


Form-A  
FORM OF ORDERSHEET

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

Case No. \_\_\_\_\_ /2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.05.2024	<p>As per direction of the Hon'ble Member Judicial this restoration application is fixed for decision on office objection before Single Bench at A.Abad on 27.06.2024. Counsel for the applicant has been informed telephonically.</p> <p style="text-align: right;"> REGISTRAR</p>

o/o

Respected Sir,

It is submitted that the present restoration application was received on 19.03.2024, which was returned to the counsel for the applicant for removing objection (Flag-A). Today i.e. 15.05.2024 the learned counsel re-filed the restoration application without removing the objection no.1, 2 & 3.

The application is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

  
REGISTRAR 20/5/24

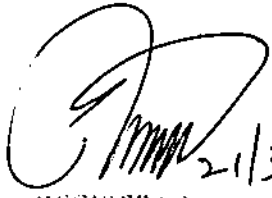
Hon'ble Member (J).

Fix before the court in office  
objection - R  
27/5/24.

...survival of execution petition no. 179/2016  
...624 is incomplete on the following score, which is  
...for the applicant for completion and resubmission.

- ① ... in proper format.
- ② ... of Supreme Court of Pakistan mentioned in ...  
... attached with the application be placed on it.
- ③ ... 13.12.2019 attached with the application is illegible  
... letter one.
- 4 ... of application along with annexures ...  
... also be submitted.

646  
22/3

  
21/3/24  
REGISTRAR  
SERVICIAL TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

① that the Honorable Supreme Court of Pakistan  
decided the said CPTA in favor of petitioner and  
Remand the case to Peshawar High Court.

② that writ petition No 3081-P/2022 with Com  
No 1672-P/2022 as Annexure A & on file  
No (10)

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KP PESHAWAR**  
**(CAMP COURT) ABBOTTABAD**

C.M No. \_\_\_\_\_  
Service Appeal 1356/2008

Muhammad Younas son of Sher Zaman, (Ex-PTC), CT Teacher, resident of Akhora, Qalandarabad, Tehsil & District Abbottabad.

**...PETITIONER/APELLANT**

**VERSUS**

District Education Officer (Male), Abbottabad and others.

**...RESPONDENTS**

**APPLICATION**

**INDEX**

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2.	Copy of Judgment -	4 - 16	"A".B
3.	WAKALA NAMA	16	

Dated: 18/3/2024

*Younas*  
**...PETITIONER/APELLANT**

Through

*Malik Wali Sultan*  
**(MALIK WALI SULTAN)**  
Advocate High Court, Abbottabad

0300-9119330

*24-04-24*  
*A. Abae*

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KP PESHAWAR**  
**(CAMP COURT) ABBOTTABAD**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11827

C.M No. \_\_\_\_\_  
Service Appeal 1356/2008

Dated 19-03-2021

Muhammad Younas son of Sher Zaman, (Ex-PTC), CT Teacher, resident of Akhora, Qalandarabad, Tehsil & District Abbottabad.

**...PETITIONER/APPELLANT**

**VERSUS**

District Education Officer (Male), Abbottabad and others.

**...RESPONDENTS**

**SERVICE APPEAL**

**APPLICATION** FOR REQUISITIONING OF  
FILE OF EXECUTION OF ORDER DATED  
18/02/2021 AND RESTORATION OF CASE  
WHICH WAS SINE DIE ADJOURN DUE TO  
PENDENCY OF CPLA BEFORE THE AUGUST  
SUPREME COURT OF PAKISTAN.

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Respectfully sheweth;

1. That the proceedings in the above titled execution petition were stopped due to filing of CPLA before the august Supreme Court of Pakistan and case was sine die adjourn by this Honourable Tribunal.

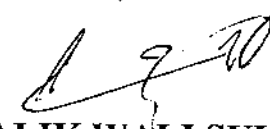
2. That the Honourable Supreme Court of Pakistan decided the said CPLA in favour of appellant/petitioner. Copy of judgment is annexed as Annexure "A".

It is therefore humbly prayed that the case file may graciously be requisitioned and the execution petition be restored for regular hearing.

Dated: 18/3/2024

  
...PETITIONER/APPELLANT

Through

  
(MALIK WALI SULTAN)  
Advocate High Court, Abbottabad

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KP PESHAWAR**  
**(CAMP COURT) ABBOTTABAD**

C.M No. \_\_\_\_\_  
Service Appeal 1356/2008

Muhammad Younas son of Sher Zaman, (Ex-PTC), CT Teacher, resident of Akhora, Qalandarabad, Tehsil & District Abbottabad.

