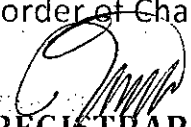


Form- A  
FORM OF ORDER SHEET

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

Implementation Petition No. 280/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05.04.2024	<p>The joint implementation petition of Kousar Shaheen and Sajid Mehmood received today by registered post through Mr. Rashid Iqbal Khan Jadoon Advocate. It is fixed for implementation report before touring Single Bench at A.Abad on 22.04.2024. Original file be requisitioned. AAG has noted the next date. Counsel for the petitioners has been informed telephonically.</p> <p>By the order of Chairman</p> <p> <b>REGISTRAR</b></p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Execution Petition No: **280** of 2024

Mst Kousar Shaheen D/O Muhammad Idrees W/O Muhammad Zubair,  
Retired Snr; CT GGHS Sajikot Qalandar Abad, R/O Village Samaiser  
Abbottabad and others.

Petitioners

**VERSUS**

District Comptroller of Accounts, Abbottabad and others..... Respondents

EXECUTION PETITION FOR IMPLEMENTATION OF FINAL  
JUDGMENT DATED 12/05/2009 PASSED IN APPEAL NO 1276 OF  
2007,

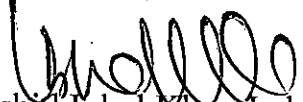
READ WITH

ORDER DATED 19/01/2022 PASSED IN EXECUTION PETITION NO  
84 OF 2021 BY THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR (CAMP COURT ABBOTTABAD).

**INDEX**

S.No	DESCREPTION OF DOCUMENTS	ANNEXURES	PAGE NO
1	Memo; of execution petition and affidavit.	----	01 to 04
2	Copy of service appeal 1430/2008.	A	05 to 09
3	Copy of relevant pages judgment dated 12/05/2009.	A-1	10 to 13
4	Copy of relevant pages of service books along with ROP done by respondents	B	14 to 25
5	Copy of Order dated 19/01/2020 passed in Execution Petition No 84 of 2020	C	26 to 34
6	Copies of Implementation applications	D	35 to 36
7	Wakalatnama & Power of attorney	E	37 to 38

Dated **03/04/2024**

  
(Rashid Iqbal Khan Jadoon)  
Advocate IBC Islamabad  
Attorney Abbottabad.

Through

  
(Shahzad Shakoor)  
Advocate High Court Abbottabad

Petitioners

Abbott Law Chamber

Office No 06, Ayub Tanoli lawyer plaza  
Abbottabad. 0333-5025002, 0316-9343818

1

①

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Execution Petition No: 280 of 2024**

- 1) Mst Kousar Shaheen D/O Muhammad Idrees W/O Muhammad Zubair, Retired Snr; CT GGHS Sajikot Qalandar Abad, R/O Village Samaiser Abbottabad. Personal Computer No 15338.
- 2) Sajid Mehmood S/O Muhammad Suleman, SST (G), GHSS Nawan Shehr Abbottabad. Personal Computer No 4232.

Petitioners

**VERSUS**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 12143

Dated 05-04-2024

- 1 District Comptroller of Accounts, Abbottabad.
- 2 Accountant General Khyber Pakhtunkhwa Peshawar.
- 3 Government of Khyber Pakhtunkhwa through Secretary Finance Department, Peshawar.
- 4 District Education Officer, Elementary & Secondary Education Department (Male) District Abbottabad.
- 5 District Education Officer, Elementary & Secondary Education Department (Female) District Abbottabad.

Respondents

EXECUTION PETITION FOR IMPLEMENTATION OF FINAL  
JUDGMENT DATED 12/05/2009 PASSED IN APPEAL NO 1276 OF  
2007,

READ WITH

ORDER DATED 19/01/2022 PASSED IN EXECUTION PETITION NO  
84 OF 2021 BY THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR (CAMP COURT ABBOTTABAD).

**PRAYER**

IT IS RESPECTFULLY PRAYED THAT RESPONDENTS MAY PLEASE BE DIRECTED TO RESTORE THE 04 ADVANCE INCREMENTS OF MA INSTEAD OF 02 AND ADVANCE INCREMENTS/RECOVERY OF PAYMENT WHICH ALREADY DEDUCTED/RECOVERED PREVIOUSLY MAY BE RETURNED TO THE PETITIONER WITH ALL BACK BENEFITS.

ANY OTHER RELIEF FOR WHICH THE PETITIONER IS ENTITLED AND SAME IS NOT PRAYED SPECIFICALLY MAY KINDLY BE GRANTED IN THE FAVOUR OF THE PETITIONER TOO.

Respectfully Sheweth,

- 1) That petitioners got 04 advance increments of MA/MSc on the basis of on 12/05/2009, passed by Khyber Pakhtunkhwa Service Tribunal Peshawar in appeal No 1276 of 2007 along with numerous same nature other appeals, whereupon respondents did not file petition (CPLA) before Apex Court against the judgment dated 12/05/2009 and thus it attained finality. Copies of service appeal 1430/2008 and relevant pages of judgment are annexed as **Annexure "A" & "A-1"**.
- 2) That later respondents implemented the above Judgment in letter and spirit and the benefits of advance increments were being given to the petitioner regularly as a part and parcel of his salary, while after the year 2012, respondents, with out any notice or any legal reason, deducted 02 advance increments out of 04 advance increments of MA/MSc from his salary. Copy of relevant pages of service books along with ROP done by respondents are annexed as **Annexure "B"**
- 3) That the litigation of above illegal and unlawful matter of deduction/reduction of advance increments, reached to an end through order dated 8/11/2019, passed by Apex Court in the subject matter, now under same settled law point, this Honourable Tribunal has been pleased to decide the very law points in Execution Petition No 84 of

2020 along with some others on 19/01/2020 and redressed the same grievances. Copy of said order is annexed as **Annexure "C"**

- 4) That in the service matter, Apex Court decided law in numerous cases in the year 2022 reaffirmed it in a reported case, **2022 PLC (C.S) 610**, which is reproduce below, **citation (i) page 613**

“Where the Tribunal or the Supreme Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also of other civil servants, who may have not taken up legal proceedings, in such a case, the dictates of justice and rules of good governance demand that the benefit of the judgment be extended to other civil servants, who may not be parties to the above litigation, instead of compelling them to approach the Tribunal or any other legal forum”

after deciding the point of law by the Supreme Court, as well as this Honourable Tribunal, implementation of the final judgment of this Honourable Tribunal dated 12/05/2009, once again will be implemented by this Honourable Tribunal and for the same reason instant implementation petition is being filed which is within time under the law.

- 5) That the same above matter of restoration of Advance Increments came in to the knowledge of petitioners and they submitted application to the respondents, but no response have been given/seen on the said application and respondents have tried to linger on the matter. Copies of applications are annexed as **Annexure "D"**.

It is respectfully prayed that respondents may please be directed to restore the 04 Advance Increments of MA instead of 02 and Advance Increments/Recovery of payment which already deducted/recovered previously may be returned to petitioners with all back benefits. Any other relief for which the petitioner is entitled and same is not asked/prayed specifically may kindly be granted in the favour of the petitioners too.

Dated 03/04/2024

Petitioners

1) Mst Kousar Shaheen

2) Sajid Mehmood

Through

(Rashid Iqbal Khan Jadoon)

(Shahzad Shakoor)

Advocate IBC Islamabad  
Attorney Abbottabad.

Advocate High Court Abbottabad

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Execution Petition No:                      of 2024**

Mst Kousar Shaheen D/O Muhammad Idrees W/O Muhammad Zubair,  
Retired Snr; CT GGHS Sajikot Qalandar Abad, R/O Village Samaiser  
Abbottabad and others.

Petitioners

**VERSUS**

District Comptroller of Accounts, Abbottabad and others..... Respondents

**JOINT AFFIDAVIT**

We enlisted below

- 1) Mst Kousar Shaheen D/O Muhammad Idrees W/O Muhammad Zubair,  
Retired Snr; CT GGHS Sajikot Qalandar Abad.
- 2) Sajid Mehmood S/O Muhammad Sulemin, SST (G), GHSS Nawan  
Shehr Abbottabad Deponents, do here by affirm on oath that contents  
of instant execution petition (for restoration of advance increments of  
MA) is correct and true according to my best knowledge and belief and  
nothing has been suppressed from this Honourable Tribunal and it is  
also declared on oath that respondents are not restoring the deducted  
advance increments and instant execution/implementation petition is  
first petition & same nature of any other petition is not pending before  
this Honourable Tribunal.

