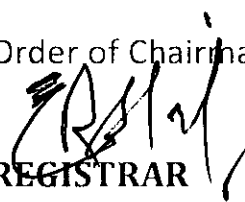


## Form- A

## FORM OF ORDER SHEET

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

Case No. \_\_\_\_\_ **884/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/06/2024	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 13.06.2024 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. This case be entered in Institution Register and entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on 28.06.2024. Counsel for the appellant has been informed telephonically.</p> <p style="text-align: right;">By the Order of Chairman  REGISTRAR</p>



*The*  
**PESHAWAR HIGH COURT**  
*Peshawar*

Ph: No. 091-9210149-58

No. 101532 (1)/1561/2024/WP-MN

Dated. 25-June-2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 13794

Dated 26-06-2024

To

✓  
The Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Subject: Writ Petitions W.P 994/2023 Title: Masood Jan VS Province of KP through Secretary Finance and other

Sir,

I am directed to send herewith the titled case in original alongwith all annexures and copy of order of this Honble Court dated 13.06.2024 for compliance.

*ja* Deputy Registrar (Judicial)

*25/6/24*

Encl: As above.

*2*

**PESHAWAR HIGH COURT PESHAWAR**

**Form "A"**

**Order Sheet**

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
2	3
13.6.2024	<p><b><u>WP 994-P/2023</u></b></p> <p>Present:</p> <p>Mr. Shahzada Irfan Zia, Advocate, for the petitioner.</p> <p>Ms. Humaira Gul, AAG, for the respondent KP Govt along with a representative of the department.</p> <p>*****</p> <p><b><u>IJAZ ANWAR, J.-</u></b> Through the instant writ petition, the petitioner has prayed that the respondents be directed to pay/release the increases on the commuted portion of his pension with effect from the date of retirement to the date of restoration as well as to re-fix the same.</p> <p>2. Para-wise comments of the respondents were called for, which were accordingly submitted.</p> <p>3. In their comments, though the respondents have raised a preliminary objection of non-maintainability of the instant writ petition being hit by Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973 yet, contended that the pension of the petitioner has correctly been restored under the rules and all the increases which were admissible in the year of restoration i.e. 05.5.2015 were</p>

included.

4. In such eventualities, we, when asked the learned counsel for the petitioner as to why the jurisdiction of the Service Tribunal has not been invoked, he referred to the prayer of the writ petition and judgment of the Apex Supreme Court of Pakistan reported as *2014 SCMR 1336 "Secretary to Govt of Punjab Finance Department vs. M. Ismail Tayar and 269 others"* and contended that the jurisdiction of the Tribunal is barred. The record, however, suggests that the matter in hand squarely falls within the jurisdiction of the Service Tribunal.

5. In view thereof, we convert this writ petition into an appeal and direct the office to transmit it along with all annexures to the Khyber Pakhtunkhwa Service Tribunal for its decision in accordance with law. However, the photocopies of the file be retained for the record.

**Announced:**

13.6.2024

Senior  
Puisne Judge

Judge

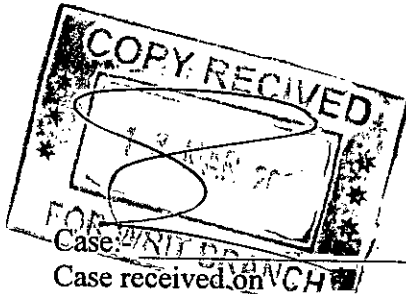
**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.**

**CHECK LIST**

1.	Case Title	<i>Masood Jan</i> VERSUS <i>Province of KPK etc</i>	
2.	Case is duly signed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
3.	The law under which the case is preferred has been mentioned.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
4.	Approved file cover is used.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
5.	Affidavit is duly attested and appended.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
6.	Case and annexures are properly paged and numbered according to index.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
7.	Copies of annexures are legible and attested. If not, then better copies duly attested have annexed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
8.	Certified copies of all requisite documents have been filed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
10.	Case is within time.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
12.	Court fee in shape of stamp paper is affixed. [For writ Rs. 500, for other as required]	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
13.	Power of attorney is in proper form.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
14.	Memo of addressed filed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
15.	List of books mentioned in the petition.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
16.	The requisite number of spare copies attached [Writ petition-3, civil appeal (SB-2) Civil Revision (SB-1, DB-2)]	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
17.	Case (Revision/ Appeal/petition etc) is filed on a prescribed form.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

N/A

It is certified that formalities/documentations as required in column 2 to 18 above, have been fulfilled.



Name:- *Shahzada Irfan Zia Adv.*  
 Signature:- *[Signature]*  
 Dated:- *11/3/2023*

**FOR OFFICE USE ONLY**

Case received on 11/3/2023  
 Complete in all respects Yes/ No, (If No, the grounds) \_\_\_\_\_

Date in court:- \_\_\_\_\_

Signature \_\_\_\_\_  
 (Reader)

Date:- \_\_\_\_\_

Countersigned:- \_\_\_\_\_  
 (Deputy Registrar)

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

**OPENING SHEET FOR WRIT BRANCH**

Date of filing: \_\_\_\_\_  
District: Peshawar

Case Type: Writ Petition Nature of Original Proceeding \_\_\_\_\_

Category Code: **50713**

Review / contempt of court in respect of: \_\_\_\_\_

Writ of:

Heabus Corpus	Prohibiton	Mandamus <input checked="" type="checkbox"/>	Quo Warranto	Certiorari
------------------	------------	---	-----------------	------------

If Certiorari:

