


Form-A

FORM OF ORDERSHEET

Court of _____

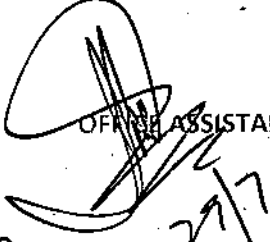
Case No. 1062/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.07.2024	<p>As per direction of the Hon'ble Member Judicial the present appeal is fixed for preliminary hearing before Single Bench at Peshawar on 31.07.2024. Parcha Peshi giving to the counsel for the appellants.</p> <p style="text-align: right;"> REGISTRAR</p>

Respected Madam,

It is submitted that the present appeal was returned to counsel for the appellant for removing the deficiencies (Flag-A). Today i.e. 23.07.2024 the learned counsel re-filed the appeal without removing the objection no.1, 2 & 4.

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


OFFICE ASSISTANT
29/7

Hon'ble Member-J

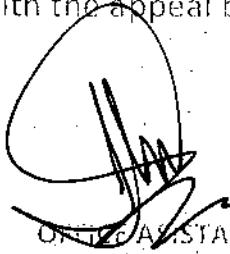
Be fixed before S.B.R.
29/7/24.

The appeal of Mr. Hassan Wali Jan received today i.e on 05.07.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 3 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- ② Address of appellant and respondents no.1 & 2 are incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Copy of appointment order is not attached with the appeal be placed on it.
- ④ Copy of impugned order is not attached with the appeal be placed on it.


No. 318 /Inst./2024/KPST,

Dt. 10/7 /2024.


OFFICER ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Tariq Kakar Adv.
High Court Peshawar.

Sir, objection removed resubmitted.


Tariq Kakar ASC
23-7-24

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 1062 /2024

Hassan Wali JanAppellant

V E R S U S

Director Higher & Secondary Education and others


.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of parties		8
4.	Copy of Notification dated 22.08.2009 with better copy	A	9-10
5.	Copy of application for sanction	B	11
6.	Copy of Education testimonials	C	12-15
7.	Copy of Writ Petition and Order of High Court, Peshawar	D	16-22
8.	Appointment Notification 26.7.1993 with better copy	E	23-30
9.	Wakalat Nama		31

Appellant

Through


Tariq Kakar
Advocate,
Supreme Court of Pakistan.

Dated 27.06.2024

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR

Service Appeal No: 1062 /2024

Hassan Wali Jan S/o Molvi Ahmad Gul R/o Mohallah Shalam Khel,
P.O shabqadar Fort, Dalazak, Tehsil Shabqadar District Charsadda

.....Appellant

Versus

1. Director Higher & Secondary Education, FATA Secretariat,
Warsak Road, Peshawar
2. Principal, Lakaray College Mohmand Agency, District
Mohmand
3. Secretary Finance, Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar
4. Government of Khyber Pakhtunkhwa Secretary Education,
Civil Secretariat, Peshawar

.....Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974 AGAINST THE ILLEGAL REFUSAL AND
WITHHELDING ADVANCE INCREMENT BY
THE RESPONDENTS AS PER THE
ENTITLEMENT OF APPELLANT.

Respectfully Sheweth:

1. That the appellant is a retired professor and when the
advance increment was neither granted before retirement

nor adjusted in the pension as per their verbal assertion that the same be adjusted in the pension, the appellant knocked at the door of High Court, Peshawar by filing a writ petition bearing No. 1428/2024, whereby the petitioner was directed to approach Khyber Pakhtunkhwa Service Tribunal for redressal of his grievance. (Copy of the order is attached as Annexure A).

2. That the Appellant was appointed as Arabic Teacher in the Educational Department in the erstwhile FATA on 02.02.1984.
3. That on getting higher education, the Appellant was promoted as lecturer (BPS-17) on 01.07.1993 and subsequently was promoted to BPS-18, 19 and finally retired in BPS-20 as Associate Professor on 01.09.2019.
4. That as per the Government Notification and the finance Department Notification, the facility of advance increment was also extended to the employee of the then erstwhile FATA vide FATA Secretariat Notification, copy of which is attached.
5. That the advance increment was given to all the concerned found entitle for getting higher education but the Appellant was deprived of this benefit.

6. That the Appellant during his service as well as after retirement actively pursued the matter with the respondents always gave deaf ear to the issue of the Appellant.
7. That the last application submitted by the Appellant to respondent No. 1 and the said respondent recommended the matter for further necessary action.
8. That thereafter, the Appellant vehemently pursued the matter before the authority and the hierarchy but the respondents are making dilly dally and are not interested in the redressal of grievance of the Appellant. It is pertinent to mention here that the Appellant was having some medical problem and undergone by the major surgery and that is why could not approach any forum.
9. That the education credentials of the appellant are also attached with the appeal.
10. That as per the direction of the hon'ble High Court, the instant Service Appeal is being filed before this hon'ble tribunal on the following grounds, inter-alia:-

GROUND:

- A. That it is the obligatory duty and responsibility of the respondents to award the due rights to all the employee under their subordination without asking by the employee

but for no good reason, the respondents delayed the matter of the Appellant and the Appellant was agonized by their conduct and despite the fact that the appellant repeatedly asked for the same and it was urged that the same be adjusted in the pensionary benefits.