*Shaheen*

- 1) Mst Kousar Shaheen  
CNIC 13101-0918057-6

*Sajid*

- 2) Sajid Mehmood  
CNIC 13101-0950909-1

ATTESTED BY:  
MUHAMMAD TANVEER ADV.  
NOTARY PUBLIC  
ABBOTTABAD  
03/04/2024

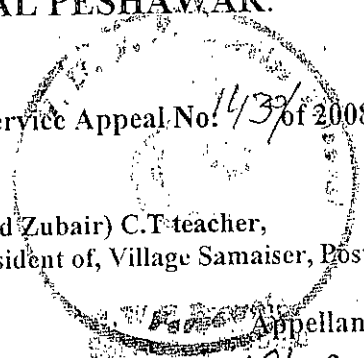
BEFORE NWFP SERVICE TRIBUNAL PESHAWAR.

Annexure A

Service Appeal No. 1137/2008

5

Kousar Shaheen D/O Muhammad Idrees, (W/O Muhammad Zubair) C.T teacher,  
Government Girls Middle School Samaiser Abbottabad. Resident of, Village Samaiser, Post  
Office, Qalandarabad, Tehsil & District, Abbottabad



Appellant

Versus

Diary No. 1940  
Dated 25/9/08

- 1 Executive District Officer (Elementary & Secondary Education), Abbottabad.
- 2 District Coordination Officer, Abbottabad.
- 3 District Accounts Officer, Abbottabad.
- 4 Director of (Elementary & Secondary Education), N.W.F.P, Peshawar.
- 5 Secretary to Govt of N.W.F.P (Elementary & Secondary Education), Deptt: Peshawar.

Respondents

Appeal under Section 4 of NWFP Service Tribunal Act 1974,  
against the impugned Order dated 04/09/2008, issued by respondent  
no 01 under Endst: No 17900, whereby appellant's representation  
dated 20/08/2008, For grant of 04 Four advance increments of M.A  
w. e. f. 26/06/2000, against C.T post, with all back benefits on the  
basis of Para 5(i)(c) of the Notification No FD (PRC) 1-1 /89 dated  
11-08-1991 issued by (Finance Department N.W.F.P, Peshawar) and in  
pursuance of Judgments/Law passed by Supreme Court of Pakistan,  
was refused/dismissed.

*[Handwritten signature]*

2.5.2009

Appellant in person, Arshad Alam A.G.P  
alongwith representative of respondents present.

Vide our detailed judgment of today, in Appeal  
No. 1276/2007, this appeal is also accepted. The  
parties are, however, left to bear their own costs.

File be consigned to the record.

ANNOUNCED.  
12.05.2009.

*[Signature]*  
Member.

*[Signature]*  
Member  
Camp Court Abbottabad.

*[Signature]*

*[Vertical handwritten notes and signatures on the left margin]*

BEFORE NWFP SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 143/2008

Kousar Shaheen D/O Muhammad Idrees, (W/O Muhammad Zubair) C.T teacher,  
Government Girls Middle School Samaiser Abbottabad. Resident of, Village Samaiser, Post  
Office, Qalandarabad, Tehsil & District, Abbottabad

N.W.F.P. Tribunal  
Appellant  
Disty No. 1940  
Dated 25/9/08

Versus

- 1 Executive District Officer (Elementary & Secondary Education), Abbottabad.
- 2 District Coordination Officer, Abbottabad.
- 3 District Accounts Officer, Abbottabad.
- 4 Director of (Elementary & Secondary Education), N.W.F.P, Peshawar.
- 5 Secretary to Govt of N.W.F.P (Elementary & Secondary Education), Deptt: Peshawar.

Respondents

Appeal under Section 4 of NWFP Service Tribunal Act 1974,  
against the impugned Order dated 04/09/2008, issued by respondent  
no 01 under Endst: No 17900, whereby appellant's representation  
dated 20/08/2008, For grant of 04 Four advance increments of M.A  
w. e. f. 26/06/2000, against C.T post, with all back benefits on the  
basis of Para 5(i)(c) of the Notification No FD (PRC) 1-1 /89 dated  
11-08-1991 issued by (Finance Department N.W.F.P, Peshawar) and in  
pursuance of Judgments/Law passed by Supreme Court of Pakistan,  
was refused/dismissed.

PRAYER

It is respectfully prayed before this Honourable Tribunal that the  
instant appeal may graciously be accepted, impugned order dated  
04/09/2008, issued by respondent No 01 issued under Endst: No 17900, may  
be set aside and the appellant may be granted 04 advance increments of MA  
w.e.f. 26/06/2000, with all back benefits

Respectfully Sheweth,

FACTS

- 1) That appellant had initially appointed on 21/08/1986, as P.T.C teacher in Education  
Department as a trained teacher, after that Appellant had passed her CT Course during  
her service, and being C.T trained, She had also promoted against C.T post on

NWFP Service Tribunal  
Peshawar  
ATTESTED  
DIA/Member Tribunal

M.A. Shaheen  
25/9/08

Shaheen



17/11/1994 on regular basis, thus her regular Service had also started from the date of her taking over charge against both the posts PTC & CT respectively. Now a days appellant is working as C.T teacher in BPS No 14, at GGMS Samaiser, District Abbottabad. A Certificate in this respect issued by Concerned authority is Annexed as Annexure A.

2) That appellant had passed her F.A examination in 2<sup>nd</sup> Division and she had placed in BPS No 09 against PTC post w.e.f. 01/06/1991, and she had also passed her B.A examination in 2<sup>nd</sup> Division after her promotion against C.T Course and she had placed in BPS No 14 against CT post w. e. f. 17/03/1996 (date of passing B.A against C.T post), on the basis of Notification No FD(PRC)1-1/89 dated 07/08/1991, issued by Finance Department, N.W.F.P, Peshawar. Copy of said Notification No FD (PRC)1-1/89 dated 07/08/1991 is Annexure B.

3) That appellant during her Service against CT post, had passed her M.A examination on 26/06/2000, and had entitled for Four (04) Advance Increments, with effect from 26/06/2000 (date of passing M.A examination) against C.T post, in pursuance of Para 5 (i), (c) of the Notification No FD(PRC)1-1/89 dated 11/08/1991, issued by Finance Department, N.W.F.P, Peshawar, but these (04) advance increments were not given to the appellant by the respondents in their office routine, until now. Copy of said Notification No FD (PRC)1-1/89 dated 11/08/1991 is Annexure C.

4) That appellant being teacher in Education Department was a member of Civil Employees (BPS-1-15) of the Provincial Government of N.W.F.P and was/is entitled advance increments in pursuance of Notification 11/08/1991 referred above, whose Para # 5, Clause ( c ) caters for the grant of Four Advance Increments M.A/M.Sc against C.T post because Prescribed Qualification of the said post was/is also F.A/F.Sc with C.T Course So appellant was/is entitled the same and Respondents did not give her Constitutional rights.

5) That now, in the Meanwhile, Honourable Supreme Court Of Pakistan has also decided the same matters in CPLA No 525,526 of 2007 on 19/07/2007, and ultimately declared that teachers (appellant) in Education Department are also Entitled for their Advanced Increments given in Para 5 (1) of Notification No FD(PRC)1-1/89 Dated 11/08/1991 without any change/exception. Copy of Supreme Court judgment is annexed as Annexure D.

6) That Honourable Supreme Court of Pakistan has been pleased to dismiss the Civil Review Petitions No 216 & 217 of 2007, filed by Finance Department, N.W.F.P, Peshawar, on 29/01/2008, which were filed against the judgment, dated 19/07/2007, passed in C.P.L.A No 525 & 526 of 2007, and now the matters of Advance Increments attained its finality and there is no way before the respondents to withhold/deny the rights of appellant. Copy of

EXAMINER  
NWFP Service Tribunal  
Peshawar

ATTESTED  
*[Signature]*

*[Signature]*

Supreme Court judgment passed in C.R.P No 216 & 217 of 2007 is annexed as Annexure E.

- 7) That the petitioner of C.P.L.A. No 525 of 2007 (Mr: Rashid Iqbal Khan Jadoon CT, GMS Tarhana, Abbottabad) has now been received his 04 Advance Increments of M.A/M.Sc with effect from its qualifying date, i.e. 15/09/1997 alongwith all arrears, through an order issued on 26/02/2008, by the Education Department, in compliance of the Judgments of Honorable Supreme Court of Pakistan, dated 19/07/2007 & 29/01/2008, passed in CPLA No 525/2007 & CRP No 216/2007. Copy of Order dated 26/02/2008, of 04 Advance Increments of MA/MSc is annexed as Annexure F.
- 8) That when the above Judgments of the Supreme Court dated 19/07/2007 & 29/01/2008, and above order of Education Department dated 26/02/2008 (Annexure F) came into the notice of appellant, in the light of the same. She submitted her departmental representation to respondent no 1 on 20/08/2008, which was refused/dismissed by the respondent no 01, on 04/09/2008 and final/dismissal order (Impugned Order) was issued under Endst No 17900. Copy of representation is annexed as Annexure G, and Impugned order is annexed as Annexure H, Hence this appeal inters - alia on the following ground, and appellant's appeal is within 30 days from the refusal/dismissal of his departmental representation.

