

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 1292/2023

Mr. Saad Ullah Khan.....Appellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others.....Respondents.

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*Next date
21/5/24
Peshawar*


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 1292/2023

Mr. Saad Ullah Khan.....Appellant.

**Khyber Pakhtunkhwa
Service Tribunal**

VERSUS

Diary No. 12519

Chief Secretary to Govt of KPK Peshawar..... Respondents. 3/5/24

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01, 02 & 04.

Respectfully Sheweth,

Preliminary Objections:

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has no come to this court with clean hands. Hence, disentitled to any relief whatsoever.
3. That no discrimination/injustice has been done to anyone.
4. That the appellant is estopped by the conduct to file the instant appeal.
5. That the appeal is not based on facts and is unjustified.
6. That the appellant is legally bound to disclose the real facts before the court.
7. That the appeal has been filed to entangle the department into unnecessarily litigation and to waste the precious time of the Honorable Court.
8. That the appeal is bad for mis-joinder and non-joinder of the necessary parties.

On FACTS

1. Pertains to record needs no comments.
2. Incorrect. The clarification has been made in consonance with the Finance Division Government of Pakistan Office Memorandum dated 01-07-2022 which has clearly been mentioned in the clarification issued by Government of Khyber Pakhtunkhwa Finance Department dated 21-07-2022, keeping in view the Financial position of the Province (Annex-A).
3. The Provincial Government is not bound to follow the policies of others sister Provinces.
4. In light of Article-160 of the Constitution of Islamic Republic of Pakistan under National Finance Award Commission 2010 the powers have been equally distributed among the Federal Government and Federating Units. No Province is bound to follow the policy of any other sister Province.
5. Incorrect. Several Department appeals have been received but the same were regretted/being against the rules/policy. However, the same have also been placed before the Grievances Redressal Committee (**orders annexed**)
6. As replied above.
7. Incorrect. The instant Service Appeal is liable to be dismissed being devoid of merit.

On Grounds:

- A. Incorrect. The objection clarification has been issued in continuation of Finance Department Notification dated 14-07-2022 (Annex-B) in accordance with rules/policy and duly approved by the Provincial Government.
- B. Incorrect. The clarification issued by the Provincial Government is in accordance with rules/policy and has been made in continuation of Finance Department Notification dated 14-07-2022. Therefore, there is no irregularity on the part of Finance Department.
- C. Incorrect. All employees of the Provincial Government are bound to follow the rules/policies issued by the Provincial Government from time to time. Moreover, the policy of the Provincial Government cannot be challenged before this Honorable Tribunal.
- D. As explained in preceding para.
- E. Incorrect. All employees are equal in the eye of law and are treated equally in accordance with rules/policy promulgated by the Government from time to time.
- F. The respondents seek permission to raise additional grounds at the time of arguments.

In view of the above, it is prayed that the instant case being devoid of merit may kindly be dismissed, please.

Authorised officer
(Ms. Azeel Ahsan)
Additional Cg (4)
By SED
(Respond No. 1004)

(Signature)
SECRETARY
Elementary & Secondary Education,
(Respondent Nos. 01 & 04)

(Signature)
SECRETARY
Finance Department
(Respondent No.02)

Anees Sultan Tareen.

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1292/2023

Mr. Saad Ullah Khan..... Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa & others..... Respondents

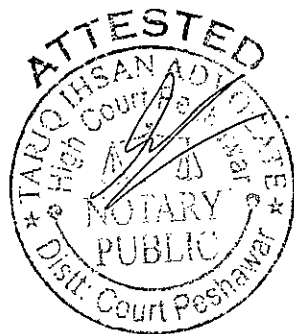
AFFIDAVIT

I, **Masood Ahmad**, Secretary, Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondents have neither been placed ex-parte nor has their defense been struck off.


