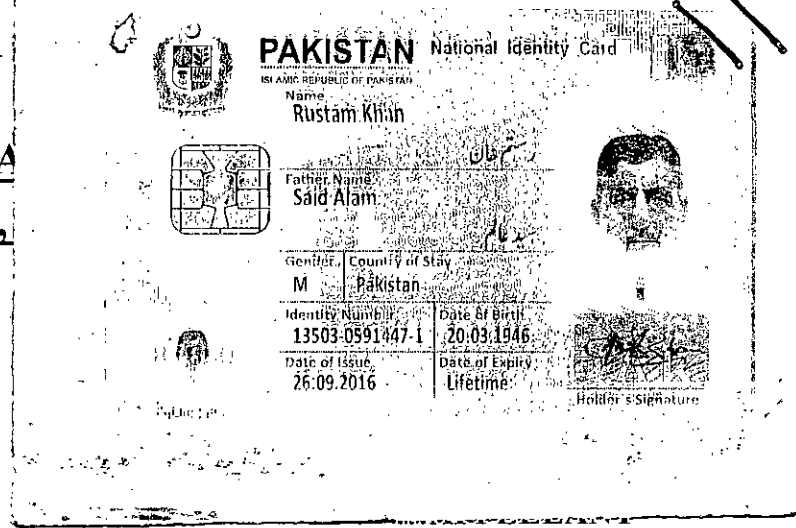
Verified that the contents of the instant **Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble ~~Tribunal~~.

Dated:- 12/03 /2019

  
...APPELLANT

**BEFORE THE KHYBER PA**  
**TRIBUNAL,**

Rustam Khan



**VERSUS**

Secretary to Govt of Khyber Pakhtunkhwa, Peshawar, & Others

**...RESPONDENTS**

**AFFIDAVIT**

*I, Rustam Khan S/o Said Alam Ex-Head Master Resident of Mohallah Hayat Nagar Manglor Tehsil & District Manshera, hereby solemnly affirm and declare on oath that contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.*

*Rustam Khan*  
DEPONENT

Dated:- 12/03/2019





GOVERNMENT OF N.W.F.P.  
SCHOOLS & LITERACY DEPARTMENT.

DATED PESHAWAR THE 27-5-2003.

NOTIFICATION.

NO.S0(S)1-4/2003/Promotion Headmaster. On recommendation of the Departmental Promotion Committee, the Competent Authority has been pleased to promote the following SETs. BPS-16 (I/C Headmasters) to the rank of Headmasters (BPS-17) on regular basis with immediate effect and adjusted in the Schools as noted against their names:-

S.NO.	Name.	Adjusted as.	Remarks.
1-	Mr. Sultan Ayaz.	H.M. GHS, Muhammad Khel, F.R. Bannu.	
2-	Mr. Muhammad Ayaz.	H.M. GHS, Landaha, S.W.A.	
3-	Mr. Mir. Sardar Khan.	H.M. GHS, Sargara Muhammad Khan, F.R. Bannu.	
*4-	Mr. Muhammad Shafi.	H.M. GHS, Manja Kot, Mansehra. ✓	
5-	Mr. Niaz Gul.	H.M. GHS, Haryan Kot, Melakand.	
6-	Mr. Muhammad Yaqoob.	H.M. GHS, Afzal Abad, Mansehra. ✓	
7-	Mr. Qamar Zaman.	H.M. GHS, Kaghezai, Kohat.	
8-	Mr. Roohul Amin.	H.M. GHS, Kotkey Shengla.	
9-	Mr. Rustam Khan.	H.M. GHS, Mangloor, Mansehra. ✓	
10-	Mr. Amir Ghefoor Khan.	H.M. GHS, Hakim Hawad, Bannu.	
11-	Mr. Taj Amal Khan.	H.M. GHS, Mandori, Kohat.	
12-	Mr. Naushad Khan.	DDO (M) Takht Bhai, Mardan.	
*13-	Mr. Muhammad Aslam.	H.M. GHS, Gali Badral, Mansehra. ✓	
14-	S. Hidayat Rehman.	H.M. GHS, Sangoo, Ty Bhai, Mardan.	
*15-	Mr. Sultan Muhammad.	H.M. GHS, Kait Sarash, Mansehra. ✓	
*16-	S. Hidayat Shah.	H.M. GHS, Javed, Mansehra. ✓	
17-	Mr. Muhammad Ali.	H.M. GHS, Kucha, Chitral.	
*18-	Mr. Ali Gohar.	H.M. GHSS, Lessan Takwal, Mansehra. ✓	
19-	Mr. Ishaq Hussain.	H.M. GHS, Quat Shah, K. Agency.	
20-	Mr. Muhammad Yasin.	H.M. GHS, Janata, S.W.A.	
21-	Mr. Ragam Khan.	H.M. GHS, Sakai Qilla Bajour Agency.	
22-	Mr. Bahadar Ullah.	H.M. GHS, G. E. C. Habibullah, F.R. Bannu.	
23-	Mr. Gul Zaman.	H.M. GHS, Sano Badabher, F.R. Pesh.	
24-	Mr. Muhammad Ashraf.	H.M. GHSS, Hakim Khawani, Peshawar.	
25-	Mr. Muhammad Rasool.	H.M. GHS, Bannu, Bajour Agency.	
26-	Mr. Mir. Muzarab Shah.	H.M. GHS, Kandi Kalu Khan, Peshawar.	
27-	Mr. Niaz Habib.	H.M. GHS, Rudni, Peshawar.	
28-	Mr. Abdullah Khan.	H.M. GHS, Mustaj, Chitral.	
29-	Mr. Nisar Ali.	H.M. GHS, Ubrahimzai, Kohat.	
30-	Mr. Abdul Sattar.	H.M. GHS, Sarkari Qilla, Bajour.	

ZAKHEER AHMAD  
Advocate High Court  
Abbottabad

ZAHIR AHMAD  
Advocate High Court  
Abbottabad

- H.M. GHS, Tejori, Tank.
- H.M. GHS No. 2, Lakki.
- H.M. GHS, Palat, Malakand.
- H.M. GHS, Spin Bwa.
- H.M. GHS, Lonkoh, Chitral.
- H.M. GHS, Bakhshali, Mardan.
- H.M. GHS, Tabi Murad.
- H.M. GHS Comp: Kohat.
- H.M. GHS, Melana D.I. Khan.
- H.M. GHS, Gurdag, Karak.
- H.M. GHS, Drosh Chitral.
- H.M. GHS, Hukamzad Bardiiz.
- H.M. GHS, Fanto Pattagram.
- H.M. GHS, Dhakki, Charsadda.
- H.M. GHS, Kirti Shamozai, D.I. Khan.
- H.M. GHS, Lalozai, Bannu.
- H.M. GHS, Chanda Khuram, Karak.
- H.M. GHS, Bizen Khel, Bannu.
- H.M. GHS, Pirhari, Mansehra.
- H.M. GHS, Betehma Mardan.
- H.M. GHS, Bero Bada Khel, Bannu.
- H.M. GHS, Shelkh Dheri, Swabi.
- H.M. GHS, Sangao, Mardan.
- H.M. GHS, Turagzai, Charsadda.
- H.M. GHS, Sard Gora, Mansehra.
- H.M. GHS, Gondoon, Karak.
- H.M. GHS, Ahmad Banda, Karak.
- H.M. GHS, Manora, D.I. Khan.
- H.M. GHS, Hakti, Beharat, Bannu.
- H.M. GHS, Achken, Heripur.
- H.M. GHS, Jaurai, Kailash, Karak.
- H.M. GHS, Koch D.I. Khan.
- H.M. GHS, Adizai, Charsadda.
- H.M. GHS, Manshad Bad, Mardan.
- H.M. GHS, Nawan Killa, Swat.
- H.M. GHS, Miran Shah, M.A.
- H.M. GHS, Baborate, Chitral.
- H.M. GHS, Jallala Malakand.
- H.M. GHS Comp: Bannu.
- H.M. GHS, Gynadi Umar Khan.

- 73- Mr. Gul Bad Shah.
- 74- Mr. Reziur Rehman.
- 75- Mr. Salar Ali.
- 76- Mr. Nek Bal Khan.
- 77- Mr. Mula Rahim Beg.
- 78- Mr. Ali Khan.
- 79- Mr. Muhammad Nazir.
- 80- Mr. Sadiq Shah.
- 81- Mr. Rahmatullah.
- 82- Mr. Gul Rahim.
- 83- Mr. Nizam.
- 84- Mr. Umar Nawaz Khan.
- 85- Mr. Muhammad Ayub.
- 86- Mr. Jamsid Khan.
- 87- Mr. Ihsanul Din.
- 88- Mr. Muhammad Ayub Khan.
- 89- Mr. Sher Khan.
- 90- Mr. Shah Qais Khan.
- 91- Mr. Sald Reji.
- 92- Mr. Shamsul Din.
- 93- Mr. Muhammad Ali.
- 94- Mr. Muhammad Asif Khan.
- 95- Mr. Mushtaq Ahmad.
- 96- Mr. Muzamil Hussain.
- 97- Mr. Munsta Chah.
- 98- Mr. Muhammad Nawaz.
- 99- Mr. Sali Rehman.
- 100- Mr. Amer Ali Khan.
- 101- Mr. Muhammad Sharif.
- 102- Mr. Azizur Rehman.
- 103- Mr. Mir Aslam Khan.
- 104- Mr. Muhammad Jamil.
- 105- Mr. Hanam Shah.
- 106- Mr. Badruz Zaman.
- 107- Mr. Karim Ullah.
- 108- Mr. Masal Khan.
- 109- Mr. Ghulam Muhammad.
- 110- Mr. Tej Muhammad.
- 111- Mr. Nisar Muhammad.
- 112- Mr. Abdul Ghaffer.
- 113- Mr. Gul Dar Ali Shah.
- 114- Mr. Muhammad Saleem.