Forum	Date	Interlocutory / Final Order	<input type="checkbox"/> SB
			<input checked="" type="checkbox"/> DB

Petitioner Name	MASOOD JAN S/O MUHAMMAD YAQUB
Mobile No.	03179847215
Address	H.NO- 39, Phase-6, Street No3, Hayatabad, Peshawar.
CNIC NO.	17301-34113885
Email Address	Nil

Counsel for Petitioner	Shahzada Irfan Zia (Advocate)
Mobile No.	0300-9345297
Address	Faqirabad No.2, Zaryab Colony, Peshawar.
CNIC NO.	17301-1511951-1
Email Address	lrfanzia09@gmail.com

Respondents	Province of KPK through chief secretary, Peshawar etc
Address	Civil Secretariat, Peshawar

**FILED TODAY**

**Deputy Registrar**

Original Order / Action / Inaction Complained of :  
Against Non- payment of increases on commuted portion of pension.

**13 MAR 2023**

Prayer

It is humbly prayed that the respondents may graciously be directed to release the increases on commuted portion of pension of the petitioner and his pension be re-fixed accordingly.

Law/Rules governing the original proceedings/ action /inaction  
Constitution of Islamic Republic of Pakistan 1973.  
Case law as per need

*[Signature]*

Signature

BEFORE THE PESHAWAR HIGH COURT ,PESHAWAR

Writ Petition No. 994/P/2023

Service Appeal no. 884/2024

MASOOD JAN

PETITIONER

VERSUS

PROVINCE OF KPK ETC.

RESPONDENTS

**INDEX**

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1.	Opening sheet		
2.	Body of Writ Petition		1-3
3.	Affidavit		4
4.	Memo of Addresses		5
5.	Pension Roll of petitioner	A	6
6.	Pension payment order	B	7-10
	Court Fee		
	Vakalat Nama		

*Masood Jan*  
PETITIONER

THROUGH

*Shahzada Irfan Zia*  
SHAHZADA IRFAN ZIA  
ADVOCATE, PESHAWAR

21-B, NIMRA CENTRE, FAQIRABAD NO-1, PESHAWAR.  
CELL.0300-9345297

**FILED TODAY**

**Deputy Registrar**

**13 MAR 2023**

Scanned USB Received

13 MAR 2023

Signature

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

*Service Appeal no. 884/2023*  
Writ Petition No. *994/2023*

Masood Jan S/O Muhammad Yaqub, Retired PTC, R/O House No-1883, Chowk  
Nasir Khan presently residing at Phase-6, Street No-3, House No-39, Hayatabad,  
Peshawar. .... PETITIONER

**V E R S U S**

1. Province of KPK through Secretary Finance Department, Civil Secretariat, Peshawar.
2. Accountant General KPK, Fort Road Peshawar Cant, Peshawar.
3. Secretary to Govt. of KPK, Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
4. Director of Education, Elementary & Secondary Education Department, KPK, GT Road, Peshawar.
5. District Education Officer (Male) GT Road, Peshawar.

..... RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN 1973.**

Respectfully Sheweth:

**FACTS OF THE CASE**

1. That the Petitioner served the Elementary & Secondary Education Department in the capacity of Peripetatic Teacher (PTC) BPS-11 and retired from service on qualifying service with effect from 05-05-1989, after rendering 25 years and 4 months unblemished service in the department. (ANNEX. A)
2. That the Petitioner on his retirement was sanctioned commutation of one half of his pension for a period of 15 years in terms of WP Civil Services Pension Rules, 1963. On expiry of the commuted period, the pension of the petitioner was restored with effect from 05-05-2015 after almost 26 years of his retirement but without the periodic increases on commuted portion of pension. (ANNEX. B)
3. That pension is not a bounty or ex-gratia payment but it is a right acquired after putting in satisfactory service by a Government servant for the prescribed minimum period. It is a valuable right and denial to receive the same would affect his fundamental right guaranteed under Article 23 and

**FILED TODAY**

**Deputy Registrar**

**13 MAR 2023**



24(1) of the Constitution of Islamic Republic of Pakistan. The competent authority under Rule 8.1 of WP Civil Services Pension Rules, may sanction commutation of a portion of the pension not exceeding one half including 1/4<sup>th</sup> of the surrendered portion and after restoration on completion of the prescribed period the pensioner should also be paid the periodic increases on-commuted portion of pension.

4. **That** the matter necessary for adjudication of the lis at hand has already been conclusively determined and decided by the august Supreme Court of Pakistan in a reported judgment titled "Secretary to Govt. of Punjab Finance Department VS M. Ismail Tayar and 269 others" (2014 SCMR-1336) The august apex court dismissed the appeals of the Government of Punjab and upheld the judgments of the courts below and held the pensioners entitled for the increases on commuted portion of their pension.
5. **That** it is settled principle of law that if Supreme Court decides a point of law relating to terms of service of a civil servant which covers not only the case of civil servant who litigated but also of other civil servants who may have not taken any legal proceedings, in such a case, dictates of justice and good governance demand that benefit of judgment be extended to other civil servants who may not be parties to litigation instead of compelling them to approach the court. The respondents are under legal obligation to follow the dictum laid down by the apex court in the judgment referred herein above in letter and spirit.
6. **That** the Petitioner approached the respondents No-1&2 and requested for release of the arrears of the increases on commuted portion of his pension but his request went unheeded hence the petitioner being old age citizen of about 81 years, had left no adequate and efficacious remedy except to approach this august court in its constitutional jurisdiction with the following prayer:

**FILED TODAY**

~~Deputy Registrar~~

**13 MAR 2023**

In view of the aforesaid facts and circumstances of the case it is humbly prayed that the respondents may graciously be directed to pay/release the increases on commuted portion of the pension of the petitioner with effect from the date of retirement to the date of restoration of the commuted portion of pension to the petitioner and his pension be re-fixed accordingly.

