


FORM OF ORDER SHEET

Court of _____

Appeal No. 1600 /2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/09/2024	<p>The present appeal resubmitted today by Mr. Nadir Khan Beland Khel Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 01.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

The appeal of Mr. Muhammad Yaseen received today i.e. on 19.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- 1- Memorandum of appeal is not signed by the appellant.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Annexures of the appeal are unattested.
- 4- Check list is not attached with the appeal.
- 5- Annexure-A of the appeal is illegible.
- 6- Approved file cover is not used.

No. 712 /Inst./2024/KPST,

Dt. 12/9 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nadir Khan Beland Khel Adv.
High Court at Karak.

Resubmitted, the needful is done.


BEFORE THE SERVICE TRIBUNAL, KP PESHAWAR

Service appeal no. 1600 /2024

Muhammad Yaseen SST

VERSUS

Secretary Elementary &
Secondary Education KP etc.

Appellants

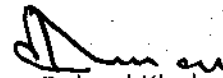
Respondents

INDEX

S.No.	Description of Documents	Annexure	Pages
1	Memorandum of service appeal & condonation application		1-5
2	Copy of notification endorsement No. 4129-4228 dated 11-09-1997(selection grade)	A	6-10
3	Service Record (copy of service book)	A-1	11-14
4	Copy of post upgradation notification No. SD(FR)10-22(B) 2005 dated 01-10-2007	B	15-16
5	Copy of notification KP Elementary & Secondary Education Department No. SO(B&A)1-18/E&SE/2012	C	17-18
6	Finance department No.FDE/(SOSR-1)2-123/2013 dated 07-02-2014	D	19
7	Copy of W.P No.413/2016 Peshawar High Court Bannu Bench	E	20-26
8	Service appeal No. 750/2019	F	27-32
9	Wakalat Nama	G	

Appellant

Through:


Nadir Khan Beland Khel
Advocate High Court
Cell 0301-8321929

BEFORE THE SERVICE TRIBUNAL, KPK

PESHAWAR

Service Appeal No. 1600 /2024

Muhammad Yaseen SST GMS Charpara Banda Daud Shah (Karak)

Selection Grade No. _____

Appellant

VERSUS

1. The Secretary Elementary & Secondary Education Govt. of KP
2. The Secretary Finance Govt. of KP
3. The Director Elementary & Secondary Education Peshawar Respondents

SERVICE APPEAL UNDER SECTION 4 OF
THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974

Respectfully Sheweth:-

Facts giving rise to the present appeal are as under:

1. That the appellant is serving against the post of SCT in Education Department and was awarded with selection grade vide No. 4129-4228/S.Grage/CTs/III-AD dated 11-09-1997 and service record at Annexure "A, A-1"

2. That the post of CTs were upgraded in BPS-15 in the same scale of selection grade in the year 2007.(Annexure "B")
3. That as per notification of KP Elementary & Secondary Education Department No. So(BNA)/1-18/E&SE/2012 dated 11-07-2012. The appellant is entitled for one advance increment, which is still awaited.(Annexure "C")
4. That the appellants have already been received one increment after awarded with Selection Grade 1997, but one increment of the post due to upgrèdation is still awaited duly allowed to the appellant by the KP Government No. FD(SOSR-1)2-123/2013 dated 07-02-2014.(Annexure "D")
5. That in this regard the appellant went to the Peshawar High Court Bannu Bench in W.P No.413/2016. The Peshawar High Court Bannu Bench disposed the W.P No. 413/2016 "Therefore in light of above the instant writ petition is sent to the concerned department/authorities with the direction to treat the as departmental appeal and decide the same with in one (01) month. Which may be considered as departmental appeal. (Annexure "E")
6. That in this regard presently the honorable Tribunal allowed the service appeal No. 750/2019. (Annexure "F")
7. The service appeal of the present appellant are of the same nature, the appellant having due rights of the same benefits as allowed to the thousands of employees of KP Government of various department.

In view of the above facts and grounds, the appellants are submitted their humble request before the Honourable

Tribunal to allowed this service appeal in the anology of the other services appeal previously the same appeal No.750/2019. Any other efficacious remedy may also be granted in favour of appellants.

INTERIM RELIEF:

By way of interim relief the respondents provisionally by allowed to extent the benefit of the notification dated 31-12-2013 till final disposal of the above service appeal.

M. J. Jais
Appellant

Through:

Nadir Khan Beland Khel
Nadir Khan Beland Khel
Advocate High Court
Cell 0301-8321929

CERTIFICATE:

Certified that the contents of this appeal are true and correct to the honest of my knowledge and nothing has been concealed.

Deponent *M. J. Jais*

M. J. Jais
Hain
Advocate
An & Co. Lahore

BEFORE THE SERVICE TRIBUNAL, KPK

PESHAWAR

Service Appeal No. _____/2024

Muhammad Yaseen SST GHSS Jehangiri (Karak)

Selection Grade No. S.No. 5/96

Appellant

VERSUS

- 1. The Secretary Elementary & Secondary Education Govt. of KP
- 2. The Secretary Finance Govt. of KP
- 3. The Director Elementary & Secondary Education Peshawar Respondents

SERVICE APPEAL

AFFIDAVIT

I, MUHAMMAD YASEEN SST GHSS Jehangiri (Karak), do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing, has been concealed from this Honourable Tribunal.

M. Y. Yaseen
DEPONENT

[Handwritten signature]
Kohat

MUHAMMAD YASEEN SST
GHSS JEHANGIRI (KARAK)
CNIC 14203-2052366-7
CELL : 0343-9791542

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BEFORE THE SERVICE TRIBUNAL, KP PESHAWAR

Service appeal no. _____/2024

Muhammad Yaseen SST

VERSUS

Secretary Elementary &
Secondary Education KP etc.

Appellants

Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:

1. That appellant has filed the accompanying appeal with is yet to be fix for hearing.
2. That appellant alongwith others filed W.P No. 413-B of 2016 before the Hon'ble Peshawar High Court Bannu Bench which was disposed vide order dated 03-09-2018 with the directions to the respondents to treat the writ petition as departmental appeal and decide the same within one month.
3. That the respondents failed to comply with the order of Hon'ble Peshawar High Court Bannu Banech cited ibid.
4. That delay in filling the accompanying appeal was not international but due to the reason that respondent either by one pretext or other had assured the appellant for redressal of their grievances.
5. That it is settled law that no limitation runs in case of financial benefits. It is, therefore, humbly prayed that on acceptance of this application, the delay if any in filling the accompanying appeal may graciously be condoned in the interest of justice.