S. NO. Name. Adjusted as. Remarks.

10



S.NO.	Name.	Adjusted as.	Remarks.
457	Mr. Muhammad Shafi.	H.M. GHS, Malogo, Peshawar.	
158	Mr. Aurangzeb.	H.M. GHS, Chatter Plain, Mansehra. ✓	
159	Mr. Muhammad Bashir.	Tratti WHITE, Kohat.	
160	Mr. Mohabat Khan.	H.M. GHS, Koheri, Dir Lower.	
161	Mr. Anwar Khan.	H.M. GHS, Shahzadi Dir.	
162	Mr. Nabiullah Jan.	H.M. GHS, Wadpaga, Peshawar.	
163	Mr. Fida Muhammad.	H.M. GHS, Mian Khan Mardan.	
164	Mr. Wadan Gul.	H.M. GHS, Spin Dhand, Kh: Agency.	
165	Mr. Muhammad Yaqoob.	H.M. GHS, Bagh Abbottabad. —	
166	Mr. Muhammed Hanif.	H.M. GHS, Surjal, Abbottabad. —	
167	Mr. Muhammad Umar.	H.M. GHS, Nandraka Kohat.	
168	Mr. Dilawar Khan.	H.M. GHS, Chando Maira, A/Abad. —	
169	Mr. Waris Khan.	H.M. GHS, Gurguri, Karak. —	
170	Q. Bashir Hussain.	H.M. GHS, Kusham Chitral.	
171	Abbas Khan.	H.M. GHS, Jhang Khel Lakki.	
172	Mr. Lal Khan.	H.M. GHS, Nareela Abbottabad. —	
173	Mr. Muhammad Ayub.	H.M. GHS, Ziarat Masoom, A/Abad. —	
174	Mr. Muhammad Sarwar.	H.M. GHS, Kalig Haripur.	
175	Mr. Sona Khan.	H.M. GHS, Yarik D.I. Khan.	
176	Mr. Nawar Khan.	H.M. GHS, Bogara, Karak.	
177	Mr. Muhammad Perviz.	H.M. GHS, Farhina, Abbottabad. —	
178	Mr. Muhammad Aslam.	H.M. GHS, Trappi Mansehra. ✓	
179	Mr. Muhammad Rauf.	H.M. GHS No. 4, Kohat	
180	Mr. Gul Sahib Khan.	H.M. GHS, Ghundi Mir Khan Khel, Karak.	
181	Mr. Amir Bad Shah.	H.M. GHS, Marhaki Banda, NSR.	
182	Mr. Wazir Ahmad.	H.M. GHS, Saib Kohat.	
183	Mr. Ghulam Mohamud.	H.M. GHS, Haji Mora, D.I. Khan.	
184	Mr. Abidullah Jna.	H.M. GHS Ghazni Khel, Lakki.	
185	Mr. Shah Nawaz.	H.M. GHS, Ghazni, D.I. Khan.	
186	Mr. Matiullah.	H.M. GHS, Faimal Shacif, Mansehra. —	
187	Mr. Mir Qabiz Khan.	H.M. GHS, Mandawa, Karak.	
188	Mr. Fir Sakhi Shah.	H.M. GHS, Nowma Qadsem, Peshawar.	
189	Mr. Fazli Amin.	H.M. GHS, Begra, Abbottabad. —	
190	Mr. Munawar Shah.	H.M. GHS, Mandancy Swabi.	
191	Mr. Iftikhar Ali Shah.	H.M. GHS, Mangal, Swabi.	
192	Sh: Haji Naseen.	H.M. GHS, Talla Khlachi, D.I. Khan.	
193	Mr. Bulab Khan.	H.M. GHS, Shewa, (S.W.A).	

**ZAHED AHMAD**  
 Advocate High Court  
 Abbottabad

SECRETARY TO GOVT. OF NWFP  
 SCHOOLS & LITERACY DEPARTMENT.

35  
12

Annexure B  
GOVERNMENT OF N.W.F.P.  
SCHOOLS & LITERACY DEPARTMENT

Dated Peshawar the 24.5.2006,

NOTIFICATION.

No.A.O/6-9/LPR/Manshra /05: Sanction of the Competent Authority is hereby accorded to the grant of 180 days Leave Encashment in lieu of LPR in respect of Mr. Rustam Khan Headmaster (B-17) GHS Mangloor Manshra as admissible under the Revised Leave Rules,1981.

He stands retired from service on attaining the age of superannuation on 19/03/2006. (A/N).

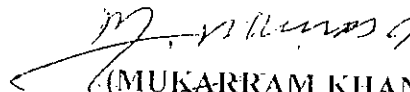
SECRETARY TO GOVT OF NWFP  
SCHOOLS & LITERACY DEPTT:

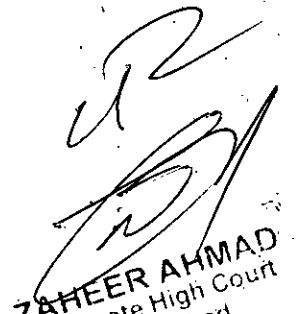
Endst: Even No. & date

Copy forwarded to:

1. The Director Schools & Literacy NWFP Peshawar w/r to his letter No.1575/F.No.9/LPR dated 16.5.2006
2. The District Account Officer Manshra
- 3- Mr Rustam Khan Headmaster (B-17) GHS Mangloor Manshra.

57c

  
(MUKARRAM KHAN)  
ASSISTANT ACCOUNTS OFFICER

  
ZAHIER AHMAD  
Advocate High Court  
Abbottabad

... of Basic - Pay already  
Decision No. of 01.12.1996 (Allowed Member-over from  
BPS-17 to BPS-18) under the pay scales of 1994

Notes: BPS-17 had been awarded on selection-grade  
No. of 29.12.1986.

(BPS-18 = 5085-366-8745)

Annexure 'C'

01/12/1996 = Rs. 8013/- PM (BPS-18)

01/12/1997 = Rs. 8379/- PM - do -

01/12/1998 = Rs. 8745/- PM - do -

01/12/1999 = Rs. 8745/- PM - do -

01/12/2000 = Rs. 8745/- PM - do -

01/12/2001 = Rs. 14115/- PM BPS-17 (After fixation in BPS-18 PM over  
Pay adjusted in BPS-17)

01/12/2002 = Rs. 14580/- PM - do -

01/7/2003 = Rs. 15045/- PM - do - (Awaiting one adv. increment  
due to approval of regular B-17)

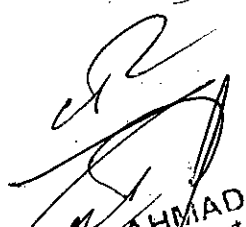
01/12/2003 = Rs. 15510/- PM - do -

01/12/2004 = Rs. 15510/- PM - do -

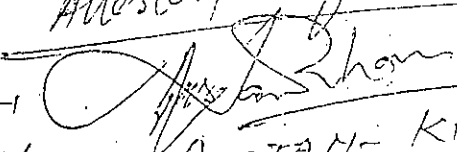
01/7/2005 = Rs. 17840/- PM - do - (Scales Revised w.e.f 01.7.2005  
BPS-17 = Rs. 7150-535-17840)

01/12/2005 = Rs. 17840/- PM - do -

19/3/2005 = Rs. 17840/- PM - do -  
Retirement

  
ZAHKEER AHMAD  
Advocate High Court  
Abbottabad

Attested/Verified



NIC-13503-0591447-1  
Contact: 03015478634

RUSTAM KHAN  
Ex-Principal GHS Mangloer  
Teh. of Distt. H. MANSEHRA

OFFICE OF THE DIST. JUDGE OFFICER, MANGLOOR

NO. PR. IV/DAO/Mang/07-08/

Oct 11-3-2008

14

Mr. Rustam Khan  
Ex. HM LHS Mangloor

Subject: Revised Salary slip

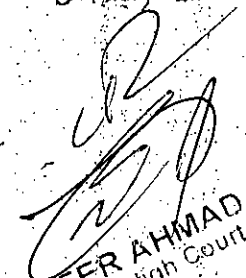
Memo

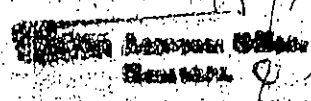
On the receipt & notification dt 14<sup>th</sup> 2008  
you are allowed to draw pay of Rs 77 from the date  
of taking over charge i.e. 10<sup>th</sup> 2008  
you are authorized to draw your pay as allowed  
as under:

① $\frac{10}{196}$ 7360 861- 515 100 <u>8236-</u>	② $\frac{12}{96}$ 8013- 861- 561- 100 <u>9535-</u>	③ $\frac{12}{97}$ 8379- 861- 612- 100 <u>9952-</u>	④ $\frac{12}{98}$ 8745- 861- 612- 100 <u>10318-</u>	⑤ $\frac{9}{199}$ 8745- 861- 612- 100 1017- <u>11335-</u>	⑥ $\frac{12}{139}$ 8745- 861- 612- 100 1017- <u>11335-</u>	⑦ $\frac{12}{100}$ 8745- 861- 612- 100 1017- <u>11335-</u>
--	---	---	--	---	--	--

⑧ $\frac{11}{01}$ 14115- 861- 100 1017 <u>16093-</u>	⑨ $\frac{11}{02}$ 14580- 861- 100 1017 <u>16558-</u>	⑩ $\frac{9}{103}$ 14580- 861- 100- 1017- 2187 <u>18745-</u>	⑪ $\frac{11}{103}$ 15045- 861- 100- 1017- 2257- <u>19280-</u>	⑫ $\frac{9}{104}$ 15045- 861- 100- 1017- 2257- <u>21537-</u>
---	---	---	---	--

⑬ $\frac{12}{104}$ 15510- 861- 100- 1017- 2326- 2326- <u>22140-</u>	⑭ $\frac{7}{103}$ 17840- 2142- 100- 1017- 2326- 2326- <u>25751-</u>	$\frac{11}{05}$ 17840- 535PR 2142- 100- 1017- 2327- 2327 <u>26288-</u>
--	--	--

19<sup>th</sup> 2008  
Rustam  
  
ZAHIER AHMAD  
Advocate High Court  
Abbottabad

  
District Judge  
Mangloor



GOVERNMENT OF PAKISTAN  
SECRETARY GENERAL, NWFP  
DISTRICT  
PAYROLL SYSTEM

PAGE NO: 4777

PAYROLL 1 PAYMENT ADVICE JULY 20 03

123-46-001984  
RU-ST AM KHAN  
HEAD MASTER

H. M. G.H.S. MANGLOOR MANSHERA.  
SECONDRY EDUCATION  
DEPT CODE 04194006

EPS 17

PAYMENTS			
001	PAY		15045.00
134	H. R. A.		861.00
133	S. A. A.		1017.00
156	CHARGE ALL		100.00
201	ADJ: PAY		465.00
138	S. R. ALL		2257.00
		TO TAL ** *	19745.00
DEDUCTIONS / RECOVERIES			BA LANCE
381	B. F.		55.00
361	G. I.		9.37
337	E. E. F.		10.00
256	ADJ: CHARGE ALL		1000.00
385	G. P. F.		870.00
360	I. TAX		368.00
368	G. P. F ADV-I		1000.00
		E DU HA 00 00 07	135938.00
			581.00
			115000.00
		TO TAL ** *	4112.37

*Zaheer Ahmad*  
**ZAHAEER AHMAD**  
Advocate High Court  
Abbottabad

NET AMOUNT PAYABLE 15632.63



QUALITY 36 02

PL 50 00 00 00 80 77 0  
N. B. P. VILL : DAB BRANCH

- is forwarded to:-
1. The Director, Treasury & Accounts, Khyber Pakhtunkhwa
  2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa
  3. The Director, Local Fund and Audit, Khyber Pakhtunkhwa, Peshawar
  4. The Director, FMU, Finance Deptt with the request to forward the same on FC's Website
  5. All the District Accounts Officers in Khyber Pakhtunkhwa.
  6. The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa
  7. The Private Secretary to Secretary, Finance Deptt, Khyber Pakhtunkhwa
  8. PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
  9. PAs to Additional Secretaries / Deputy Secretaries in Finance Department, Peshawar

*(BARKAT KHAN)*  
**(BARKAT KHAN)**  
SECTION OFFICER (S.O.)

*Zaheer Ahmad*  
**ZAHAEER AHMAD**  
Advocate High Court  
Abbottabad

315-172284

43

20

Amerne "D"



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO. FD (SOSR-1) 2-123/2017  
Dated Peshawar the 10<sup>th</sup> November, 2017

To:

1. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa
2. The Addl. Chief Secretary, P&D Department, Khyber Pakhtunkhwa
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. The Principle Secretary to Governor, Khyber Pakhtunkhwa
5. The Principle Secretary to Chief Minister, Khyber Pakhtunkhwa
6. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. The Registrar, Peshawar High Court, Peshawar.
9. All District & Sessions Judges in Khyber Pakhtunkhwa
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
12. All Deputy Commissioners, in Khyber Pakhtunkhwa

Subject:

GRANT OF USUAL INCREMENT

Dear Sir,

I am directed to refer to the subject noted above and to state that the competent authority is pleased to allow usual increment with immediate effect to all Provincial Government employees who were not allowed annual increment due on 01-12-2001 due to the reason that they were at the maximum of 1994 pay scales.

Secretary to Govt. of Khyber Pakhtunkhwa  
Finance Department

Encls: No. FD (SOSR-1) 2-123/2017

Dated Peshawar the 10<sup>th</sup> Nov 2017

- A copy for information & necessary action is forwarded to the:-
1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
  2. Secretaries to Government of Punjab, Sindh and Balochistan, Finance Departments.
  3. All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.

Encls: No & Date avon.

(PIAZ ALAM)  
DEPUTY SECRETARY (REG.)

- A copy for information is forwarded to:-
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 Deptt with the request to inform the same to FD & Deptt
  5. All the District Accounts Officers in Khyber Pakhtunkhwa.
  6. The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa
  7. The Private Secretary to Secretary, Finance Deptt, Khyber Pakhtunkhwa
  8. PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
  9. PAs to Additional Secretaries / Deputy Secretaries in Finance Department, Peshawar

(BARKAT KHAN)  
SECTION OFFICER (SR-1)

**ZAHKEER AHMAD**  
Advocate High Court  
Abbottabad



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Annexure "E"

To,

The District Account Officer,  
MANSEHRA District.

Sub: REVISED LPC/ REVISED CALCULATION OF PENSION

Sir,

I have the honour to invite your kind attention towards the request submitted as per the following detail.

1. On the basis of superannuation I have retired on 19-03-2006 (AN) drawing my pay Rs. 17840/- PM (BPS-17) as ceiling of the scale w.e.f 01-07-2005 availing no annual increment due on 01-12-2005.
2. Vide PPO No. 6576-M/NWFP the relevant calculations were made and availed by me as per the aforesaid rate of my salary.
3. Soon after under the provision of usual increment as "Personal Pay" in view of ceiling stage of the scale made admissible through "REVISION OF BASIC PAY SCALES JULY 2005" I have also availed the whole benefits of one increment @ Rs: 535/- as PP of 01-12-2005.
4. It is further stated that I had been drawing my salaries of the ceiling stage (BPS-17) since 01-12-2003, the then running scale of pay.
5. Now the Government of Khyber Pakhtunkhwa Finance Department, vide No. F.D (SOSR-1) 2-123/2017 dated Peshawar the 10-11-2017 (copy attached) has been pleased to allow usual increment to all the Govt: Employees w.e.f 01-12-2001 who could not avail annual increment due to the ceiling-stage of their relevant scale of Pay.
6. In this very context your goodself is requested to issue my revised LPC enabling myself to avail connected benefits and recalculations of my pension and its restoration as well.

Your kind consideration and Co-operation shall be highly honoured, Sir.

Letter,  
 Sinkland,  
 Ashraf 15, under  
 their Entitlement Plan  
 23/6/18

2645  
 23/06

RUSTAM-KHAN  
 Ex-Head Master (BPS-17)  
 PPO No. 6576-M/NWFP  
 Personal No. 214252  
 NIC: 13503-0591447-1  
 23/6/18

CAHEER AHMAD  
 Advocate High Court  
 Abbottabad

45

20

Annexure "F"

IN RESPECT OF:- SECRETARY TO GOVT, OF KHYBER PAKHTUNKHAWA

FINANCE DEPARTMENT PESHAWAR

Subject: GRANT OF USUAL INCREMENTS

Sir,


I have the honour to approach your goodself with the following requests for due consideration and favourable action, please.

1. In the light of the Govt: of Khyber PakhtunKhawa, Finance Department (Regulation Wing) Notification No. FD (SOSRO-1) 2-123/ 2017 dated Pesh, the 10-11-2017 I submitted my written request to District Accounts Office Mansehra to issue revised LPC enabling myself to proceed further. Copy attached.
2. As per the opinion of the District Accounts Office the notification needs clearance in the matter because I have retired on 19-03-2006 while notification gives benefit "with immediate effect" i.e. 10-11-2017 as stated/ explained by the District Accounts Office Mansehra.
3. Your kind honour is further invited that besides the benefit of usual increment due on 01-12-2001 I am actually entitled to avail usual increments (P.P) w.e.f 01-12-1999 as I was at the maximum (@Rs. 8745/- PM) of the scale on 01-12-1998 and had been continuously drawing my pay the ceiling stage upto 30-11-2001 (Basic Pay Scales 1994).
4. On the introduction of Revised Basic Pay Scales 01-12-2001 the usual /annual increment due on 01-12-2001 had not been allowed, as well.

