

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

Service Appeal No. 1534/2023

Qamar Islam.....Petitioner

VERSUS

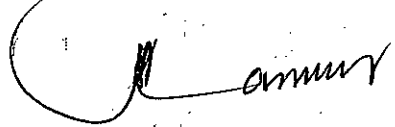
Govt of KPK through Director E&SE KPK & Others.....Respondents

Para wise Comments on behalf of Respondents No. 1 & 2

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| 3 | Copy of KP Cessation of Arrears on Advance Increments Act 2012 | 16 to 18 | "B" |

Dated: 16/03/2024


**District Education Officer (M)
Abbottabad
(Respondent No. 02)**

25-04-24

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

Service Appeal No. 1534/2023

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Para wise Comments on behalf of Respondents No. 1 & 2

Respectfully Sheweth:-

Comments on behalf of respondent No. 01 & 02 are submitted as under:-

PRELIMINARY OBJECTION:-

1. That identical Service Appeal No. 267/2012 titled Abdul Qayyum Vs Govt of KP had already been dismissed by this Honorable Tribunal vide order dated 14-12-2017 in the light of reported judgment **2016 SCMR 1206**. Hence, instant Service Appeal is not maintainable **for want of jurisdiction**.
2. That the appellant has no cause of action to file the instant appeal.
3. That the scheme of Advance Increment was discontinued w.e.f 01-12-2001 by Govt of NWFP Finance Department vide. FD (PRC)1-1/2001 dated 27-10-2001 and appellant failed to challenge the said letter within stipulated time. Hence, instant service appeal is hit under the **Principle of Estoppel**.
4. That the appellant claiming benefits of Advance Increment on the basis of Circular letter No. FD (PRC)1-1/89 dated 11-08-1991 in the year 2023 and filed so-called unsigned departmental appeal without annexing the postal receipt before wrong forum i.e respondent No. 01 which is not an appellate authority as appellant was aggrieved from the action of respondent No. 03 & Accountant General Khyber Pakhtunkhwa is the appellate authority in this regard. Hence, instant service appeal is not **maintainable in its present form, hopelessly time barred** and hit under the **Principle of Latches**.
5. That the instant appeal is not maintainable as there is no final order.

6. That in the year 2012 the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012 was promulgated which was made retrospective from 2001 and appellant did not challenge the vires of the Act at any Forum. Hence, the instant appeal is liable to be dismissed without any further proceedings.
7. **That as per Section 2 (1) of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012, Notification dated 11-08-1991 has lost its efficacy, ceased / revoked and no further claim whatsoever on the basis of this Notification shall not be entertained and such claims pending in any court or Tribunal including Supreme Court shall stand abated.**
8. That the identical nature Implementation Petition No. 49/2012 was dismissed by this Honorable Tribunal dated 30-01-2013 and petitioner sought leave to appeal against the order dated 30-01-2013 before the Supreme Court of Pakistan and same was also dismissed on 29-08-2013 passed in Civil Petition No. 360 of 2013 titled Muhammad Haroon Vs EDO & Others. The operative part of the judgment is reproduced as under:-
- “A bare reading of the above Sections from Khyber Pakhtunkhwa Act No. IX of 2012 makes it crystal clear that whatever benefit the petitioner was claiming through the judgment dated 12-05-2009, has been nullified by the legislature through clear intendment in equivocal terms, while vires of the said Act have not been challenged before any forum. This being the position leave to appeal is refused and this petition is dismissed.”**
9. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
10. **That the appellant were at liberty to join service after due process of law equivalent to his qualification & the Government is not bound to pay advance increment.**

11. The Act was passed by the Provincial Assembly and assented by the Governor Khyber Pakhtunkhwa. The answering respondents are bound to obey the will of the legislature & cannot deviate from any provision of enactment.
12. That the legislator has authority to legislate as they have mandate to do so by a recognize process and services law do not provides the provision of judicial review, hence appeal is not tenable.
13. That appellant has suppressed the material facts from this Honorable Tribunal, hence not entitled for any relief and appeal is liable to be dismissed on this score alone.

Factual objections:-

1. That the Para No. 01, of the instant appeal pertains to record.
2. That the Para No. 02, of the instant appeal pertains to record hence, need no comment.
2. That the Para No. 02, of the instant appeal pertains to record hence, need no comment.
3. That the Para No. 03 of the instant appeal pertains to academic record hence, need no comment.
4. That the Para No. 04 of the instant appeal pertains to record. However, the scheme of Advance Increment was discontinued w.e.f 01-12-2001 by Govt of NWFP Finance Department vide. FD (PRC)1-1/2001 dated 27-10-2001 and appellant failed to challenge the said letter within stipulated time. Hence, instant service appeal is hit under the **Principle of Estoppel**. Furthermore, as per Section 2 (1) of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012, Notification dated 11-08-1991 has lost its efficacy, ceased / revoked and no further claim whatsoever on the basis of this Notification shall not be entertained and such claims pending in any court or Tribunal including Supreme Court shall stand abated. (Copy of the Notification dated 27-10-2001 and KP Cessation of Arrears on Advance Increments Act 2012 are annexed as Annexure "A" & "B" respectively)
5. That the Para No. 05 of the instant appeal does not pertain to the answering respondents.