- B. That it is the responsibility of the respondents department to have added all benefits arising out of the service towards the pension and other allied benefits of the Appellant but failure on the part of respondents speaks volume for their dereliction in duties.
- C. That the respondents were required under the law to have adjust and counted all outstanding dues of the Appellant towards the pension as if any outstanding amount was against the Appellant that would have been deducted from the pension, so failure to do vice versa shows the malafide on the part of the respondents and hence the indulgence of this Hon'ble Court has become inevitable.
- D. That all similarly placed employees have received the advance increment during the existence and survival of the law on the subject and the Appellant was deprived of the same and discriminated and on the principle of equality the Appellant is also entitled to the award and payment of the advance increment as per his entitlement and the same could not be denied or refused by any canon of law.

- E. That it is the legal and constitutional duty of the respondents being custodian of rights of the employee to timely award and credit the financial benefit permissible under the law and the same could not be denied on any ground whatsoever and as such the delaying of the award of the benefits which the law provides and entitle the appellant for the same and denial of the same by the respondents are withholding the same by the respondents is without lawful authority.
- F. That the Appellant was not treated in accordance with law and constitution and was deprived of his legal and constitutional rights, which require the enforcement through the instant Appeal.
- G. That the refusal of the respondents of the advance increment to the Appellant is illegal, without lawful authority and of no legal effect, hence necessary directions is required to be issued to the respondents for the award of the same.
- H. That any other ground will be raised during the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this Appeal, the respondents may kindly be directed to grant the advance increment to the Appellant being old employee and retired person and to credit the amount as per his entitlement with all the permissible

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benefits arising out of the period for which it the same was withheld for unjustified reason OR to grant the benefit of advance increment for the period of his entitlement with costs throughout OR any other Relief and Order deemed proper and appropriate in the interest of justice may also be passed.


Appellant

Through


Tariq Kakar
Advocate,
Supreme Court of Pakistan.

Dated 27.06.2024

CERTIFICATE:-

As per information of my client, it is certify that no such like Appeal has earlier been filed by the Appellant in this Honourable Tribunal.


Advocate

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. ____/2024

Hassan Wali JanAppellant

V E R S U S

Director Higher & Secondary Education and others

.....Respondents

AFFIDAVIT

I, Hassan Wali Jan S/o Molvi Ahmad Gul R/o Mohallah Shalam Khel, P.O shabqadar Fort, Dalazak, Tehsil Shabqadar District Charsadda, do hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Identified by:

Hassan

DEPONENT

CNIC: 17101-7149927-1

Cell # 0334-9529720


Tariq Kakar
Advocate,
Supreme Court of Pakistan.

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. ____/2024

Hassan Wali JanAppellant

V E R S U S

Director Higher & Secondary Education and others

.....Respondents

ADDRESSES OF PARTIES

APPELLANT:


Hassan Wali Jan S/o Molvi Ahmad Gul R/o Mohallah Shalam Khel, P.O. shabqadar Fort, Dalazak, Tehsil Shabqadar District Charsadda

RESPONDENTS:

1. Director Higher & Secondary Education, FATA Secretariat, Warsak Road, Peshawar
2. Principal, Lakaray College Mohmand Agency, District Mohmand
3. Secretary Finance, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar
4. Government of Khyber Pakhtunkhwa Secretary Education, Civil Secretariat, Peshawar

Appellant

Through


Tariq Kakar
Advocate,
Supreme Court of Pakistan.

Dated 27.06.2024



FATA SECRETARIAT
WARSAK ROAD PESHAWAR

A
B
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NOTIFICATION

Consequent upon the judgement of August Supreme Court of Pakistan in CP/A No. 625 of 2007 and CP/A No. 276 of 2007 and in terms of Secretary, Elementary & Secondary Education NWFP Notification No. SO(PE)E&SED/Adv. No. 109 dated 28.01.2009, all the teachers working at educational institutions in FATA shall also be entitled to the grant of benefits of advance/increments in the light of Finance Department NWFP Notification No. E.O.PRC/1-1/09 dated 07.08.09 and in light of E.O.PRC/1-1/09 dated 11.08.1001. The minimum of possessing higher qualification than that prescribed for the post with effect from the date of issue or with effect from date of acquiring higher qualification, whichever is later.

SECRETARY (ADMN & COORD)

Dated: 19.06.2009
Copy to:-

- Secretary Finance Department NWFP
- Secretary Elementary & Secondary Education (NWFP)
- Secretary Finance Department, FATA Secretariat
- Director Elementary & Secondary Education NWFP
- Director Education (FATA)
- Additional Accountant General (PE) and Officer Peshawar
- All Agency Education Officers
- All Agency Accounts Officers
- PS to Additional Chief Secretary, FATA Secretariat
- PS to Secretary (Admin & Coord) Department, FATA Secretariat

(HASANULLAH KHAN)
Section Officer (Establish)

OFFICE OF THE DIRECTOR EDUCATION (FATA) N.W.F.P. WARSAK ROAD PESHAWAR

Instr: No. / 5627-30.0 (AD/Establishment)

Dated Peshawar 22/06/09

Copy of the above is forwarded to:-

- All Agency Education Officers in FATA
- Additional Accountant General (PE) Peshawar
- All District/Agency Accounts Officers
- P.A. to Director Education FATA

OFFICE OF THE AGENCY EDUCATION OFFICER HONORARY AGENCY ST. CHALLANAT

No. 1156-30 Dated: 22/06/09

Deputy Director (E)
Directorate of Education
FATA, NWFP, Peshawar

Copy to: *Director*

- 1. All Heads of Agencies*
- 2. Accounts Officer*
- 3. PE FATA for information*

Agency Education Officer
Challanat Agency

ATC

FATA SECRETARIAT
WARSAK ROAD, PESHAWAR

(10) (F)

NOTIFICATION:-

No.FS/E/100-19 (Vol-29) 74951/501 Consequent upon the judgment of August Supreme Court of Pakistan in CPLA No.625 of 2007 and CPLA No.526 of 2007 and in terms of Secretary Elementary & Secondary Education Department NWFP Notification No.SO(PE)E&SED/Adv Incr/09 dated:28.02.2009, all the teachers working in Education Institution in FATA shall also be the grant of benefits of advance increments in the light of Finance Department NWFP Notification No.F.D/PRC/1-1/89 of dated:07.08.1991 and circular No.F.D/PRC/1-1/88 dated:11.08.1991 and account of possessing higher qualification than that prescribed for the post with effect from the date of issue or with effect from date of acquiring higher qualification who never is late.