Sir, giving due consideration on my aforesaid request I may please be allowed the requisite benefits of "Personal-Pay" w.e.f 01-12-1999 and onwards instead of 01-12-2001.

Copy of the regular chart of my pay prepared by the District Accounts Officer Mansehra is also attached for your kind information/ satisfaction, Please.

Sir, your kind and sympathetic action shall be highly honoured.

  
 RUSTAM-KHAN  
 Ex-Head Master (BPS-17)  
 PPO NO. 6576-M/NWFP  
 Personal No. 214252  
 NIC: 13503-0591447-1

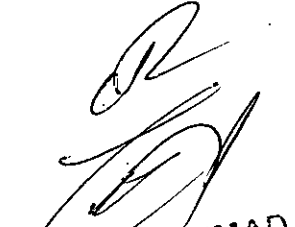
21/7/2018

~~AFESK~~  
Anwar

SRI  
22/07/2018

~~DSR~~  
Please examine

KHC  
22/7/18

  
 ZAHEER AHMAD  
 Advocate High Court  
 Abbottabad

46 (23)

Amanullah G

IN RESPECT OF:- HONOURABLE SECRETARY FINANCE  
GOVT OF KYHBER PAKHTUNKHAWA  
PESHAWAR

SUBJECT: GRANT OF USUAL/ ANNUAL INCREMENTS.

RESPECTED SIR,

With due respect and humble submission I beg to approach your goodself with the request as detailed below.

1. In the light of notification No. FD(SOSR-1)2-123/2017 dated 10.11.2017 issued vide your office endst; No. FD (SOSF-1)2-123/2017 of even date I personally attended your office on 22-07-2018 and submitted my written application alongwith the requisite enclosure which was respectively and properly marked and was lastly handed over to the "Supdt; Regulation-Wing" of your office. Copy of the same is attached herewith.
2. On receiving no response, I approached the "Honourable Peshawar High Court Abbottabad Bench" through "Writ-Petition" No. 1300/2018 dated 27-11-2018 to seek implementation of the aforementioned notification for the purpose of availing usual/ annual increments w.e.f 01-12-1999 instead of 01-12-2001, as I was at the maximum of my running scale (BPS-18) on 01-12-1998 under the "Revised Pay Scales 1994". The notification also concerns and points-out the ceiling / maximum stage of the same scales (1994) only.
3. On the very 1<sup>st</sup>; hearing date i.e 06-12-2018 the case was discussed in the presence of "Double-Bench" and the supporting / relevant record was also presented. Resultantly direction has been issued to your goodself to dispose of my application/ presentation within a period of one month as per the judgment sheet dated 06-12-2018. Copy is also attached, please.
4. Chart of my salary-slips (actually received) under the "Revised Pay Scales 1994 and 2001 (the replacing Pay Scale)" is also enclosed for verification.

Sir, would your goodself be kind enough for due consideration and favourable action, please.

*AS(R)  
Please process this. Let me know about the delay on the earlier application as well.*

*[Signature]*  
 Rustam-Khan  
 Ex- Head Master (BPS-17)  
 PPO No. 6576-M/NWFP  
 Personal No. 214252  
 NIC No. 13503-0591447-1  
 Mobile No. 0301-5478634

*23/12/18*

*By*  
 Discuss 20/12  
 Immediate please  
 Discuss today - need  
 SOCRS

*26/12/18*  
 ZAMEER AHMED  
 Advocate High Court  
 Peshawar



47 24  
**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)**

NO. FD (SOSR-1) 2-123/2017-18  
Dated Peshawar the: 03-01-2019

To:

The District Accounts Officer,  
**Mansehra.**

Subject: - **GRANT OF USUAL / ANNUAL INCREMENT**

I am directed to refer to the subject noted above and to enclose herewith a copy of an application dated 23-06-2018 received from one **Mr. Rustam Khan**, Ex-Head Master (BPS-17) which is self-explanatory for your comments, please.


Encl: **(As above)**

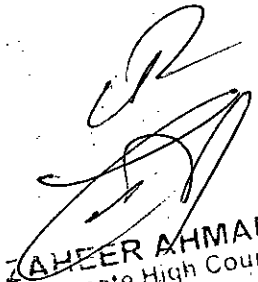
**Section Officer (SR-1)**

**Ends. No. & Date Even.**

**Copy of the above is forwarded for information to:-**

- i. PS to Secretary, Finance Department, Khyber Pakhtunkhwa.
- ii. Mr. Rustam Khan, Ex-Head Master R/o Mohallah Hayat Nagar Managlor Tehsil & District, Mansehra.

  
**Section Officer (SR-1)**

  
**ZAHEER AHMAD**  
Advocate High Court  
Abbottabad

**DECISION ON PROMOTION TO LIST 'E'**

Memorandum

In pursuance of judgment dated 24.04.2019 of Hon'ble Peshawar High Court Peshawar while disposing of Writ Petition No. 1720-P/2018 titled Qazi Muhammad Anif Vs Govt of Khyber Pakhtunkhwa followed by Khyber Pakhtunkhwa Service Tribunal, Peshawar judgment dated 30.11.2021 in Service Appeal No. 12438/2020 titled Parqan Javed SI Vs Govt of Khyber Pakhtunkhwa etc wherein the Police Department was directed to bring the petitioners PASIs on seniority list "E" from the date confirmation of their appointments as per the spirit of Police Rules, 1934 (amended 2017).

The Constitution of Islamic Republic of Pakistan dictates equal treatment and prohibits discrimination in its Articles 4 & 25. Furthermore, the Hon'ble Supreme Court of Pakistan has held in several reported judgments that if a competent court of law decide a point of law or fact and if such decision cover not only the case of those litigating before the Court but some other also, then under the dictate of justice, the benefit of that judgment should not be restricted to those who had litigated, rather shall be equally extended to those who had not indulge in the litigation.

Foregoing in view the Competent Authority has directed to follow the following instructions in order to bring parity in promotion to list "E":

- a) All PASIs on successful completion of 03 years probation period shall be brought on promotion list 'E' from the date of appointment
- b) All ASIs promoted from lower rank shall be brought on promotion list "E" after successful completion of two years probation period from the date of effecting promotion.

Sd/-

**(SABIR AHMED) PSP**

Additional Inspector General of Police, HQrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

C.C

- Deputy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- AIG/ Establishment, Khyber Pakhtunkhwa, Peshawar.
- PSO to W/ IGP, Khyber Pakhtunkhwa, Peshawar.
- AIG/ Legal, Khyber Pakhtunkhwa, Peshawar

**AIG/LEGAL**

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.



48 (25) A memo "H"  
office of the  
**DISTRICT ACCOUNTS OFFICER**  
**MANSEHRA**

Phone # 0997-920135

No.DAO/MA/2018-19 29/

DATED 29-1-2019

The Section Officer,  
Govt; of Khyber Pakhtunkhwa,  
Finance Department (Regulation Wing),  
Peshawar

**SUBJECT: GRANT OF USUAL/ANNUAL INCREMENT**

Memo:

Please refer to your letter No., FD9SOSR-I)2-123/2017-18 dated 03.01.2019 on the subject mentioned above.

The brief history of the case is enumerated as under;

Mr. Rustam Khan Ex Principal GHS Mangloor Mansehra was retired on superannuation pension w.e.f 19.03.2006

- He was awarded selection grade BPS-17 w.e.f 29.12.1986.
- He reached to the maximum of BPS-17 w.e.f 01.12.1995.
- He was allowed BPS-18 w.e.f 01.12.1996 under the revised pay scale 1994.
- He reached the maximum of BPS-18 w.e.f 01.12.1998 and was drawing pay @ Rs. 8745/- P.M
- On the introduction of Revised Pay Scale 2001 selection grade & move over was disallowed and his pay was re-fixed in BPS-17 selection graded scale @14,115/- PM by allowing notional increment in BPS-17.
- Later on he was confirmed as Head Master in BPS-17 w.e.f 01.07.2003 and allowed one increment in Same Scale Promotion.
- He reached the maximum of BPS-17 w.e.f 01.12.2003 and was drawing pay @ 15,510/- PM

He was not allowed annual increment on 01.12.2004 as he reached at the maximum of BPS-17 and increment was not allowed beyond the maximum of pay scale in light of pay revision rules 2001 while he was allowed annual increment as Personal Pay w.e.f 01.12.2005.

The usual increment allowed by the Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) No.FD(SOSR-I)2-123/2017 dated 10.11.2017 with immediate effect to all those provincial Government employees who were not allowed annual increment due on 01.12.2001, due to the reason that they were at the maximum of pay scale 1994.