Appellant

Through:

Dated: _____


Nadir Khan Beland Khel
Advocate High Court

Affidavit:

I, Muhammad Yaseen SST GHSS Jahangiri Karak,
do Hereby affirm and declare on oath that
the contents of this application are true and
correct to the best of my knowledge and nothing
has been concealed.

Deponent




Advocate Ghulam Nabi
And Other Bannu

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(A)

G.M.S. Sanjaya (Kohat)

OFFICE OF THE DIVISIONAL DIRECTOR OF EDUCATION (SCHOOLS)
KOHAT DIVISION KOHAT.

AWARD OF SELECTION GRADE
TO GT TEACHERS.

Attested
[Signature]

The following trained GT Teachers are hereby awarded Selection Grade of BPS-12 and BPS-15 with effect from the date noted against each:-
Nadir Khan Beland Khel
with advocate
Distt Courts Kohat

<u>S.No./No. in S/List</u>	<u>Name School</u>	<u>D/O Prom: to the P/Post</u>	<u>D/O Award of S/Grade</u>
1/85	Mansoor Matin GHSS Karak,	21-2-82	01-7-94
2/88	Eusufullah GHS Muslim Abed (Kohat).	05-4-83	-do-
3/94	Mohammed Rehman GHS No.1 Hangu.	23-11-83	-do-
✓ 4/95 ✓	Mishraf Jehan GHS Lahaduz Khel (Karak).	27-11-83	-do-
✓ 5/96 ✓	Mohammed Yasin GHS Dumbar (Karak).	10-12-83	-do-
6/97	Zakir Kalim GHS Thal (Kohat).	06-2-84	-do-
7/98	Jamil-ur-Rehman GMS Sakot (Karak).	07-3-84	-do-
8/111	Fazal Ahmad GHSS Takhti Basanti (Karak).	30-10-84	-do-
9/114	Muhammad Raza Bilal GHS Kohat.	26-11-84	-do-
10/137	Abdullah GHS Ganderi Kohat (Karak).	14-7-86	-do-
11/139	Mir Jaman GHS Chorlaki (Kohat).	25-8-86	-do-
12/147	Rasool Badshah GMS Makh Banda (Karak).	01-11-86	-do-
13/148	Wazir Azam GT GHS Rehmat Abed (Karak).	08-11-86	-do-
14/149	Muhammad Shih GHSS Lachi (Kohat).	17-11-86	-do-
15/150	Tariq Shah GHS Thal	26-11-86	-do-
16/152	Hazrat Ali GHS No. 2 Hangu.	26-11-86	-do-
17/153	Muhammad Anam GT GHS Bogara (Karak).	26-11-86	-do-

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S.No./No. in S/List.	Name/School	D/O prom: to the P/Post.	D/O Award of S/Grade.
18/154	Zaman Ali GHS No.2 Hangu	26-11-86	01-7-94
19/155	Shabir Ahmad GHS Nari Fanoos (Karak).	29-3-87	01-5-95
20/156	Muhammad Khan GHS Latamber (Karak).	26-5-87	01-5-95
21/156(A)	Muhammad Khan GHS Deresh Khel (Karak).	26-5-87	01-5-95
22/157	Zeen Khan GHS Keri Dhand	26-5-87	01-5-95
23/158	Azhar Khan GMS Banjakh	26-5-87	01-5-95
24/159	Pietri Khan GHS Sabir Akad	26-5-87	01-5-95
25/160	Gul Saif GHS Tekhti Nasratti.	26-5-87	01-5-95
26/161	Mohammad Tariq GHS Lachi Pagan (Kohat).	26-5-87	01-5-95
27/162	Umar Zaman GHS Karak	26-5-87	01-5-95
28/163	Gul Far Khan GHS Tekhti Nasratti.	26-5-87	01-5-95
29/164	Shafiq Ali GHS Ahmedi Bunde.	26-5-87	01-5-95
30/165	Mutaghees-ul-Hassen GHS No.1 Hangu.	26-5-87	01-5-95
31/166	Akber Zaman GHS Tekhti Nasratti.	26-5-87	01-5-95
32/167	Abdul Waqar GMS Gandiyali	26-5-87	01-5-95
33/168	Zafar Rehman GHS Sarki Lawaghat.	26-5-87	01-5-95
34/169	Riaz Ali CT GHS Ibrahimzai	02-9-87	01-5-95
35/170	Raza Khan GHS Jahangiri	02-9-87	01-5-95
36/171	Khalid Mawez GMS Garang Siraj Khel.	02-9-87	01-5-95
37/172	Islam-ud-Din GHS Tor Dhand	02-9-87	01-3-96
38/173	Wali-ud-Din Nasem GMS Kot	02-9-87	01-3-96
39/174	Amir Mohammed GHS Sarozai	02-9-87	01-3-96
40/175	Faiz-ur-Rehman CT GHS Isak Khumari.	02-9-87	01-3-96
41/176	Mohammad Tahir GHS Kaghzai	02-9-87	01-3-96
42/177	Shah Farcoq GHS Kaghzai	02-9-87	01-3-96
43/178	Tarwoon Ahmad CT GHS Kohat.	12-9-87	01-3-96
44/179	Mohammad Shorif GHS Mitha Khel (Karak).	13-9-87	01-3-96
45/180	Azam Khan GHS Togh Balu	13-9-87	01-3-96
46/181	Habibullah GHS Tekhti Nasratti (Karak)	13-9-87	01-3-96