Any other relief though not specifically prayed for may also be granted in favor of petitioner if this court deems appropriate.

*Masood Zia*  
PETITIONER

THROUGH

*Shahzada Irfan Zia*

SHAHZADA IRFAN ZIA

ADVOCATE, PESHAWAR

21-B, NIMRA CENTRE, FAQIRABAD, NO-1, PESHAWAR

CELL. 0300-9345297

CERTIFICATE

Certified that no such writ petition earlier been filed on behalf of petitioner on the subject matter before this august court.

*Shahzada Irfan Zia*

ADVOCATE

LIST OF BOOKS

- 1. Constitution of Islamic Republic of Pakistan.
- 2. WP Civil Services Pension Rules, 1963.
- 3. Case Law as per need.

*Shahzada Irfan Zia*

ADVOCATE

**FILED TODAY**  
~~Deputy Registrar~~  
**13 MAR 2023**

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

IN RE:

Writ Petition No. *9948*/2023

Masood Jan ..... RETITIONER

VERSUS

Province of KPK etc..... RESPONDENTS

AFFIDAVIT

I, Masood Jan S/O Muhammad Yaqub R/O House NO. 1883, Chowk Nasir Khan, Peshawar, presently residing at phase-6, House No-39, Hayatabad, Peshawar City, do hereby solemnly affirm and declare that the contents of the Writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

*Masood Jan*  
Deponent ✓

N.I.C # 17301-34113885:

Cell #:0317-9847215

IDENTIFIED BY:

*Irfan Zia*

Shahzada Irfan Zia

Advocate , Peshawar.

32729

Certified that the above was verified on solemnly affirmation before me in office, this *06* day of *March* 20*23* by *Masood Jan* s/o *M. Yaqub* r/o *Peshawar* who was identified by *Shahzada Irfan Zia* Who is personally known to me:

*[Signature]*  
Oath Commissioner  
Peshawar High Court, Peshawar  
*06/03/2023*

**FILED TODAY**

**Deputy Registrar**

**13 MAR 2023**

5/

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

Writ petition NO. 994/P/2023

Masood Jan..... PETITIONER

VERSUS

Province of KPK etc.....RESPONDENTS

**MEMO OF ADDRESSES**

**PETITIONER**

Masood Jan S/O Muhammad Yaqub R/O House No-1883, Chowk Nasir Khan, Peshawar. Presently residing at Phase-6, street No-3, House No-39, Hayatabad, Peshawar. Peshawar.

**RESPONDENTS**

1. Secretary to Govt. of KPK Finance Department, civil secretariat, Peshawar.
2. Accountant General KPK, Fort Road, Peshawar cant, Peshawar.
3. Secretary to Govt. of KPK, Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
4. Director of Education, E & SE, Department, GT Road, Peshawar.
5. District Education Officer (Male) GT Road, Peshawar.

**FILED TODAY**

**Deputy Registrar**

**13 MAR 2023**

*Masood Jan*  
PETITIONER

THROUGH:

*Shahzada Irfan Zia*  
SHAHZADA IRFAN ZIA  
ADVOCATE, PESHAWAR  
CELL NO. 0300-9345297

## PENSION ROLL DATA SHEET &amp; PENSION SLIP

Date of issue : 25.11.2021  
 PPO Type : FRESH  
 PPO Number : 00764358-01  
 Pensioner ID : 00764358  
 Pension Register No:  
 Pensioner's Name : MASOOD JAN  
 Father / Husband name : MUHAMMAD YAQUB  
 Designation: PERIPETATIC TEACHER  
 NIC No.: 1730134113885  
 Grade / Scale : 11  
 Department.Min: Min. Of Education  
 Pensioner's Type: SELF  
 Pension Type: RETIRING PENSION  
 Date of Birth : 05.01.1944  
 Date of appointment: 05.01.1964  
 Date of retirement: 05.05.1989  
 Date of Death:  
 Date of commence : 05.05.1989  
 Date of Restoration : 05.05.2015  
 Accounts office ID : PW  
 Accounts office Name : AG KP Peshawar  
 Federal / Province : Khyber Pakhtunkhwa  
 Length of Qualifying Service : 25 years, 4 months, 0 days  
 Old PPO Number :  
 No. and Date of sanction of pension / Letter No. :  
 and the date of the other Audit and Accounts officer authorising  
 the Pension/Gratuity/Commutation  
 Permanent Address: PESHAWAR

Note :  
 Age : 46 years  
 Last Drawn pay/Emoluments(Rs.): 1374.00  
 Gross Pension(Rs.) : 801.50  
 1/4th Surrendered Portion (Rs.) :  
 Commuted Portion (Rs.) : 0.00  
 Net Pension (Rs.) : 801.50  
 Net Family Pension (Rs.) : 0.00  
 Amount of Commutation(Rs.) : 0.00  
 With Held Amount (Rs.) : 0.00  
 Life Time Arrears (Rs.) : 0.00  
 Arrears Of Pension (Rs.) : 0.00  
 Special Additional Pension (Rs.) : 0.00  
 Commutation Percentage : 0.00  
 Commutation Table value : 26.32  
 Recovery on A/C of  
 Debitable to Govt : Khyber Pakhtunkhwa  
 Total Net Share  
 Federal : 0.00 Punjab : 0.00  
 Sindh : 0.00 NWFP : 0.00  
 Balochistan : 0.00 Military : 0.00  
 AJK : 0.00 Autonomous : 0.00