Grounds

- a) That the impugned order dated 04/09/2008, passed by respondent no 01 on appellant's representation dated 20/08/2008 is arbitrary, unjust, and against all the norms of justice and equity. Hence liable to set aside.
- b) That the impugned order dated 04/09/2008, is against law, facts of the case, also against letter and spirit of the Judgments of Honourable Supreme Court of Pakistan dated 19/07/2007 passed in CPLA No. 525.526 of 2007 and also dated 29/01/2008 in Civil Review Petition No 216 & 217 of 2007.
- c) That the Policy contained in Notification/Circular dated 11/08/1991 at its Para 5 was/is passed by N.W.F.P Provincial Assembly in their Budget Session 1991-92 and then Hon, le Governor approved the same and Finance Department issued the said Circular after completing the legal requirements.
- d) That all the Respondents neither have power nor any jurisdiction to change, withheld/deny the Government Policy contained in Circular/Notification dated 11/08/1991 and cannot apply according to their own wishes and whims against the said policy.

NWFP  
 Service Tribunal  
 Peshawar  
 ATTESTED  
 EXAMINER

*Shaher*

- e) That the action of respondents in refusing the grant of advance increments to the appellant on the basis of Circular dard 11/08/1991, violated the Article 25,189 190 of the Constitution, as petitioner of CPLA (Mr: Rashid Iqbal Khan) has got his same relief of 04 advance increments of MA/MSc.
- f) That the said Circular (Annexure C) was/is issued for Civil Provincial Employees of N.W.F.P (BPS-1-15) and appellant being teacher(Education Department) falls under the same and fully entitled for the relief of Advanced increments along with back benefits as claimed by him.
- g) That the case of appellant is the same nature in pursuance of Para 5 (i) of Notification, which was decided by Supreme Court of Pakistan on 19/07/2007 passed in CPLA No 525,526 of 2007 (Annexure D).
- h) That there is now no dispute available in the case of appellant as Honorable Supreme Court of Pakistan has decided all the disputed matters involved in the instant appeal on 19/07/2007.
- i) That appellant's service appeal is maintainable and appellant's former post was P.T.C and prescribed qualification of the C.T post was F.A/F.Sc, appellant is now working in BPS # 14 against C.T post and Instant Case falls under Para 5(1)(c) of the Circular dated 11/08/1991(Annexure C)

It is therefore respectfully prayed that while setting aside impugned order dated 04/09/2008 approved/issued by respondent no 01, and appellant's appeal may kindly be accepted and 04 advance increments of M.A against C.T post w.e.f. 26/06/2000, along with all back benefits may graciously be granted to the appellant in the interest of justice.

*[Handwritten signature and stamp]*

Kausar Shaheen  
(Kousar Shaheen)  
Appellant in person

Affidavit

I do here by affirm on oath that contents of instant appeal is correct and true according to my best knowledge and belief and nothing has been suppressed from this Honourable Tribunal and this instant appeal is first appeal & same nature of any other appeal is not pending before Honourable Tribunal

NWTF Peshawar

*[Handwritten notes and stamps]*

16-00-00  
10-01-00  
10-13-00  
13-12-00  
13-12-00

*[Circular stamp]*

21/9/08

Kausar Shaheen  
(Kousar Shaheen)  
DEPONENT

*[Handwritten signature]*

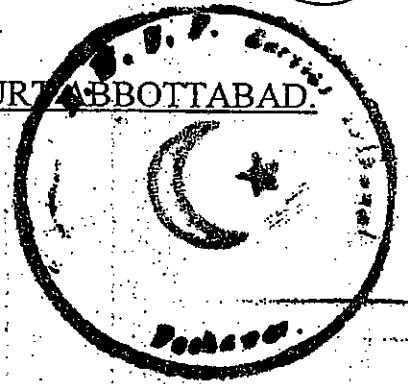
BEFORE THE NWFP SERVICE TRIBUNAL, CAMP COURT ABBOTTABAD.

Annexure, A-1,

Appeal No. 1276/2007

Date of institution - 27.12.2007

Date of decision - 12.05.2009



Muhammad Akram, S/O-Sikandar Khan, C.T. Teacher, Government High School, Kuthwal, Abbottabad.....(Appellant)

VERSUS

1. District Coordination Officer, Abbottabad.
2. Executive District officer (S &L) Abbottabad.
3. District Accounts Officer, Abbottabad.
4. Director (S&L) Department, Peshawar.
5. Secretary to Government of NWFP (S&L) Department Peshawar.
6. Accountant General NWFP Peshawar.
7. Secretary to Government of NWFP Finance Department, Peshawar.

Appellant in person present.

Arshad Alam, A.G.P.....For respondents.

MR. ABDUL JALIL.....MEMBER.

MR. BISMILLAH SHAH.....MEMBER.

JUDGMENT.

ABDUL JALIL, MEMBER : This judgment/order will dispose of this Service Appeal No. 1276 of 2007, by Muhammad Akram and the following Service Appeals. The reason is that the broad facts and the legal issues in all the below mentioned appeals are the same, and need consolidated judgment and joint disposal.

<u>Sr. No.</u>	<u>Appeal No.</u>	<u>Name of appellant.</u>
1.	1277/2007	Saidur Rahman,
2.	1278/2007	Munibur Rahman,
3.	1279/2007	Muhammad Siddique,
4.	01/2008	Maroof Khan
5.	02/2008	Amjad Hussain Awan

EXAMINED  
NWFP Service Tribunal  
Peshawar.

ATTESTED

*(Handwritten signature)*

(11)

257.	504/2009	Muhammad Shamraiz
258.	505/2009	Ali Bahadur
259.	506/2009	Muhammad Haroon
260.	523/2009	Naureena Maqsood
261.	524/2009	Yasmeen Akhtar
262.	525/2009	Shabana Nazir
263.	681/2009	Nighat Bibi
264.	682/2009	Waseem Sultan
265.	683/2009	Bibi Hajra
266.	684/2009	Abdul Razaq
267.	685/2009	Fatiha Gul

2. The appellant of Service Appeal No. 1276 of 2007, contended that he was appointed as untrained P.E.T. Teacher in Education Department on 27.6.1990. The appellant being C.T trained, was adjusted against the C.T post on 06.05.1996 on regular basis. He acquired higher qualification of M.A on 25.08.1999. The appellant was entitled to advance increments in the light of the Finance Department notification dated 11.8.1991. The same was not given to him. Some of the teachers came to this Tribunal whose Service Appeals were dismissed in Service Appeal No. 498 of 2006 decided on 24.4.2007. The August Supreme Court of Pakistan, while deciding C.P.L.A No. 525 of 2007 and CPLA No. 526 of 2007 decided that all the teachers were entitled to the advance increments like all other civil servants. On the request of the appellant, the same benefit was not given to him. Hence, he filed the present Service Appeal. As already mentioned, the broad facts and the legal issues in all other appeals are almost on the same lines.

3. The respondents contested the appeal and contended that either the appellants had not submitted applications or their applications were time-barred. And there was no judgment in favour of the appellants.

4. We heard the arguments and perused the record.

5. The judgment in CPLA Nos. 525 of 2007 and 526 of 2007 is as under:-

3. Learned Additional Advocate General attempted to argue that in view of the higher scale granted to Elementary School Teachers in

NWFP Services Tribunal  
Peshawar

ATTESTED

5.

pursuance of the circular letter dated 07.8.1991, which was personal to them, the petitioners would not be entitled to the incentive of advance increments contemplated by circular letter dated 11.8.1991 but he is unable to cite any principle of law or authority for placing this interpretation. We find that, while circular letter dated 7.8.1991 exclusively deals with the scales of pay of school teachers in different categories, circular letter dated 11.8.1991, provides for the revision of basic pay scales and grant of annual increments and advance increments for all Provincial civil servants in NWFP without any exception. Since the teachers or the employees in Education Department have never been expressly or impliedly excluded from the operation of the circular letter, view taken by the Tribunal being erroneous cannot be sustained at law. In fact, it suffers from clear misconception of law and misconstruction of the circular letter (supra)."