If the applicant is allowed annual increment in BPS-18 beyond the maximum of pay scale w.e.f 01.12.2001 (8745+366=9111) by virtue of move

**ZAHER AHMAD**  
Advocate High Court  
Abbottabad

PTD.

over resultantly his pay on 01.12.2001 has been fixed in BPS-17 (3850-290-7360) after allowing notional increment beyond the maximum of BPS-17 i-e (3880-290-9390) 19 stages in BPS-17, therefore his pay on 01.12.2001 is being re-fixed as (6210-465-15510)= 15045/- PM

- Pay on 01.12.2002 = 15510-PM (Maximum Stage)
- Pay on 01.07.2003 = 15510/- PM (regularized in BPS-17) allowed no increment being at maximum stage of pay scale
- Pay on 01.12.2003 = 15510/- pm no increment
- Pay on 01.12.2004 = 15510/- P.M no increment
- Pay on 01.07.2005 = 17840/- PM
- Pay on 01.12.2005 = 17840 PM + 535/- PP (as the annual increment has been allowed as PP by the KPK Government w.e.f 01.12.2005)

Hence no benefit, as he was already drawing same pay on 01.12.2005 he can only be allowed benefit of usual increment, if Govt; of KPK Finance Department (Regulation Wing) Peshawar extended the benefit of annual increment as a personal pay w.e.f 01.12.2002, 01.12.2003 & 01.12.2004 instead of 01.12.2005

  
District Accounts Officer  
Manshra

49

26

Amended I



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)**

NO. FD (SOSR-1) 2-123/2017-18  
Dated Peshawar the: 15-02-2019

To:

Mr. Rustam Khan, Ex-Head Master,  
Resident of Mohallah Hayat Nagar,  
Managlor Tehsil & District,  
**Mansehra**.

Subject: - GRANT OF USUAL / ANNUAL INCREMENT

I am directed to refer to your application No.nil dated 23-06-2018 on the subject noted above and to state that there is no such policy of Provincial Government under which usual increment has been granted in shape of Personal Pay w.e.f 01-12-2002 to the Provincial Government's employees.

**(BARKAT KHAN)**  
Section Officer (SR-1)

**ZAHEER AHMAD**  
Advocate High Court  
Abbottabad



(27)

Amir "J" (Late) F.R. Khan

Government of Pakistan  
Finance Division  
(Regulations Wing)  
\*\*\*\*

OFFICE MEMORANDUM

F. No. 3 (1) R-2/2014-889

Islamabad, the 27<sup>th</sup> October, 2014

Subject:- ADMISSIBILITY OF ANNUAL INCREMENT BEYOND THE SCOPE OF PAY SCALE (ABOVE CEILING)

The undersigned is directed to refer to Item-3 of Finance Division's O.M No.F-1(15) Imp. 2001 dated 13.05.2003 and to state that on discontinuation of the scheme of move over, the government servants were brought back to original scales of the posts and their pay was fixed in the revised Pay Scales, 2001 on notional extension basis. On doing so the pay of some employees crossed the ceiling of the notional extended Pay Scales. Such category of the government servants was allowed personal pay besides allowing future increments (as personal to them) up to 03 years. A question has been raised whether a government servant, who reaches the maximum of his pay scale after 01-12-2001, may also be allowed annual increment as personal pay up to three years (i.e. for 01.12.2002, 01.12.2003 and 01.12.2004). A similar case of Mr. Muhammad Humayun, Deputy Director (Rtd) was referred to Wafaqi Mohtasib who has decided the case in favour of complainant vide order dated 07-07-2014

2. In the light of findings of Wafaqi Mohtasib, It is clarified that a government servant who reaches the maximum of his pay scale on or after 01.12.2001 may also be allowed annual increments as personal pay up to three years (i.e. for 01.12.2002, 01.12.2003 and 01.12.2004). After that, the benefit of annual increment beyond the pay scales as personal pay has been allowed to all the government servants w.e.f 01.12.2005 under item-1 of Finance Division's O.M No. 1(6)/Imp/2005 dated 13.10.2006. The increment may be treated as personal pay subject to the condition that the employee concerned has put in six (06) months or more service as counts for an annual increment unless withheld under the rules. The amount of the personal pay may not be reduced but treated as part of pay scale of the concerned government servant for the purpose of fixation of pay, pension and recovery of house rent etc.

3. The clarifications, already issued in this context, may be treated to have been modified to the extent indicated above ab-initio.

(Nadeem Ijaz Ahmad)  
Section Officer (R-2)  
Ph.#: 051-9245846

ALL MINISTRIES/DIVISIONS/DEPARTMENTS

ZAHEER AHMAD  
Advocate High Court  
Abbottabad

Copy also forwarded for information to:-

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Constitution Avenue, G-5/2, Islamabad.
8. Supreme Court of Pakistan, Constitution Avenue, G-5/2, Islamabad.
9. Federal Shariat Court, Constitution Avenue, G-5/2, Islamabad.
10. The Auditor General of Pakistan, Constitution Avenue, G-5/2, Islamabad.
11. The Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisers attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/ KPK/Balochistan & Azad State of Jammu & Kashmir & Gilgit-Baltistan. }
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O. Box No.1384, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG, Post Offices, Islamabad.
29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8<sup>th</sup> Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M. Sectt. (Public) Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.
35. Web Master

(Nadeem Ijaz Ahmad)  
Section Officer(R-I)

ZAFEER AHMAD  
Advocate High Court  
Abbottabad



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Office of the  
**Accountant General**

NWFP, Peshawar

No. H-24 (101)/NSR-Vol.V/532  
Dated 04.06.2007

To

The District Accounts Officer  
Nowshera.

Subject: GRANT OF INCREMENT(S) TO THOSE ATTAINING CEILING OF  
THEIR PAY SCALE ON 01.07.2005

Reference letter No. DAO.NSR/GAD/2006-07/2504 dated 25.04.2007  
on the above subject, it is to intimate that anomaly cases of the government servants  
may be dealt as per following examples:

Example-1:

A government servant reaches to ceiling of his/her pay scale on 01.12.2004 is  
entitled for personal pay on 01.12.2005 and for annual increase in it till his/her  
promotion or revision of pay scales whichever is earlier.

Example-2

If a government servant earns annual increment on 01.12.2005 and reaches to  
ceiling of his/her pay scale; he/she will be entitled for personal pay on 01.12.2006  
and for annual increase in it till his/her promotion or revision of pay scales  
whichever is earlier.

The personal pay so granted may be treated as part of the pay of the  
concerned government servant for the purpose of fixation of pay, calculation of  
pension, and recovery of house rent, etc.

(Israr-ul-Haq)  
Assistant Accountant General

Copy forwarded to all District Accounts Officers in NWFP.

(Israr-ul-Haq)  
Assistant Accountant General

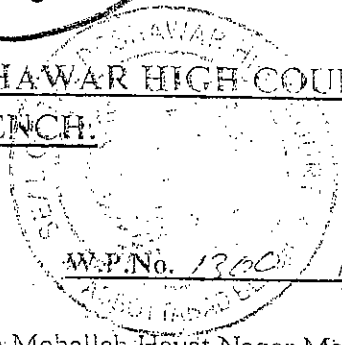
400/6  
13/9  
4/6/07  
400 Road, Peshawar Cantt. (25000)-Pakistan  
Phone: (+92) 91 9211250-54, Fax: (+92) 91 9213320

ZAHHEER AHMAD  
Advocate High Court  
Abbottabad

*all to available*  
*copy to*  
*DAO*  
*nowshera*  
*4/6/07*

53  
29

BEFORE THE HONOURABLE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH.



W.P.No. 1300 /2018

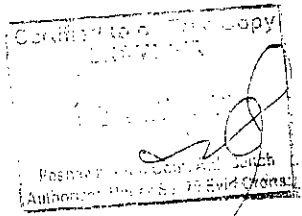
Rustam Khan S/o Said Alam Ex-Head Master R/o Mohallah Hayat Nagar Manglor  
Tehsil & District Mansehra.

...PETITIONER

VERSUS

1. Govt of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Peshawar.
2. Secretary Finance, Government of Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller, Account Office, Mansehrz.

..RESPONDENT



607  
27.11.18  
22.11

WRIT PETITION UNDER ARTICLE 199 OF THE  
 CONSTITUTION OF ISLAMIC REPUBLIC OF  
 PAKISTAN, 1973 FOR DECLARATION / SEEKING  
 DIRECTION TO RESPONDENTS TO THE EFFECT THAT  
 PETITIONERS BEING AN EMPLOYEE OF THE  
 DEPARTMENT HAVING RETIRED ON 19/05/2006 AND  
 AS SUCH BEING ENTITLED TO ALL USUAL  
 INCREMENTS/PERSONNEL PAY IN HIS SALARIES  
 W.E.F 01/12/1999 TILL THE DATE OF RETIREMENT, BE  
 GIVEN ALL THE AFOREMENTIONED DUES/ ARREARS  
 OF USUAL INCREMENTS AS NOTIFIED VIDE

*Zaheer Ahmad*  
**ZAHKEER AHMAD**  
 Advocate High Court  
 Abbottabad

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PESHAWAR HIGH COURT ABBOTTABAD  
BENCH

JUDICIAL DEPARTMENT

JUDGMENT SHEET

WP No. 1300-A/2018.

Date of hearing 06.12.2018.