(Masood Ahmad)

**Secretary
E&SE Department Peshawar**





**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Sajid Ullah, Section Officer (Litigation-II)** Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar **Service Appeal # 12922023 Case Titled Mr. Saad Ullah Khan vs Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.**

Secretary

E&SE Department Peshawar



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department, Civil Secretariat, Peshawar

finance.gkp.pk

financekpgovt

financekpgovt

No. FDSO(SR-II)/2-4/2022/Pension

Dated Peshawar the 21st July, 2022

To,

1. The Accountant General,
Khyber Pakhtunkhwa.
2. The District Comptroller of Accounts,
Government of Khyber Pakhtunkhwa.
3. All the District Accounts Officers,
Government of Khyber Pakhtunkhwa.

Subject: - CLARIFICATION REGARDING 15% INCREASE IN THE NET PENSION

Dear Sir,

I am directed to refer to the subject cited above. In continuation of this Department Notification No. FDSO(SR-II)/2-4/2022/Pension dated 14.07.2022 and in consonance with the Finance Division, Government of Pakistan Office Memorandum No. F. 4(1)-Reg.6/2022-486 dated 01.07.2022 and Finance Department, Government of Sindh Office Memorandum No. FD(SR-III)3-230/2022 dated 13.07.2022, the clarification regarding previously merged adhoc increases of 2011, 2015, 2016, 2017, 2018, 2019 and 2021 is as under: -

- (i) The aforementioned adhoc increases have been merged in basic pay. Hence the said increases will cease to exist or discontinued to all those employees retiring on or after 1st July 2022.
- (ii) All other clauses and conditions of the Notification ibid will remain the same as mentioned.

Yours faithfully,

(ALLA-UD-DIN KHATTAK)
Section Officer (SR-II)

Section Officer (Lit-II)
Finance Department
Govt. of Khyber Pakhtunkhwa

21/5/2024 Last chance

Kindly Accept these Aurs.



(1)

GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPPFD](https://www.facebook.com/GoKPPFD)

twitter.com/GoKPPFD

NO.FD/SO(SR-1) 1-1/2022

Dated Peshawar the: 14th July, 2022

To:

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

Subject:

**REVISION OF BASIC PAY SCALES & ALLOWANCES OF CIVIL
SERVANTS OF THE PROVINCIAL GOVERNMENT (2022)**

Dear Sir,

The Governor, Khyber Pakhtunkhwa has been pleased to sanction the revision of Basic Pay Scales & Allowances w.e.f 1st July, 2022 for the Civil Servants of the Provincial Government, detailed in the following paragraphs:-


Part-I (Pay)

2. **Revision of Basic Pay Scales:**

The Basic Pay Scales – 2022 shall replace the Basic Pay Scales – 2017 with effect from 01-07-2022 as contained in the Annexure-I to this circular letter.

3. **Fixation of Pay of the Existing Employees:-**

- i. The basic pay of an employee who was in service on 30-06-2022 shall be fixed in the Basic Pay Scale – 2022 on point to point basis i.e. at the stage corresponding to that occupied by him / her above the minimum of Basic Pay Scales – 2017;
- ii. In case of Personal Pay being drawn by an employee as part of his / her basic pay beyond the maximum of his / her pay scale on 30-


Section Officer (Lit-II)
Finance Department
Govt. of Khyber Pakhtunkhwa

(2)

06-2022, he / she shall continue to draw such pay in the Basic Pay Scales – 2022 at the revised rates.

4. **Fixation of Pay on promotion:-**

In cases of promotion from a lower to higher posts / scale before introduction of these scales, the pay of the employees concerned in the revised pay scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if his promotion to the higher post / scale had taken place after the introduction of these scales.

5. **Annual Increment:-**

Annual increment shall continue to be admissible, subject to the existing conditions, on 1st of December each year.