While disposing of the C.R.P No. 216 and 217 of 2007 in C.P Nos. 525 and 526 of 2007, the August Supreme Court of Pakistan held:-

"The learned Addl. Advocate General has contended that this Court while interpreting the circulars in question has taken a view contrary to the correct legal position, according to which private respondents were entitled to the benefit of advance increments. We are afraid, the learned Addl. A.G instead of pointing out any mistake of law and fact in the judgment made an attempt to re-open the case on merits. The scale of review is very limited and the points already considered in the judgment under review cannot be allowed to be re-agitated in review jurisdiction. These review petitions being without any substance are accordingly dismissed."

While disposing of Crl. O.P. No. 66 & 67 of 2007, it was held by the August Supreme Court of Pakistan:-

"The learned Addl. A.G. has given an undertaking for implementation of the judgment of this Court within a period of two weeks and in view thereof, this criminal original is disposed of with the direction that the

NWFP Services Tribunal  
EXAMINER  
peishawar

judgment should be implemented in letter and spirit within two weeks under intimation to the Registrar of this Court."

6. In the above circumstances, and in view of the judgment in rhyme by the August Supreme Court of Pakistan, and keeping in view the provisions of Article 189 of the Constitution of Islamic Republic of Pakistan, we have no other alternative but to declare that all the appellants, after ascertainment that they are the persons similarly placed with the appellants who had previously litigated and in whose favour the judgment mentioned above was given by the August Supreme Court of Pakistan; are entitled to the same benefits as have been given to the appellants of the judgments quoted above. The appeals of such similarly placed persons, after such ascertainment, stands accepted without costs. Each party will bear the cost of the litigation.

7. The official respondents in the above mentioned appeals as well as the other concerned officers/officials in the province are directed to follow the above quoted judgments in their true letter and spirit and without compelling the respective right holders to enter into litigation with the respective official respondents, otherwise the costs of their litigation shall be recovered from the pay and pension as well as person and property of the defaulting concerned officer, though after fixation of responsibility on them as a result of proper enquiry.

8. The remaining similarly placed persons may submit applications/representations to their concerned authorities directly, who shall have to decide their cases as above within a reasonable time.

ANNOUNCED.  
12.05.2009.

*sd -*  
(BISMILLAH SHAI)  
MEMBER.

*sd -*  
(ABDUL JALIL)  
MEMBER.  
CAMP COURT ABBOTTABAD.

Number of pages	2/7/09
Number of words	24-00
Copying fee	24-00
Original	24-00
Total	13/7/09
Date of completion of copy	13/7/09
Date of delivery of copy	13/7/09

*sd -*  
~~Signature~~  
CAMP COURT ABBOTTABAD.

14

Note—The entries in this page should be renewed or re-attested at least every five years and the signature in lines 9 and 10 should be dated.

P. No. 12764

1. Name .. KAUSAR SHAHEEN

2. Race .. MUGHAL Amexuse, B,

3. Residence .. VILL: SAMBASAR P.O. QALANDAR ABAD  
TEN: 4 DISTT: ABBOTTABAD.

4. Father's name and residence .. MUHAMMAD IDRIS

5. Date of birth by Christian era as 4.4.1966  
nearly as can be ascertained FOURTH APRIL N. H. V SIXTY SIX

6. Exact height by measurement - 5'3"

7. Personal marks for identification..

8. Left hand thumb and Finger impression of (non-gazetted) officer ..

Little Finger. Ring Finger

Middle Finger. Fore Finger

Thumb.

9. Signature of Government servant KAUSAR SHAHEEN.

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Re-attested

*Mudh...*  
Sub Divisional Education Officer  
(Female) Abbottabad

*H. Sh...*  
District Officer  
Admin. & Dev. Secy, Edu.  
Abbottabad

30/12/66

*R. Sh...*

12  
E. J. ...  
Abbottabad



Here,

- 1.
- 2.
- 3.

Verification Roll No. \_\_\_\_\_, dated \_\_\_\_\_ received back \_\_\_\_\_

Left thumb-impression.

Qualification	Date	Qualifications	Date
④ Passed a.T (Condensed Course) Examination in 1990 under English Roll No: 1744 obtaining 308 marks in 1st Division Result declared on 14.3.1991		First Arts	
Under Passed BA Exam in session 1995 (Annual) under Roll No 87146 from University of Peshawar NWFP. Obtaining marks 297/550. and Div. 1 result declared on 17/3/96		B. L. or B. A.	
Plan-drawing		Pleadership examination	
Finger print		Training School Final examination	
Drill instructing		Other qualifications— ① Passed SSC Exam: as regular candidate from Pesh. Board in 1982 (A) under R. No: 26635 Securing 478 Marks C grade representing good.	
Court duties		② Passed FA Exam: from Pesh. Board in (Supply) 1984 under R. No: 8323 Securing 531 marks out of 1000 Result declared on 13-3-1985 in 2nd division.	
Reserve duties		③ Passed PTC Exam: from Govt. College of Edu. for elementary teachers (Female) Peshawar under Roll No: 82 Securing 906/1200 marks. Result declared on 31.5.1986.	
⑥ Passed B. Ed Exams in Session 1996 (Annual) under R. No: 2163 from Peshawar University securing 548/1000 marks Second Division Result declared on 30.4.1997.			

N. B. — A line to be drawn under the qualification possessed

Passed M.A (Islamiat) in 1999 under R. No: 2152 Securing 582/1100 marks Second Division. Result declared on 26.6.2000 University of Peshawar D.O.

Sub Divisional Education Officer (Female) Abbottabad

District officer (Female) Elementary & Secondary Education, Abbottabad.

To be sent 9 00.

Signature

UNDERTAKINGS

I, M. Kousar Khan hereby give an undertaking to the effect that any overpayment to me as a result of successful promotion of pay is re-promotion to Senior of Post BOS-16 and deducted later on if it will be given by receiver.

Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8  <u>N. Shih</u> D.O	Reason of termination (such as promotion, transfer, dismissal, etc).  Promotion	Signature of the head of the office or other attesting officer  <u>N. Shih</u> D.O	Name of the Government to which debitable  Government	Period of leave or average months for which leave salary is debitable to another Government  <u>12/10</u> Government to which debitable <u>Govt of Punjab</u>
--	---	---	---	---

E&S Edu. ATD. N. Shih D.O

E&S Edu. ATD. N. Shih D.O

E&S Edu. ATD. N. Shih D.O

E&S Edu. ATD. N. Shih D.O

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E&S Edu. ATD. N. Shih D.O

E&S Edu. ATD. N. Shih D.O

Sanction of M.A Advance increments vide DCO order no-8062-63 dated 29-6-2010.

N. Shih  
District officer (Female)  
Elementary & Secondary Education,  
Abbottabad.

Service Verified From 1.12.2009 to 30.6.2011 from acq: Rolls and Other Record of this Office

D.O (S&L) Abbottabad  
41  
57/10

Page 3 = 13257/-  
allowed wif  $1 \frac{8}{10}$   
due to allowed

4 Advance increment of MA under sanction No. 8062-63 dt 29-6-10

N. Shih  
District  
Comptroller of Accounts,  
Abbottabad

3/8/10

247  
10/12/10

allowances due to Two Advance increment of MA wif  $1 \frac{7}{10}$  to 31/10

Rs = 88925/-

N. Shih  
District Education Officer  
(Female) Abbottabad

28/11/10

Scale Revised  
D.O  
S & L Att.

Annual  
D.O  
S & S.E. Att.

Approved  
D.O  
S & S.E. Att.

Transfer  
to 6445 263  
20/11/10

20/11/10

12  
10  
10  
School  
Abbottabad

Q. A. H. S.  
Toll Free 115

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment, or (ii) whether extra copies for pension under Art. 371 C. S. R.	Pay in basic pay post	Additional Pay for officiating	Emolument falling under term "Pay"	Date of appointment	Signature of Government servant
MA							
B-14 2065-161-4480			3192-00			1-12-99	
MA 4 Adv Movement			3192+644 = 3836/2			26-6-2000	
			3997-00			1-12-2000	
			4158-00			1-12-01	
B-14 3100-240-10300			6220-00			1-12-01	
			6460-00			1-12-02	
			6700-00			1-12-03	
			6940-00			1-12-04	
B-14 3565-275-11815			7965-00			1-7-05	
			8240-00			1-12-05	
			8515-00			1-12-06	
B-14 4100-315-13550			9770-00			1-7-07	
B-15 4350-350-14850			9950-00			1-10-07	
			10300-00			1-12-07	
B-15 5220-420-17820			12360-00			1-7-08	
			12780-00			1-12-08	
			13200-00			1-12-09	
			13620-00			1-12-10	
			12780				
CT. Post							
59MS Samlaser							
HTop.			22500			7/2011	

*N. Shukla*  
 District officer (Female)  
 Elementary & Secondary Education,  
 Abbottabad.