SECRETARY (ADMN & COORD)

Dated:19.08.2000

Copy to:-

1. Secretary Finance Department NWFP.
2. Secretary Elementary & Secondary Education NWFP.
3. Secretary Finance Department FATA Secretariat.
4. Director Elementary & Secondary Education NWFP.
5. Director Education (FATA)
6. Additional Accountant General (PR) Sub Officer Peshawar.
7. All Agency Education Officers.
8. All Agency Accounts Officer.
9. PS to Additional Chief Secretary FATA Secretariat
10. PS to Secretary (Admn & Coord) Department, FATA, Secretariat.

(Ihsanullah Khan)
Section Officer (Estab)

OFFICE OF THE DIRECTOR EDUCATION (FATA) NWFP, WARSAK ROAD, PESHAWAR

Endst No.15627-60/AD (Litigation)

Dated.Peshawar 22/8/2009

Copy of the above is forwarded to the:-

1. All Agency Education Officers in FATA.
2. Additional Accountant General (PR) Sub Office Peshawar.
3. All District/Agency Accounts Officer in FATA
4. P.A to Director Education FATA, NWFP, Peshawar

OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND AGENCY AT GHALLANAI

No.1156-80 dated:_____

Copy to:-

1. All Heads of GDC, HSS, Schools.
2. Mohmand Agency
3. Accounts Officer Mohmand Agency
4. T.E FATA for information u/r

To,

The Director Higher Education

Peshawar KPk.

Subject: Application for sanction

Sir,

With due respect, it is said that government of K.P.K had given four advance increments to the servants in education department dated 11.08.1991.

The lecturers, Assistant Professors and school teachers have gained the said facilities. But unlucky, I have remained lack from this benefit. Therefore, kindly consider my application sympathetically, and issue an order of sanction by name of the applicant and oblige.

The notification's copy is hereby attached

Date: 10.01.2024

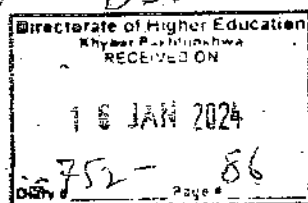
Your Sincerely,

Hassan Wali Associate Professor

In islamiyat / Arabic

G.D.C Lakari District Mohamnd

*Recommended for
further necessary action
DDE*



16/1/2024
PRINCIPAL
Govt. College
Lakari District Mohamnd

ATC



(C) (12)

9221036
Phone/Fax: 091-9216748

DEPARTMENT OF ISLAMIYAT UNIVERSITY OF PESHAWAR

COURSE WORK CERTIFICATE (ISLAMIYAT)

Name : [Hassan Wali] F/Name : [Ahmad Khan]
Class : [M.Phil] Session : [1993-94]

1 st SEMESTER					
C. #	Title of Course & Name of Teacher	Marks	Val.	C Hrs	GPA
701/ Isl	Principle of Tafsir (Dr Muhammad Umar)	72	3.4	03	10.2
702/ Isl	Usul-AI-Fiqh (Field of Specialization) (Dr Syed Saeedullah Jan)	76	3.7	03	11.1
703/ Isl	Arabic Language (Dr Muhammad Shafiq)	82	4.0	02	08.0
704/ Isl	Research Methodology (Dr A. Q. Suleman)	82	4.0	01	04.0
705/ Isl	Persain Language (Dr Sh. Fathur Rehman)	75	3.6	01	03.6
706/ Isl	Weekly Seminar (Dr Jamila Sudda)	65	3.0	01	03.0
	Total			11	39.9
2 nd SEMESTER					
707/ Isl	Hadith Literature (Dr Syed Saeedullah Jan)	75	3.5	03	10.5
708/ Isl	Islamic Economics (Field of Specialization) (Dr Jamila Suddal)	80	4.0	03	12.0
709/ Isl	Islamic Philosophy (Dr Qibla Ayaz)	72	3.4	03	10.2
710/ Isl	Research Methodology (Dr A. Q. Suleman)	80	4.0	02	08.0
711/ Isl	Arabic Language (Dr Nasib Dar Muhammad)	76	3.7	01	03.7
712/ Isl	Weekly Seminar (Dr Jamila Suddal)	86	4.0	01	04.0
	Total			13	48.4

Total GPA = 39.9+48.4=88.3, Total Credit Hours = 24
CGPA = 88.3/24 = 3.6


Chairman
Department of Islamiyat
University of Peshawar

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar
(Pakistan)

Session ANNUAL - 1989

HASSAN WALI SON of AHMAD KHAN and a student
of CHARSADDA DISTRICT having passed the prescribed Examination
held in DECEMBER 1989. is this day admitted by the University of Peshawar
to the Degree of
Master of Arts

in the FIRST Division

The subject of examination being ISLAMIYAT

The Examination was taken as a whole/in parts

Serial No 007655

Registered No. 87 - P/A - 28347

Roll No 8202

Result Declared on 23RD MAY 1990



Rakul Ahmad
Registrar

Countersigned

(Signature)
Vice-Chancellor

14

DEPARTMENT OF ISLAMIYAT

University of Peshawar

Phone : 41052 (O)

43089 (R)

CHAIRMAN

Ref. No... 33587/122

Date... 4/6/93



COURSE COMPLETION CERTIFICATE

Mr. Hasan Wali S/O Malvi Ahmad Khan was a regular student of M.Phil with us. He has completed his Course Work w.e.f. 30.5.93.