6. That the Para No. 06, of the instant appeal as composed is incorrect hence, denied as appellant claiming benefits of Advance Increment on the basis of Circular letter No. FD (PRC)1-1/89 dated 11-08-1991 in the year 2023 and filed so-called unsigned departmental appeal without annexing the postal receipt before wrong forum i.e respondent No. 01 which is not an appellate authority as appellant was aggrieved from the action of respondent No. 03 & Accountant General Khyber Pakhtunkhwa is the appellate authority in this regard. Hence, instant service appeal is not **maintainable in its present form, hopelessly time barred** and hit under the **Principle of Latches**.

GROUND:

- A. That ground A, of the instant appeal as composed is incorrect hence, denied.
- B. That ground B, of the instant appeal as composed is incorrect hence, denied. The scheme of Advance Increment was discontinued w.e.f 01-12-2001 by Govt of NWFP Finance Department vide. FD (PRC)1-1/2001 dated 27-10-2001 and appellant failed to challenge the said letter within stipulated time. Hence, instant service appeal is hit under the **Principle of Estoppel**
- C. That ground C, of the instant appeal as composed is incorrect hence, denied. Comprehensive reply has already been given in the Para No. 04 of the factual objections.
- D. That ground D, of the instant appeal as composed is incorrect hence, denied. In view of Section 2 (1) of Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act No. IX of 2012, Notification dated 11-08-1991 has lost its efficacy, ceased / revoked and no further claim whatsoever on the basis of this Notification shall not be entertained and such claims pending in any court or Tribunal including Supreme Court shall stand abated.
- E. That ground E, of the instant appeal as composed is incorrect hence, denied.
- F. That ground F, of the instant appeal as composed is incorrect hence, denied as appellant is not entitled for any relief under the above

referred Act as well as judgments of this Honorable Tribunal and Supreme Court of Pakistan.

G. That ground G, of the instant appeal as composed is incorrect hence, denied.

H. That ground H, of the instant appeal as composed is incorrect hence, denied as instant appeal is hopelessly time barred and not maintainable in its present form.

That answering respondents seek leave of this Honourable Tribunal to raise additional points/grounds during the course of arguments.

Under the circumstances, it is humbly prayed that the instant appeal is not maintainable, hopelessly time barred and hit under the Principle of Estoppel & Latches, hence liable to be dismissed without further proceedings.


(Samina Altaf)
Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
B (Respondent No. 01)


(Muhammad Tanveer)

District Education Officer (M)
Abbottabad
B (Respondent No. 02)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

Service Appeal No. 1534/2023

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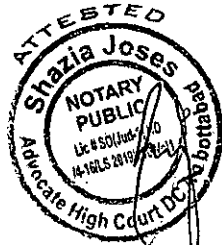
VERSUS

Govt of KPK through Director E&SE KPK & Others.....Respondents

Para wise Comments on behalf of Respondents No. 1 & 2

AFFIDAVIT

I, Mr. Muhammad Tanveer, District Education Officer (Male) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.



16/4/24

Qamar
DEPONENT
(Respondent No. 02)

It is further stated that the answering respondents have neither been placed ex parte nor their defence has been struck off.



No. FD(PRC)1-1/2001
Dated Peshawar the, October 27, 2001.

From:-

The Secretary to Government of NWFP,
Finance Department.

To

1. All Administrative Secretaries to Government of NWFP.
2. The Senior Member Board of Revenue, NWFP.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary, Provincial Assembly, NWFP.
5. All Heads of Attached Departments NWFP.
6. All District Coordination Officers/Political Agents/ District and Sessions Judges NWFP.
7. The Registrar, Peshawar High Court, Peshawar.
8. The Chairman, NWFP, Public Service Commission.
9. The Chairman, NWFP, Service Tribunal, Peshawar.
10. The Secretary Board of Revenue, NWFP, Peshawar.

Subject:-

REVISION OF BASIC PAY SCALES AND FRINGE BENEFITS OF CIVIL EMPLOYEES (BPS 1 - 22) OF THE N.W.F.P. GOVERNMENT (2001).

