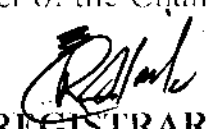


FORM OF ORDER SHEET

Court of _____

Appeal No. 1598 /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.</p> <p> REGISTRAR.</p>

The appeal of Mr. Sabar Nawaz 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. 716 /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.

Shan

BEFORE THE SERVICE TRIBUNAL, KP PESHAWAR

Service appeal no. 1598 /2024

Sabar Nawaz DM

VERSUS

Secretary Elementary &
Secondary Education KP etc.

Appellants

Respondents

INDEX

S.No.	Description of Documents	Annexure	Pages
1	Memorandum of service appeal & condonation application <i>& Affidavit</i>		<i>1-15</i>
2	Copy of notification endorsement No. 8717-8-822/S/Grade dated 26-08-1993	A	<i>6-10</i>
3	Service Record (copy of service book)	A-1	<i>11-14</i>
4	Copy of post upgradation notification No. SD(FR)10-22(B) 2005 dated 01-10-2007	B	<i>15-16</i>
5	Copy of notification KP Elementary & Secondary Education Department No. SO(B&A)1-18/E&SE/2012	C	<i>17-18</i>
6	Finance department No.FDE/(SOSR-1)2-123/2013 dated 07-02-2014	D	<i>19</i>
7	Copy of W.P No.413/2016 Peshawar High Court Bannu Bench	E	<i>20-26</i>
8	Service appeal No. 750/2019	F	<i>27-32</i>
9	Wakalat Nama	G	<i>33</i>

Appellant

Through:



Nadir Khan Beland Khel
Advocate High Court
Cell 0301-8321929

BEFORE THE SERVICE TRIBUNAL, KPK

PESHAWAR

Service Appeal No. 1598 /2024

Sabar Nawaz DM GHSS Jehangiri (Karak)

Selection Grade No. S.No. 11790-11807

.....
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 DM in Education Department and was awarded with selection grade vide No. 11790-11807/S-G DM/1-AE Kohat dated 08-08-2004 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 1993, but one increment of the post due to upgradation 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.

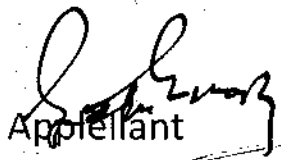
In view of the above facts and grounds, the appellants are submitted their humble request before the Honourable

Tribunal to allowed this service appeal in the anology of the other services appeal previously the same appeal No.750/2019.

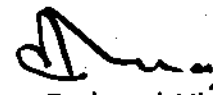
Any other efficacious remedy may also be granted in favour of appellants.

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.

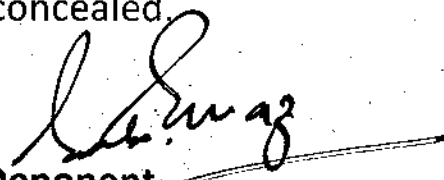

Appellant

Through:


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



Hamayoun Khel
Advocate Distt. Court Kohat
And Qadri Commission

BEFORE THE SERVICE TRIBUNAL, K.P.K, PESHAWAR.

**Sabir Nawaz DM Jahangiri (Karak)
Selection Grade No. S.No. 11790-11807**

.....
Appellant

VERSUS

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


SERVICE APPEAL

AFFIDAVIT

I, Sabar Nawaz DM GHSS (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.


DEPONENT

Sabar Nawaz DM
GHSS Jahangiri (Karak)
CNIC 14203-0469185-5
Cell:0343-9507543


Hamayoun Khan
Advocate Distt. Court Peshawar
and Oath Commissioner

BEFORE THE SERVICE TRIBUNAL, KP PESHAWAR

Service appeal no. _____/2024

Sabar Nawaz DM

VERSUS

Secretary Elementary &
Secondary Education KP etc.