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2015	Rs. 10093.75	10093.75	01.03.2016
2	JUL.2016	10.00 %	1089.53	01.07.2016
3	JUL.2017	10.00 %	1198.48	01.07.2017
4	JUL.2018	10.00 %	1318.33	01.07.2018
5	JUL.2019	10.00 %	1450.16	01.07.2019
6	JUL.2021	10.00 %	1595.18	01.07.2021
7	0	Rs. 0.00	0.00	
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				

## PENSION SLIP

Month: November  
 Year: 2021

## Pension roll details

Wage Type	Wage Type Text	Amount
/559	Payment	18967.00
0100	Monthly Pension - Self	801.00
0101	Pension Increases - Self	16745.00
1599	Medical Allow - Pensioner	1137.00
1600	Med. All. 2015 Pensioner	284.00

## Bank Details

Bank Account Number : 00427900180001  
 Bank Branch : Gulbahar Colony2, PESHAWAR.  
 Gulbahar Colony2, PESHAWAR.  
 Payment Mode : HABIB BANK LIMITED.

attested  


PENSION PAYMENT ORDER  
PENSIONER'S PORTION

Name of pensioner M. Asad Jan  
 (Designation and Grade) Ex P.T.C.  
 His/Her Father's name M. Muhammad Yaqub  
 Husband's  
 Permanent address showing H. No. 2068/3, M. A. B.  
Sheik. Gul - 22, Am. J. 1972  
 Identity Card No. S. U. N. P. S. C. A. W. A. N.  
 Date of birth 5-1-45  
 Date of Retirement 5-5-89  
 Length of Qualifying Service 25 years  
 Class of Pension Ret.  
 Monthly average emoluments Rs 1374/-  
 No. and date of sanction of pension or letter No. D. U. S. T. C. O. No. 1473 dt. 1.2.88  
P. O. No. 151/88

and Date of the other Audit and Account office authorising the Pension/Gratuity/commutation.

Old P.P.O. No. if any

Gross pension Rs. 880/-

1/4th surrendered portion Rs. 0/-

Commuted portion Rs. 442/-

Net pension payable monthly Rs. 442/-

Debitable to Govt. N.W.F.P.

(Classification)

Major Function .. 000 General Admn.

Minor Function .. 02

Detailed Function .. 01

Major Object .. 61

Minor Object .. 61

Detailed Object .. 61



attested  
[Signature]

Office of the .....  
No. 38122 .....the ..... 19

UNTIL FURTHER NOTICE, and on the expiration of every month please pay to Masood Khan the sum of Rupees Four hundred and forty two (Rs. 442 - 25) (less income tax) being the amount of PENSION.

as Ex P.T.C.

Upon the production of this order and a receipt in the usual form. The payment should commence from 5-5-80 (5th May 1980)

2. As Mr. .... has exercised the option admissible under the Liberalised Pension Rules 1977-a lump-sum/gratuity of Rs. .... in lieu of his 1/4th pension of Rs. .... surrendered under the rules is also payable.

The gratuity is debitable to the head:  
Major Object 600 Transfer Payments  
Minor Object 660 Superannuation Allowance and Pension  
Detailed Object 663 Gratuity value of Pension

3. He is also entitled to a temporary increase of Rs. .... (Rupees. ....) P.M. w.e.f. .... or until further orders under usual conditions. A sum of Rs. 39665 - 30 (Rupees. ....) on account of commuted value of pension is also payable. The commuted value is debitable to the head.

Major Object . . . 600 Transfer Payments.  
Minor Object . . . 660 Superannuation Allowance and Pension.  
Detailed Object . . . 663 Commuted value of pension

Signature  
ACCOUNTANT-GEN.  
Office of the Accountant General  
N.W.F.P. (Designation)

The Treasury Officer/D.A.O. Peshawar  
Manager-National Bank of Pakistan.

attested  
107

Pensioner is also entitled for Adhoc Increase w.e.f 1.7.51.

**Gross Pension** 28475  
**Increase upto** 22445  
**TOTAL** 50920  
**Adhoc Increase** 62  
**Rs. 12 1/2%** 6365  
**PAID ON** 57585

NOTE (1) - No Pensioner shall be liable to seizure, attachment or requestration by process of any court in Pakistan at the instance of a creditor for any demand against the pensioner (section II, Act XXIII of 1877).

NOTE (2) - Payment under this order is to be made only to the pensioner in person, with the following exceptions:-  
 (a) To person specially exempted by Government.  
 (b) To person residing in a hospital and to person unable to appear on account of illness or bodily infirmity.  
 (c) To any person sending a Life Certificate, of a Magistrate of any class under the criminal procedure code, 1900, by any Registrar or Sub-Registrar or District Registrar, or by any Registrar or District Registrar who before retirement exercise the powers of a Magistrate or any other officer of Government or by a Munsiff or by any person holding a Government title.

NOTE (3) - In all cases referred to in clauses (a), (b) and (c) the Disbursing Officer must, at least once in every year, require proof, independent of that furnished by the Life Certificate of the continued existence of the pensioner.

NOTE (4) - On the death of the pensioner this order should be immediately cancelled by his/her family to the Treasury Office District/Account office/National Bank of Pakistan with a report of the date of his death.

6

9

Record of lump-sum payments on account of Gratuity and Commutation.