PART-II (ALLOWANCES)


6. **Adhoc Relief Allowances:**

Upon introduction of BPS-2022 the following Adhōc Relief Allowances granted we.f. 01-07-2016, 01-07-2017, 01-07-2018, 01-07-2019 and 01-07-2021 shall cease to exist with effect from 01-07-2022:-

S.No.	Name of Adhoc Relief Allowance	Circular letter No. & Date	Admissible Rates
i.	Adhoc Relief Allowance 2016 (01-07-2016)	FD (PRC) 1-1/2016 dated 19-07-2016	10% of the basic pay on BPS-2016.
ii.	Adhoc Relief Allowance 2017 (01-07-2017)	FD/SOSR-1/1-1/2017 dated 17-07-2017	10% of the basic pay on BPS-17.
iii.	Adhoc Relief Allowance 2018 (01-07-2018)	FD/SOSR-1/1-1/2018 dated 09-07-2018	10% of the basic pay on BPS-17.
iv.	Adhoc Relief Allowance 2019 (01-07-2019)	FD/SOSR-1/1- /2019 (29370) dated 11-07-2019	10% of the basic pay on BPS-17 (BPS 1-16) and 5% of the basic pay on BPS-17 (BPS 17-20)
v.	Adhoc Relief Allowance 2021 (01-07-2021)	FD/SOSR-1/1-1/2021 dated 07-07-2021	10% of the basic pay on BPS-2017.

7. **Adhoc Relief Allowance 2022:-**

- i. An Adhoc Relief Allowance 2022 @ 15% of the running basic pay of Basic Pay Scales – 2017 shall be allowed to the civil servants of the Provincial Government including contingent paid staff and contract employees employed against civil posts in Basic Pay Scales on standard terms and conditions of contract appointment w.e.f 01-07-2022 and shall stand frozen at the same level till further orders;


Section Officer (Lit-11)
Finance Department
Govt. of Khyber Pakhtunkhwa


- ii. All the new entrants shall be allowed Adhoc Relief Allowance 2022 at the rate of 15% of the minimum of the relevant basic pay of BPS-2017 on notional basis with effect from 01-07-2022 till further orders and shall stand frozen at the same level;
- iii. The Ad-hoc Relief Allowance will be subject to Income Tax;
- iv. The Ad-hoc Relief Allowance will be admissible during leave and entire period of LPR except during extra ordinary leave;
- v. The Ad-hoc Relief Allowance will not be treated as part of emoluments for the purpose of calculation of Pension/Gratuity and recovery of House Rent;
- vi. The Ad-hoc Relief Allowance will not be admissible to the employees during the tenure of their posting / deputation abroad;
- vii. The Ad-hoc Relief Allowance will be admissible to the employees on their repatriation from posting/deputation abroad at the rate and amount which would have been admissible to them, had they not been posted abroad;
- viii. The Ad-hoc Relief Allowance will be admissible during the period of suspension;
- ix. The term "Basic Pay" will also include the amount of Personal Pay granted on account of annual increment(s) beyond the maximum of the existing pay scales.

8. **Special Pay & Allowances:**

All the Special Pays, Special Allowances or the Allowances admissible as percentage of pay equal to or more than one month basic pay including Executive Performance Allowance granted to the Provincial Government's employees irrespective of his / her posting in all Administrative Departments/Attached Departments / Autonomous Bodies/Offices etc, including civil employees in BPS-1-22 of Judiciary shall stand frozen at the level of its admissibility as on 30.06.2022.

9. **Option:**

- (i) The Department/Office to which an employee belongs and/or whose pay roll he/she is borne shall obtain an option in writing from such employees within 30 days commencing from the date of issuance of this circular and communicate it to the concerned Accounts Office/DDO, as the case may be, either to continue to draw salary in the Scheme of Basic Pay Scales-2017 or in the


Section Officer (A.P.-11)
Finance Department
Govt. of Khyber Pakhtunkhwa

(4)

Scheme of Basic Pay Scale-2022 as specified in this circular.
Option once exercised shall be considered as final.