Page:- 3 :-

S.No.	S.No. in S/List.	Name/School.	D/O Prom: to the P/Post.	D/O Award of S/Grads.
	47/182.	Abdul Jalal CT GHS, No.1 Hangu.	13.9.87	01.3.96
	48/183.	Akbar Jan CT GHS, Bahadur Khel.	13.9.87	01.3.96
	49/184.	Sabz Ali Khan GHS, Billitang.	13.9.87	01.3.96
	50/185	Ihtiaq Ahmad GHS, Bogh Jala.	13.9.87	01.3.96
	51/186	Zafar-ur-Rahman CT GHS, No.1 Kohat.	13.9.87	01.3.96
	52/187	Arshad Mahmood GHS, No.2 Kohat.	13.9.87	01.3.96
	53/188	Syed Bedshah GHS, Gurguri, Krl.	13.9.87	01.3.96
	54/189	Liaqat Ali GHS, Kohat.	13.9.87	01.3.96
	55/190	Mohammad Ali GHS, Dhand Saghri.	14.9.87	01.3.96
	56/191	Noor Saleem GHS, Dhand Saghri.	14.9.87	01.3.96
	57/192	Subhan-ud-Din GHS, Shakardarra.	14.9.87	01.3.96
	58/193	Javid Iqbal GHS, Sheikhhan, Kht.	14.9.87	01.3.96
✓	59/194	✓ Abdu Sarad GHS, Mazi Khel, Krl.	14.9.87	01.3.96
✓	60/195	✓ Mohammad Nasser GHS, Raunt Abad.	15.9.87	01.3.96
	61/196	Gul Fays Noor GHS, Chhangiri.	16.9.87	01.3.96
	62/197	Farid Akbar GHS, Nari Panos.	16.9.87	01.3.96
	63/198	Mir Pto Khan GHS, Shahidan, Krl.	20.9.87	02.1.97
✓	64/199	✓ Rahmatullah GHS, Mazi Khel.	20.9.87	02.1.97
✓	65/200.	✓ Shamsad Ali GHS, Dabander.	20.9.87	02.1.97
✓	66/201.	✓ Mokhtiar Ali GHS, Bogara, Krl.	20.9.87	02.1.97
	67/202	Gul Rasim GHS, Dotara, Krl.	21.9.87	02.1.97
	68/203.	Khalid Rehman GHS, Naraka.	22.9.87	02.1.97
✓	69/204 ✓	Rehan Khalid GHS, Taji, Kark.	22.9.87	02.1.97
	70/205	Pir Aslan GHS, Naraka, Krl.	01.10.87	02.1.97
	71/206	Rajat Hussain GHS, Nari Panos.	08.10.87	02.1.97
	72/207	Inayatullah GHS, Khurrat, Krl.	19.10.87	02.1.97
	73/208	Iftikhar-ul-Mulk GHS, Bangi Kila.	21.10.87	02.1.97
	74/209	Alamdar Hussain GHS, No.2 Hangu.	21.10.87	02.1.97
	75/210	Ibrahim Mohammad Shah GHS, Keri Dhand, Kark.	22.10.87	02.1.97
	76/211.	Hassan Mahmood GHS, No.1 Hangu.	23.10.87	02.1.97
	77/212	Syed Rehman GHS, No.1 Hangu.	24.10.87	02.1.97

Next Sheet Please

S.No./No. in S/List.	Name/School.	Date of Prom to P/Post.	D/O Award of S/Grade.
✓ 78/213 ✓	Gul Piao Khan GHS, Official Colony Karak.	27.10.87	02.1.97
79/214	Gul Shah Jehan GHS, Warana, Karak.	18.11.87	02.1.97
80/215	Gul Mamoor Jan GHS, Dabb (Karak).	24.10.87	02.1.97
81/216	Khadrat Ali CT GHS, Usterzai, Kht.	29.11.87	02.1.97
82/217	Nasir Usman GHS, Mithe Khel, Karak.	29.11.87	02.1.97
83/218	Maula Khan GHS, Jehangiri (Karak).	29.11.87	02.1.97
84/219	Abdul Haq GHS, Mithe Khel, Karak.	29.11.87	02.1.97
85/220	Anwar Saeed GHS, Surati Killa, Karak.	29.11.87	02.1.97
86/221	Pio Khan GHS, Tapi Kanda Karak.	29.11.87	02.1.97
87/222	Ahmad Wali Shah GHS, Takhti Nasrati.	29.11.87	02.1.97
88/223	Sami-ud-Din GHS, No. 1 Hangu.	29.11.87	02.1.97
89/224	Mohammad Farooq GHS, Doli Mela, Krc.	29.11.87	02.1.97
✓ 90/225 ✓	Fahimullah GHS, Town Committee, Karak.	29.11.87	02.1.97
91/226	Gul Habib F'S, Mandawa, Karak.	29.11.87	02.1.97
92/227	Noor Islam GHS, Ahmad Abad, Krc.	29.11.87	02.1.97
93/228	Salohullah GHS, Surdag, Karak.	29.11.87	02.1.97
94/229	Hamidullah GHS, Malgin, Kohat.	29.11.87	02.1.97
95/230	Abdul Haleem GHS, Hayat Abad, Krc.	29.11.87	02.1.97
96/231	Mohammad Ayaz GHS, Teri, Karak.	29.11.87	02.1.97
97/232	Rayat Khan GHS, Saana, Kohat.	29.11.87	02.1.97
98/233	Mohammad Maqsood GHS, Karak.	29.11.87	02.1.97
99/234	Abidur Rehman GHS, Dabb, Krc.	29.11.87	02.1.97
100/236	Masam Shah GHS, Ghundi Mir Khan Khel.	29.11.87	02.1.97
101/235	Naseem Gul GHS, No. 2 Kohat.	01.12.87	02.1.97
102/236	Dilawar Khan GHS, No. 2 Kohat.	04.2.88	02.1.97
✓ 103/237 ✓	Mohammad Zaman GHS, Warana, Krc.	11.5.88	02.1.97
104/238	Amirullah GHS, Lodhi Khel.	22.5.88	02.1.97
105/239	Tohsil-ur-Rehman GHS, Mohammad Khoja.	01.8.88	02.1.97
106/240	Mohammad Farid GHS, Mansini, Karak.	01.8.88	02.1.97
107/241	Mohammad Jamal GHS, Benjakh, Karak.	01.8.88	02.1.97
108/242	Muhsal Khan GHS, Surdag, Karak.	01.9.88	02.1.97

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No. / S/No.	Name/School	Date of Prom: to P/Post.	D/O Award of S/Grade.
109/243	Muntaz Khan GESS, Karak.	01.8.88	02.1.97
110/244	Ghani-ur-Rehman GMS, Usterzai Dola.	01.8.88	02.1.97
✓ 111/245	✓ Qaisar Gul CT GMS, Sabir Abad, Karak.	01.8.88	02.1.97
✓ 112/246	✓ Niamatullah GMS, Zar Khan Eilla, Karak.	01.8.88	02.1.97
113/247	Mohammad Nazir GMS, No. 4 Kohat.	01.8.88	02.1.97
114/248	Aziz-ur-Rehman GMS, Sabir Abad, Karak.	01.8.88	02.1.97
115/249	Zarmast Khan GMS, Surgul, Kohat.	01.8.88	02.1.97
116/250	Shoaib Khan GMS, Doaba, (Kohat).	01.8.88	02.1.97

Note:- Necessary entry to this effect should be made in their T/Books. An undertaking on the prescribed form below should be obtained from the above named CTe and pasted in their S/Books duly attested by their respective heads of institutions before the drawal of pay/allowance of arrear.