Nature of Payment	Vr. No. and Date	Amount
On 7.7.51		
Payable to		150265-38
By Transfer Cr. 11/51		9400-00
		22000
		139665-38
to		67.00
		10779/13
		99100
		4119/2

*attested*  
197



7/9 597/92

Amount of Net Pension Payable monthly Rs. \_\_\_\_\_  
 Every separate payment is to be \_\_\_\_\_

Month for which pension is due	19	19	19	19
	Date of payment	Disbursing Officer's initials	Date of payment	Disbursing Officer's initials
July	02/1		7/1/92	
August	4/3/92			
September				
October	7/3/92		2/1/93	
November				
December	4/6/92			
January	2/1/93		2/1/93	
February	3/8/92			
March	3/1/92		5/7/93	
April			5/3/93	
May	5/2		11/1/93	
June	6/1/92		6/1/93	

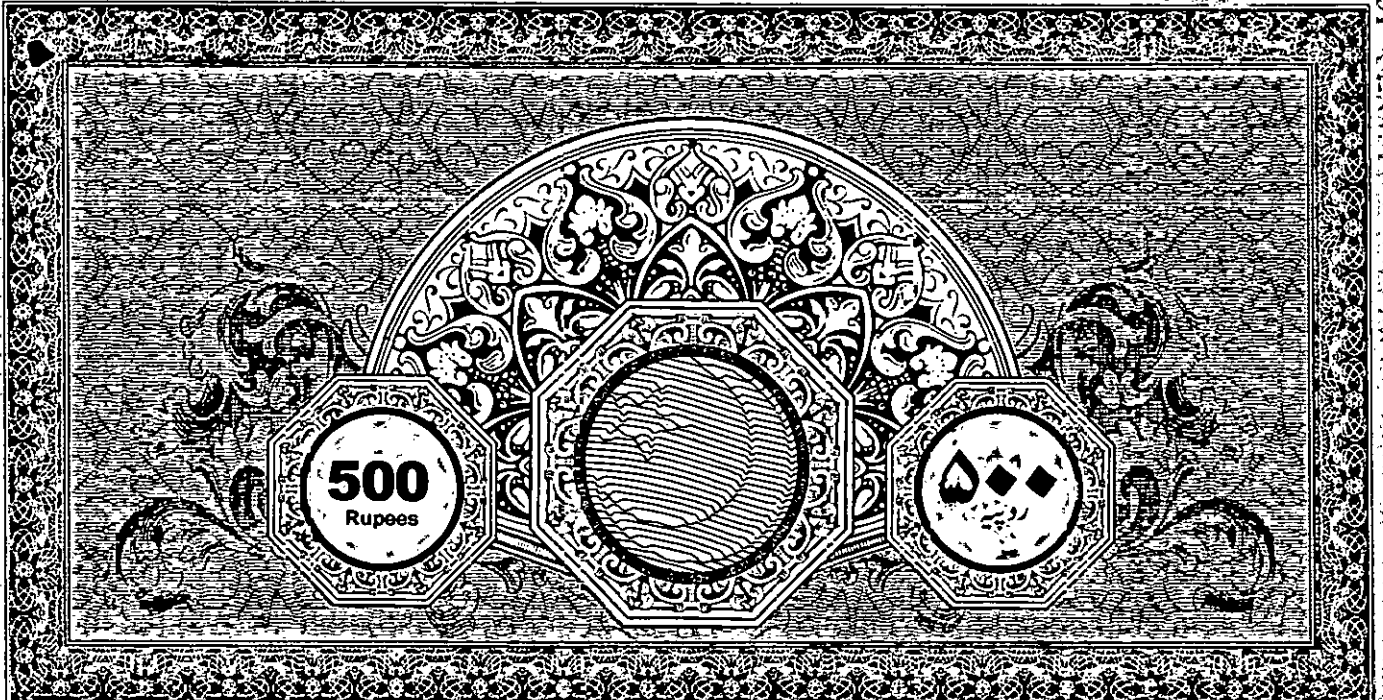
10

597-92  
 10.2/09  
 704/94

In Words \_\_\_\_\_  
 recorded below by the Disbursing Officer.

19	19	19	19	Remarks
Date of payment	Disbursing Officer's initials	Date of payment	Disbursing Officer's initials	
12/5		12-7	84/8	
6/14		2 AUG 1994		
		02 OCT 1994		
15/15		02 NOV 1994		
		6/12/94	5/6/95	
52/6		8/1/95	3/7/95	
47/9		6/2/95	1/6/95	
09-05-94		9/3/95	5/9/95	
		5/4/95	6/3/95	
13/7/94		6/30/94		

attested  
 187



PAKISTAN COURT FEE

*Masood Jan  
vs  
Province of KPK etc.*

**CANCELLATION**

13 MAR 2023

~~FILED~~

Deputy Registrar

13 MAR 2023

District Comptroller of accounts  
31 JAN 2023  
(Treasury Wing) Peshawar.

623

*[Handwritten signature]*  
6/19

Before the Peshawar High Court, Peshawar.



Petitioner

Masood Jan 2 منجانب

11-3-2023

مورخہ

بنام

Masood Jan

مقدمہ

Province of KPK etc.

Writ Petition

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام Peshawar کیلئے Shahzada Irfan Zia

Advocate

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔

FILED TODAY

Deputy Registrar

Masood Jan

13 MAR 2023

20

2023

March

11th

المرقوم

واہ العبد

Attested.

Accepted.

18/Jan/23

العبد (10-7608)  
Cell: 0300-9345

کے لئے منظور ہے۔

مقام

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR**

Writ Petition No.994-P/2023

Masood Jan.....Petitioner.