Sir,

I am directed to state that the Governor of the NWFP has been pleased to sanction, with effect from December 1, 2001, a scheme of the Basic Pay Scales, Allowances and Pensions, 2001 for the Civil employees of the Government of NWFP in BPS 1 to BPS 22 as detailed below:-

PART I - BASIC PAY SCALES AND ALLIED MATTERS.

2. BASIC PAY SCALES :- The existing Basic Pay Scales and the revised Basic Pay Scales are shown in Annexure-1 to this letter. The revised basic pay scales shall


Assistant District
Education Officer (M)
Abbottabad

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT

No. FD (PRC)1-1/2001
Dated Peshawar, the October 27, 2001

From:- The Secretary to Government of NWFP,
Finance Department

To

1. All Administrative Secretaries to Government of NWFP.
2. The Senior Member Board of Revenue, NWFP.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary, Provincial Assembly, NWFP.
5. All Heads of Attached Departments NWFP.
6. All District Coordination Officers/Political Agents/ District and Sessions Judges NWFP.
7. The Registrar, Peshawar-High Court, Peshawar.
8. The Chairman, NWFP, Public Service Commission.
9. The Chairman, NWFP, Service Tribunal, Peshawar.
10. The Secretary Board of Revenue, NWFP, Peshawar.

Subject: REVISION OF BASIC PAY SCALES AND FRINGE BENEFITS OF CIVIL EMPLOYEES (BPS 1-22) OF THE FEDERAL GOVERNMENT (2001)

Sir,

I am directed to state that the Governor of the NWFP has been pleased to sanction, with effect from December 1, 2001, a scheme of the Basic Pay Scales, Allowances and Pensions, 2001 for the civil employees of the Government of NWFP in BPS 1 to BPS 22 as detailed below:-

PART I - BASIC PAY SCALES AND ALLIED MATTERS

2. BASIC PAY SCALES :- The existing basic pay scales and the revised Basic Pay Scales are shown in Annexure -1 to this letter. The revised basic pay scales shall

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replace the existing Basic Pay Scales, 1994, and shall be effective from 1st December, 2001.

3. DISCONTINUATION OF ALLOWANCES :- The following allowances shall cease to be payable on introduction of the revised pay scales with effect from 01-12-2001:-

- i. Cost of Living Allowance to BPS 1 to BPS 22 @ 7% of basic pay.
- ii. Adhoc relief of Rs. 300/- p.m. and Rs. 100/- p.m. to BPS 1 to BPS 16 (inclusive of BPS-17 by virtue of Move Over).
- iii. Secretariat Allowance/Personal Allowance if any/Adhoc Relief as recompense for Secretariat/Personal Allowance.

4. SPECIAL ADDITIONAL ALLOWANCE :- Special Additional Allowance sanctioned vide Finance Department's letter No. FD(PRC)1-1/99 dated 26-7-1999 shall be frozen at the level drawn as on date of issue of this letter.

5. INITIAL FIXATION OF PAY :- Pay of the employees in Government service on 30-11-2001 shall be fixed at the stage in the revised pay scales which is as many stages above the minimum as the stage occupied by him above the minimum of the 1994 Basic Pay Scale.

6. PAY FIXATION ON PROMOTION :- The existing provisions regulating the fixation of pay in case of promotion from lower to a higher post shall continue to apply.

7. SELECTION GRADE AND MOVE OVER :- selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discontinued w.e.f the date of issue of this letter.


Assistant District
Education Officer (M)
Abbottabad

replace the existing Basic Pay Scales, 1994, and shall be effective from 1st December, 2001.

3. DISCONTINUATION OF ALLOWANCE :- The following allowances shall cease to be payable on introduction of the revised pay scales with effect from 01-12-2001:-

- i). Cost of Living Allowance to BS 1 to BS 22 @ 7 of basic pay.
- ii). Adhoc relief of Rs. 300/- p.m. and Rs.100/- p.m. to BPS 1 to BPS16 (inclusive of BPS-17 by virtue of Move Over).
- iii). Secretariat Allowance/ Personal Allowance if any/Adhoc Relief as recompense for Secretariat/Personal Allowance.

4. SPECIAL ADDITIONAL ALLOWANCE :- Special Additional Allowance sanctioned vide Finance Department's letter No. FD(PRC)1-1/99 dated 26-7-1999 shall be frozen at the level drawn as on date of issue of this letter.

5. INITIAL FIXATION OF PAY :- Pay of the employees in Government service on 30.11.2001 shall be fixed at the stage in the revised pay scales which is as many stages above the minimum as the stage occupied by him above the minimum of the 1994 Basic Pay Scale.

6. PAY FIXATION ON PROMOTION :- The existing Provisions regulating the fixation of pay in case of promotion from lower to a higher post shall continue to apply.