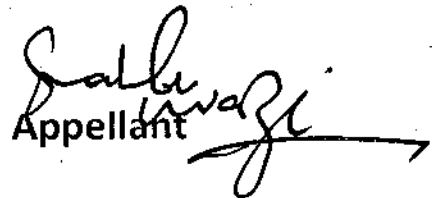
Appellants

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

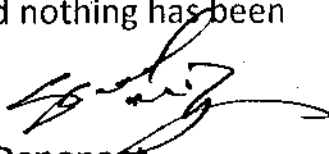
Through:

Dated: _____


Nadir Khan Beland Khel
Advocate High Court

Affidavit:

I, Sabar Nawaz DM GHSS Jehangiri 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

Hamayoun Khan
Advocate Distt. Court Karak
And Oath Commissioner



Hamayoun Khan
Advocate Distt. Court Karak
And Oath Commissioner

G.M.S. Samana (Kohat)

(A)

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

AWARD OF SELECTION GRADE
TO CT TEACHERS.

Attested
[Signature]

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

S.No./No. in S/List	Name School	D/O Prom: to the P/Post	D/O Award of S/Grade
1/85	Mansoor Matin GHS Karak.	21-2-82	01-7-94
2/88	Husnifullah GHS Muslim Abad (Kohat).	05-4-83	-do-
3/94	Mohammad Rehman GHS No.1 Hangu.	23-11-83	-do-
✓ 4/95 ✓	Musharaf Jehan GHS Belandur Khel (Karak).	27-11-83	-do-
✓ 5/96 ✓	Muhammad Yasin GHS Dombur (Karak).	10-12-83	-do-
6/97	Zahid Kalim GHS Thal (Kohat).	06-2-84	-do-
7/98	Jamil-ur-Rehman GMS S. Kot (Karak).	07-3-84	-do-
8/111	Fazl Ahmad GHS Takhti Kharat (Karak).	30-10-84	-do-
9/114	Shahid Reza Bilal GHS Kohat.	26-11-84	-do-
10/137	Azmatullah GHS Ganderi Kohat (Karak).	14-7-86	-do-
11/139	Mir Jagan GHS Chorlaki (Kohat).	25-8-86	-do-
12/147	Rasool Badshah GMS Makh Banda (Karak).	01-11-86	-do-
13/148	Wazir Azam CT GHS Rehmat Abad (Karak).	08-11-86	-do-
14/149	H. Ayub Shah GHS Lachi (Kohat).	17-11-86	-do-
15/150	Tariq Shah GHS Thal	26-11-86	-do-
16/152	Nazar Ali GHS No. 2 Hangu.	26-11-86	-do-
17/153	Muhammad Anim CT GHS Bogara (Karak).	26-11-86	-do-