V/S

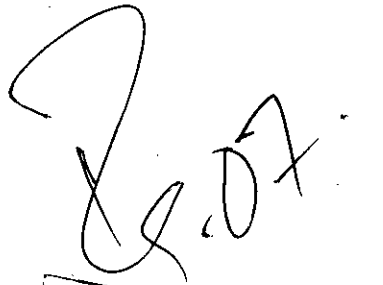
Government of Khyber Pakhtunkhwa through  
Secretary Finance Peshawar and others.....Respondents.

**(Para wise reply on behalf of Respondent No. 2)**

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Deponent

  
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**BEFORE THE PESHAWAR HIGH COURT PESHAWAR**

Writ Petition No.994-P/2023

Masood Jan.....Petitioner.

V/S

Government of Khyber Pakhtunkhwa through  
Secretary Finance Peshawar and others.....Respondents.

**(Para wise reply on behalf of Respondent No. 2)**

**Preliminary Objections:-**

- 1) That the petitioner has no cause of action.
- 2) That the petitioner has no locus standi.
- 3) That the Petitioner has not come to this Court with clean hands.
- 4) That the Petition in hand having no merits hence liable to be dismissed.
- 5) That the Petition of the Petitioner is barred by Law/rules.
- 6) That the Petitioner has not complied with Section 79, 80 CPC.
- 7) That the instant Petition is time barred.
- 8) That under the article 212 of the constitution of Islamic Republic of Pakistan 1973, the petitioner is required to come through a right forum i.e Service Tribunal.

**Respectfully Sheweth:-**

- 1) Relates to Record however, liable to be proved by the Petitioner.
- 2) Correct to the extent that in Para "6" of the Finance Department Peshawar (Regulation Wing) letter No. FD(SOSR-II) 4-III/2015, dated: 14.07.2015 (Annex-A) it is clearly mentioned that,

"For the Purpose of Admissibility of Increase in Pension Sanctioned through this letter the term "Net Pension" means Pension being drawn minus Medical Allowance"

Hence the Pension of the Petitioner was correctly been restored under the rules.

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**Deputy Registrar**

**15 JUN 2023**

- 3) As mentioned in Para "2" above, to the extent that in the Pension roll of the Petitioner all the increases are already been included which were admissible in the year of Restoration i.e 05.05.2015 (Annex-B).
- 4) That Respondent No.1 is in better position to show the status of the case, either they have adopted the rules and instructions of the Panjab Government after the introduction of 18<sup>th</sup> amendments or otherwise.
- 5) As mentioned in Para "4" above.
- 6) That Respondent No.2 is bound to follow the rules and instructions issued by the Provincial Government of Khyber Pakhtunkhwa from time to time and has already been carefully calculated and allowed all increases of Restoration of Pension of the Petitioner under the rules and noting else.

Keeping in view the above mentioned facts it is, therefore, humbly prayed that the Writ in hand having no merits may be dismissed with cost.

  
ACCOUNTANT GENERAL  
KHYBER PAKHTUNKHWA

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15 JUN 2023

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR**

Writ Petition No.994-P/2023

Masood Jan.....Petitioner.

V/S

Government of Khyber Pakhtunkhwa through  
Secretary Finance Peshawar and others.....Respondents.

**(Para wise reply on behalf of Respondent No. 2)**

**AFFIDAVIT**

I Mr. Yasir Qadeem Assistant Accounts Officer, Office of the Accountant General Khyber Pakhtunkhwa Peshawar do hereby solemnly affirms & declare that the reply submitted on behalf of Respondent No.2 is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

Identified By



Advocate General  
Khyber Pakhtunkhwa



Dependent

17301-4088696-3  
0300-5824421

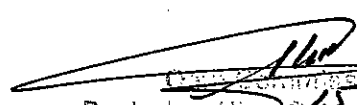
**FILED TODAY**

**Deputy Registrar**


**15 JUN 2023**

no. 91105

Certified that the above was verified on solemnly affirmation before me in office, this 15 day of Jun 2023 by Yasir Qadeem s/o Mr to Peshawar who was identified by De Who is personally known to me:

  
Deputy Registrar  
Peshawar High Court 15/6/2023



	<b>GOVERNMENT OF KHYBER PAKHTUNKHWA</b> <b>FINANCE DEPARTMENT</b> <b>(REGULATION WING)</b>
	NO. FD (SOSR-II)4-111/2015 Dated Peshawar the: 14-07-2015

From:

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Finance Department,  
Peshawar.

To:

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

Subject: GRANT OF INCREASE IN PENSION TO CIVIL PENSIONERS OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

The Competent Authority, is pleased to sanction, w.e.f 1<sup>st</sup> July, 2015 and until further orders, an increase @ 10% in net pension of the Pensioners of Khyber Pakhtunkhwa Government.

2. The 20% increase in pension as allowed vide para-1 of the Provincial Government's letter No.FD(SOSR-II)4-111/2012 dated 06/07/2012 shall be discontinued for those who would retire on or after 01/07/2015.

3. The increases granted during the previous years vide following letters at the rate noted against each will also be admissible to the new pensioners who would retire on or after 01-07-2015:-

S.No.	Letter No and date	Rate of increase
1.	No.FD (SOSR-II) 4-111/2010 dated 15/07/2010	15% on net pension
2.	NO. FD.(PRC) 1-1/2011 dated 14/07/2011	15% on net pension
3.	No.FD(SOSR-II)4-111/2013 dated 17/07/2013	15 % on net pension
4.	NO. FD (SOSR-II)4-111/2015 dated 09/07/2014	10% on net pension

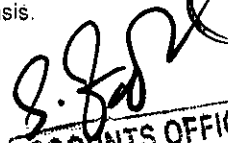
4. The 10% increase in pension as mentioned at para-1 above will also be admissible to the pensioners who would retire on or after 01-07-2015.