S. Saeedullah
(Prof. Dr. S. Saeedullah) Chairman
Chairman, Department of Islamiyyat,
Department of Islamiyat,
University of Peshawar.

Mr. Hasan Wali is relieved with immediate effect.

S. Saeedullah
~~Chairman~~
Department of Islamiyyat
University Of Peshawar

(15)



UNIVERSITY OF PESHAWAR (PAKISTAN)

PASSED/RE-APPEAR

DETAILED MARKS CERTIFICATE

68379

MA Arabic (Final) Examination 1991 (Annual/Supplementary)

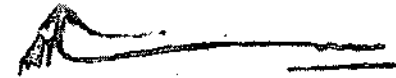
Mr./Ms. H. Arshad Wahi Roll Number 12417

The candidate secured the following marks and has been placed in Second Division.

SUBJECTS	MARKS			
	alotted	obtained	In words	
<i>Paper:</i>	<u>VI</u>	100	46	Forty Six
	<u>VII</u>	100	63	sixty Three
	<u>VIII</u>	100	43	Forty Three
	<u>IX</u>	100	52	Fifty two
	<u>X</u>	100	78	Seventy eight
VIVA-VOCE	100	50	Fifty only	
Final	600	332		
previous	500	320		
Total	1100	652	Six Hundred & Fifty two	

The examination was taken as a **WHOLE / IN PARTS**

Date 24.11 19 93


CONTROLLER OF EXAMINATIONS
UNIVERSITY OF PESHAWAR
PAKISTAN.

(D) (16) (7)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. _____/2024

Hassan Wali Jan S/o Molvi Ahmad Gul R/o Mohallah Shalab
Khel, P.O shabqadar Fort, Dalazak, Tehsil Shabqadar District
Charsadda



.....Petitioners

Versus

1. Director Higher & Secondary Education, Peshawar
2. Principal, Lakaray College Mohmand Agency
3. Secretary Finance, Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar
4. Government of Khyber Pakhtunkhwa Secretary Education,
Civil Secretariat, Peshawar

.....Respondents

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

Respectfully Sheweth:

1. That the petitioner was appointed as Arabic Teacher in the Educational Department in the erstwhile FATA on 02.02.1984.

ATTESTED
EXAMINER
Peshawar High Court

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~~17~~

2. That on getting higher education, the petitioner was promoted as lecturer (BPS-17) on 01.07.1993 and subsequently was promoted to (BPS-18, 19 and finally retired in BPS-20 as Associate Professor on 01.09.2019.
3. That as per the Government Notification and the finance Department Notification, the facility of advance increment was also extended to the employee of the then erstwhile FATA vide FATA Secretariat Notification, copy of which is attached.
4. That the advance increment was given to all the concerned found entitle for getting higher education but the petitioner was deprived of this benefit.
5. That the petitioner during his service as well as after retirement actively pursued the matter with the respondents always gave deaf ear to the issue of the petitioner.
6. That the last application submitted by the petitioner to respondent No. 1 and the said respondent recommended the matter for further necessary action.
7. That thereafter, the petitioner vehemently pursued the matter before the authority and the hierarchy but the respondents are making dilly daily and are not interested in the redressal of grievance of the petitioner. It is pertinent to mention here that the petitioner was having some medical problem and undergone by the major surgery and that is why could not approach this Hon'ble Court at the earliest.

ATTESTED
EXAMINED
Registrar (H.S.) Court

- (18)
1. That having no other alter, efficacious and proper remedy but to approach this Hon'ble Court by filing the instant Writ Petition on the following grounds, inter-alia:-

GROUND:

- A. That It is the obligatory duty and responsibility of the respondents to have award the due rights to all the employee under their subordination without asking by the employee but for no good reason, the respondents delayed the matter of the petitioner and the petitioner was agonized by their conduct.
- B. That it is the responsibility of the employer respondent department to have added all benefits arising out of the service towards the pension and other allied benefits of the petitioner but failure on the part of respondents speaks volume for their dereliction in duties.
- C. That the respondents required under the law to have adjust and counted all outstanding dues of the petitioner towards the pension as if any outstanding amount was against the petitioner that would have been deducted from the pension, so failure to do vice versa shows the malafide on the part of the respondents and hence the indulgence of this Hon'ble Court has become inevitable.
- D. That all similarly placed employees have received the advance increment during the existence and survival of the law on the subject and the petitioner was deprived of the same and discriminated and on the principle of equality the

ATTESTED

EXAMINER

19

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petitioner is also entitled to the award and payment of the advance increment as per his entitlement and the same could not be denied or refused by any canon of law.