**...PETITIONER/APPELLANT**

**VERSUS**

District Education Officer (Male), Abbottabad and others.

**...RESPONDENTS**

**SERVICE APPEAL**

**AFFIDAVIT:**

I, *Muhammad Younas son of Sher Zaman, CT Teacher, resident of Akhora, Qalandarabad, Tehsil & District Abbottabad*, do here by affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.



*Younas*  
**DEPONENT**

Admission - "A"

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IN THE COURT OF THE DISTRICT JUDGE  
JUDICIAL OFFICE, JALANDHAR

Case No. 387-P/2017, 403-P/2017, 422-P/2017, 732-P/2019, 733-P/2019  
Petitioners: Saeedullah and others  
Respondents: Government of N.P. through Secretary Establishment Department  
Jalandhar and others

Government of N.P. through Secretary Establishment Department  
Jalandhar and others

	<u>MR. S. S. SINGH</u>	Petitioner(s)
Saeedullah and others	(in C.P. 387-P/2017)	
Muhammad Iqbal and others	(in C.P. 403-P/2017)	
Mohd. Muhammad and others	(in C.P. 422-P/2017)	
Ayaz Ullah Khan and others	(in C.P. 732-P/2019)	
Muhammad Rehman and others	(in C.P. 733-P/2019)	
		Respondent(s)

For the petitioner(s)      Barrister Caeim Waddod, Addl. AG  
at Jalandhar

For the respondent(s)      N.R.

Date of Hearing      18.12.2019

ORDER

UMAR ATA BANDIAL, J. — Learned Additional

Advocate General submits that the entitlement to additional increments on account of higher qualifications were granted to employees of the Provincial Government vide Notification dated 11.08.1991. That entitlement was revoked by a Notification dated 27.10.2001. This withdrawal of entitlement

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Associate

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⑥

was reiterated in a Notification dated 03.01.2009. Thereafter, in 2012 the Khyber Pakhtunkhwa Cessation of Payment of Arrear on Advance Increments on Higher Educational Qualification Act, 2012 ("Act") was promulgated which was made retrospective from 2001. In the present cases, the impugned judgment by the learned High Court has ignored firstly, the fact that the petitions for the claimed increments were filed two years after the afore-noted law was promulgated. Secondly, it has ignored the Notification dated 27.10.2001 whereby the basis of the claim stood erased and accordingly, the Act was effective in its retrospective application.

2. The points raised have some weight, therefore, leave is granted, *inter alia*, to consider the same. In the meantime, the impugned judgment shall remain suspended.

Sd/-J  
Sd/-J  
Sd/-J

certified to be True Copy

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

COPIES  
Islamabad  
8.12.2019

7



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

*Execution Petition no. 179/16*

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 969

Dated 26-9-16

Muhammad Younas son of Sher Zaman, (Ex-PTC), Now CT Teacher Govt. Middle School, Narbeer Mansehra R/o Village Akhora P.O Qalandarabad Tehsil & District Abbottabad.

**...APPLICANT/APELLANT**

**VERSUS**

District Coordination Officer, Mansehra and others.

**...RESPONDENTS**

**APPEAL**

**EXECUTION PETITION SEEKING IMPLEMENTATION OF JUDGMENT DATED 12/05/2009, VIDE WHICH THIS HONOURABLE TRIBUNAL HAS BEEN PLEASED TO ACCEPT THE APPEAL FILED BY APPLICANT/APELLANT FOR GRANT OF FOUR (04) ADVANCE INCREMENTS OF MA W.E.F 26/06/2000 AND FOUR (04) ADVANCE INCREMENTS OF B.A INSTEAD OF 03 (ALREADY GRANTED) W.E.F 11/08/1991 AGAINST PTC POST WITH ALL BACK BENEFITS UNDER PARA (5(I) (B) & (C) OF THE NOTIFICATION NO. FD (PRC) 1-1/89 DATED 11/08/1991 ISSUED BY FINANCE DEPARTMENT NWFP PESHAWAR AND ON THE BASIS OF JUDGMENTS DATED 19/07/2007 AND 29/01/2008 PASSED BY AUGUST SUPREME COURT OF PAKISTAN IN CPLA NO. 525, 526 & 590 OF 2007, CRP NO. 216 AND 217 OF 2007.**

Respectfully Sheweth; -

**ATTESTED**

1. That the titled appeal was disposed of by this Honourable Court vide judgment dated 12/05/2009.

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
*19-3-24*

(8)

Copy of judgment is attached herewith as Annexure "A".