*Shahen*

**DISTRICT COORDINATION OFFICE ABBOTTABAD**

No. So 62-63 Accounts.  
Dated Abbottabad/ 29/6/09.

Zel o

**ORDER.**

Consequent upon the Judgment of August Supreme Court of Pakistan in CPIA No.525 and 526 of 2007 and Honorable Services Tribunal camp Court Abbottabad decision bearing appeal No. 1276/2007 as well as Finance Department Notification vide Circular Letter no. FD/PRC/1-1/89 dated 7.8.1991, and No FD/PRC/1-1-89 dated 11.8.91 EDO E & SE Abbottabad Endorsement No. 17806-18090 dated 19.9.91. The following Teachers are hereby entitled to the benefit of advance Increments as admissible under the rules w.e.f the date of issue or w.e.f date of acquiring higher qualification which ever is later.

- 1. Kousar Shaheen CT MA EDO E&SE Abbottabad.  
(one Case only)

BY ORDER DCO ABBOTTABAD.

cc to the :

- 1. DAO Abbottabad
- 2. Concerned Principale.

Accounts Officer,  
DCO's Office Abbottabad.

*R. Shaheen*

19

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.

NOTIFICATION.

Mst: Kousar Shaheen, SCT BPS-16 GGHS Sajikot (Q) Abbottabad is allowed premature retirement w.e.f. 01-08-2015 (A/N).

She is not allowed leave encashment as she has already rendered I.P.R w.e.f. 01-08-2014 to 31-07-2015 (365 days) sanctioned vide this office notification No.6091-93 dated 08-09-2014.

- NOTE:-
1. Necessary entry to this effect should be made in her service record.
  2. Recovery of over payment Rs.52477 on account of drawl of MA advance increment should be made from her pension/gratuity etc.

Endst:No. 1022-25 /EB-II/Retirement cases

Dated A-Abad the 19-08/2015

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(FEMALE) ABBOTTABAD.

Copy to the:-

1. The District Accounts Officer Abbottabad.
2. Headmistress GGHS Sajikot (Q) Abbottabad with reference to her No.031 dated 01-08-2015
3. Budget & Account Officer local office.
4. Office file.

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(FEMALE) ABBOTTABAD.

*[Signature]*  
Shaher

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name SAJID MEHMOOD  
*S/D*

2. Race Muhammad Sulaiman Khan (Pakistani)

3. Residence Mohd Shahar Nawan Shah Abbottabad

4. Father's name and residence MUHAMMAD SULAIMAN KHAN



5. Date of birth by Christian era as nearly as can be ascertained seventh day M-H (Sixty Nine)  
(7-5-1969)

6. Exact height by measurement 5-10

7. Personal marks for identification ... A mole on the chin

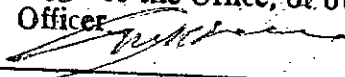
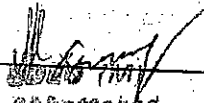
8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger.  Ring Finger 

Middle Finger  Fore Finger 

Thumb. 

9. Signature of Government servant. Sajid

10. Signature and designation of the Head of the Office, or other Attesting Officer Courier Officer  
  
 A.S.D.E.O. (M)   
 Abbottabad Abbottabad

hawan  
 1115  
 89/  
 PRINCIPAL  
 wal  
 Training  
 3689  
 39  
 (A) 199  
 D.D.E.O.  
 4.

*Land*

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Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant	Signature designating head of the other at officer in a of column
<i>C.T. GHS, Dharamtour</i>		<i>Revised entries regarding 4 Advance Increments of Mr. W. C. F. 15-9-1997 vide Govt. of NWFP, Advance Dept. NO. - KC/FC (SR-1) 2-123/2009 dt. 3-12-09.</i>						
<i>Do</i>		<i>BPS-14 (2065-161-4480)</i>	<i>Rs. 3192/-</i>	<i>✓</i>		<i>15-09-97</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>			<i>Rs. 3353/-</i>	<i>✓</i>		<i>01-12-97</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>			<i>Rs. 3514/-</i>	<i>✓</i>		<i>01-12-98</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>			<i>Rs. 3675/-</i>	<i>✓</i>		<i>01-12-99</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>			<i>Rs. 3836/-</i>	<i>✓</i>		<i>01-12-2000</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>			<i>Rs. 3997/-</i>	<i>✓</i>		<i>01-12-2001</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>		<i>Scale Revised BPS - (3100-240-10300) 1-12-2001</i>	<i>55 of Rs. (5980)</i>	<i>✓</i>		<i>01-12-01</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>			<i>Rs. 6220/-</i>	<i>✓</i>		<i>01-12-02</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>			<i>Rs. 6460/-</i>	<i>✓</i>		<i>01-12-03</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>			<i>Rs. 6700/-</i>	<i>✓</i>		<i>01-12-04</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>		<i>Scale Revised BPS - (46355-225-11815) 1-7-05</i>	<i>714 of Rs. (7690)</i>	<i>✓</i>		<i>01-7-05</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>			<i>Rs. 7965/-</i>	<i>✓</i>		<i>01-12-05</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>
<i>Do</i>			<i>Rs. 8240/-</i>	<i>✓</i>		<i>01-12-06</i>	<i>[Signature]</i>	<i>PRINCIPAL Govt. High Sch Dharamtour Abbi</i>

27.12.24 12/20

8 Signature of Government servant	9	10	11	12	13		14	15	
	Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment of censure, or reward or praise of the Government Servant.
						Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Period Government to which debitable		
						Service verified from 1.8.2002 to 30/11/2002			
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/96	A/Dm	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/98	A/Dm	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/99	A/Dm	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/2000	A/Dm	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/2001	A/Dm	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/2001	Scale Revised	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/2002	A/Dm	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/03	A/Dm	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/04	A/Dm	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/06/05	Scale Revised	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/05	A/Dm	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/11/06	A/Dm	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	
<i>amir</i>	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/06/07	Scale Revised	PRINCIPAL Govt. High School Dhamtour Abbottabad				PRINCIPAL Govt. High School Dhamtour Abbottabad	

*amir*



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
9770 C.T. G.H.S. Dhamtour		Scale Revised BPS-14 (4100-315-13550) 1-7-07				01-07	Lalwani
Do		up gradation of Scale (4350-350-14850) BPS-15				01-07	Lalwani
Do		8900/- Rs 9600/- ✓				01-07	Lalwani
Do		9250 9600 Rs 9950/- ✓				01-07	Lalwani
Do		Scale Revised BPS-15 (5220-420-17820)				01-07	Lalwani
Do		11000/- Rs 11940/- ✓				01-08	Lalwani
Do		11940 Rs 12360/- ✓				01-08	Lalwani
Do		12360 Rs 12780/- ✓				01-09	Lalwani
Do		12780 Rs 13200/- Pm				01-12-2010	Lalwani
Revised Pay Scale in BPS-15 (8500-700-29500) w.e.f 12/11							
						01-07-2011	Lalwani
						01-12-2011	Lalwani
Do						01-12-2011	Lalwani
Do						01-12-2011	Lalwani

Signature designat head of the other at officer in a of column

PRINCIPAL  
Govt. High Scho  
Dhamtour Abbo

PRINCIPAL  
Govt. High Scho  
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PRINCIPAL  
Govt. High Scho  
Dhamtour Abbo