UNDERTAKING - (Duly Attested)

I _____ hereby given an undertaking to the effect that if any overpayment is made to me as a result of incorrect award of S/Grade and detected later on, it will be made good by recovery from my pay/pension/gratuity as may be fixed by the Govt.

Sign: of Teacher. _____

- Arrears due to the award of S/Grade should be drawn and disbursed to them.
- All concerned should be informed accordingly, if any one of them is not working at the school mentioned against his name he may be informed at his present school through the M.I.
- The above award is subject to condition that no judicial, departmental, or any kind of enquiry/adverse remarks exist against them.

Hafiz Bahadur Khan
Divl: Director of Education (Schools)
Kohat Division, Kohat.

Endst: No. 4129-4228 / S. Grade/CTs/III-AD. Dt: Kohat the 11.9. / 1997.

- Copy forwarded for information and n/action to the:-
- Director of Secondary Education NWFP Peshawar.
 - Distt: Education Officer, (Male) Secondary Kohat/Karak.
 - Principals/Headmasters concerned.
 - P/A Local office.

Checked and found correct.

Khadija Ali Dealing Assistant.

M. Shaukat/-

for/Divl: Director of Edu: (Schools)
Kohat Division Kohat.

6



حکومت پاکستان

14209-2042386

Handwritten signature and text in Urdu.



PRINCIPAL
G.H.S.S Jahangiri
(Karak)

Attested

Handwritten signature of Nadir Khan.

Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

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(6) ✓

SERVICE CERTIFICATE

Certified that Mr: MUHAMMAD YASIN S/O JAN MIR

is a permanent Government Servant in Education department since

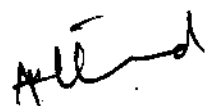
10-12-1983

At present he is working against Sr. CT Post at

GHSS JEHANGIRI Karak.



Chief Officer, Education, District
Kohat



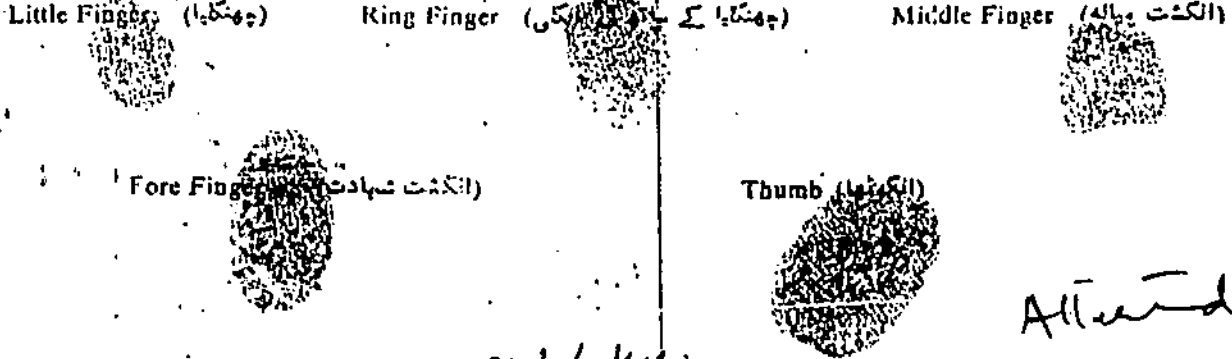
Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

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- 1. Name (نام)..... Mohd. Mansoor Yasin
- 2. Nationality and Religion Pakistan - Islam
(قومیت اور مذہب)
- 3. Residence (مستقل رہائش)..... Village P.O. Jehangiri Banda, (Kohat)
- 4. Father's name and residence..... Jan Mir (as above)
(والد کا نام اور رہائش)
- 5. Date of birth by Christian era as nearly as can be ascertained..... Fifteenth March 1964 (15-3-1964)
(تاریخ پیدائش مطابق من عیسوی)
- 6. Exact height by measurement..... 5'4"
(قد و قامت)
- 7. Personal mark for identification..... 210-64-35 3672
(نشان شناخت)

8. Left hand/right hand thumb and finger impressions of (Non-gazetted) officer

(سرحد کی صورت میں بائیں اور صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)



9. Signature of Government servant.....
(سرکاری ملازم کے دستخط)

Mohd. Yasin

10. Signature and designation of the Head of the Office, or other Attesting Officer.....
(تصدیق کنندہ افسر کے دستخط اور مہر)

Mah

Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

Mansoor 26/12/83

Note.—The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے مندرجات کم از کم ہالچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 - 10 میں دستخطوں کے لیے تاریخ ہونی چاہئے۔ انگلیوں کے نشانات کے لیے ہر ہالچ سال کے بعد تصدیق کی ضرورت نہیں۔

Attested
Mansoor
26/12/83
Head Master
Govt. High School
Baland Khel, (Kohat)

LEAVE

9	10	11	12	13	14	
Signature and designation of the holder of the leave or other Authorizing Officer in accordance of column 1 to 3	Date of termination or appointment	Nature of requisition (such as promotion, transfer, etc.)	Signature and designation of the holder of the leave or other Authorizing Officer	Nature and duration of leave taken	Allocation of per cent of the amount of pay for 12 months for leave not exceeding 12 months to which the holder is entitled to another Government	Remarks
دستخط امیر مبارز	تاریخ انتظام ماہنامہ	رجوعات انتظام مغزمت ترقی یا تبادلہ یا ترقی	دستخط انور مجاز	رحمت کی نوٹس	چار ماہ تک کی رحمت کے لئے اوسط تنخواہ کا تین Government 12 months for leave not exceeding 12 months	دستخط نور محمد رقم ادا کیے
19-9-99	19-9-99	Promoted to the post of...	[Signature]	[Signature]	01-6-93	30-11-93
[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
[Signature]	20-11-94	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
[Signature]	30-11-95	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
[Signature]	15-3-96	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
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[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]

Nadir Khan Beland Khe
Advocate
Distt Courts Kohat

Services were full from 13-2-15-3


TEACHERS
Govt. High School
Behabad Kohat

BY: [Signature]

Services were full in...
1-12-93 to 12-7-94 from the
Appn. account...