7. SELECTION GRADE AND MOVE OVER :- selection Grade in the scheme of Basic Pay Scales and Move Over scheme shall stand discontinued w.e.f the date of issue of this letter.

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PAY FIXATION OF EMPLOYEES IN SELECTION GRADE AND THOSE WHO HAVE MOVED OVER TO HIGHER SCALE.

Pay of an existing employee drawing pay by move over shall be fixed with reference to the pay scale of the post for the time being held by him. In case the employee was drawing pay in Selection Grade, his pay will be fixed in the Selection Grade pay scale. The stage of fixation will be arrived at after allowing increments on notional basis in the original scale of the post or the Selection Grade, in 1994 Basic Pay Scales, upto the point of existing pay. Pay of the employees will then be fixed at the relevant stage in the revised pay scales 2001.

EXAMPLE I

Assistant, BPS-11 Selection Grade, BPS 15, Move over BPS 16 and in receipt of Pay of Rs. 5490/- Pay will be fixed in BPS-15 i.e Selection Grade pay scale at Rs. 8320/- as under :-

| | Stage 15 | Stage 16 | Stage 17 | Stage 18 | Stage 19 |
|------------|----------|----------|----------|----------|----------|
| 1994 Scale | 4845 | 5022 | 5199 | 5376 | 5553 |
| 2001 Scale | 7260 | 7525 | 7790 | 8055 | 8320 |

EXAMPLE II

Pay fixation of an employee in BPS-11 who has moved over to BPS-14 and is in receipt of basic pay of Rs. 4480/- will be fixed after allowing notional increments in BPS-11 of 1994 Basic Pay Scales upto the stage of basic pay drawn. Pay in revised BPS-11 will be fixed at the corresponding stage of Rs. 6790/- as under:-

| BPS-11 | Stage 15 | Stage 16 | Stage 17 | Stage 18 | Stage 19 | Stage 20 | Stage 21 | Stage 22 | Stage 23 | Stage 24 |
|----------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 1994 Pay Scale | 3465 | 3581 | 3697 | 3813 | 3929 | 4045 | 4164 | 4277 | 4393 | 4509 |
| 2001 Pay Scale | 5215 | 5390 | 5565 | 5740 | 5915 | 6090 | 6265 | 6440 | 6615 | 6790 |

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*Assistant District
Education Officer (M),
Abbottabad*

8. PAY FIXATION OF EMPLOYEES IN SELECTION GRADE AND THOSE WHO HAVE MOVED OVER TO HIGHER SCALE.

Pay of an existing employee drawing pay by move over shall be fixed with reference to the pay scale of the post for the time being held by him. In case the employee was drawing pay in Selection Grade, his pay will be fixed in the Selection Grade pay scale. The stage of fixation will be arrived at after allowing increments on notional basis in the original scale of the post or the selection Grade, in 1994 Basic Pay Scales, upto the point of existing pay. Pay of the employees will then be fixed at the relevant stage in the revised pay scales 2001.

EXAMPLE I

Assistant, BPS-11 Selection Grade, BPS 15, Move over BPS 16. and in receipt of pay of Rs. 5490/- Pay will be in BPS-15 i.e Selection Grade pay scale at Rs. 8320/- as under:-

| | Stage 15 | Stage 16 | Stage 17 | Stage 18 | Stage 19 |
|------------|----------|----------|----------|----------|----------|
| 1994 Scale | 4845 | 5022 | 5199 | 5376 | 5553 |
| 2001 Scale | 7260 | 7525 | 7790 | 8055 | 8320 |

Example-II

Pay fixation of an employee in BS-11 who has moved over to BS-14 and is in receipt of basic pay of Rs. 4480/- will be fixed after allowing notional increments in BPS-11 of 1994 Basic Pay Scales upto the stage of basic pay drawn. Pay in revised BPS-11 will be fixed at the corresponding stage of Rs. 6790/- as under:-

| BS-11 | Stg 15 | Stg 16 | Stg 17 | Stg 18 | Stg 19 | Stg 20 | Stg 21 | Stg 22 | Stg 23 | Stg 24 |
|----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 1994 Pay Scale | 3456 | 3581 | 3697 | 3813 | 3929 | 4045 | 4161 | 4277 | 4393 | 4509 |
| 2001 Pay Scale | 5215 | 5390 | 5565 | 5470 | 5915 | 6090 | 6265 | 6440 | 6615 | 6790 |