S. 34

Van... A... 12/8/2010

8 Signature of Government servant	9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period	Government to which debitable		
2017-07 Lahmiri	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/07	Appreciation of Scale	PRINCIPAL Govt. High School Dhamtour Abbottabad				
BPS-15 Lahmiri	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/07	M/2nd Scale	PRINCIPAL Govt. High School Dhamtour Abbottabad			Allowed 4 Advance Interest Passing of MA. w.e.f. 15-09-97 vide Govt. of NWFP Finance dept. NO. KC/FC(SR-1)2-123/100 dt. 3-12-97 & sanction vide D.O. Abbottabad, No-6349-70 dt. 8-05-2010	
Lahmiri	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/08	Scale Revised	PRINCIPAL Govt. High School Dhamtour Abbottabad				
Lahmiri	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/08	M/2nd	PRINCIPAL Govt. High School Dhamtour Abbottabad				
Lahmiri	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/09	M/2nd	PRINCIPAL Govt. High School Dhamtour Abbottabad			S. 132	
Lahmiri	PRINCIPAL Govt. High School Dhamtour Abbottabad	30/10	M/2nd	Principal G.H.S. Dhamtour Abbottabad			8/12	Order of Advance 357-97
2500 w.e.f. 11 Lahmiri	Principal G.H.S. Dhamtour Abbottabad	30/06 2011	Scale Revised	Principal G.H.S. Dhamtour Abbottabad				2011 197142
Lahmiri	Principal G.H.S. Dhamtour Abbottabad	30/11 2011	M/2nd	Principal G.H.S. Dhamtour Abbottabad			Go to ver... 1-12-9 to 30-11-10 Roll & other school record	
Lahmiri	Principal G.H.S. Dhamtour Abbottabad	30/11 2012	M/2nd	PRINCIPAL GOVT. HIGH SCHOOL DHAMTAUR (ATD)				
Lahmiri	PRINCIPAL GOVT. HIGH SCHOOL DHAMTAUR (ATD)	28/13	Promotion as Senior e.T BPS 16	PRINCIPAL GOVT. HIGH SCHOOL DHAMTAUR (ATD)				Service verified from 1-12-10 to 30-11-11 from the App. Roll & other school record
								Principal G.H.S. Dhamtour ATD

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
2 m. A							
11/00			5/ payth			1/2000 to 11/01	322x22 = 7084
20450/01			12/01 to 6/05			480x43 = 20640	
2008 OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES			7/05 to 6/07			556 to 690x24 = 13200	
OF RS 5200 to 4200 - 17800 15			7/07 to 11/07			616x5 = 3050	
AT RS 11000 PMWFF 1-07-2008 With Next Appointment on 1-12-2008			12/07 to 6/08			638x72 = 4410	
Accounts Officer Pay Fixation Party Peshawar			7/08 to 6/11			840x36 = 30240	
Basic Pay Scales 2011 Office of The Accountant General Khyber Pakhtun Khawa Peshawar Pay Fixed in R.C.P.S. 2011			7/11 to 9/11			1400x3 = 4200	
OF RS 2500 to 2950 2011			Total			02824-	
AT RS 20400							
With Next Appointment							
Accounts Officer Pay, Office K. Pakhtun Khawa Peshawar							

Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8

Land

Annexure C,

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR****Execution Petition No. 84/2020****In Service Appeal No. 1276/2007**

Date of Institution... 22.04.2020

Date of Decision. ... 19.01.2022

Muhammad Bashir S/O Muhammad Yousaf, CT Teacher Government Higher Secondary School Bandi Dhundan Abbottabad R/O village Tarhana (Zafar Market) Branch Post office, Tehsil and District Abbottabad.

... (Petitioner)

Versus

1. The Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar and four others. ... (Respondents)

Sardar Muhammad Ghazi,  
Advocate

... For petitioner.

Mr. Noor Zaman Khattak,  
District Attorney

... For respondents.

ORDERAHMAD SULTAN TAREEN, CHAIRMAN.

This order is meant to

dispose of Execution Petition as described above in the heading and connected Execution Petitions as listed below:-

1. Execution Petition No. 85/2020, Abdul Majid,
2. Execution Petition No. 86/2020 Wajid Ali Shah.
3. Execution Petition No. 212/2021, Sultan Khan,

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4. Execution Petition No. 213/2021, Khalida Bibi
5. Execution Petition No. 214/2021, Abida Bibi,
6. Execution Petition No. 215/2021, Shujjah Ali,
7. Execution Petition No. 216/2021, Maroof Khan,
8. Execution Petition No. 240/2021, Mazhar-Ul-Haq,
9. Execution Petition No. 248/2021, Syed Arif Hussain Shah,
10. Execution Petition No. 267/2021, Muhammad Sarwar Khan,
11. Execution Petition No. 40/2022, Aftar,
12. Execution Petition No. 46/2022, Akmal Hussain,
13. Execution Petition No. 47/2022, Jahangir Iqbal, and
14. Execution Petition No. 51/2022 Muhammad Riaz Khan

2. The Execution Petitions enumerated above have arisen from different judgments but as far as the executable relief is concerned, the same is common for all of them. Therefore, this order shall stand to dispose of all the Execution Petitions listed above in the terms and findings as follow herein after. The very scope of the controversy having arisen in relation to the Execution Petition has already been captured in order dated 05.08.2021 which for the purpose of this order is reproduced herein below:-

*"Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG for the respondents present.*

*Having heard the parties and going through the record, the controversy related to the present Execution Petition revolves around the factual account that there was judgment of August Supreme Court of Pakistan in Civil Appeals No. 1504-1505/2007 dated 19.07.2007 titled "Rashid Iqbal Khan Vs. District Coordination Officer Abbottabad and others" and*

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"Muhammad Haroon Qureshi Vs. District Coordination Officer, Abbottabad and others" respectively, whereby a consolidated direction was given. Accordingly, it was observed that circular letter dated 07.08.1991 exclusively deals with the scales of pay of school teachers in different categories, circular letter dated 11.08.1991 provides for the revision of basic pay scales and grant of annual increments and advance increments for all Provincial civil servants in NWFP without any exception. Since the teachers or the employees in Education Department have never been expressly or impliedly excluded from the operation of the circular letter, view taken by the Tribunal being erroneous cannot be sustained at law. In fact, it suffers from clear misconception of law and misconstruction of the circular letter (supra). Consequently, it was directed and declared that the petitioners would be entitled to four advance increments with effect from the date of qualifying of M.A/M.Sc examination.

The Service Appeals filed by a large number of teachers and enumerated in a consolidated judgment of this Tribunal in Service Appeal No. 1276/2007 titled "Muhammad Akram Vs. District Coordination Officer, Abbottabad and others" were disposed of by the said judgment. For relevancy with the issue at hand paragraphs 6, 7 and 8 of the judgment are reproduced below:-

"6. In the above circumstances, and in view of the judgment in rhyme (rem) by the August Supreme Court of Pakistan, and keeping in view the provisions of Article 189 of the Constitution of Islamic Republic of Pakistan, we have no other alternative but to declare that all the appellants, after ascertainment that they are the persons similarly placed with the appellants who

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had previously litigated and in whose favour the judgment mentioned above was given by the August Supreme Court of Pakistan, are entitled to the same benefits as have been given to the appellants of the judgments quoted above. The appeals of such similarly placed persons, after such ascertainment, stands accepted without costs. Each party will bear the cost of the litigation.

7. The official respondents in the above mentioned appeals as well as the other concerned officers/officials in the province are directed to follow the above quoted judgments in their true letter and spirit and without compelling the respective right holders to enter into litigation with the respective official respondents, otherwise the costs of their litigation shall be recovered from the pay and pension as well as persons and property of the defaulting concerned officer, though after fixation of responsibility on them as a result of proper enquiry.

8. The remaining similarly placed persons may submit applications/representations to their concerned authorities directly, who shall have to decide their cases as above within a reasonable time."

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The judgment of this Tribunal dated 12.05.2009 as Para 3 of the Execution Petition reveals, was implemented. It was after implementation of the said judgment that the department suddenly withheld two increments out of four increments w.e.f. 01.04.2016. The petitioner challenged the said order of departmental authority firstly in departmental appeal and then by Service Appeals No. 826/2016 and 827/2016 but their appeals were dismissed and where-against they filed CPLAs which were converted into Civil Petitions No. 5128-5130 of 2017. The August Supreme Court of Pakistan also

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dismissed the same on 28.11.2019 with particular observations copied herein below:-

"The grievance of the petitioners is that on attaining the Master's Degree, the petitioners were granted four increments and subsequently, the respondents have tried to reduce the four advance increments to two increments. The Tribunal in the impugned judgment has allowed the petitioners four increments, which judgment of the Tribunal has not been challenged by the respondents before this Court and thus, has attained finality, to the extent of the respondents. The very grievance of the petitioners having been redressed by the Tribunal and there being no further claim by the petitioners' side, the petitions, thus, fail and are dismissed."