- E. That it is the legal and constitutional duty of the respondents being custodian of rights of the employee to timely award and credit the financial benefit permissible under the law and the same could not be denied on the mere ground that it was not timely asked for by the aggrieved party and as such the respondents deviated and violated the statutory provisions giving responsibility and obligation on the stakeholder and as such by not doing so, the respondents are liable to be directed to do their duty as the law provides.
- F. That the petitioner was not treated in accordance with law and constitution and was deprived of his legal and constitutional rights, which require the enforcement through the instant writ petition.
- G. That the refusal of the respondents of the advance increment to the petitioner is illegal, without lawful authority and of no legal effect, hence necessary directions and writ is required to be issued to the respondents.
- H. That any other ground will be raised during the time of arguments with the prior permission of this Hon'ble Court.

It is, therefore, most humbly prayed that on acceptance of this Writ Petition, the respondents may kindly be directed to grant the advance increment to the petitioner being old


ATTESTED
BY
EXAMINER
P.S. ...

(20) (B)

employee and retired person and to credit the amount as per his entitlement OR to grant the benefit of advance increment for the period of his entitlement with costs throughout OR any other Relief and Order deemed proper and appropriate in the interest of justice may also be passed.

Petitioner


Through


Tariq Kakar
Advocate,
Supreme Court of Pakistan.

Dated 08.03.2024

CERTIFICATE:-

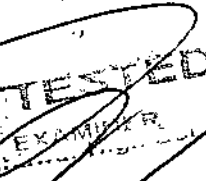
*As per information of my client,
it is certify that no such like writ petition has
earlier been filed by the Petitioner in this
Honourable Court*


Advocate

LIST OF BOOKS:-

1. Constitution of Islamic Republic of Pakistan 1973.
2. Any other law book as per need.


Advocate

ATTESTED
EXAMINER


JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P. No.1428-P/2024

Hassan Wali Jan

Vs.

**Director, Higher & Secondary Education,
Peshawar and others**



Date of hearing **12.06.2024**
For Petitioner(s): **Mr. Tariq Kakar, Advocate.**
For Respondent(s): **Nemo (Motion case).**

JUDGMENT

IJAZ ANWAR, J. This writ petition is filed under Article

199 of the Constitution of Islamic Republic of Pakistan, 1973,

with the following prayer:-

“It is, therefore, most humbly prayed that on acceptance of this writ petition, the respondents may kindly be directed to grant the advance increment to the petitioner being old employee and retired person and to credit the amount as per his entitlement or to grant the benefit of advance increment for the period of his entitlement with costs throughout or any other relief and order deemed proper and appropriate in the interest of justice may also be passed”.

2. In essence, the petitioner is a retired civil servant and is seeking the grant of advance increment for the period of his entitlement.
3. Arguments heard. Record perused.
4. Perusal of the record reveals that the petitioner is seeking the grant of advance increment for the period of his

ATTESTED
 EXAMINER
 Peshawar High Court

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entitlement which primarily relates to the terms and conditions of service of civil servants, besides, in view of the bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, the jurisdiction of this Court is barred to entertain such petition. Similarly, the petitioner has also alternate remedy available under the law by approaching the Khyber Pakhtunkhwa Service Tribunal for the redressal of his grievance.

5. In the light of the above, this writ petition, being not maintainable, stands dismissed in limine.

Announced
Dt:12.06.2024

Senior
Puisne Judge

Judge

92367
24-06-224
8-P
32-6
24-06-224
24-06-224
O.R.P

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanoon-e-Muntazat Act 1984

24 JUN 2024

AIC

Against the
leave of absence
leave of absence
leave of absence
leave of absence
leave of absence

Office: Lecturer in
Chemistry, Govt. College,
Khatla (Maidan).
Office: Lecturer in
Chemistry, Govt. College,
Khatla (Maidan).

Office: Lecturer in
Chemistry, Govt. College,
Khatla (Maidan).
Office: Lecturer in
Chemistry, Govt. College,
Khatla (Maidan).

Against the
leave of absence
leave of absence
leave of absence
leave of absence
leave of absence

Office: Lecturer in
Chemistry, Govt. College,
Khatla (Maidan).
Office: Lecturer in
Chemistry, Govt. College,
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Khatla (Maidan).
Office: Lecturer in
Chemistry, Govt. College,
Khatla (Maidan).

93

DEPARTMENT OF CHEMISTRY
GOVT. COLLEGE, KHATLA (MAIDAN)
Khatla (Maidan), West Bengal
1993

24

Mr. Ahmad Khan S/o
Abdul Ghaffar Khan,
Vill: & P.O. Charbagh,
Moh; School Colony, Swat.

Offtg; Lecturer in
Chemistry, G.C.,
Chitral (Lien/
leave vacancy).

Against the
leave vacancy
31-5-94 vac
Kifayatullah
proceeded for
higher studies,

Mr. Shereen Khan S/o
Ali Khan, C/O The A.G.S.
Office, Pakistan Revenue
Sub Office Fort Road,
Peshawar Cantt; Section
WAD(F) Room No. 309.

Offtg; Lecturer in
Under Govt; College,
Kulachi (D.I. Khan).

Against the
vacant post.

11. Mr. Amanullah S/o
Kareemullah, Moh; Farid
Khan, Vill; & P.O. Akora
Khattak, Tehsil & Distt;
Nowshera.

Offtg; Lecturer in
Urdu, G.C., Saidur
Sharif (Swat).

-do-

12. Mr. Mohammad Zahir Shah
S/o Sarwar Shah, Village
& P.O. Gujar Garki, Teh;
Takht Bai, Distt; Mardan.

Offtg; Lecturer in
Physics, G.C. Chitral.

-do-

13. Mr. Shah Jehan S/o
Azim Khan, Village & P.O.
Ismaila, Moh; Akhoonzadgan
Teh; & Distt; Swabi.

Offtg; Lecturer in
Chemistry, G.C. Lanor
(Swabi) (Lien/leave
vacancy).