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EXAMPLE-III

Pay Fixation of an employee in BPS-5 who has moved over to BPS-11 and is in receipt of basic pay of Rs. 3465/- will be fixed after allowing notional increments in BPS-5 of 1994 BPS upto the stage of basic pay drawn. Since basic pay of Rs. 3465/- is beyond the 30 stages in notional BPS-5, (1994 BPS), and resultantly more than the 30 stages of BPS-2001, therefore, his pay will be fixed at the notional 32nd stage i.e. at Rs.5300/-. The difference of Rs. 200/- (Rs.5300 - 5100) will be personal to him as under:-

| | Stage-30 | Stage-31 | Stage-32 |
|------------|----------|----------|----------|
| BPS-5 1994 | 3380 | 3446 | 3512 |
| BPS-5 2001 | 5100 | 5200 | 5300 |

In such cases future increments upto a maximum of 3 years will also be allowed as personal to such employees:

9. DATE OF INCREMENT:- Annual increment shall continue to be admissible subject to the existing conditions, on the 1st December each year.

10. SPECIAL PAYS/ALLOWANCES FOR OFFICES :- The Special Pays/ Allowances sanctioned to offices as percentage of pay shall be discontinued on the introduction of revised pay scales w.e.f 1-12-2001 and adjusted in future increments.

11. ADVANCE INCREMENTS :- The existing scheme of advance increments is discontinued w.e.f. 1-12-2001. A fresh scheme, if any, will be introduced in due course.

Assistant District
Education Officer (M)
Abbottabad

Example-III

Pay fixation of an employee in BS-5 who has moved over to BS-11 and is in receipt of basic pay of Rs.3465/- will be fixed after allowing notional increments in BPS - 5 of 1994 BPS upto the stage of basic pay drawn. Since basic pay of Rs. 3465/- is beyond the 30 stages in notional BPS-5 (1994 BPS), and resultantly more than 30 stages of BPS 2001, therefore, his pay will be fixed at the notional 32nd stage i.e at Rs. 5300/-. The difference of Rs. 200/- (Rs. 5300-5100) will be personal to him as under:-

| | Stage – 30 | Stage – 31 | Stage – 32 |
|------------|------------|------------|------------|
| BPS-5 1994 | 3380 | 3446 | 3512 |
| BS-5 2001 | 5100 | 5200 | 5300 |

In such cases future increments upto a maximum of 3 years will also be allowed as personal to such employees.

9. DATE OF INCREMENT Annual increment shall continue to be admissible subject to the existing conditions, on the 31st December each year.

10. SPECIAL PAYS/ ALLOWANCES FOR OFFICES The special Pays / allowances sanctioned to officers as percentage of pay shall be discontinued on the introduction of revised pay scales w.e.f 1-12-2001 and adjusted in future increments.

11. ADVANCE INCREMENTS The existing scheme of advance increments is discontinued w.e.f 1-12-2001. A fresh scheme, if any, will be introduced in due course.

PART II ALLOWANCES.




12. Conveyance Allowance :- The rates of existing Conveyance Allowance and Motorcycle/Motorcar maintenance allowance presently fixed with reference to pay drawn shall be increased and related to Basic Pay Scales as follows:-

| S.No. | EXISTING | REVISED |
|-------|--|---|
| i. | Government servants drawing pay in BPS-16 (Gazetted) and above and maintaining motorcar not registered for commercial purpose. Rs.355/-P.M. | BPS-16 (Gazetted) and above Rs.620/-P.M. |
| ii. | Government servants drawing pay of Rs. 3240/- per month and above other than those at (i) above Rs.193/- P.M. | BPS-11 and above Rs.340/- P.M. |
| iii. | Government servants drawing pay of Rs.1688/- per month and above but less than Rs. 3240/- P.M. and maintaining Motorcycle/Scooter. Rs.130/- P.M. | BPS 1 - 10 maintaining Motorcycle/Scooter Rs.230/- P.M. |
| iv. | Others Rs.96/- P.M. | BPS 1-10 Rs.170/- P.M. |

13. DISCONTINUATION OF RESEARCH ALLOWANCE :- Research allowance will be discontinued w.e.f. 01-12-2001.

14. DAILY ALLOWANCE :- Daily Allowance rates presently fixed with reference to pay drawn shall be increased and related to Basic Pay Scales as under:-

| BPS | SPECIAL RATES PER DAY-(RS.) | ORDINARY RATES PER DAY (RS.) |
|---------|-----------------------------|------------------------------|
| 1 - 4 | 110 | 80 |
| 5 - 11 | 120 | 100 |
| 12 - 16 | 200 | 180 |
| 17 - 18 | 350 | 320 |
| 19 - 20 | 450 | 400 |
| 21 - 22 | 550 | 450 |