Amx (B)

115

Attended


20

Government of N.W.F.P.
Finance Department
No SO(FR)10-22(B)/2005
Dated: 01-10-2007

To: Nadir Khan Beland Khel
The Secretary
Distt. Schools & Literacy Department
Govt. of NWFP

Annex-C

Subject: UP-GRADATION OF VARIOUS POSTS OF TEACHERS/CAREER STRUCTURE IN SCHOOLS & LITERACY DEPARTMENT GOVERNMENT OF N.W.F.P.

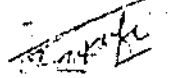
Sir,

I am directed to refer to your letter No SO(G)S&L/1-47/2007 dated 01-10-2007 on the subject noted above and to inform that the Chief Minister NWFP has been pleased to up-grade various posts of teachers in Schools & Literacy Department N-W.F.P. as per details given below in respect of those incumbents who acquire or possess the qualification and experience mentioned against each with immediate effect.

S.#	Designation/Existing Pay Scale	Qualification	Revised Pay Scale
1.	Primary School Teacher (PST) BPS-07	F.A/F.Sc. at least 2 nd Division with PTC/Diploma in Education.	09
2.	PST with requisite experience renamed as Head Teacher/Head Mistress of Primary School BPS-07	On the basis of 10 years service/experience as Primary School Teacher in BPS-09	12
3.	C.T BPS-09	B.A/B.Sc. at least 2 nd Division with Diploma in Education/CT	15
4.	A.W/CT (Technical)/Industrial Arts/Home Economics BPS-09	B.A/B.Sc. at least 2 nd Division with Diploma in Education/ Certificate from Directorate of Curriculum & Teachers Education NWFP Abbottabad in Agro. Tech/ Industrial Arts/Home Economics	15
5.	D.M. BPS-09	B.A/B.Sc. at least 2 nd Division with Drawing Master Course.	15
6.	PET BPS-09	B.A/B.Sc. at least 2 nd Division with JDPE	15
7.	Qari/Qaria BPS-07	Hafiz-e-Quzz with SSC at least 2 nd Division and Sanad in Qir'at	12
8.	SST/SST Tech/Agri. with requisite experience renamed as Sr. SST/Sr. SST Tech/Sr. SST Agri. BPS-16	M.A/M.Sc. at least 2 nd Division with B.Ed./M.Ed./MA Edu. or equivalent qualification	17
9.	DPE BPS-16	M.Sc. at least 2 nd Division in (HPE)	17
10.	Librarian BPS-16	Master degree in Library Science, at least 2 nd Division	17

The Promotion/Direct Recruitment against the upgraded posts shall be made as per laid down procedure and in accordance with the Service Rules to be framed pursuant to the relevant provisions of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules-1989 read with the NWFP Civil Servants Act, 1973 in the light of the

Attended



16

meeting held on 26-09-2007 of the committee constituted vide Schools & Literacy Department Notification No. SO(GYS&L/1-47/2007 dated 01-08-2007.

Audit copy may please be prepared and sent to this Department for authentication/signature.

[Signature]
Section Officer (FR)

Enclst: of even No. & Date

Copy for information & necessary action to:

- 1. Accountant General NWFP
- 2. Director Schools & Literacy NWFP Peshawar
- 3. Director of Education FATA NWFP Peshawar
- 4. PSO to Chief Minister NWFP
- 5. PSO to Chief Secretary NWFP
- 6. PS to Secretary Finance Department NWFP
- 7. All District/Agency Accounts Officers in NWFP

[Signature]
Section Officer (FR)



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

Dated Peshawar, 11.07.2012

Annex (C)

17

NOTIFICATION:

No. SO (B & A) /1-18/E&SE/2012:

Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up gradation of the posts for Grant of Incentive of Higher Pay Scale to different Categories/Cadres of Teachers in Elementary & Secondary Education Department w.e.f. 01-07-2012 as per details given below:-

Attest
[Signature]

Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

Sr. No.	Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	New Approved Basic Pay Scale	Remarks
1.	Primary Teacher (PST)	Govt. Primary School	BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12	(BPS-12)	The post of PST is upgraded to BPS-12. Accordingly, 33,497 posts of PSTs, already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees.
2.	Senior Primary School Teacher (Sr. PST)	"do"	Newly Upgraded/Redesignated Post	(BPS-14)	22,331 posts of the existing PSTs in various existing pay Scales are upgraded to BPS-14 and redesignated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
3.	Primary School Head Teacher (PSHT)	"do"	Newly Upgraded/Redesignated Post	(BPS-15)	20,804 posts of the existing PSTs (one post in each Primary School) are upgraded to BPS-15 and redesignated as Primary School Head Teacher, and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
4.	Certified Teachers (CT)	Govt. Middle/High/Higher Secondary School	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of CTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
5.	Senior Certified Teachers (Sr. CT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total CT posts are upgraded to BPS-16 and redesignated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
6.	Arabic Teachers (A.T)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
7.	Senior Arabic Teachers (Sr. A.T)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total AT posts are upgraded to BPS-16 and redesignated as Senior AT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules, or amending the existing service rules, if any, for the post.
8.	Teacher of Theology (TT)	"do"	BS-07 BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
9.	Senior Teacher of Theology (Sr. T)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total TT posts are upgraded to BPS-16 and redesignated as Senior TT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
10.	Drawing Masters (DM)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
11.	Senior Drawing Masters (Sr. DM)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total DM's posts are upgraded to BPS-16 and redesignated as Senior DM, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules, or amending the existing service rules, if any, for the post.

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12.	Physical Education Teachers (PET's)	"do"	BPS-09 BPS-10 BPS-11 BPS-12 BPS-13	(BPS-15)	All the existing posts of PET's are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
13.	Senior Physical Education Teachers (Sr. PET's)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total PET's posts are upgraded to BPS-16 and redesignated as Senior PET, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules & amending the existing service rules, if any, for the post.
14.	Qari/Qaria	"do"	BPS-7 BPS-9 BPS-10 BPS-12 BPS-14 BPS-15	(BPS-12)	All the existing posts of Qari/Qaria are upgraded to BPS-12 for the present incumbents to the post as well as future appointees.
15.	Sr. Qari/Sr. Qaria	"do"	Newly Upgraded/ Redesignated Post	(BPS-15)	One thirds (1/3 rd) of the total Qari/Qaria posts are upgraded to BPS-15 and redesignated as Senior Qari/Qaria, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.

2. A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, punctuality, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not take the scheme for granted but work for it.

3. District wise/ school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

Endst: No. SO(FR)/FD/10-22(E)/2010 Dated Pesh: the 16/07 2012

Copy is forwarded to Accountant General Khyber Pakhtunkhwa, Peshawar.
All District Account Officers

F. ulina
SECTION OFFICER (FR)
FINANCE DEPARTMENT

Endst. Of even Number & Date.