2. That despite clear directions in the judgment ibid, the respondents are reluctant to grant relief in the light of the judgment of this Honourable Tribunal.
3. That the applicant/ appellant has requested the respondents- department for implementation of the judgment but to no avail. Hence, this execution petition.

Under the circumstances, it is respectfully prayed that respondents may be directed to execute / implement the judgment of this Honourable Court in its true letter and spirit.

...APPLICANT/ APPELLANT

Through;

Dated: 20/09/2016

(MALIK WALI SULTAN)  
Advocate High Court, Abbottabad

**AFFIDAVIT:**

I, Muhammad Younas son of Sher Zaman, (Ex-PTC), Now CT Teacher Govt. Middle School, Narbeer Mansehra R/o Village Akhora P.O Qalandarabad Tehsil & District Abbottabad, do hereby affirm and declare that the contents of foregoing execution are true and correct to the best of my knowledge and belief and nothing has been suppressed therein.

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

DEPONENT

14-3-24

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# Execution Petition No. 179/2016 Muhammad Younus vs Govt

16.02.2021



Learned counsel for the petitioner present. Mr. Riaz Khan Paindakhel learned Asst. AG alongwith Sohail Ahmed Zeb present.

Representative of respondents produced a copy of order of the Apex Court dated 18.12.2019 wherein leave was granted to the respondents in CPLA.

Request for sine die adjournment was made. Request allowed and the instant case is adjourned sine die till the final disposal of Apex Court in CPLA of the instant case. However, the petitioner is at liberty to seek restoration of the instant petition after the decision of the Apex Court. File be consigned to the record room.

Certified to be true copy  
*[Signature]*  
Member (E)  
Khyber Pakhtoonkha  
Service Tribunal,  
Peshawar

*[Signature]*  
(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court, A/Abad

Date of Presentation: 19-3-2014

Number of Pages: 3

Copying Fee: 15/-

Urgent: 5/-

Total: 20/-

Name of Court: Shalvad

Date of Completion: 19-3-2014

Date of Delivery of Case: 19-3-2014

PESHAWAR

Annexure B

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**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**JUDICIAL DEPARTMENT**

**W.P. No.3081-P/2012 with CM No.1672-P/2022**

**Anayat Ullah Khan and others**

**Vs.**

**Government of Khyber Pakhtunkhwa through Chief  
Secretary, Peshawar and others**



**Date of hearing** 14.06.2023  
**Petitioner(s) by:** M/s. Noor Muhammad Khattak and L.  
Nawab Ali Noor, Advocates.  
**Respondent(s) by:** Mr. Amir Javed, Advocate General  
Khyber Pakhtunkhwa and Barrister  
Mubammad Yaseen Raza Khan, Addl:  
Advocate General a/w Mr. Fazl-e-Khaliq,  
Litigation Officer, DEO (M&F), Swabi.

\*\*\*\*\*

**JUDGMENT**

\*\*\*\*\*

**IJAZ ANWAR, J.** Through this single judgment, we intend  
to decide the instant writ petition and Writ Petitions, listed  
below, since in all these cases, similar questions of law and  
facts are involved. The connected writ petitions are:-

- i. *W.P. No.913-P/2014 titled, Muhammad Iqbal and others Vs. Government of Khyber Pakhtunkhwa through Secretary to Government, Finance Department, Peshawar and others.*
- ii. *W.P. No.1418-P/2014 titled, Molvi Muhammad and others Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Peshawar and others*
- iii. *W.P. No.2053-P/2014 titled, Saeed Ullah and others Vs. Government of Khyber Pakhtunkhwa through Secretary S&GAD, Peshawar and others*
- iv. *W.P. No.1182-P/2018 titled, Muhammad Rehman and others Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others*
- v. *W.P. No.2326-P/2019 titled, Muhammad Anwar Vs. Government of Khyber*

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

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Pakhtunkhwa through Secretary  
Education, Peshawar and others  
vs: W.P. No.1680-P/2021 titled, Ghandal  
Khan Vs. District Education Officer  
(Male), Peshawar and others

2. In the instant writ petition, the petitioners have  
prayed for the following relief:-

*"It is, therefore, humbly prayed that on acceptance  
of this writ petition, this Hon'ble Court may be  
pleased to declare the act as against the basic  
norms of law & rules repugnant to constitution, law  
and practice/policy as such no legal effect liable to  
be set-aside".*

3. In all these petitions, the petitioners have  
mainly questioned the vires of the Khyber Pakhtunkhwa  
Cessation of Payment of Arrears on Advance Increments on  
Higher Educational Qualification Act, 2012 (hereinafter to be  
referred as "the Act").