Against lien/
leave vacancy
upto 11-5-96
vice Bashir
Kasain pro
for higher
studies.

14. Mr. Niaz Muhammad S/o
Ghulam Muhammad,
C/o Dr. Rashid Fareed
Bungalow No. 1, Burj
Harisinh inside Police
Public School, P.O. BISE,
Peshawar.

Offtg; Lecturer in
Islamiyat/Arabic,
G.C., Ladhra.

Against the
vacant post.

15. Mr. Mohammad Shah S/o
Meher Shah, Vill; & P.O.
Wazir Kili, Shaghali Bala
City R/way Station, Pesh;

Offtg; Lecturer in
Islamiyat/Arabic,
G.C., Wana

-do-

16. Mr. Saeed Ahmad S/o
Nazir Ahmad, Mohallah
Khawaja Khei, P.O. Bala
Bafa, Teh; & Distt; Manshera.

Offtg; Lecturer in
Islamiyat/Arabic,
G.C. No. 1, D.I. Khan.

-do-

17. Mr. Hassan Wali S/o
Ahmad Khan, Vill; Dalazak,
P.O. Shabqadar, Tehsil &
District Charsadda.

Offtg; Lecturer in
Islamiyat/Arabic,
G.C., Sadda.

-do-

18. Mr. Shaikat Ullah S/o
Inam Ullah, C/o Inamullah
Jan, Govt; College, Peshawar,

Offtg; Lecturer in
Islamiyat/Arabic,
G.C., Haripur.

-do-

19. Mr. Jameel-ur-Rehman S/o
Abdur Rehman, House No. 418
Moh; Darvesh Haripur
(Hazara) Post Code 22620.

Offtg; Lecturer in
Geography, G.C.,
Havelian.

-do-

20. Mr. Ahmad Saeed S/o
Maulana Abdul Mateen,
Khateeb Ahmad Saeed H.
Colony, H.A. Kakool,
Abbottabad.

Offtg; Lecturer in
Islamiyat/Arabic,
Haripur (Haripur).

-do-

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- 21. Mr. Sifatullah S/o Muhammad Ali Khan, Moh; Saeed Khail, Lakki Marwat, (Bannu). Offtg; Lecturer in Biology, G.C., Parachinar. Against the vacant post.
- 22. Mr. Shahid Iqbal Khan S/o Saida Gul, Shahid Colony, Khawari Road, Jehangira (Nowshera). Offtg; Lecturer in Geography, G.P.C., Abbottabad (Lien vacancy). Against the Lien vacancy upto 2-3-56 vice Yousef Khan deputed to BISE, Swat.
- 23. Mr. Mohammad Karim Khan S/o Sahib Khan, C/o Saba General Store, Opposite G.T.S., Bus Stand GT Road, Sikandar Town, Peshawar. Offtg; Lecturer in Zoology, G.C., Chitral. Against the vacant post.
- 24. Mr. Faizullah Khan S/o Fazli Rahman, Shaheen Town St; No. 1, House No. 2, Opposit Wapda Sub-Division, Peshawar. Offtg; Lecturer in Electronics, G.P.C., Bannu. -do-
- 25. Mr. Muhammad Ilyas S/o Hamayun Khan, Vill; & P.O. Totano Bandai, Teh: Kabal, District Swat. Offtg; Lecturer in Electronics, G.P.C., Mardan. -do-

2. Consequent upon the above appointments the Provincial Government are further pleased to order the following posting/transfers :-

S.No.	Name & Designation.	Transferred to	Remarks.
1.	Mr. Khub Nawaz, Lect; in Zoology, G.C., Parachinar.	Govt; College, No. 1, D.I. Khan.	Against vacant post.
2.	Mr. Shaukat Ali, Lect; in Urdu, G.J.C., Saidu Sharif (Swat).	Govt; College, Pabbi (Nowshera).	-do-
3.	Mr. Zulfiqar, Lect; in Urdu, G.C. Timergara.	Govt; College, Haripur.	-do-

TERMS AND CONDITIONS :-

1. The appointments of the candidates mentioned at para-1 above is subject to the condition that they are the domicile of NWFP province.
2. Their inter-se-seniority will be fixed according to the order of merit assigned by the NWFP Public Service Commission.
3. Their services will be liable to termination on one month's notice from either side. In case of resignation without notice their one month's pay/allowances if any shall be forfeited to Government.
4. No TA/DA etc; is allowed on their first appointment as Offtg; Lecturer.
5. The candidates should join their post within 30 days of the issue of this notification. The Director of Education (Colleges) NWFP, Peshawar should furnish a certificate to the effect that the candidates have joined the post or otherwise after one month of the issue of this notification. Charge reports in duplicate should be submitted to all concerned.

ATC

- 7. They will be governed by such rules and regulation as may be issued from time to time by the Government for the category of Government servants to which they belongs.
- 8. A declaration of assets should be obtained from them if not already done and kept on record.
- 9. Their appointment will be subject to the satisfactory report on the verification of their character and antecedents.

SECRETARY TO GOVT. OF NWFP
EDUCATION DEPTT. PESHAWAR

Enclst: No. SO(Colleges)II-1/92-IV, Dated Pesh, the 26-7-1993.