With the above mentioned factual positions in view, the following questions are apt to arise:-

1. Whether the department after having implemented the judgment dated 12.05.2009 of this Tribunal in Service Appeal No. 1276/2007, how and under what lawful authority was competent to withhold 02 increments out of four increments previously granted to the petitioner?
2. Whether the Service Appeals No. 826/2016 and 827/2016 including other of similar nature were maintainable within the meaning of Rule 23 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 and Section 47(1) CPC r/w Section 7(2)(d) of the Khyber Pakhtunkhwa Service Tribunal Act, 1974; and if not, has the judgment of this Tribunal in said appeal got any adverse effect in relation to the present Execution Petition?
3. Whether the stoppage of two increments out of four increments previously granted in pursuance to the judgment of this Tribunal dated 12.05.2009 in Service Appeal No.

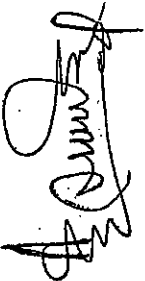
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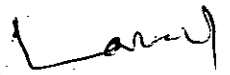
1276/2007 was a question relating to execution of said judgment requiring determination by the Tribunal as an executing court under sub-section (1) of Section 47 CPC r/w Section 7(2)(d) of Khyber Pakhtunkhwa Service Tribunal Act, 1974?

4. Whether the present Execution Petitions No. 84/2020, titled "Muhammad Bashir Vs. Accountant General Khyber Pakhtunkhwa Peshawar and others", No. 85/2020 titled "Abdul Majid Vs. Accountant General Khyber Pakhtunkhwa, Peshawar and others" and No. 86/2020 titled "Wajid Ali Shah Vs. Accountant General Khyber Pakhtunkhwa Peshawar and others" are maintainable for execution of judgment dated 12.05.2009.

It is deemed appropriate to afford the parties with an opportunity of hearing before passing any order as to determination of the above questions. Case to come up on 08.09.2021 before S.B."



3. The questions as formulated vide order dated 05.08.2021 were further narrated merit down in view of the discussion made vide order dated 01.12.2021 and in order to avoid the repetition, the same is copied herein below:-



"Counsel for the petitioner, Mr. Muhammad Riaz Khan Painsakhel, Asstt. AG alongwith Sohail Ahmad Zaib, Litigation Officer, Amanatullah Qureshi, Deputy Secretary (Litigation), Finance department, Gul Moveed, Accounts Officer, Sabir Sultan, Senior Auditor for the respondents present."

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Partial arguments were heard on previous date. Today, the parties have exhaustively presented their viewpoints although without any reference to the questions formulated vide order dated 05.08.2021 but their submission revolved around the same questions. The submission of the parties have worked usefully to enable this Tribunal to narrow down the issue having regard to the conclusive stand of the parties dug out from today's arguments. The stand of the petitioner moves around the judgment of august Supreme Court of Pakistan passed on 19.07.2007 in C.Ps No. 1504 - 1505/2007. The judgment of this Tribunal passed in Service Appeal No. 498/2006 was in question in said C.Ps. The Honourable Supreme Court noted the grievance of the petitioners with observations that after induction in BPS-14 as Elementary School Teachers in terms of NWFP Government Circular dated 07.08.1991 they were entitled to four advance increments in terms of NWFP Government circular letter No. FD(PRC)1-1/89, dated 11.08.1991 on acquiring higher qualification of MA/M.Sc. The Honourable Supreme Court while thrashing out the arguments of the parties vide Para 2 of the judgment dated 19.07.2007, referred to Para-5 clause(e) of the circular meant for grant of four increments on attaining M.A/M.Sc where prescribed qualification is FA/F.Sc. However, it was simultaneously noted there in the same para that it would be seen that the petitioners were placed in BS-14 by reason of having acquiring the qualifications of BA/B.Sc Second Division which is the prescribed qualification for the post of Elementary School Teacher. In the operative part of the judgment vide Para-4, Honourable Supreme Court on converting the petitions into appeals and on their

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acceptance, declared that the petitioners would be entitled to four advance increments with effect from the date of qualifying M.A/M.Sc. examination. However, there is no direction/declaration in the operative part about the point noted by the august Supreme Court of Pakistan with reference to the petitioners who were placed in BPS-14 by reason of having acquired the qualification of B.A/B.Sc second division as the prescribed qualification for the post of Elementary Schools Teacher. The petitioners are still firm with their stand that notwithstanding the fact that those who were granted BPS-14 on account of acquiring B.A/B.Sc qualification were/are entitled to four increments by virtue of their qualification being the holders of the degree of M.A/M.Sc, on the basis of ibid judgment of august Supreme Court of Pakistan. On the other hand, the respondents have elaborated their view point that those teachers who were granted BPS-14 on acquiring B.A/B.Sc second division were not entitled for four increments rather they were entitled for two increments as they had already availed the benefit of higher qualification of B.A/B.Sc in term of availing higher grade in BPS-14. Let the parties come up for further arguments on the narrowed down controversy, on 27.12.2021 before S.B at camp court, Abbottabad."

*[Handwritten signature]*

*Lahore*

4. With the given position herein above, the only question for determination remain whether the recovery of the payment of advance increments as directed vide Para-3(4) of the letter circular bearing No. FD(SR-I)2-123/2010 dated 15.12.2010 is doable or not. The answer to the said question is negative. This is for the reason that the advance increments (if availed) by the petitioners over and above their

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entitlement on academic qualification was not the result of any fraud or wrong doing on their part. They availed the benefit of advance increments, at the most, because of miscomprehension of the Notification of the Government by the Department. The advance increments so availed, albeit over and above the entitlement have become part of emoluments of the petitioners. Therefore, the respondents are estopped by their conduct to give effect to Para-3(4) of the Notification dated 15.12.2010 to the extent of petitioners. Thus, they are restrained from recovery of the increments having already become part of emoluments of the petitioners being a past and closed transaction. If any of the petitioners has not availed the benefit of two advance increments after having been granted higher grade in BPS-14, this order shall not be operative in his favour seeking the grant of such increments. All the Execution Petitions enumerated herein above stand disposed of accordingly. There is no order as to cost. File be consigned to the record room.

*Latif*

**ANNOUNCED**  
19.01.2022

*Ahmad Sultan Tareen*  
(AHMAD SULTAN TAREEN)  
Chairman

Certified to be true copy

*M. Iqbal*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of presentation of Application 19-1-2022  
 Number 6000  
 Copy 62  
 Urgency 62  
 To Q  
 Name Q  
 Date of Copy 15/2/22  
 Date of Copy 15/2/22

To

The District Education Officer (Female)  
District Abbottabad.

38

Subject

APPLICATION FOR RESTORATION OF 04 ADVANCE INCREMENTS OF MA INSTEAD OF 02 WITH ALL BACK BENEFITS, ON THE BASIS OF JUDGMENT OF KP SERVICE TRIBUNAL DATED 12/05/2009 PASSED IN APPEAL NO 1276 OF 2007, READ WITH ORDER DATED 19/01/2022 PASSED IN EXECUTION PETITION NO 84 OF 2021 BY THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Sir

With due respect applicant got 04 advance increments of MA/MSc on the basis of Judgment dated 12/05/2009, passed in her own individual service appeal no 1430/2008 by Khyber Pakhtunkhwa Service Tribunal Peshawar, applicant has retired from her service from 01/08/2015.

Later DAO Abbottabad implemented the above Judgment in letter and spirit and the benefits of advance increments were being given to the applicant regularly as a part and parcel of her salary, while after the year 2012, DAO Abbottabad with out any notice or any legal reason, deducted 02 advance increments out of 04 advance increments of MA/MSc from her salary.

In short it is requested that applicant's implementation case (Restoration of Advance Increments) on the basis of legal and technicalities, have already linger on for the years, now please instant case be sent to District Accounts Office for early Restoration of Advance Increments clearly referred in above cited subject.

Dated 16/02/2024

*Rahman*

*Shaheen*

Mst Kousar Shaheen D/O Muhammad Idrees W/O Muhammad Zubair, Retired Snr; CT GGHS Sajikot Qalandar Abad, R/O Village Samaiser Abbottabad

To  
The District Education Officer (Male)  
District Abbottabad.

Through  
The Principal  
GHSS Nawan Shehr  
Abbottabad.

Subject  
APPLICATION FOR RESTORATION OF 04 ADVANCE INCREMENTS OF MA INSTEAD OF 02 WITH ALL BACK BENEFITS, ON THE BASIS OF JUDGMENT OF KP SERVICE TRIBUNAL DATED 12/05/2009 PASSED IN APPEAL NO 1276 OF 2007, READ WITH ORDER DATED 19/01/2022 PASSED IN EXECUTION PETITION NO 84 OF 2021 BY THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Sir  
With due respect applicant got 04 advance increments of MA/MSc on the basis of Judgment dated 12/05/2009, passed by Khyber Pakhtunkhwa Service Tribunal Peshawar in appeal No 1276 of 2007.