5. For the purpose of admissibility of increase in pension sanctioned through this letter the term "Net Pension" means "Pension being drawn" minus "Medical Allowance".

6. The increase will also be admissible on family pension granted under the Pension-cum-Gratuity Scheme, 1954, Liberalized Pension Rules, 1977, on pension sanctioned under the Provincial Civil Servants Pension Rules as well as on the Compassionate Allowance under CSR-353.

7. If the gross pension sanctioned by the Provincial Government is shared with any other Government in accordance with the rules laid down in part-iv of Appendix III to the Accounts Code, Volume-I, the amount of increase in pension will be apportioned between the Government of Khyber Pakhtunkhwa and the other Government concerned, on proportionate basis.

P.T.O

  
**ACCOUNTS OFFICER**  
 O/o A.G. Khyber Pakhtunkhwa

8 The increase in pension sanctioned through this circular will not be admissible on Special Additional Pension allowed in lieu of pre-retirement orderly allowance.

SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst: FD (SOSR-II)/4-111/2015, Dated Peshawar the 14<sup>th</sup> July, 2015

A Copy is forwarded for information to the:-

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


  
(Razauillah)

Additional Secretary (Reg.)

**Endst: No & Date even.**

A copy for information is forwarded to:-

1. The Director General, Provincial Disaster Management Authority, Khyber Pakhtunkhwa.
2. The Director, Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The District Comptrollers of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
6. All the *District* /Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
7. The Treasury Officer, Peshawar.
8. All the Section Officers/Budget Officers in Finance Department.
9. Zonal Chiefs of All Commercial Banks, Khyber Pakhtunkhwa.
10. Zonal Office, National Bank of Pakistan 8 the Mall Peshawar Cantt for circulation amongst all concerned braches, Peshawar, D.I. Khan, Abbottabad and Mardan (Fax No.0919211639)
11. P.S to Minister for Finance Khyber Pakhtunkhwa.
12. P.S to Chief Secretary, Khyber Pakhtunkhwa.
13. P.S to Secretary Finance Khyber Pakhtunkhwa
14. President, Mr.Javid Ashraf, National Bank of Pakistan Head office 7<sup>th</sup> floor, 1-1 Chandrigar Road Karachi. (Phone 02199223172, Fax 02199220500) for circulation amongst all concerned for further necessary action please.
15. Section Officer (Reg:6) Govt: of Pakistan, Finance Division, (Regulation Wing) with reference to his O.M No.F.4(1) Reg:6/2015/697 dated 07/07/2015 for information and record.

  
**ACCOUNTS OFFICER**  
O/o A.G. Khyber Pakhtunkhwa

  
**(WAZIR MUHAMMAD AFGAR)**  
SECTION OFFICER (SR.II)

**PENSION ROLL DATA SHEET & PENSION SLIP**

Date of issue : 05.06.2023  
 PPO Type : FRESH  
 PPO Number : 00764358-01  
 Pensioner ID : 00764358  
 Pension Register No : ✓  
 Pensioner's Name : **MASOOD JAN**  
 Father / Husband name : **MUHAMMAD YAQUB**  
 Designation: PERIPETATIC TEACHER  
 NIC No.: 1730134113885  
 Grade / Scale : 11  
 Department.Min: Min. Of Education  
 Pensioner's Type: **SELF**  
 Pension Type: **RETIRING PENSION**  
 Date of Birth :05.01.1944  
 Date of appointment:05.01.1964  
 Date of retirement: 05.05.1989  
 Date of Death:  
 Date of commence :05.05.1989  
 Date of Restoration :05.05.2015  
 Accounts office ID :PW  
 Accounts office Name :AG KP Peshawar  
 Federal / Province :Khyber Pakhtunkhwa  
 Length of Qualifying Service :25 years,4 months,0 days  
 Old PPO Number :  
 No. and Date of sanction of pension / Letter No. :  
 and the date of the other Audit and Accounts officer authourising  
 the Pension/Gratuity/Commutation  
 Permanent Address:PESHAWAR

Note :  
 Age : 46 years  
 Last Drawn pay/Emoluments(Rs.): 1374.00  
 Gross Pension(Rs.) : **801.50**  
 1/4th Surrendered Portion (Rs.) :  
 Commuted Portion (Rs.) : 0.00  
 Net Pension (Rs.) : **801.50**  
 Net Family Pension (Rs.) : 0.00  
 Amount of Commutation(Rs.) : 0.00  
 With Held Amount (Rs.) : 0.00  
 Life Time Arrears (Rs.) : 0.00  
 Arrears Of Pension (Rs.) : 0.00  
 Special Additional Pension (Rs.) : 0.00  
 Commutation Percentage : 0.00  
 Commutation Table value : 26.32  
 Recovery on A/C of :  
 Debitable to Govt :Khyber Pakhtunkhwa  
 Total Net Share  
 Federal : 0.00 Punjab : 0.00  
 Sindh : 0.00 NWFP : 0.00  
 Balochistan : 0.00 Military : 0.00  
 AJK : 0.00 Autonomous : 0.00