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PART II – ALLOWANCES

12. CONVEYANCE ALLOWANCE :- The rates of Conveyance Allowance and Motorcycle /Motor maintenance allowance presently fixed with reference to pay drawn shall be increased and related to Basic Pay Scales as follows:

| S.No. | EXISTING | REVISED |
|-------|--|--|
| i. | Government Servants drawing pay in BPS-16 (Gazetted) and above and maintaining motorcar not registered for commercial purpose Rs. 355/- P.M. | BPS-16 (Gazetted) and above Rs. 620/-p.m. |
| ii. | Government Servants drawing pay of Rs. 3240/- per month and above other than those at (i) above Rs. 193/-P.M. | BPS-11 and above Rs. 340/- P.M. |
| iii. | Government Servants drawing pay of Rs. 1688/- per month and above but less than Rs. 3240/- P.M. and maintaining Motorcycle / Scooter Rs. 130/-P.M. | BPS 1-10 maintaining Motorcycle / Scooter Rs. 230/-P.M |
| iv. | Others Rs. 96/- P.M. | BPS 1-10 Rs. 170/- P.M. |

13. DISCONTINUATION OF RESEARCH ALLOWANCE:- Research allowance will be discontinued w.e.f 01-12-2001.

14. DAILY ALLOWANCES:- Daily Allowances rates presently fixed with reference to pay drawn shall be increased and related to Basic Pay Scales as under:-

| BPS | SPECIAL RATES PER DAY (RS.) | ORDINARY RATES PER DAY (RS.) |
|---------|-----------------------------|------------------------------|
| 1 – 4 | 110 | 80 |
| 5 – 11 | 120 | 100 |
| 12 – 16 | 200 | 180 |
| 17 – 18 | 350 | 320 |
| 19 – 20 | 450 | 400 |
| 21 – 22 | 550 | 450 |

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15. MEDICAL ALLOWANCE :- Medical allowance to employees in BPS 1-16 shall be increased from Rs. 90/- P.M. to Rs. 160/- P.M.

16. COMPUTER ALLOWANCE :- The Computer Allowance shall be increased subject to the existing conditions of admissibility as under:-

| EXISTING RATE | REVISED RATE |
|-----------------|-----------------|
| Rs. 500/- P.M. | Rs. 750/- P.M. |
| Rs. 1000/- P.M. | Rs. 1500/- P.M. |

17. SPECIAL PAYS/ALLOWANCES :- All the Special pay and Allowances admissible on certain posts as percentage of pay are revised subject to the following limits:-

| | EXISTING | REVISED |
|----|--|---|
| a) | Special Pays/Allowances sanctioned @ 20% and above of pay. | On existing rates subject to a maximum of Rs. 2000/- P.M. |
| b) | Special Pays/Allowances sanctioned @ 10% - 19% of pay | On existing rates subject to a maximum of Rs. 1500/- P.M. |
| c) | Special Pays/Allowances sanctioned @ 5% - 9% of pay. | On existing rates subject to a maximum of Rs. 1000/- P.M. |

PART - III PENSION AND COMMUTATION

18. PENSION :- The Government has made the following reforms in pension/commutation scheme w.e.f. 1-12-2001 in respect of civil pensioners of Provincial Government :-

- Commutation Table shall be replaced by the new commutation Table at Annexure-II to this letter.
- Commutation upto 40% of gross pension shall be admissible at the option of the pensioner.

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Education Officer (M).
Abbottabad

15. MEDICAL ALLOWANCE:- Medical Allowances to employees in BPS 1-16 shall be increased from Rs. 90/- p.m. to Rs. 160/- P.M.

16. COMPUTER ALLOWANCE:- The Computer Allowance shall be increased subject to the existing conditions of admissibility as under:-

| EXISTING RATE | REVISED RATE |
|-----------------|-----------------|
| Rs. 500/- P.M. | Rs. 750/- P.M. |
| Rs. 1000/- P.M. | Rs. 1500/- P.M. |

17. SPECIAL PAYS/ ALLOWANCES :- All the special Pays and Allowances admissible on certain posts as percentage of pay are revised subject to the following limits:-

| | EXISTING RATE | REVISED RATE |
|----|--|---|
| a) | Special Pays/ Allowances sanctioned @ 20% and above of pay | On existing rates subject to a maximum of Rs. 2000/- P.M. |
| b) | Special Pays/ Allowances sanctioned @ 10 % - 19% of pay | On existing rates subject to a maximum of Rs. 1500/- P.M. |
| c) | Special Pays/ Allowances sanctioned @ 5% - 9% of pay | On existing rates subject to a maximum of Rs. 1000/- P.M. |

PART III – PENSION AND COMMUTATION

16. PENSION :- The Government has made following reforms in pension/commutation scheme w.e.f 1-12-2001 in respect of civil pensioners of Provincial Government:-

- a) Commutation Table shall be replaced by the new Commutation Table at Annexure-II to this letter.
- b) Commutation upto 40% of gross pension shall be admissible at the option of the pensioner.