Later DAO Abbottabad implemented the above Judgment in letter and spirit and the benefits of advance increments were being given to the applicant regularly as a part and parcel of his salary, while after the year 2012, DAO Abbottabad with out any notice or any legal reason, deducted 02 advance increments out of 04 advance increments of MA/MSc from his salary.

In short it is requested that applicant's implementation case (Restoration of Advance Increments) on the basis of legal and technicalities, have already linger on for the years, now please instant case be sent to District Accounts Office for early Restoration of Advance Increments clearly referred in above cited subject.

Dated 19/02/2024

No 694 date of 05/3/2024

Recommended and  
forwarded to DEO (M) Attd  
for further n/a please.

Sajid Mehmood S/O Muhammad  
Sulemin, SST (G), GHSS Nawan  
Shehr Abbottabad.

Principal  
GHSS Nawan Shehr

Ch. Mulla  
Finn  
Distri

S.No. 221543 Mob: \_\_\_\_\_  
 Name of Advocate مشیر اختر  
 Name of Secretary \_\_\_\_\_  
 Bar Assn. \_\_\_\_\_  
 DBA No. \_\_\_\_\_ TBA No. \_\_\_\_\_  
 BC No. \_\_\_\_\_ R.s.200/=

37 وکالت نامہ

بعدالت K P Service Tribunal Peshawar  
 عنوان: مشیر اختر شاہین نام ادیشن ٹریبونٹ  
 منجانب: Petitioners نوعیت مقدمہ Execution  
 باعث تحریر آنکہ \_\_\_\_\_

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے دائر کیے بیرونی و جہاد ہی برائے پیشی یا تفریق مقدمہ بہ مقام ایڈیٹور کے لیے  
مشیر اختر کے توسط سے ادیشن ٹریبونٹ کے لیے  
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے  
 جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ  
 سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بچہری کے  
 علاوہ کسی جگہ یا بچہری کے اوقات سے پہلے یا بچہری یا برو تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ بچہری کے علاوہ کسی اور جگہ  
 ساعت ہونے پر یا برو تعطیل یا بچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے  
 کسی معاوضہ کے ادا کرنے یا جمانے کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر اختہ صاحب موصوف  
 مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم  
 درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے  
 اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات  
 از بچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری بل از گرفتاری و اجراءے ڈگری بھی صاحب  
 موصوف کو بشرط ادا سنگی علیحدہ مختانہ بیرونی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے  
 کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں  
 وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف  
 کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ  
 کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

2024/04/03 مورخہ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن ماہ سال

نوٹ: وکالت نامہ کی فوٹو کاپی قابل قبول نہ ہوگی

Accepted

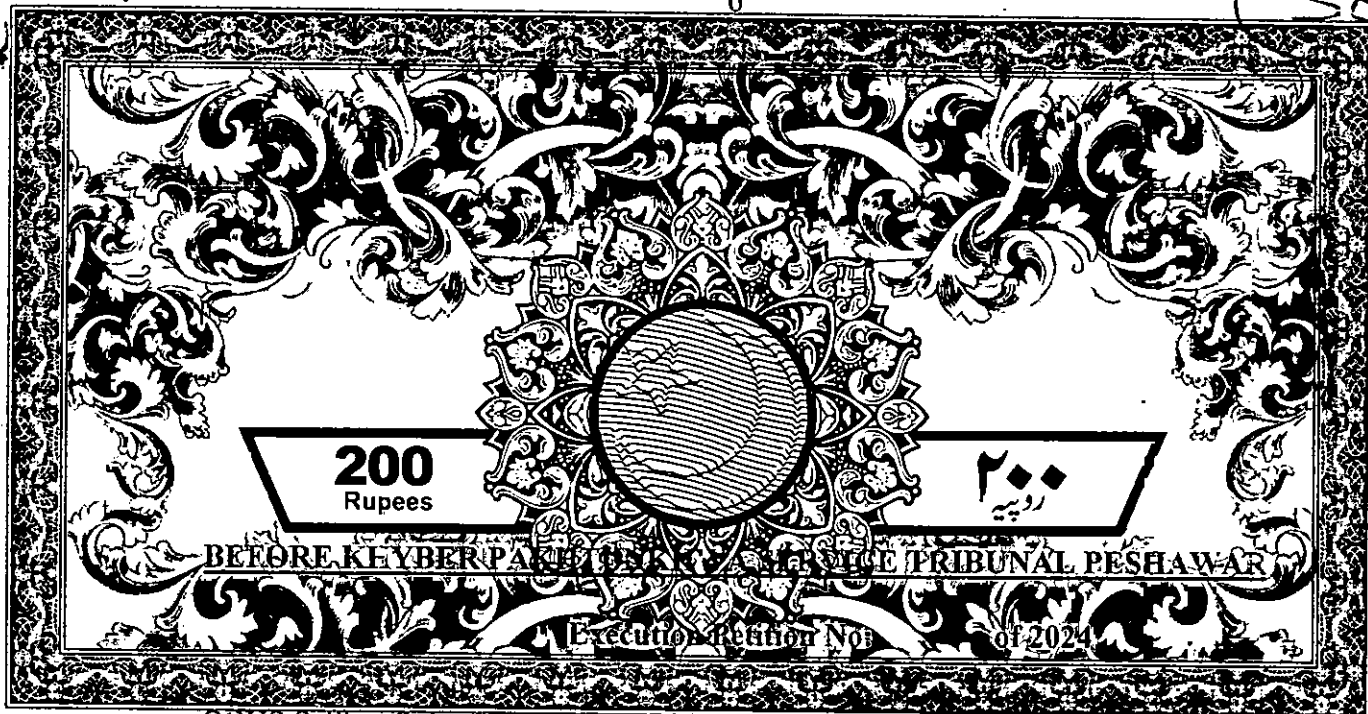
Shahzee

①

② اسماعیل

مشیر اختر شاہین

صاحب محمد



GGHS Sajikot Qalandar Abad, P/O Village Samaiser Abbottabad and others.

Petitioners

VERSUS

District Comptroller of Accounts, Abbottabad and others..... Respondents

**POWER OF ATTORNEY**

**NAME & OTHER PARTICULARS OF ATTORNEY**

**Mr Rashid Iqbal Khan Jadoon Advocate IBC Islamabad.** Abbott Law Chamber  
Office No 06, Ayub Tanoli lawyer plaza Abbottabad.

We

- 1) Mst Kousar Shaheen D/O Muhammad Idrees W/O Muhammad Zubair, Retired Snr;  
CT GGHS Sajikot Qalandar Abad.
- 2) Sajid Mehmood S/O Muhammad Sulemin, SST (G), GHSS Nawan Shehr  
Abbottabad.
- 3) Altaf Hussain S/O Abdur Rehman, SST, GHSS Nagri Bala Abbottabad.

deponents, do hereby solemnly affirm and declare on oath that we appoint above named (Mr Rashid Iqbal Khan Jadoon Advocate) as attorney, to act on our behalf, to appear, plead for us in the titled case in which the same may be tried or heard and any other proceedings arising out of or connected herewith and he would be competent to exercise all the powers which we our self hold as petitioners, he is authorized all powers, to institute case, to submit any kind of application or reply, argue the case, in short, all powers or authority which we are entitled being petitioners, would be transferred to above named attorney through instant power of attorney.

Sworn at Abbottabad on this 1st day of April, 2024.

*Kousar*  
1) Mst Kousar Shaheen  
CNIC 13101-0918057-6

*Sajid*  
2) Sajid Mehmood  
CNIC 13101-0950909-1

*Altaf*  
3) Altaf Hussain  
CNIC 13101-2720705-5

ATTESTED BY:  
MUHAMMAD TAYEER ADY  
NOTARY PUBLIC  
ABBOTTABAD

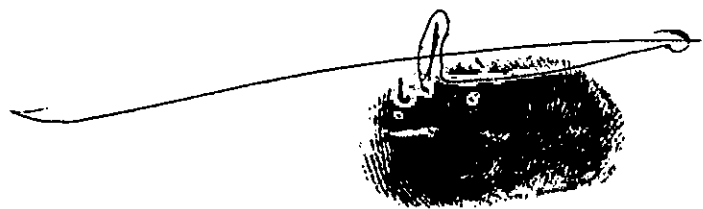
03/04/2024



خان عبدالرحمان سکوننگری بالائے  
اسدی آباد

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23/1/23

18101-2720706-57



Mulla Ahmed Saeed  
Liaquat No. 58  
Kutchery Abbottabad