Copy of the above is forwarded to:-

1. The Secretary to Government of Khyber P... reference to his letter No...
2. P.S. to Secretary, E&S.
3. P.S. to Special Secretar
4. P.S. to Deputy Secretar
5. P.S. to Minister of E&S.
6. The Director, E&SE Kh.
7. All the Executive Distric
8. The Managing Director, I
9. Master file.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

19

NO. FD (SOSR-1) 2-123/2013
Dated Peshawar the 7th February, 2014

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary Finance FATA, FATA Secretariat, Peshawar.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
12. The Chairman, Services Tribunal, Khyber Pakhtunkhwa.
13. The Accountant General, Khyber Pakhtunkhwa, Peshawar.

Attested

Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

Subject: CLARIFICATION REGARDING GRANT OF ONE SPECIAL ADVANCE INCREMENT EXTENDED TO THE EMPLOYEES WHO WERE HOLDING SELECTION GRADE PRIOR TO UPGRADATION OF THEIR POSTS IN BASIC PAY SCALES ALREADY HELD BY THEM.

Dear Sir,

I am directed to invite your attention to the subject matter and to state that certain queries have been received from different quarters about the admissibility of one special advance increment allowed under this Department's letter of even number dated 31-12-2013.

2. In this connection, it is to clarify that the above stated increment has been extended only to those employees who were holding Selection Grade prior to up-gradation of their posts but neither availed the benefit from up-gradation of posts under this Department's Notification No.FD/SOFR/7-2/2007 dated 28-07-2007 nor one special advance increment granted vide Notification No.FD (SR-1) 2-4/2009 dated 04-04-2009.

Yours faithfully,

(MASOOD KHAN)
Deputy Secretary (Reg-II)

*وہاں نوٹس مروجہ
انٹرنیٹ کے ذریعے*

AAO,
PR-E

pl. Link all the references mentioned in this letter is discuss.

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-1-

Notification Folder (Office Work Local D)

Registrar

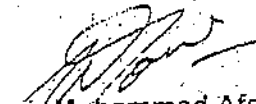
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EXAMINER
Peshawar High Court,
Peshawar

Endst: No. & Date Even

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

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
8. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa.
9. The Private Secretary to Senior Minister for Finance, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Deptt.


(Wazir Muhammad Afsar)
Section Officer (SR-1)

Amx(E) (16) 20

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

Writ Petition No. 413 /2016

WNo 864-B/18



1. Mukhtiar Ali S.C.T Teacher GCMHS-Chokara District Karak
2. Ghani Rahman SET Teacher GCMHS Chokara District Karak
3. Muhammad Iqbal CT Teacher GCMHS Chokara District Karak
4. Pio Khan SCT Teacher GCMHS Chokara District Karak
5. Riyat Khan SCT Teacher GCMHS Chokara District Karak
6. Muhammad Kamal S.D.M Teacher GCMHS Chokara District Karak
7. Sher Abbas SPET Teacher GCMHS Chokara District Karak
8. Naeem Ullah SAT Teacher GCMHS Chokara District Karak
9. Ahmad Wali Shah SCT Teacher GHS Sarki Lawarghar District Karak
10. Saddique Rahman SCT Teacher GHS Garang Siraj Khel District Karak
11. Anwar Ali SCT Teacher GHS Garang Siraj Khel District Karak
12. Hamid Ullah D.M Teacher GHS Zarkhan Killa District Karak
13. Sabar Nawaz D.M Teacher GHS Toopi Killa District Karak
14. Muhammad Ayaz SCT Teacher GHSS Jehangiri District Karak
15. Muhammad Yasin SCT Teacher GHSS Jehangiri District Karak
16. Asmat Ullah Khan SCT Teacher GHSS Jehangiri District Karak

Attend

[Handwritten signature]

Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

[Handwritten signature]

Filed To
20/11/2016
Additional Registrar

RECEIVED
PESHAWAR HIGH COURT
BANNU BENCH

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17. Rauf Khan SCT Teacher GHSS Jehangiri District
Karak
18. Noor Kamal SCT Teacher GHSS Jehangiri District
Karak
19. Muhammad Sadique SDM Teacher GHSS Jehangiri
District Karak
20. Rasool Khan PET Teacher GHS Gardi Banda
District Karak
21. Muhammad Zaman SCT Teacher GHSS Warana
District Karak
22. Zaheer Ud Din CT Teacher GHSS Warana District
Karak
23. Muhammad Naseer Khan SCT Teacher GHS
Latamber District Karak
24. Naimat Ullah SCT Teacher GHSS Bogara District
Karak
25. Anayat Ullah SCT Teacher GHS Ahmad Abad
District Karak
26. Sher Aslam SCT Teacher GHSS Kandu Khel District
Karak
27. Sher Aslam SAT Teacher GHSS Kandu Khel District
Karak
28. Muqabila Khan SCT Teacher GHSS Bogara District
Karak
29. Jamil Ur Rehman SCT Teacher GHSS Bogara
District Karak
30. Ikram Ullah Khan SPET Teacher GHSS Bogara
District Karak

Filed To
20/05/2016
Additional Registrar

..... Petitioners
Versus
1. Government of K.P Through Secretary of Elementary
& Secondary Education K.P, Peshawar
2. Government of K.P Through Director of Elementary &
Secondary Education K.P, Peshawar.

20/05/2016
Additional Registrar

22

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- 3. Government of K.P Finance Department Regulation Wind, Peshawar.
- 4. District Account Officer Karak. Respondents

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

⇄<=>⇄<=>⇄<=>⇄<=>⇄

Respectfully Sheweth:

This Writ Petition rising up from the following facts:

1. That all the petitioners are working in education department in different cadre and in the year 2003 the posts of the petitioners were up-graded in the basis of seniority through Selection Grade whereby all the petitioner have obtained the up-gradation of posts-cum-one pre-mature increment. (Copy of the Performa of petitioners and Selection Grade is annexed as "A").
2. That on 01-09-2007 the Government of K.P Finance department (Regulation Wind) generally up-graded all the posts of different cadre through notification. (Copy of the notification dated 28-07-2007 is annexed as "B").
3. That on 04-04-2009 the Government of K.P Finance department (Regulation Wind) have sanctioned one special advance increment to the Assistant Auditor,

Filed To: V
8/6/2009
Additional Registrar

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

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Senior Clerk and junior Clerk etc who have obtained the up-gradation through Selection grade.(Copy of the notification dated 04-04-2009 is annexed as "C").