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 Hongu	26-11-86	01-7-94
19/155	Shabir Ahmad GHS Nari Panoos (Karak).	29-3-87	01-5-95
20/156	Kecrullah Khan GHS Latamber (Karak).	26-5-87	01-5-95
21/156(A)	Muqabala Khan GHS Darash Khal (Karak).	26-5-87	01-5-95
22/157	Zasa Khan GHS Keri Dhand	26-5-87	01-5-95
23/158	Afsar Khan GMS Banjakh	26-5-87	01-5-95
24/159	Fisat Khan GHS Sabir Akad	26-5-87	01-5-95
25/160	Gul Saif GHS Takhti Nasratti.	26-5-87	01-5-95
26/161	Mohammad Farid GHS Lechi Bazan (Kohat).	26-5-87	01-5-95
27/162	Umar Zaman GHS Karak	26-5-87	01-5-95
28/163	Gul Ras Khan GHS Takhti Nasratti.	26-5-87	01-5-95
29/164	Shafiq Ali GHS Ahmadi Bande.	26-5-87	01-5-95
30/165	Mutaghees-ul-Hassan GHS No.1 Hongu.	26-5-87	01-5-95
31/166	Akbar Zaman GHS Takhti Nasratti.	26-5-87	01-5-95
32/167	Abdul Waqar GHS Gandyali	26-5-87	01-5-95
33/168	Zafar Rahman GHS Sarki Lawaqhat.	26-5-87	01-5-95
34/169	Riaz Ali CT GHS Ibrahimzai	02-9-87	01-5-95
35/170	Razi Khan GHS Jahangiri	02-9-87	01-5-95
36/171	Khalid Nawaz GMS Garang Siroj Khal.	02-9-87	01-5-95
37/172	Islam-ul-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 Mohammad GHS Sarozai	02-9-87	01-3-96
40/175	Faiz-ur-Rehman CT GHS Lak Khumari.	02-9-87	01-3-96
41/176	Mohammad Tahir GHS Kaghzai	02-9-87	01-3-96
42/177	Shah Farooq GHS Kaghzai	02-9-87	01-3-96
43/178	Tarwood Ahmad CT GHS Kohat.	12-9-87	01-3-96
44/179	Mohammad Shurif GHS Mitha Khal (Karak).	13-9-87	01-3-96
45/180	Azam Khan GHS Togh Balu	13-9-87	01-3-96
46/181	Habibullah GHS Takhti 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/Greds.
47/182.		Abdul Jalal CT GNS, No.1 Hangu.	13.9.87	01.3.96
48/183.		Akbar Jan CT GNS, Bahadur Khel.	13.9.87	01.3.96
49/184.		Sabz Ali Khan GNS, Billitang.	13.9.87	01.3.96
50/185		Ichtiq Ahmad GNS, Togh Bala.	13.9.87	01.3.96
51/186		Zafar-ur-Rahman CT GNS, No.1 Kohat.	13.9.87	01.3.96
52/187		Arshad Mahmood GNS, No.2 Kohat.	13.9.87	01.3.96
53/188		Syed Bedshah GNS, Gurguri, Krl.	13.9.87	01.3.96
54/189		Liaqat Ali GNS, Kohat.	13.9.87	01.3.96
55/190		Mohammad Ali GNS, Dhand Saghri.	14.9.87	01.3.96
56/191		Noor Saleem GNS, Dhand Saghri.	14.9.87	01.3.96
57/192		Subhan-ud-Din GNS, Shakardarra.	14.9.87	01.3.96
58/193		Javid Iqbal GNS, Sheikhian, Krl.	14.9.87	01.3.96
✓ 59/194	✓	Abdul Javed GNS, Nari Khel, Krl.	14.9.87	01.3.96
✓ 60/195	✓	Mohammad Nasser GNS, Rahmat Abad.	15.9.87	01.3.96
61/196		Gul Pavo Noor GNS, Chhangiri.	16.9.87	01.3.96
62/197		Farid Akbar GNS, Nari Panos.	16.9.87	01.3.96
63/198		Mir Fio Khel GNS, Shahidan, Krl.	20.9.87	02.1.97
✓ 64/199	✓	Rohmatullah GNS, Kami Khel.	20.9.87	02.1.97
✓ 65/200.	✓	Shamshad Ali GNS, Datanbar.	20.9.87	02.1.97
✓ 66/201.	✓	Mokhtiar Ali GNS, Bogara, Krl.	20.9.87	02.1.97
67/202		Gul Rasim GNS, Dera, Krl.	21.9.87	02.1.97
68/203.		Khalid Rehman GNS, Karak.	22.9.87	02.1.97
✓ 69/204 ✓		Rehan Khalid GNS, Tapi, Krl.	22.9.87	02.1.97
70/205		Pir Aalam GNS, Warana, Krl.	01.10.87	02.1.97
71/206		Hajet Hussain GNS, Nari Panos.	08.10.87	02.1.97
72/207		Inayatullah GNS, Khurran, Krl.	19.10.87	02.1.97
73/208		Iftikhar-ul-Mulk GNS, Bangi Kila.	21.10.87	02.1.97
74/209		Ali Aslam Hussain GNS, No.2 Hangu.	21.10.87	02.1.97
75/210		Ibrahim Mohammad Shah GNS, Keri Dhand, Karak.	22.10.87	02.1.97
76/211.		Hassan Mahmood GNS, No.1 Hangu.	23.10.87	02.1.97
77/212		Syed Rehman GNS, 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, Warano, Karak.	18.11.87	02.1.97
80/215	Gul Mamoor Jan GHS, Dobb (Karak).	24.10.87	02.1.97
81/216	Khadrat Ali CT GHSS, 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 GHSS, Jehangiri (Karak).	29.11.87	02.1.97
84/219	Abdul Hanid 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 GHSS, Takhti Nasrati.	29.11.87	02.1.97
88/223	Sami-ud-Din GHS, No. 1 Hongu.	29.11.87	02.1.97
89/224	Mohammad Farooq GHS, Doli Mela, Krk.	29.11.87	02.1.97
✓ 90/225	Fahimullah GHS, Town Committee, Karak.	29.11.87	02.1.97
91/226	Gul Habib GHS, Mandawa, Karak.	29.11.87	02.1.97
92/227	Noor Islam GHS, Ahmad Abad, Erk.	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, Krk.	29.11.87	02.1.97
96/231	Mohammad Ayaz GHS, Teri, Karak.	29.11.87	02.1.97
97/232	Rayat Khan GHS, Samana, Kohat.	29.11.87	02.1.97
98/233	Mohammad Maqsood GHSS, Karak.	29.11.87	02.1.97
99/234	Abidur Rehman GHS, Dabb, Krk.	29.11.87	02.1.97
100/235	Naseem 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, Krk.	11.5.88	02.1.97
104/238	Anirullah GHS, Lodhi Khel.	22.5.88	02.1.97
105/239	Tehsil-ur-Retman GHS, Mohammad Khoja.	01.8.88	02.1.97
106/240	Mohammad Farid GHS, Mangini, Karak.	01.8.88	02.1.97
107/241	Mohammad Jamal GHS, Bangach, Karak.	01.8.88	02.1.97
108/242	Khushal Khan GHS, Surdag, Karak.	01.8.88	02.1.97