Petitioner/s (Rustam Khan) by Mr.  
Zaheer Ahmed Qureshi, Advocate.

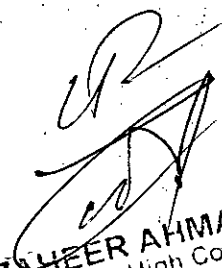
Respondent/s (Government of KPK &  
others by Mr. Yasir Zahoor Abbasi,

SYED MUHAMMAD ATTIQUE SHAH.J.

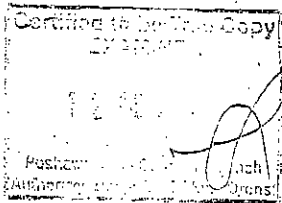
Rustam Khan, petitioner through the  
instant writ petition under Article 199 of  
the Constitution of Islamic Republic of  
Pakistan, 1973, has prayed as under:-

*'That on acceptance of this writ  
petition, the respondents may  
graciously be directed to release  
all the arrears in respect of the  
usual increments as notified vide  
notification dated: 10.11.2017  
w.e.f 01.12.1999 till the date of his  
retirement in lump sum'*

2. Succinctly the facts of the present  
writ petition are that petitioner was  
appointed as SV teacher at Government

  
**ZAHKEER AHMAD**  
Advocate High Court  
Abbottabad

High School Kabgani, Mardan on 28.06.1967. On 23.01.1972 he promoted as CT and then on 03.09.1975 as SET. Lateron, he was awarded selection grade of BPS-17 on 29.12.1986 and thereafter allowed move over to BPS-18. That the petitioner was then promoted as Deputy District Education Officer (Male) E&SE Mansehra on 22.09.1996 and was promoted on regular basis in BPS-17 on 27.05.2003 and then after attaining age of superannuation he was retired. That the petitioner has drawn the salary under the pay scales of 1994 as ceiling of scale since 01.12.1999. That respondent No. 2 issued notification dated 10.11.2017 thereby allowing the usual increments with immediate effect to all the provincial government employees, who were not allowed increment which was due on 01.12.2001 for the reason that they were at the maximum of 1994 pay scale. That on 23.05.2018, the petitioner requested to the respondent No. 2 to issue a revised Last Pay Drawn certificate (LPC) in the

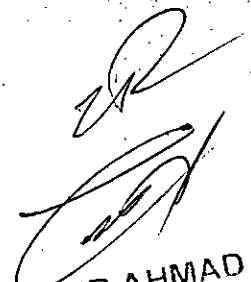


*Zaheer Ahmad*  
**ZAHHEER AHMAD**  
 Advocate High Court  
 Abbottabad

light of aforementioned Notification but in vain. However, the petitioner filed an application/representation approached to respondent No. 2 for release of the said increments, which is still not paid, hence, the present writ petition.

3. Perusal of the record reveals that the question agitated by the petitioner in the present petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 directly relates to the terms and conditions of his service, which is not amenable to the writ jurisdiction of this Court under Article 199 of the Constitution in view of the bar contained in Article 212 of the Constitution of 1973. Reliance is placed on case titled '*Fir Muhammad Vs. Government of Balushistan through Chief Secretary and others*' (2007 SCMR 54).

4. Therefore, in the peculiar facts and circumstances of the present writ petition, the present writ petition is dismissed. However, respondent No. 2 is directed to dispose of the application/representation

  
ZAHEER AHMAD  
Advocate High Court  
Abbottabad

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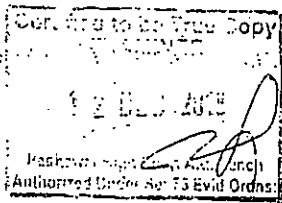
33

of the petitioner, if pending before him,  
within a period of one month.

Announced.  
06.12.2018.  
Tahir PS

Sd/- Judge,  
Sd/- Judge

Hon'ble Justice Lal Jan Khattak &  
Syed Muhammad Attique Shah.



*[Signature]*  
ZAFIER AHMAD  
Advocate High Court  
Abbottabad



10/3/18

رقم:

رقم: 10/3/18

بابت: 10/3/18

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بابت: 10/3/18

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Reply

59

No. 1/2019  
date. 22/11/18

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

**Service Appeal No.423/2019**

**Rustam Khan.....APPELLANT.**

**VERSUS**

**1. District Accounts Officer Mansehra & Others  
RESPONDENTS.**

**PARAWISE COMMENTS / WRITTEN REPLY ON  
BEHALF OF RESPONDENTS NO 3.**

**INDEX**

S. No	Description of documents	Annexure	Pages
1.	Comments		1-5
2.	Affidavit		6
3.	Finance Department Notification No. FD (SOSR-I) 2-123 /2017 dated 10.11.2017	A	7
4.	Finance Department Notification No. FD (SOSR-I) 2-123 /2017-18 dated 15.02.2019	B	8
<b>Reference Books</b>			
1.	Pay Revision Rule 1978		

**DISTRICT ACCOUNTS OFFICER  
MANSEHRA**

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

**Service Appeal No.423/ 2019**

**Rustam Khan.....APPELLANT.**

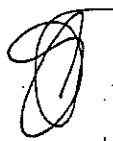
**VERSUS**

**1. District Accounts Officer Mansehra & Others  
Respondents**

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**PARAWISE COMMENTS / WRITTEN REPLY ON  
BEHALF OF RESPONDENT NO 3.**

**PRELIMINARY OBJECTIONS:-**

- 
1. That the Appellant has not come to the Hon'ble Tribunal with clean hands.
  2. That the Appellant has no cause of action/locus standi to file the instant Service Appeal.
  3. That instant Service Appeal is against the prevailing law and rules.
  4. That the Appellant has concealed the material facts from this Hon'ble Tribunal. Hence not entitled for any relief and Service Appeal is liable to be dismissed without any further proceedings.
  5. That the Service Appeal is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
  6. The instant Service Appeal is not maintainable in the present form and also in the present circumstances of the issue.
  7. That the demand of the Appellant is against the law and facts hence the Appellant is not entitled for any relief and is liable to be dismissed on this score alone.
  8. That, the Service Appeal is liable to be dismissed with cost.

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ON FACTS.

- 1) Para No.1 needs no comments.
- 2) Para No.2 needs no comments.
- 3) Para No.3 needs no comments.
- 4) Para No.4 needs no comments.
- 5) Para No.5 needs no comments.
- 6) Para No.6 needs no comments.
- 7) Para No.7 needs no comments.
- 8) Para No.8 reveals that, the appellant submitted the application for grant of increment, the brief history of the appellant is as under

❖ The appellant awarded selection grade BPS-17 w.e.f 29.12.1986

❖ The appellant reached to the maximum of BPS-17 w.e.f 01.12.1995

❖ The appellant allowed move over BPS-18 w.e.f 01.12.1996 under Revised Pay Scale 1994

❖ The appellant reached the maximum of BPS-18 w.e.f 01.12.1998 and was drawing pay @ Rs. 8745/-PM.

❖ The Government of KPK discontinued the benefit of Selection Grade and Move over after the introduction of Revised pay Scale 2001.

- ❖ The pay of the Appellant has been revised under the revised pay scale 2001 @ RS.14115/-PM.
- ❖ The appellant has been promoted / confirmed as Head Master in BPS-17 w.e.f 01.07.2003 and allowed on advance / premature increment in light of Government of KPK Finance Department notification dated 29.04.1984.
- ❖ The appellant reached the maximum of BPS-17 w.e.f 01.07.2003 and drawing pay @ Rs.15510/-PM
- ❖ The appellant was not allowed annual increment on 01.12.2004 as he was already reached at the maximum of Pay Scale on 01.12.2003 and the Government of KPK did not introduced the pay policy beyond the maximum of the Scale.
- ❖ The Government of KPK has allowed an increment vide Finance Department Notification No. FD (SOSR-I) 2-123/2017 dated 10.11.2017 with immediate effect to all those provincial Government employees who were not allowed annual increment due on 01.12.2001, due to the reason that they were at the maximum of pay scale 1994. Annexure "A"



❖ The appellant has been retired from service w.e.f 19.03.2006 on superannuation as a Principal.

❖ The Pay of the appellant has been fixed after the allowing the annual increment in BPS-18 beyond the maximum of pay scale w.e.f 01.12.2001 by virtue of move over resultantly his pay on 01.12.2001 has been fixed in BPS-17 @ Rs.15045/-

Date	Scale	Amount	Remarks
01.12.2001	B-18	8745	
01.12.2001	B-17	15045	Pay Scale revised and the pay of the appellant has been fixed after allowing the annual increment in revised pay scale 2001
01.12.2002	B-17	15510	Annual Increment and the appellant reached the maximum the stage of BPS-17
01.07.2003	B-17	15510	Regularized in BPS-17
01.12.2003	B-17	15510	No increment
01.12.2004	B-17	15510	No increment
01.07.2005	B-17	17840	Pay scale revised.
01.12.2005	B-17	17840+535	Personal pay has been allowed as annual increment w.e.f 01.12.2005 by the Government of KPK

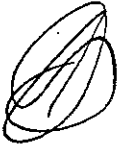
9) Para No.7, correct that the appellant approached the Secretary Finance, in reply to his application the Finance Department has not granted the annual increment w.e.f 01.12.2002 to 01.12.2004, as there is no such policy of Provincial Government in the shape of Personal Pay vide his Notification No.