- c) The additional benefit of 2% - 10% for extra years of service after completion of 30 years of qualifying service in respect of civil pensioners shall be discontinued.
- d) The increase in pension @ 20% - 25% to Civil Pensioners allowed vide this Department's letter No. SOSR.III(FE&TD)4-111/81 dated 27-7-1999 shall be discontinued.
- e) The benefit of restoration of surrendered portion of pension in lieu of commutation/gratuity shall be withdrawn.
- f) In future, the increase in pension to the pensioners shall be allowed on net pension instead of gross pension.
- g) All the pensioners shall be allowed an increase in net pension (inclusive of dearness increases allowed in the past) as follows:-

| | <u>Increase in net Pension.</u> |
|---|---------------------------------|
| i) Pensioners who retired prior to the introduction of 1991 basic pay scales. | 15% |
| ii) Pensioners who retired prior to the introduction of 1994 Basic Pay scales but on or after the introduction of 1991 pay scales. | 10% |
| iii) Pensioners who retired on or after the introduction of 1994 basic pay scales and upto the date of introduction of revised basic pay scales i.e. 1-12-2001. | 5% |

19. OPTION :- (a) All the existing civil employees (BPS 1 to 22) of the Provincial Government shall within 30 days from the date of issue of this letter, exercise an option in writing, addressed to the Audit office concerned in the case of employees in BPS 16 and above and to the DDO concerned in the case of employees in BPS 15 and below, either to draw pay in the existing Basic Pay Scales of 1994 or in the Revised Basic Pay Scales and Pension/commutation scheme 2001 as specified in this letter. Option once exercised shall be final.


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- c) The additional benefit of 2% – 10% for extra years of service after completion of 30 years of qualifying service in respect of civil pensioners shall be discontinued.
- d) The increase in pension @ 20% - 25% to civil pensioners allowed vide this Department letter No. SOSR.III(FE&TD)4-111/81 dated 27-7-1999 shall be discontinued.
- e) The benefit of restoration of surrendered portion of pension in lieu of commutation / gratuity shall be withdrawn.
- f) In future, the increase in pension to the pensioners shall be allowed on net pension instead of gross pension.
- g) All the pensioners shall be allowed an increase in net pension (inclusive of dearness increases allowed in the past) as follows:-

| | <u>Increase in net pension</u> |
|--|--------------------------------|
| i). Pensioners who retired prior to the introduction of 1991 basic pay scales. | 15% |
| ii). Pensioners who retired prior to the introduction of 1994 basic pay scales but on or after the introduction of 1991 pay scales | 10% |
| iii). Pensioners who retired on or after the introduction of 1994 basic pay scales and upto the date of introduction of revised basic pay scales i.e 1-12-2001 | 5% |

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(b) An existing employee as aforesaid, who does not exercise and communicate such an option within the proscribed time limit, shall be deemed to have opted to be governed by the Revised Basic Pay Scales, Pension and Commutation Scheme, 2001.

20. The government servant who retire w.e.f: 1-7-2001 shall be given the benefit of revised pay scales on presumptive basis discounted by 5% increase in Pension if availed, subject to the condition that all those who may like to avail this benefit should opt for the entire package i.e. revised scheme of Basic Pay Scales as contained in Part-I and revised package of pension as contained in Part-III of this letter.

21. The Autonomous/Semi Autonomous Bodies will have the option to adopt this pay package provided they have adopted in totality the Basic Pay Scale Scheme/Pension scheme and if their resources so permit as no additional grant will be provided by the Provincial Government. It will not be applicable to those employees of Bank of Khyber and Public Sectors Corporations and those employees who are governed by the Industrial Relations Ordinance 1969 and/or whose financial terms of service are settled through Collective Bargaining Agents. In case of Autonomous/Semi autonomous Bodies where employees are allowed different pay scales/allowances, the revision of the existing pay scales of their employees shall not be made without consultation of the Finance Department.

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

23. ANOMALIES :- An anomalies Committee in Finance Department comprising Additional Finance Secretary, Additional Secretary (Regulation) Establishment

Assistant District
Education Officer (M),
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23. ANOMALIES :- An anomalies Committee in Finance Department comprising Additional Finance Secretary, Additional Secretary (Regulation) Establishment

Department and Deputy Secretary (Regulation), Finance Department shall be set up to resolve the anomalies, if any, arising out of implementation of new package.

15

Yours obediently


(HAFIZ MATULLAH)
Additional Secretary (Reg./Admin.)

Encls. No. FD(PRC)1-1/2001

Dated Peshawar the, October 27, 2001.