(Next sheet please).

5

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

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

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.II.
- 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-AB. 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.

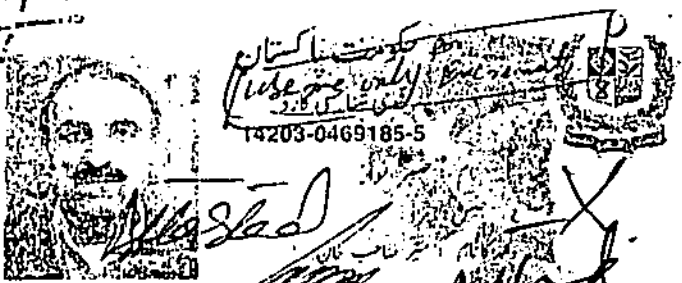
[Signature]
 Khadim Ali Dealing Assistant.

M. Shaukat/-

11-9-1997
 DT: DE(S)
 for/Divl: Director of Edu: (Schools)
 Kohat Division Kohat.

Annex-A-1

Government
 Service
 14203-0469185-5
 16/04/1964



Head Master
G.M.S Gardi Banda
Karak

علی انیس
 Nadir Khan Beldra Khel
 Advocate
 Distt Courts Kohat

ANNEX-A-1

P-11

OFFICE OF THE DISTRICT CO ORDINATION OFFICER (KOHAT)

AWARD OF SELECTION GRADE

Under the Provision of Rules 4(i) of the Govt. of NWFP Finance Department Notification No: FD (PRC) 1-1/87/V-III. The competent authority is pleased to Award Selection Grade/BPS noted against each in respect of the following Drawing Masters.

S.No	Name of Classified Teacher	Schools address	Selection Grade from BPS		With effect from
			to	BPS	
1	Mr. Anjum Bilal	GMS Behzadi	14	15	01.04.2001
2	Mr. Lal Badshah	GMS Sher Kot	09	12	01.04.2001
3	Mr. Sohail Ahmad	GHS No: 4 Kohat	09	12	01.04.2001
4	Mr. Sahar Nawaz	GHS Kaghazai	14	15	01.04.2001
5	Mr. Muzaffar Khan	Muhammad Zaj	14	15	01.04.2001
6	Mr. Khaleel-ur Rehman	GMS Z.S.Ismail.	09	12	01.04.2001

NOTE

- Necessary entry to this effect should be made in their Service Book.
- An undertaking to the effect that any over payment is made to them as a result of incorrect award of Selection Grade detected later on it will be made could by the recover from their Pay/ Pension /Gratuity etc may be obtained from them and be pasted in their Service Book.
- Certificate to the effect that the officials are not involved in any disciplinary case should be recorded in their Service Book by the DDOs before making fixation of pay.

Attested
[Signature]
 Nadir Khan Beland Khel
 Advocate
 Distt Courts Kohat

ARSHAD MAJEED
DISTRICT CO ORDINATION OFFICER
KOHAT

Endst No. 11790-11807/Selection Grade DM/I-AE Dated Kohat the 28th August 2004.