Copy for information and a/cion to :-

- 1. The Director of Education (Colleges) NWFP, Peshawar w/r to his letter No. 14165 dated 8-7-1993. Medical fitness certificates of the above named officers are enclosed.
- 2. The Director of Education (FATA) NWFP, Peshawar.
- 3. The Accountant General, NWFP, Peshawar.
- 4. The District Accounts Officers concerned.
- 5. The Agency Accounts Officer concerned.
- 6. The Principals of Govt. Colleges concerned.
- 7. The Secretary, NWFP Public Service Commission, Peshawar w/r to his letter No. 9906 dated 22-2-1993, No. 546 dated 21-3-1993, No. 547 dated 21-3-1993, No. 1169 dated 14-4-1993 and No. 2007 dated 26-4-1993.
- 8. The Manager, Govt. Printing Press, NWFP, Peshawar.
- 9. The candidates concerned.

(FARKHAND IQBAL)
SECTION OFFICER (COLLEGES)
26/7/93

Ms. Hassan's work was released dated 31-8-93 according to the order of Govt. N.W.F.P. Enclst. No. SO (Colleges) II-1/92-IV, dated Pesh. the 26-7-1993.

F. Ghafoor / *
Steno: / *

Soldier
Govt. College
SPS Hassan Khan
11 Hassan Khan
AIC

(27)

GOVERNMENT OF N.W.F.P
EDUCATION DEPARTMENT
Dated Peshawar, the 26-07-1993

NOTIFICATION

No.00(Colleges) II-1-92-IV Consequent upon the recommendation of NWFP Public Service Commission, the Governor NWFP is pleased to appoint the following candidates as officiating Lecturers in BPS-17 various subject the Governor, Colleges (mentioned against each) from the dated of their taking over charge subject to the conditions mentioned below:-

S.No.	Name of candidate	Place of posting.	Remarks.
1	Syed Atqia Rashid S/o	offtg: Lecturer in Islamiyat C.O.No.1. D.I.Khan	Against the vacant post.
2	Mr. Atta Ullah Khan S/o Malik Gulla, R/o Village D.I.Khan Khatgarib, Tehsil & District D.I.Khan	oofgt: Lecturer in Urdu, Govt, Colleege Takht Bahi (Mardan)	-do-
3	Mr. Farhad Khan S/o Afridi Khan Lecturer in Chemistry Islamabad College (Boys) G-6/3, Islamabad	oofgt: Lecturer in Chemistry G.C. Lahore (Swabi)	-do-
4	Mr. Mian Sayed S/o Syed Muhammad Shah R/o Villg & P.O Town Tehsil & District (Mardan)	oofgt: Lecturer in Chemistry, G.O, Parachinar, (Line/Leave Vacancy)	Against line/leave vacancy upto 31-5-96 voice Mukhtiar Ali Proceeded for high studies,
5	Mr. Ahmad Hussain S/o Ajoon Khan R/o Villeg/ Tangi Payan, Tehsil & , Distt Samar Bagh/Dir.	oofgt: Lecturer in Urdu, Govt; Colleege Timargara.	Against the Vacant Post.
6	Mr. Muhammad Asim Iqbal S/o Khazan Gul R/o Village & P.O Rustam, The & Distt Mardan	oofgt: Lecturer in Urdu, Govt Colleege Khairabad (Mardan)	-do-
7	Mr. Qadar Sharif S/o Khan Sharif National Centre of Excellence in Physical Chemistry University of Peshawar	oofgt: Lecturer in Chemistry, G.C, Apuri (Swat) (Lien/Leave vacancy)	Against line/leave vacancy upto 31-5-96 voice Mohammad Anwar Proceeded for high studies,
8	Syed Sardar Hussain Shah S/o Syed Mohammad Sadiq; Saddique Motor Repairing Cornor, Hospital Road, Batkhela, Malakand Agency.	oofgt: Lecturer in Urdu, Govt; Colleege Timargara.	Against the Vacant Post.


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(Contd;.....P/2)

9	Mr. Ahmad Khan S/o Abdul Ghaffar Khan, Vill & P.O Charbagh, Moh; School Colony, Swat	oofgt; Lecturer in Chemistry, G.C. Chitral (Line/leave vacancy)	Against line/leave vacancy upto 31-5-96 voice Kifayat Ullah Proceeded for high studies,
10	Mr. Shereen Khan S/o Ali Khan, C/O the A.G.s Office, Pakistan Revenue Sub Office Fort Road, Peshawar Cantt; section WAD(F) Room No. 309.	oofgt; Lecturer in Urdu, Govt; College, Kulachi (D.I.Khan)	Against the vacant post
11	Mr. Amanullah S/o Kareemullah Moh; Farid Khan Vill; & P.O Akora Khattak, Tehsil & District Nowshera	oofgt; Lecturer in Urdu, G.J.C Saidu Sharif (Swat)	-do-
12	Mr. Mohammad Zahir Shah S/o Sarwar Shah, Village & P.O Gujar Garhi, The; Takht Bhai, Distt; Mardan.	oofgt; Lecturer in Physics, G.C. Chitral	-do-
13	Mr. Shah Jehan S/o Azim Khan Village & P.O Gujar Garhi, The; Takht Bhai, Distt; Mardan	oofgt; Lecturer in Chemistry, G.C. Lahor (Swab Line/leave Vacancy)	-do-
14	Mr. Niaz Muhammad S/o Ghulam Muhammad, C/o Dr. Rashid Farooqi Bungalow No. 1, Burj Harisingh inside Police Public School, P.O BISE, Peshawar	oofgt; Lecturer in Islamiyat/Arabic, G.C. Ladha,	Against the vacant post
15	Mr. Mohammad Shah S/o Mehar shah, Vill/ & P.O Wazir Kili, Shaghali Bala, City R/way Station Peshawar	oofgt; Lecturer in Islamiyat/Arabic, G.C. Wana	-do-
16	Mr. Saeed Ahmad S/o Nazir Ahmad, Mohallah Khawaja Khel, P.O Bala, Bafa, The & Distt, Mansehra.	oofgt; Lecturer in Islamiyat/Arabic, G.C. No. 1 D.I.Khan	-do-
17	Mr. Hassan Wali S/o Ahmad Khan Vill; Dalazak P.O Shabqadar, Tehsil & District Charsadda.	oofgt; Lecturer in Islamiyat/Arabic, G.C. Sadda	-do-
18	Mr. Shaukat Ullah S/o Inam Ullah C/o Inamullah Jan, Govt; College, Peshawar	oofgt; Lecturer in Islamiyat/Arabic, G.C Haripur	-do-
19	Mr. Jameel-ur-Rehman S/o Abdur Rehman, House No. 418 Moh; Darvesh Haripur (Hazara) Post Code 22620.	oofgt; Lecturer in Geography G.C Havelian	-do-
20	Mr. Ahmad Saeed S/o Maulana Abdul Mateen, Khateeb Ahmad Saeed H.Q Colony, PKA, Kakool, Abbottabad.	oofgt; Lecturer in Islamiyat/Arabic, G.C Khanpur (Haripur)	-do-