He/She is also entitled to the following increases


Sr. No.	Period	Increase % of amount	Increase Amount	W.E.F.
1	JUL.2015	Rs. 10093.75	10093.75	01.03.2016
2	JUL.2016	10.00 %	1089.53	01.07.2016
3	JUL.2017	10.00 %	1198.48	01.07.2017
4	JUL.2018	10.00 %	1318.33	01.07.2018
5	JUL.2019	10.00 %	1450.16	01.07.2019
6	JUL.2021	10.00 %	1595.18	01.07.2021
7	JUL.2022	15.00 %	2632.04	01.07.2022
8	0.	Rs. 0.00	0.00	
9				
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26				
27				

**PENSION SLIP**

Month: May  
 Year: 2023

**Pension roll details**

Wage Type	Wage Type Text	Amount
/559	Payment	21599.00
0100	Monthly Pension - Self	801.00
0101	Pension Increases - Self	1927.00
1599	Medical Allow - Pensioner	1137.00
1600	Med. Alt. 2015 Pensioner	284.00

  
**ACCOUNTS OFFICER**  
 A.G. Khyber Pakhtunkhwa

**Bank Details**

Bank Account Number : 00427900180001  
 Bank Branch : Gulbahar Colony2, PESHAWAR.  
 Gulbahar Colony2, PESHAWAR.  
 Payment Mode :HABIB BANK LIMITED

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR**

W.P No. 994-P/2023

Masood Jan .....

Petitioner

**VERSUS**

Govt. of KP through Secretary Finance Department & Others .....

Respondents

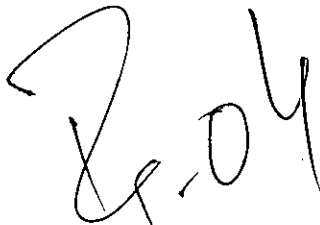
**REPLY ON BEHALF SECRETARY FINANCE DEPARTMENT**  
**(RESPONDENT NO.01)**


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**DEPONENT**



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**BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR**

W.P No. 994/2023

Masood Jan ..... Petitioner

VERSUS

Secretary, Finance Department  
Govt. of Khyber Pakhtunkhwa and others ..... Respondents

**REPLY ON BEHALF OF SECRETARY FINANCE DEPARTMENT  
(RESPONDENTS NO. 1)**

Respectfully Sheweth:

**Preliminary Objections:**

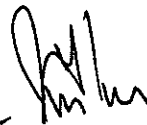
1. That Petitioners have got no cause of action/locus standi to file the instant Writ Petition.
2. That the Petitioners have not come to this Court with clean hands.
3. That no discrimination/injustice has been done to anyone.
4. That the petitioner is estopped by the conduct to file the instant petition.
5. That the petition is not based on facts and is unjustified.
6. That the petitioner is legally bound to disclose the real facts before the court.
7. That the petition has been filed to entangle the department into unnecessarily litigation and to waste the precious time of the Hon'able Court.
8. That the petition is bad for miss-joinder and non-joinder of the necessary parties.

**FACTS**


1. Pertains to record.
2. Relates to Respondent No.02.
3. Respondent No.02 has been mandated to calculate actual claim of appellant as per settled procedure.
4. Pertain to record.
5. No comments.
6. Record available in Finance Department was thoroughly checked and no such request/application was found submitted by the petitioner. As far as payment of arrears of increase on commuted portion is concerned the same is the domain of Respondent No.02 i.e Accountant General, Khyber Pakhtunkhwa. Therefore, the Respondent No.2 would be in a better position to answer this para.

**Prayer:**

In view of the above since Respondent No.01 has whatsoever no role to demonstrate in the instant case, may earnestly be excluded amongst the list of Respondents, please

  
Secretary Finance Department  
Khyber Pakhtunkhwa  
(Respondent No. 1)

Secretary Finance  
Govt. of Khyber Pakhtunkhwa  
Finance Department

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Deputy Registrar  
02 JUN 2023

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

**AUTHORITY LETTER**

Mr. Rehmat Shah Superintendent (BPS-17) office of the Section Officer (Litigation-III), Govt. of Khyber Pakhtunkhwa, Finance Department is hereby authorized to submit Reply before the Hon'ble Peshawar High Court, Peshawar in W.P No.994-P/2023 - Titled Masood Jan vs Govt. of Khyber Pakhtunkhwa & others on behalf Secretary Finance Department.



**SECRETARY FINANCE  
GOVT OF KHYBER PAKHTUNKHWA**

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

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR**

W.P No. 994-P/2023

Masood Jan

Petitioner

**VERSUS**

Govt. of KP through Secretary Finance Department & Others

Respondents

**REPLY ON BEHALF SECRETARY FINANCE DEPARTMENT**  
**(RESPONDENT NO.01)**

**AFFIDAVIT**

I Rehmat Shah Superintendent (BPS-17) Litigation-III Section, Government of Khyber Pakhtunkhwa, Finance Department, do hereby solemnly affirm and declare on oath that the content, of Reply in W.P No.994-P/2023 submitted on behalf of Secretary Finance Department are true and correct to the best of my knowledge and belief and that nothing has been concealed from the Honorable Court.

DEPONENT

CNIC:- 11101-2034028-1

Mob:- 0332-9221718

Advocate General,  
Peshawar High Court, Peshawar.

**FILED TODAY**

**Deputy Registrar**

**02 JUN 2023**

39924

Certified that the above was verified on solemnly affirmation before me in office, this 02 day of May 2023 by Rehmat Shah s/o Jafar Peshawar who was identified by A.G. Who is personally known to me:

Oath Commissioner  
Peshawar High Court, Peshawar.