FD (SOSR-I) 2-123/2017-18 dated  
15.02.2019. Annexure "B"

- 10) Para No.10 needs no comments.
- 11) Para No.11 needs no comments.
- 12) Para No.12 needs no comments.
- 13) Para No.13 needs no comments.
- 14) Para No.14 needs no comments.

**GROUNDS:-**

- a) Para No. "a" needs no comments.
- b) Para No. "b" needs no comments.
- c) Para No. "c" needs no comments.
- d) Para No. "d" needs no comments.
- e) Para No. "e" needs no comments.
- f) Para No. "f" needs no comments.
- g) Para No. "g" needs no comments.
- h) Para No. "h" needs no comments.



*Netted*  
*[Signature]*  
22/10/19  
District Accounts Officer  
Mansehra  
Service Tribunal Camp  
Abbottabad

In light of Rules / Orders on the subject enumerated above it is submitted that the Appellant is misleading this Honorable Tribunal by misinterpretation of Rules. The demand of the Appellant is not only against the law and facts but also amounts to wastage the precious time of this Honorable Tribunal, hence the Appellant is not entitled for any relief. It is therefore, prayed that the service appeal may graciously be dismissed with cost.

*[Signature]*  
District Accounts Officer  
Mansehra

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

Service Appeal No.423/ 2019

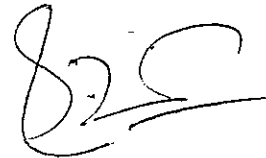
Rustam Khan.....APPELLANT.

VERSUS

1. District Accounts Officer Mansehra & Others.....RESPONDENTS.

**AFFIDAVIT**

I, SYED MUNIR HUSSAIN SHAH, ASSISTANT ACCOUNTS OFFICER,  
DISTRICT ACCOUNTS OFFICE, MANSEHRA DO HEREBY SOLEMNLY AFFIRM  
AND DECLARE ON OATH THAT THE CONTENTS OF FORE-GOING PARA-WISE  
REPLY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND  
BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS  
HONOURABLE COURT.



SYED MUNIR HUSSAIN SHAH  
(DEPONENT)



2015-172271

66 (90) A D



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

NO. FD (SOSR-1) 2-123/2017  
Dated Peshawar (the 10<sup>th</sup> November, 2017)

To:

1. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa
2. The Addl. Chief Secretary, P&D Department, Khyber Pakhtunkhwa
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. The Principle Secretary to Governor, Khyber Pakhtunkhwa
5. The Principle Secretary to Chief Minister, Khyber Pakhtunkhwa
6. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. The Registrar, Peshawar High Court, Peshawar.
9. All District & Sessions Judges in Khyber Pakhtunkhwa
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
12. All Deputy Commissioners, in Khyber Pakhtunkhwa

Subject:

GRANT OF USUAL INCREMENT.

Dear Sir,

I am directed to refer to the subject noted above and to state that the competent authority is pleased to allow usual increment with immediate effect to all Provincial Government employees who were not allowed annual increment due on 01-12-2001 due to the reason that they were at the maximum of 1994 pay scales.

Secretary to Govt. of Khyber Pakhtunkhwa  
Finance Department

Dated Peshawar (the 10<sup>th</sup> November, 2017)

Encls: No. FD (SOSR-1) 2-123/2017

A Copy for Information & necessary action is forwarded to the:-

1. Accounts General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Government of Punjab, Sindh and Balochistan, Finance Departments.
3. All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.

(FIAZ ALAMI)  
DEPUTY SECRETARY (REG)

Encls: No & Date given.

A copy for Information is forwarded to:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa
3. The Director, Local Fund and Audit, Khyber Pakhtunkhwa, Peshawar
4. The Director, FMRU, Finance Department, Khyber Pakhtunkhwa
5. All the District Accounts Officers in Khyber Pakhtunkhwa.
6. The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa
7. The Private Secretary to Secretary, Finance Deptt. Khyber Pakhtunkhwa
8. PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
9. PAs to Additional Secretaries / Deputy Secretaries in Finance Department, Peshawar.

(BARKAT KHAN)  
SECTION OFFICER (REG)



67 (26)  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

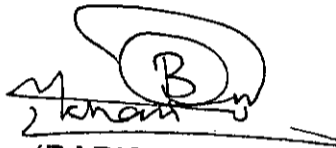
NO. FD (SOSR-1) 2-123/2017-18  
Dated Peshawar the: 15-02-2019

To:

Mr. Rustom Khan, Ex-Head Master,  
Resident of Mohallah Hayat Nagar,  
Managlor Tehsil & District,  
Marishehra.

Subject: - GRANT OF USUAL / ANNUAL INCREMENT

I am directed to refer to your application No.nil dated 23-06-2018 on the subject noted above and to state that there is no such policy of Provincial Government under which usual increment has been granted in shape of Personal Pay w.e.f 01-12-2002 to the Provincial Government's employees.

  
(BARKAT KHAN)  
Section Officer (SR-1)

Government of Pakistan  
Finance Division  
(Regulations Wing)  
\*\*\*

Subject:- Grant of Usual Increments.

Reference: AGPR's letter No. GA-IV/F.D/AR-69/09-10, 1224 dated 19<sup>th</sup> May, 2010 on the above subject.

The matter regarding grant of usual increment to all those who were not allowed annual increment due on 01-12-2001 due to the reason that they were at the maximum of 1994 pay scales has been considered in the light of FST Judgment dated 03-07-2009 in Appeal No. 298(R)CS/2005 and it has been decided that the benefit of FST's aforesaid Judgment may also be allowed to all those officers who were in similar situation and were entitled to annual increment on 01-12-2001 but were not allowed due to the reason that they were at the maximum of their pay scales.

*M. Umar Khan*  
(M. Umar Khan) 26/5  
Section Officer (I-2)  
Ph: 262179

Accountant General of Pakistan Revenue, Islamabad  
In. Div. U.O. No. F. 3 (2) R-2/2009-424 dated 26-05-2010



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**FINANCE DEPARTMENT** 69  
**(REGULATION WING)**

**NO. FD (SOSR-1) 2-123/2017**  
**Dated Peshawar the 10<sup>th</sup> November, 2017**

**To:**

1. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. The Addl: Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa
4. The Principle Secretary to Governor, Khyber Pakhtunkhwa
5. The Principle Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. The Registrar, Peshawar High Court, Peshawar.
9. All District & Sessions Judges in Khyber Pakhtunkhwa
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
12. All Deputy Commissioners, in Khyber Pakhtunkhwa.

**Subject: GRANT OF USUAL INCREMENT.**

**Dear Sir,**

I am directed to refer to the subject noted above and to state that the competent authority is pleased to allow usual increment **with immediate effect** to all Provincial Government employees who were not allowed annual increment due on 01-12-2001 due to the reason that they were at the maximum of 1994 pay scales.

**Secretary to Govt. of Khyber Pakhtunkhwa**  
**Finance Department**

**Endst: No.FD(SOSR-1) 2-123 /2017,**

**Dated Peshawar the 10<sup>th</sup> Nov, 2017**

**A Copy for information & necessary action is forwarded to the:-**

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Government of Punjab, Sindh and Balochistan, Finance Departments.
3. All Heads of Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.

**(FIAZ ALAM)**

**DEPUTY SECRETARY (REG-II)**

**Endst: No & Date even.**

**A copy for information is forwarded to:-**

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 Deptt: with the request to upload the same on FD's Website.
5. All the District Accounts Officers in Khyber Pakhtunkhwa.
6. The Private Secretary to Minister for Finance, Khyber Pakhtunkhwa.
7. The Private Secretary to Secretary, Finance Deptt: Khyber Pakhtunkhwa.
8. PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
9. PAs to Additional Secretaries / Deputy Secretaries in Finance Department, Peshawar.

**(BARKAT KHAN)**

**SECTION OFFICER (SR-1)**

2001

70 44

GOVERNMENT OF N.W.F.P.  
FINANCE DEPARTMENT

No. FD(PRC)1-1/2001

Dated Peshawar the, October 27, 2001.

From:-

The Secretary to Government of NWFP,  
Finance Department.

To

1. All Administrative Secretaries to Government of NWFP.
2. The Senior Member Board of Revenue, NWFP.
3. The Secretary to Governor, NWFP, Peshawar.
4. The Secretary, Provincial Assembly, NWFP.
5. All Heads of Attached Departments NWFP.
6. All District Coordination Officers/Political Agents/ District and Sessions Judges NWFP.
7. The Registrar, Peshawar High Court, Peshawar.
8. The Chairman, NWFP, Public Service Commission.
9. The Chairman, NWFP, Service Tribunal, Peshawar.
10. The Secretary Board of Revenue, NWFP, Peshawar.

Subject:-

REVISION OF BASIC PAY SCALES AND FRINGE BENEFITS OF CIVIL EMPLOYEES (BPS 1 - 22) OF THE N.W.F.P. GOVERNMENT. (2001).