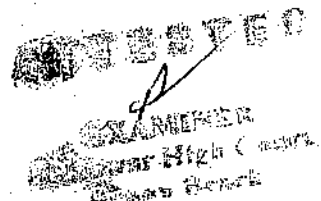
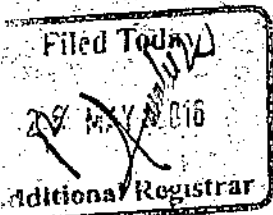
4. That on 31-12-2013 the Government of K.P. Finance department (Regulation Wind) have issued a notification the one advance increment of the basis of selection grade and endorsed the earlier letter of the finance department.(Copy of the notification dated ~~31-12-2013~~ 31-12-2013 is annexed as "D").

5. That on 07-02-2014 the Government of K.P. Finance department (Regulation Wind) have issued a notification regarding the clarification of the earlier notification that one advance increment be given to those teachers who have obtained selection grade. (Copy of the notification dated 07-02-2014 is annexed as "E").

6. That being aggrieved from the inaction of the respondent No.2,3 being not extended the benefit of the notification dated 31-12-2013, the petitioners approaches this Honourable Court, inter alia, on the following grounds;

GROUND S:

A. That the petitioners are related to education department, working in different cadre and have obtained the selection grade by all the petitioners in the



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session 2003 whereby all posts of the petitioners were up-graded-cum-one pre-mature increment but when generally the government of K.P up-graded the posts of different cadre with one increment then all the petitioners are deprived from the benefits of the order because the junior in rank of all posts are equal to the petitioners whom posts have been up-graded through Selection Grade and having not extended the benefit of the notification dated 31.12.2013 by the respondent to the petitioners is appealable to mind and also unwarranted by the law.

B. That in year 2007 the posts of education were up-graded by the respondents (government of K.P) through notification but the petitioners senior in teaching have no benefit of the said notification because the remedy in shape of pre-mature increment stopped by the respondents through notifications and letter to deviate the concentrations of the petitioners from one Advance increment which is basic and fundamental right of the petitioner thus, the benefit of the notification dated 31-12-2013 of the respondent intact through spirit and letter so, the inaction of the respondents is not appealable to prudent mind and is against the article 4 and article 25 of the constitution of Pakistan 1973

removed

C. That all the petitioners are senior teachers and after Selection grade they are entitled of the benefit of the notification dated 31-12-2013 issued by the respondent (Finance Department) but without any cogent reason and rhyme the respondents have reluctant regarding the extension of benefit of said notification being used

Filed Today
25 MAY 2016
Additional Registrar

ATTESTED
CLERK
High Court

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colourful exercise of powers, vested in the functionaries of the Government through Constitution of Pakistan, which is against the basic principles of the equality of citizens.

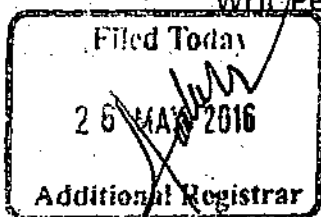
- D. That the said benefit of the one advance pre-mature increment are availing the clerical staff of the audit etc which is clear cut discrimination with the petitioners and action of the respondents is against the principle of equity and also violated the norms of justice.

It is, therefore, humbly prayed that on acceptance of this Writ Petition, the respondents may kindly be directed to extend the benefit of the notification dated 31-12-2013 and one pre-mature increment be awarded to the petitioners on the basis of Selection Grade Awarded to others cadre in accordance with law.

Any other efficacious remedy may also be granted in favour of the petitioner.

INTERIM RELIEF:

By way of interim relief, the respondents provisionally be allowed to extent the benefit of the notification dated 31-12-2013 till final disposal of this Writ Petition.



Petitioners
Through


Masood Iqbal Khattak

ATTESTED
BY
Additional Registrar
High Court

FORM "A"
FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.

03.9.2018

W.P No. 413-B/2016 with IR.

Present:

Mr. Masooq Iqbal Khattak advocate for petitioner.

ABDUL SHAKOOR, J.---

At the very out-set, learned counsel for the petitioner states that his client will be satisfied if the instant writ petition is sent to the concerned department for its treatment as departmental appeal.

Therefore, in the light of above, the instant writ petition is sent to the concerned department / authorities with the direction to treat the same as departmental appeal and decide the same within one (01) month positively, but, strictly in accordance with law.

Disposed of accordingly.

Announced.

03.9.2018

CERTIFIED TO BE TRUE COPY

[Signature]
27/07/2018

Examiner

Peshawar High Court Bannu Bench
Authorised Under Article 87 of
The Qanun-e-Shahadat Ordinance 1984

Office
03/9/2018

27

Ann (J)

Ann (E)



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 750/2019

BEFORE: MR. SALAH-UD-DIN MEMBER (J)
MISS FAREEHA PAUL MEMBER (E)
Riayat Khan, SCT GCMHS, Chokara, Karak..... (Appellant)

Versus

1. The Secretary E&SE, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Director E&SE, Peshawar.
3. The District Education Officer (Male), District Karak.
4. The Secretary Finance, Government of Khyber Pakhtunkhwa, Peshawar.
5. The Secretary Establishment, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar. (Respondents)

Mr. Ashraf Ali Khattak,
Advocate

For appellants

Attended

Mr. Fazal Shah Mohmand,
Addl. Advocate General

For respondents

Nadir Khan Beland Khattak
Advocate
Distt Courts Kohat

Date of Institution..... 08.05.2010
Date of Hearing..... 18.09.2023
Date of Decision..... 21.09.2023

JUDGEMENT

FAREEHA PAUL, MEMBER (E): Through this single judgment, we intend to dispose of instant appeal as well as connected Service Appeal No. 751/2019, titled "Jamil-ur-Rehman Versus the Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretary, Peshawar and others", Service Appeal No. 752/2019, titled "Pio Khan Versus the Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretary, Peshawar and others", Service Appeal No. 753/2019, titled "Ghani-uir Rehman Versus the Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretary, Peshawar and others", Service

ATTESTED

EXCISER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]