1. All Autonomous & Semi Autonomous Bodies in NWFP
2. The Secretary Finance Department, Government of the Punjab, Sindh and Balochistan, Lahore, Karachi & Quetta.
3. The Secretary Finance Department, Azad Government of the State of Jammu and Kashmir, Muzaffarabad.


(ABDUL LATIF)
Section Officer (SR-I)

Encls. No. FD(PRC)1-1/2001

Dated Peshawar the, October 27, 2001.

1. The H.Qs 11 Corps Peshawar
2. The Accountant General, NWFP, Peshawar.
3. All district/Agency Accounts Officers in NWFP.
4. The Treasury Officer, Peshawar.
5. The Private Secretary to Finance Minister, NWFP.
6. The P.S to Secretary, PAs to Additional Secretaries/Deputy Secretaries in Finance Department.
7. All Section/Budget Officers in Finance Department, NWFP
8. The Director, Local Fund Audit, NWFP, Peshawar.


(ABDUL LATIF)
Section Officer (SR-I)


Assistant District
Education Officer (Adm.)
Abbotabad

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Yours obediently,

(HAFIZ MATIULLAH)
Additional Secretary (Reg/Admin)

Endst. No. FD (PRC) 1-1/2001

Dated Peshawar the, October 27, 2001

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3. The Secretary Finance Department, Azad Government of the State of Jammu and Kashmir, Muzaffarabad.

(ABDUL LATIF)

Section Officer (SR-I)

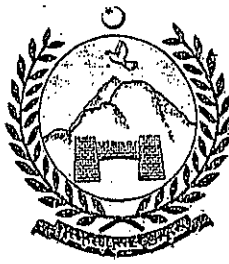
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8. The Director, Local Fund Audit, NWFP, Peshawar.

(ABDUL LATIF)

Section Officer (SR-I)



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 15TH MAY, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 15th May, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/20711.—The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 8th May, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 11th May, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA CESSATION OF PAYMENT OF ARREARS ON
ADVANCE INCREMENTS ON HIGHER EDUCATIONAL QUALIFICATION
ACT, 2012.**

(KHYBER PAKHTUNKHWA ACT NO. IX OF 2012)

*(first published after having received the assent of the Governor of the Khyber
Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa
(Extraordinary), dated the 15th May, 2012).*

AN
ACT

*to cease the payment of arrears accrued on account of advance increments on
higher educational qualification.*

WHEREAS advance increments have been granted to certain Provincial Government employees on the basis of acquiring or possessing higher educational qualification over and above the prescribe educational qualification from time to time;

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*Assistant District
Education Officer (M)*
Abbottabad

AND WHEREAS the Provincial Government vide Notification No. (PR) 1/2001, dated 27.10.2001, had already discontinued the scheme of advance increments on higher educational qualification;

AND WHEREAS due to financial constraints, it is not possible for Provincial Government to pay the claimed and unclaimed arrears accrued from the said increments;

It is hereby enacted as follows:-


1. **Short title, application and commencement.**— (1) This Act may be called the Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Act, 2012.

(2) It shall apply to all the employees of the Provincial Government, who were entitled to received advance increments on higher educational qualification.

(3) It shall come into force at once and shall be deemed to have taken effect on and from 1st day of December, 2001.

2. **Cessation of payment of arrears on advance increments on higher educational qualification.**—(1) Notwithstanding anything contained in any decision, judgment and order of any Tribunal or Court including High Court or Supreme Court of Pakistan, for the purpose of any claim for payment of arrears on account of advance increments on higher educational qualification sanctioned in pursuance of any order, letter, office memoranda, notification, instructions and other instruments issued before 1.12.2001, such orders, letters, office memoranda, notifications, instructions and other instruments shall be deemed to be non-existent, ceased or revoked and no further claim whatsoever on the basis of these instruments shall be entertained and all cases in respect of such claims pending in any Court or Tribunal including High Court and Supreme Court of Pakistan shall stand abated.

(2) Any order made, instruction issued, decision, judgment or order of any Court or Tribunal including a High Court or the Supreme Court, implemented immediately before the commencement of this Act, shall be deemed to have been validly made, issued and implemented by the date of commencement of this Act, and any amount already paid there-under on account of advance increments or arrears thereof shall be deemed to have been validly paid and shall not be recoverable from the recipient Government employees.


Assistant District
Education Officer (M).
Abbottabad.



3. **Removal of difficulties.**— If any difficulty arises, in giving effect to the provisions of this Act, the Provincial Government may make such orders as it may deem just and equitable.

4. **Repeal.**— The Khyber Pakhtunkhwa Cessation of Payment of Arrears on Advance Increments on Higher Educational Qualification Ordinance, 2012 (Khyber Pakhtunkhwa Ordinance NO. I of 2012), is hereby repealed.

BY ORDER OF MR. SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar


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