Sir,

I am directed to state that the Governor of the NWFP has been pleased to sanction, with effect from December 1, 2001, a scheme of the Basic Pay Scales, Allowances and Pensions, 2001 for the Civil employees of the Government of NWFP in BPS 1 to BPS 22 as detailed below:

PART I - BASIC PAY SCALES AND ALLIED MATTERS.

2. BASIC PAY SCALES :- The existing Basic Pay Scales and the revised Basic Pay Scales are shown in Annexure-1 to this letter. The revised basic pay scales shall

71

Replace the existing Basic Pay Scale 1994, and shall be effective from 1st Dec 2001.

DISCONTINUATION OF ALLOWANCES :- The following allowances shall cease to be payable on introduction of the revised pay scales with effect from 01-12-2001:-

- I. Cost of Living Allowance to BPS 1 to BPS 22 @ 7% of basic pay.
- II. Adhoc relief of Rs. 300/-p.m. and Rs. 100/- p.m. to BPS 1 to BPS 16 (Inclusive of BPS-17 by virtue of Move Over).
- III. Secretariat Allowance/Personal Allowance if any/Adhoc Relief as reimbursement for Secretariat/Personal Allowance.

4. SPECIAL ADDITIONAL ALLOWANCE :- Special Additional Allowance sanctioned vide Finance Department's letter No. FD(PRC)1-1/99 dated 26-7-1999 shall be frozen at the level drawn as on date of issue of this letter.

5. INITIAL FIXATION OF PAY :- Pay of the employees in Government service on 30-11-2001 shall be fixed at the stage in the revised pay scales which is as many stages above the minimum as the stage occupied by him above the minimum of the 1994 Basic Pay Scale.

6. PAY FIXATION ON PROMOTION :- The existing provisions regulating the fixation of pay in case of promotion from lower to a higher post shall continue to apply.

7. SELECTION GRADE AND MOVE OVER :- selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discontinued w.e.f the date of issue of this letter.

8. PAY FIXATION OF EMPLOYEES IN SELECTION GRADE AND THOSE WHO HAVE MOVED OVER TO HIGHER SCALE.

Pay of an existing employee drawing pay by move over shall be fixed with reference to the pay scale of the post for the time being held by him. In case the employee was drawing pay in Selection Grade, his pay will be fixed in the Selection Grade pay scale. The stage of fixation will be arrived at after allowing increments on notional basis in the original scale of the post or the Selection Grade, in 1994 Basic Pay Scales, upto the point of existing pay. Pay of the employees will then be fixed at the relevant stage in the revised pay scales 2001.

EXAMPLE I

Assistant, BPS-11 Selection Grade, BPS 15, Move over BPS 16 and its receipt of Pay of Rs. 5490/- Pay will be fixed in BPS-15 i.e Selection Grade pay scale at Rs. 8320/- as under :-

	Stage 15	Stage 16	Stage 17	Stage 18	Stage 19
1994 Scale	4845	5022	5199	5376	5553
2001 Scale	7260	7525	7790	8055	8320

EXAMPLE II

Pay fixation of an employee in BPS-11 who has moved over to BPS-14 and its receipt of basic pay of Rs. 4480/- will be fixed after allowing notional increments in BPS-11 of 1994 Basic Pay Scales upto the stage of basic pay drawn. Pay in revised BPS-11 will be fixed at the corresponding stage of Rs. 6790/- as under:-

BPS-11	Stage 15	Stage 16	Stage 17	Stage 18	Stage 19	Stage 20	Stage 21	Stage 22	Stage 23	Stage 24
1994 Pay Scale	3465	3581	3697	3813	3929	4045	4164	4277	4393	4509
2001 Pay Scale	5215	5390	5565	5740	5915	6090	6265	6440	6615	6790

**EXAMPLE- III**

Pay Fixation of an employee in BPS-5 who has moved over to BPS-11 and is in receipt of basic pay of Rs. 3465/- will be fixed after allowing notional increments in BPS-5 of 1994 BPS upto the stage of basic pay drawn. Since basic pay of Rs. 3465/- is beyond the 30 stages in notional BPS-5, (1994 BPS), and resultantly more than the 30 stages of BPS-2001, therefore, his pay will be fixed at the notional 32<sup>nd</sup> stage i.e. at Rs.5300/-. The difference of Rs. 200/- (Rs.5300 - 5100) will be personal to him as under:-

	Stage- 30	Stage - 31	Stage - 32
BPS-5 1994	3380	3446	3512
BPS-5 2001	5100	5200	5300

In such cases future increments upto a maximum of 3 years will also be allowed as personal to such employees.

9. **DATE OF INCREMENT:-** Annual increment shall continue to be admissible subject to the existing conditions, on the 1st December each year.

10. **SPECIAL PAYS/ALLOWANCES FOR OFFICES :-** The Special Pays/ Allowances sanctioned to offices as percentage of pay shall be discontinued on the introduction of revised pay scales w.e.f 1-12-2001 and adjusted in future increments.

11. **ADVANCE INCREMENTS:-** The existing scheme of advance increments is discontinued w.e.f. 1-12-2001. A fresh scheme, if any, will be introduced in due course.



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

SERVICE APPEAL NO. 423 /2019

Rustam Khan

(APPELLANT)  
(PLAINTIF)

VERSUS

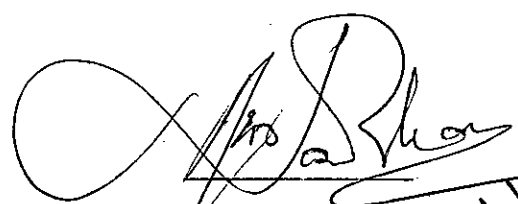
Secretary Ed & D & Ours

(RESPONDENTS)  
(DEFENDANT)

I/We Rustam Khan

Do hereby appoint and constitute **MUHAMMAD RIAZ SWATI ADVOCATE, MANSEHRA** to appear, plead, act compromise, withdraw or refer to arbitration for me/us as my/our counsel/advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated 25/5/2021



**CLIENTS  
ACCEPTED  
MUHAMMAD RIAZ SWATI  
MANSEHRA**

*MM*  
*25/5/2021*  
*Be-10-2977*

2001

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GOVERNMENT OF N.W.F.P.  
FINANCE DEPARTMENT

No. FD(PRC) 1-1/2001

Dated Peshawar the, October 27, 2001.

From:-

The Secretary to Government of NWFP,  
Finance Department.

To

1. All Administrative Secretaries to Government of NWFP.
2. The Senior Member Board of Revenue, NWFP.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary, Provincial Assembly, NWFP.
5. All Heads of Attached Departments NWFP.
6. All District Coordination Officers/Political Agents/ District and Sessions Judges NWFP.
7. The Registrar, Peshawar High Court, Peshawar.
8. The Chairman, NWFP, Public Service Commission.
9. The Chairman, NWFP, Service Tribunal, Peshawar.
10. The Secretary Board of Revenue, NWFP, Peshawar.

Subject:-

REVISION OF BASIC PAY SCALES AND FRINGE BENEFITS OF CIVIL EMPLOYEES (BPS 1 - 22) OF THE N.W.F.P. GOVERNMENT (2001).

Sir,

I am directed to state that the Governor of the NWFP has been pleased to sanction, with effect from December 1, 2001, a scheme of the Basic Pay Scales, Allowances and Pensions, 2001 for the Civil employees of the Government of NWFP in BPS 1 to BPS 22 as detailed below:

### PART I - BASIC PAY SCALES AND ALLIED MATTERS.

2. BASIC PAY SCALES :- The existing Basic Pay Scales and the revised Basic Pay Scales are shown in Annexure-I to this letter. The revised basic pay scales shall

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Replace the existing Basic Pay Scale 1994, and shall be effective from 1st Dec 2001.

DISCONTINUATION OF ALLOWANCES :- The following allowances shall stand discontinued on introduction of the revised pay scales with effect from 01-12-2001.

- I. Cost of Living Allowance to BPS 1 to BPS 22 @ 7% of basic pay.
- II. Adhoc relief of Rs. 300/-p.m. and Rs. 100/- p.m. to BPS 1 to BPS 16 (Inclusive of BPS-17 by virtue of Move Over).
- III. Secretariat Allowance/Personal Allowance if any/Adhoc Relief and Adhoc Allowance for Secretariat/Personal Allowance.

4. SPECIAL ADDITIONAL ALLOWANCE :- Special Additional Allowance sanctioned vide Finance Department's letter No. FD(PRC) I-1/99 dated 26-7-1999 shall be frozen at the level drawn as on date of issue of this letter.

5. INITIAL FIXATION OF PAY :- Pay of the employees in Government service on 30-11-2001 shall be fixed at the stage in the revised pay scales which is as many stages above the minimum as the stage occupied by him above the minimum of the 1994 Basic Pay Scale.

6. PAY FIXATION ON PROMOTION :- The existing provisions regulating the fixation of pay in case of promotion from lower to a higher post shall continue to apply.

7. SELECTION GRADE AND MOVE OVER :- Selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discontinued w.e.f the date of issue of this letter.

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