21	Mr. Sifatullah S/o Muhammad Ali Khan Moh; Saeed Khail, Lakki Marwat, (Bannu)	oofgt; Lecturer in Biology, G.C Parachinar	Against the vacant post
22	Mr. Shahid Iqbal Khan S/o Saida Gul, Sahid Colony, Khawari Road, Jahagira (Nowshera)	oofgt; Lecturer in Geography, G.P.C Abbottabad (Lien Vacancy)	Against line/leave vacancy upto 2-3-96 voice Yousaf Khan deputed to BISE, Swat,
23	Mr. Muhammad Karim Khan S/o Sahib Khan; C/o Saba General Store, Opposite G.T.S. Bus Stand GT Road, Sikandar Town Peshawar.	oofgt; Lecturer in Geography, G.P.C, Abbottabad (Lien Vacancy)	Against the vacant post
24	Mr. Faizullah Khan S/o Fazli Rahman Shaheen Town St. No. 1 House No. 2, Opposite Wapda Sub-Division Peshawar.	oofgt; Lecturer in Electronics , G.P.S Bannu	-do-
25	Mr. Muhammad Ilyas S/o Hamayun Khan, Vill & P.O Totano Bandai, The; Kabal District Swat	oofgt; Lecturer in Electronics , G.P.S Mardan	-do-

2. Consequent upon the above appointments the Provincial Government are further pleased to order the following posting/transfers:-

S.No	Name & Designation	Transferred to	Remarks
1	Mr. Khub Nawaz Lect In Zoology, G.C Parachinar	Govt College No. 1 D.I.Khan	Against vacant post
2	Mr. Shaukat Ali, Lact in urud G.J.C Saidu Sharif (Swat)	Govt College Pabbi (Nowshera)	-do-
3	Mr. Zulfiqar, Lect in urdu G.C Timergara	Govt College, Haripur	-do-

TERMS AND CONDITIONS:-

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6. Charge reports in duplicate should be submitted to all concerned.

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9. Their appointment will be subject to the satisfactory report on the verification of their character and antecedents.

SECRETARY TO GOVT; OF NWFP
EDUCATION DEPTT; PESHAWAR.

Endst: No. SO(Colleges)II-1/92IV, Dated Pesh; The 26-7-1993


Copy for information and Action to:-

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3. The Accountant General, NWFP, Peshawar.
4. The District Accounts officers concerned.
5. The Agency Accounts officer concerned.
6. The Principals of Govt; Colleges concerned.
7. The Secretary, NWFP Public Service Commission, Peshawar w/r to his letter No. 9906 dated 22-2-1993, No. 546 dated 21-3-1993, No. 547 dated 21-3-1993, No. 1169 dated 14-4-1993 and No. 2007 dated 26-4-1993.
8. The Manager, Govt Printing press, NWFP, Peshawar.
9. The candidates concerned.

(FARKHAND IQBAL)
SECTION OFFICER (COLLEGES)

F. Ghafoor

Steno:


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پشاور بار ایسوسی ایشن، خیبر پختونخوا

ایڈوکیٹ: طارق ماکڑو ASL

بار کونسل ایسوسی ایشن نمبر: BC-10-8916

رابطہ نمبر: 03149111011

PESHAWAR
BAR ASSOCIATION



بعدالت جناب: سوکي انٹرنیشنل صاحب، پشاور

مخانب: ایبلانٹ	دعویٰ:
حسن عوی جان	علت نمبر:
بنام	مورخہ:
ڈائریکٹر یا ایگزیکٹو ایجوکیشن وغیرہ	جرم:
	تھانہ:

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام پشاور کیلئے طارق ماکڑو ایڈوکیٹ سیکرٹری جنرل ایف جی ایس ایس
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 417/2024

العبد العبد العبد

مقام پشاور کے لیے منظور ہے۔

Atested

Accepted

نوٹ: اس وکالت نامہ کی فوٹو کاپی نامتواش قبول ہوگی۔

حسن عوی جان و سر موصوفی اتمقل سکرٹری جنرل ایف جی ایس ایس ایس
17/10-7149987-1
تعمیل تصدیق ضلع چارسدہ