- (ii) An existing employee, as aforesaid, who does not exercise and communicate his/her option within the specified time limit, shall be deemed to have opted for the Scheme of Basic Pay Scales-2022.

10. All the existing rules/orders on the subject shall be considered to have been modified to the extent indicated above. All the existing rules/orders, not so modified, shall continue to be in force under this scheme.

11. **Anomalies:**

Anomalies, if any, arising in the implementation of the Basic Pay Scales – 2022, shall be referred to Grievance Redressal Committee constituted in Finance Department Khyber Pakhtunkhwa (Regulation Wing).

-Sd-

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Endst: No.FD/SO (SR-1) 1-1 /2022,

Dated Peshawar the 14 July, 2022

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

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

Rukhsana Jabeen
14.07.2022
(Rukhsana Jabeen)
Deputy Secretary (Reg-I)

Endst: No & Date even.


A copy for information is forwarded to the:-

1. Director Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. Director Local Fund Audit, Khyber Pakhtunkhwa.
4. Director FMIU, Finance Department, Khyber Pakhtunkhwa.
5. All District Accounts Officers in Khyber Pakhtunkhwa.
6. Manager, Govt. Printing Press, Peshawar.
7. Section Officer (Cabinet) Establishment Department, Khyber Pakhtunkhwa.
8. All Section Officers / Budget Officers in Finance Department, Peshawar.
9. PS to Minister Finance, Khyber Pakhtunkhwa.
10. PS to Secretary, Finance Department, Khyber Pakhtunkhwa.
11. PS to Special Secretary (A&R), Finance Department, Khyber Pakhtunkhwa.
12. PS to Special Secretary (Budget), Finance Department, Khyber Pakhtunkhwa.
13. PAs to Additional Secretaries, Finance Department, Khyber Pakhtunkhwa.
14. Pas to Deputy Secretaries, Finance Department, Khyber Pakhtunkhwa.
15. Master File.

Momin Khan
Section Officer (SR-1)
Finance Department
Govt. of Khyber Pakhtunkhwa

Momin Khan
14/07/22
(Momin Khan)
SECTION OFFICER (SR-1)

BASIC PAY SCALES OF THE CIVIL SERVANTS							
Basic Pay scales-2017				Stages	Basic Pay scales-2022		
BPS	MIN	INCR	MAX		MIN	INCR	MAX
1	9,130	290	17,830	30	13,550	430	26,450
2	9,310	330	19,210	30	13,820	490	28,520
3	9,610	390	21,310	30	14,260	580	31,660
4	9,900	440	23,100	30	14,690	660	34,490
5	10,260	500	25,260	30	15,230	750	37,730
6	10,620	560	27,420	30	15,760	840	40,960
7	10,990	610	29,290	30	16,310	910	43,610
8	11,380	670	31,480	30	16,890	1,000	46,890
9	11,770	730	33,670	30	17,470	1,090	50,170
10	12,160	800	36,160	30	18,050	1,190	53,750
11	12,570	880	38,970	30	18,650	1,310	57,950
12	13,320	960	42,120	30	19,770	1,430	62,670
13	14,260	1,050	45,760	30	21,160	1,560	67,960
14	15,180	1,170	50,280	30	22,530	1,740	74,730
15	16,120	1,330	56,020	30	23,920	1,980	83,320
16	18,910	1,520	64,510	30	28,070	2,260	95,870
17	30,370	2,300	76,370	20	45,070	3,420	113,470
18	38,350	2,870	95,750	20	56,880	4,260	142,080
19	59,210	3,050	120,210	20	87,840	4,530	178,440
20	69,090	4,510	132,230	14	102,470	6,690	196,130
21	76,720	5,000	146,720	14	113,790	7,420	217,670
22	82,380	5,870	164,560	14	122,190	8,710	244,130


 Section Officer (L-11-11)
 Finance Department
 Govt. of Khyber Pakhtunkhwa