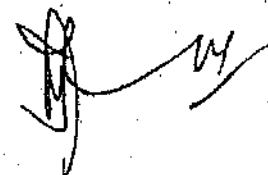
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Appeal No.754/2019 filed "Muhammad Kamal Versus the Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretary, Peshawar and others", Service Appeal No. 755/2019 titled "Naeem Ullah Versus the Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretary, Peshawar and others", and Service Appeal No. 914/2019 titled "Sher Abbas Versus the Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretary, Peshawar and others" as in all the appeals common questions of law and facts are involved.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was serving against the CT post and had 37 years service at his credit. Vide Notification date 11.09.1997, selection grade in BPS-15 was awarded to him w.e.f 02.01.1997 and his name appeared at serial No. 97/232 of the order and his salary was fixed accordingly. Vide Government of Khyber Pakhtunkhwa, Finance Department, Notification No. SO(FR)-10-22(B)/2005 dated 01.10.2007 and Notification No. ED/SO(FR)-10-22/2007 dated 26-01-2008, the post of CT, alongwith other posts, was upgraded to BPS-15. The appellant and his other colleagues who had been brought on the strength of BPS 15 much prior to the notification dated 01.10.2007 deserved were entitled to be treated like other staff members either in the shape of promotion to the next stage or in shape of two increments. Different examples mentioned in the appeal include the Senior SST Teachers working against BPS- 17 who were promoted to the post of S.S or Head Master in the same scale (BPS-17),

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but on promotion in the same basic pay scale they were allowed two increments in the shape of one advance increment and the other as premature increment. On another occasion one time upgradation in BPS-16 was awarded to all Elementary School Teachers working against the post carrying Basic Pay Scale 15, who had five years service at their credit. All the Elementary School Teachers possessing five years service were upgraded to BPS- 16 accordingly. They were also allowed two increments in the shape of one next stage and one premature. Being aggrieved from the unfair and discriminatory treatment, the appellant, alongwith his other colleagues, invoked the Constitutional jurisdiction of the Hon'ble Peshawar High Court Bannu Bench in Writ Petition No. 413-B/2016 which was disposed of in the following words:-

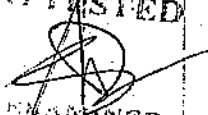
"At the very out-set, learned counsel for the petitioner states that his client will be satisfied if the instant writ petition is sent to the concerned department for its treatment as departmental appeal.

Therefore, in the light of above, the instant writ petition is sent to the concerned department/authorities with the direction to treat the same as departmental appeal and decide the same with one (01) month positively, but, strictly in accordance with law.

Disposed of accordingly."

In the light of the order of the Hon'ble Peshawar High Court dated 03.09.2018, the appellant also preferred departmental appeal but the respondents paid no heed to it ; hence the instant service appeal.

3. Respondents were put on notice. They did not furnish written reply/comments despite numerous chances. After expiry of last chance, vide order dated 09.09.2020, the appeal was posted to D.B for arguments.

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Vide a later order dated 17.01.2022, another chance was given to the respondents to submit reply, failing which their right was to be struck off. No reply was received on behalf of the respondents. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the respondents had not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution, 1973. He argued that the appellant, and his other colleagues, who had been granted upgradation and selection grade prior to the notification dated 01.10.2007 and 26.01.2008, were entitled for financial benefits in shape of increment/allowance so that they could be equally treated with the promoted/upgraded teachers, who had been promoted/upgraded in the light of notification and who benefited with two increments in the shape of one next stage and one premature. He requested that the appeal might be accepted as prayed for.

5. The learned Additional Advocate General, while rebutting the arguments of learned counsel for the appellant, argued that the appellant had already availed the benefit of increment when he was awarded selection grade in BS- 15 and that he was not entitled to any further increment. He requested that the appeal might be dismissed.

6. From the arguments and record presented by the learned counsel for the appellant, it transpires that the appellant was appointed as C.T in the

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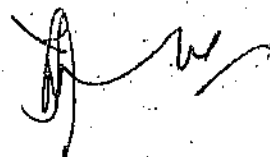
respondents department. He was awarded selection grade in 1997. Later on, vide Finance Department's letter dated 01.10.2007, various posts of teachers in the respondents department were upgraded and the post of appellant was also upgraded from BS-9 to BS-15. It is an undisputed fact that when a post is upgraded, it brings financial benefit also in the form of increment. As contended by the appellant, he was deprived of such increment when the post was upgraded and his departmental appeal was rejected on the ground that the letter dated 31.12.2013 of Finance Department did not cover his claim.

7. Learned counsel for the appellant produced a notification dated 04.04.2009 of the Finance Department according to which one special advance increment was allowed to Assistants, Auditors, Senior Clerks and Junior Clerks as well as employees from BS-1 to BS-4 in their upgraded/moved up pay scales that had been allowed to them vide notification dated 28.07.2007. The notification of 04.04.2009 took effect from 01.09.2007. Learned counsel produced another letter of Finance Department dated 31.12.2013 which has been issued as a clarification regarding grant of one special advance increment to the employees holding selection grade prior to upgradation of their posts in Basic Pay Scale already held by them. The letter is reproduced as follows:-

"1. I am directed to refer to this Department's notification No. FD(SR-1)2-4/2008 dated 04.04.2009 and to state that certain queries have been received from different quarters as to whether the employees, who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, are

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also eligible to the benefit of premature increment on up-gradation of their posts.

2. In this connection, the Provincial Government in consultation with Government of Pakistan, Finance Division, has to clarify that one special advance increment is admissible, also to the employees who were holding Selection Grade prior to up-gradation of their posts in BPS already held by them, just as in the case of same scale promotion.


3. This order will take effect from 01.09.2007”


8. In the light of the above quoted letter dated 31.12.2013 of Finance Department, it is clear that the appellant who was holding selection grade prior to his upgradation of post in Basic Pay Scale already held by him, was entitled to one special advance increment on the same analogy as has been provided to the employees of provincial government upon upgradation vide notification dated 04.04.2009 read with notification dated 28.06.2007.

9. The appeal in hand as well as connected appeals are, therefore, partially allowed on the above terms. Costs shall follow the event.

Consign:

10. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 21st day of September, 2023.


(FARUHA PAUL)
Member (E)


(SALAH-UD-DIN)
Member (J) 21-9-23

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قیمت ایک روپیہ

کوٹھت فیس

BC-18-1001

0301-8321925

۲۰ منجانب

محمد حسن بنام سکریٹری ایجوکیشن وغیرہ

مقدمہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی کل کاروائی متعلقہ آں مقام کے لئے

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقریر ثالثت و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک در روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی ایجنٹ منصفی و نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا اپنی بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ پر داختم منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق کیا صاحب موصوف ہوں گے نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اور کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

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المرقوم

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محمد حسن

کے لئے منظور ہے۔

مقام

الحمد لله

محمد حسن