

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

AMENDED SERVICE APPEAL No. _____/2024
IN
SERVICE APPEAL No. 312/2024

MR. SYED WAJID ALI SHAH v/s THE GOVT: OF KP ETC

I N D E X

S.NO.	DOCUMENTS	ANNEX	PAGE
1.	Memo of Amended Service Appeal with Affidavit	1-4
2.	Copy of order dated <u>24-04-24</u>	I	5-6

APPELLANT

THROUGH: NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

AMENDED SERVICE APPEAL NO. _____/2024
IN
SERVICE APPEAL NO. 312/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13202

Dated 05.06.24

Mr. Syed Wajid Ali Shah, Senior Scale Stenographer (BPS-16),
Office of the Forestry, Environment & Wildlife Department,
Khyber Pakhtunkhwa, Peshawar.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

AMENDED APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST APPELLATE ORDER DATED 23/04/2021, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR GRANT OF ONE PRE MATURE INCREMENT UPON PROMOTION TO BPS-15 W.E.F. 21/02/2014 HAS BEEN REJECTED ON NO GOOD GROUND.

PRAYER:

That on acceptance of this service appeal, the impugned appellate order dated 23/04/2021 whereby the request of the appellant for the grant of one pre mature increment on promotion to the same scale i.e. BPS-15 w.e.f. 21/02/2014 with all back benefits, may kindly be set aside and the appellant may kindly be granted one pre mature increment w.e.f. 21/02/2024 with all back benefits. Any other remedy

which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That the appellant was appointed as Junior Scale Stenographer (BPS-12) in year, 1987 on the proper recommendation of Departmental Selection Committee and since then performed his duties in the respondent department quite efficiently and with the entire satisfaction of his superiors and the appellant on 24/11/2001 was granted Selection Grade in BPS-15 by the respondent department w.e.f. 09/09/1999. Copy of office order dated 24/11/2001 is attached as annexure.....**A is already annexed**
- 2- That thereafter on 29/01/2008 the appellant was promoted from the post of Junior Scale Stenographer (BPS-12) to Senior Scale Stenographer (BPS-15) on regular basis. Copy of office order dated 29/01/2008 is attached as annexure.....**B is already annexed**
- 3- That the Govt: of Pakistan Finance Division (Regulation Wing) through a memorandum dated 05/11/2012 grant/allow premature increment to those employees, who were promoted within the same scale. Copy of Memorandum dated 05/11/2012 is attached as annexure.....**C is already annexed**
- 4- That one premature increment was granted in the light of the judgment of the Supreme Court of Pakistan as well as in the light of circular of finance department dated 21/02/2014. Copy of judgment of Supreme Court and Circular are attached as annexure.....**D&E are already annexed**
- 5- That feeling aggrieved from the inaction of the respondent, the appellant filed departmental appeal, which was regretted vide appellate order dated 23/04/2021. Copies of departmental appeal and order dated 23/04/2021 are attached as annexure.....**F&G are already annexed**

- 6- That the appellant filed the above titled Service Appeal No 312/2024 before this Honourable Tribunal, wherein the appellant requested before this Honourable Tribunal for submission of the instant Amended Service Appeal, which was allowed vide order dated 24-04-24. Copy of order dated 24-04-24 is attached as annexure.....I
- 7- That the appellant having no efficacious remedy, filed the instant Amended Service Appeal on the following grounds amongst the others.

GROUND:

- A- That the inaction of the respondents by not granting premature increment to the appellant is against the Law, Facts and norms of natural justice, hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondents in accordance with law and rules and as such the respondents violated Article 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the respondents discriminated the appellant on the subject noted above and as such the respondents violated the policy of the provincial government.
- D- That one premature increment was granted into the appellant in the light of the judgment of the Supreme Court of Pakistan as well as in the light of circular of finance department dated 21/02/2014.
- E- That the impugned action and inaction of the respondent department is against the law and policy in vogue, therefore, the same may kindly be set aside.
- F- That the action and inaction of the respondents is based on malafide and arbitrary intention, hence not tenable and liable to be set aside.

- G- That the appellant seeks his relief on the principle of consistency, which has been laid down by the supreme court of Pakistan in a judgment reported in 1996.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the instant amended appeal of the appellant may be accepted as prayed for.

[Signature]
APPELLANT

**THROUGH: NOOR MUHAMMAD KHATTAK
 ADVOCATE SUPREME COURT**

[Signature]
MEHMOOD JAN

[Signature]
UMAR FAROOQ MOHMAND

[Signature]
**WALEED ADNAN
 &**

[Signature]
**KHANZAD GUL
 ADVOCATES HIGH COURT**

CERTIFICATE:

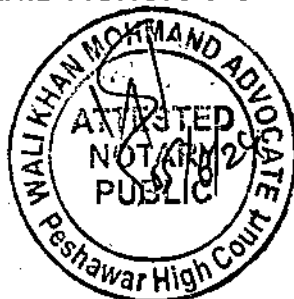
No such like amended appeal is pending or filed between the parties on the subject matter before this Honorable Tribunal.

[Signature]
 Advocate

AFFIDAVIT

I, **Mr. Syed Wajid Ali Shah**, Senior Scale Stenographer (BPS-16), Office of the Forestry, Environment & Wildlife Department, do hereby solemnly affirm on oath that the contents of the above amended appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

[Signature]
DEPONENT



"I" -5-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO 312 /2024

Mr. Syed Wajid Ali Shah, Senior Scale Stenographer (BPS-16),
Office of the Forestry, Environment & Wildlife Department,
Khyber Pakhtunkhwa, Peshawar.

..... **APPELLANT**

VERSUS

- 1- The Secretary Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE APPELLATE ORDER DATED 23.4.2021 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR THE GRANT OF ONE PRE MATURE INCREMENT UPON PROMOTION TO BPS-15 W.E.F. 23.4.2021 HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this service appeal the impugned appellate order dated 23.4.2021 whereby the request of the appellant for the grant of one pre mature increment on promotion to the same scale i.e. BPS-15 w.e.f. 21.2.2014 with all back benefits may kindly be set aside and the appellant may kindly be granted one pre mature increment w.e.f. 21.2.2014 with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

ATTORNEY

A.No 312/2024
S. Wajid Ali Shah

-6-

24.04.2024

01. Counsel for the appellant present and requested for time to submit application for correction in the memo. of appeal and for placing on file certain documents necessary for just disposal of the appeal. He may do so within a fortnight and case to come up for preliminary hearing on 29.05.2024 before the S.B. PP given to learned counsel for the appellant.



ATTESTED

[Signature]
Fazle Subhan, P.S.
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]
(Fareeha Paul)
Member(E)

Date of Presentation of Application 05-6-24
Number of Words 17
Copying Fee 5/-
Urgent 5/5
Total 10/-
Name of Copyist _____
Date of Completion of Copy 05-6-24
Date of Delivery of Copy 05-6-24