4. Comments were called from the respondents  
who furnished the same, wherein, they opposed the issuance of  
desired writ asked for by the petitioners.

5. Arguments heard and record perused.

6. Perusal of the record transpires that the  
petitioners have questioned the vires of "the Act" on the  
ground that promulgation of "the Act" had defeated the  
judgments of the superior Courts. He further contended that  
vested rights of the petitioners have accrued in the matter and  
placed reliance on the judgments reported as "PECTO Belarus  
Tractor Ltd Vs. Government of Pakistan through Finance  
Economic Affairs and others (PLD 2005 SC 605), 2013

ATTESTED  
EXAMINER  
Peshawar High Court

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and guaranteed by a Government's circular letter dated 11.08.1991 and that the case of the petitioners was marked at the relevant time before the cut-of-date i.e. 13.09.2001 when the grant of such increments was discontinued. He also referred to a judgment of the Hon'ble Supreme Court of Pakistan passed in "CPLA No. 252 and 254/2007 decided on 19.07.2007"

9. At this stage, the learned Advocate General, Khyber Pakhtunkhwa, representing the respondents, contended that the civil servants, who were holding higher educational qualification prior to discontinuation of advance increments in the year, 2001, are entitled for the benefit flowing from circular letter dated 11.08.1991, however, those who have improved their qualification after the notification dated 13.09.2001, under no circumstances, can claim the same benefit and that the bar created through "the Act" would be equally applicable.

10. In view of the above, we, without commenting upon the vices of "the Act" and in view of the statement of the learned Advocate General, Khyber Pakhtunkhwa, dispose of this and the connected writ petitions and direct the respondents to consider the case of the petitioners in the light of circular letter dated 11.08.1991 and in case, they fulfill the condition mentioned therein for the grant of advance increments prior to the cut-of-date, they be allowed such benefit. It is, however, clarified that only the case of the present petitioners shall be

*[Handwritten signature]*

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

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considered and that others cannot claim such benefits, having not agitated the matter at the relevant time.

Announced  
Dt:14.06.2023

*[Handwritten mark]*

JUDGE

*[Handwritten signature]*

JUDGE

(05) Hon'ble Mr. Justice Haz Anwar and Hon'ble Mr. Justice Saeed Muhammad Afroz Shah

CERTIFIED TO BE TRUE COPY

EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 8.7 of  
the Qanun-e-Shahadat Act 1984

03 OCT 2023

11397  
 Date of Presentation of ..... 03-10-2023  
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 Copying fee ..... 18-10  
 Total .....  
 Date of Preparation of Copy ..... 03-10-2023  
 Date of Delivery of Copy ..... 03-10-2023  
 Approved By ..... *[Signature]*

*[Handwritten mark]*



(75) (15)

# وکالت نامہ

کورٹ فیس  
قیمتی

بعدالت جناب سروسز ایجنٹ برائے پٹرول پمپس اور گیس سٹیشنز ایسوسی ایشن

مخانب ڈی جی آر ایس ایس

نام DED ریکارڈنگ ایسوسی ایشن

دعویٰ یا جرم خواہش باعث تحریر آئنگے

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی و جوابدی: سروسز ایجنٹ

مقام پٹوہ بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پٹوہ کے علاوہ کسی اور جگہ پٹوہ کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہونگے۔ اگر مقدمہ مقام پٹوہ کے کسی اور جگہ ساعت ہونے پر یا بروز پٹوہ کے اوقات کے آگے یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ داریاں اسکے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاف و موصوف ذمہ دار نہ ہونگے۔ مجھے کل ساختہ پرداخت صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد دہانی و رضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری ایک طرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کی علیحدہ بیرونی مختار نامہ کرنے کا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے شیر قانونی کو بھی اس امر میں وہی اختیار حاصل ہونگے جیسے صاحب موصوف کو پوری فیس تاریخ پیش سے پہلے ادا کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا لہذا اختیار نامہ لکھ دیا ہے کہ سند در ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

دستخط  
ڈی جی آر ایس ایس

المرقوم: 103/2024-18

accepted

*(Signature)*

BC No: 131066 / 2002 KPIK  
 Contact No: 0300-9119330  
 Email Address: Malick-wali-Sultan Adv  
 at 766 @ gmail.com