- Copy of the above is forwarded to the:-
- Director Schools & Literacy NWFP Peshawar
 - District Co Ordination Officer Kohat
 - District Account Officer Kohat.
 - District Officer (Male) Schools & Literacy Kohat
 - All Principals/Headmasters concerned.
 - Officials concerned.
 - Accountant Local Office
 - Accountant Middle Schools Local Office.
 - Master file.

Attested
[Signature]
 Mr. Sahar Nawaz
 S.C.T. BPS-16
 ETSS Bogara (Karnal)

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY KOHAT.

--	--	--	--

**PENSION ROLL DATA SHEET
NOT A PAYMENT ADVICE**

12

Issue Date: 14.05.2024
 Type: FRESH
 Number: 00302502-01
 Pensioner ID: 00302502
 Pension Register No: KK-7787
 Pensioner's Name: SABAR NAWAZ
 Father / Husband name: MIR SAHIB KHAN
 Designation: SENIOR DRAWING MASTER
 NIC No.: 1420304691855
 Grade / Scale: 16
 Department Min: HEAD MASTER GHS GARDI BAN
 Pensioner's Type: SELF
 Pension Type: SUPERANNUATION
 Date of Birth: 16.04.1964
 Date of appointment: 15.02.1993
 Date of retirement: 15.04.2024
 Date of Death:
 Date of commence: 16.04.2024
 Date of Restoration: 15.04.2036
 Accounts office ID: KK
 Accounts office Name: Karrak
 Federal / Province: Khyber Pakhtunkhwa
 Length of Qualifying Service: 31 years, 2 months, 0 days
 No. and Date of sanction of pension / Letter No. :
 and the date of the other Audit and Accounts officer authorising
 the Pension/Gratuity/Commutation
 Permanent Address: VILL NIYAZI KHEL HOJAKI KALA
 KARAK

Note: DEO (M) KARAK VIDE NO.517-18 DATED.29.01.2024
 Age : 60 years.
 Last Drawn pay/Emoluments(Rs.): 86830.00
 Gross Pension(Rs.) : 60781.00
 1/4th Surrendered Portion (Rs.) :
 Commuted Portion (Rs.) : 21273.35
 Net Pension (Rs.) : 39507.65
 Net Family Pension (Rs.) : 0.00
 Amount of Commutation(Rs.) : 3158301.00
 With Held Amount (Rs.) : 0.00
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Rs.) : 0.00
 Commutation Percentage : 35.00
 Commutation Table value : 12.37
 Recovery on A/C of :
 Debitable to Govt : Khyber Pakhtunkhwa

PROPOSED PENSION SLIP

Payment details

Wage Type	Wage Type Text	Amount
0100	Monthly Pension - Self	39507.65
0101	Pension Increases - Self	13877.07
1599	Medical Allow - Pensioner	9342.33
1600	Med. All. 2015 Pensioner	2335.58

Attended
 Nadir Khan Baland Khel
 Distt Courts Kohat

He/She is also entitled to the following increases

Sr. No.	Period	Increase % of amount	Increase Amount	W.E.F.
1	JUL.2022	15.00 %	5926.13	16.04.2024
2	JUL.2023	17.50 %	7950.92	16.04.2024
3	0.	Rs. 0.00	0.00	
4				
5				
6				
7				
8				
9				
10				
11				

Attended
 S. Ct. BPS-18
 GHSB Bogara (Karak)

Bank Details

Bank Account Number : 2007591341
 Bank Branch : MAIN BAZAR BRANCH KARAK.
 MAIN BAZAR BRANCH KARAK.
 Payment Mode : KHYBER BANK LIMITED

ACCOUNTS OFFICER
 District Pension Office
 Karak

Name (نام).....

Sabar Nawaz
Pakistani, Islam

Nationality and Religion (قومیت اور مذہب).....

Residence (مستقل رہائش).....

vill: Niazi Khel, Teh: Distt Karak
Mir Sahib Khan — DO —

Father's name and residence (والد کا نام اور رہت).....

Date of birth by Christian era as nearly as can be ascertained.....

16-4-64 (Sixteenth April N.H
Sixty four)

Exact height by measurement.....

1.75 M

Personal mark for identification.....

IC No. 145-64-076465
14203-0469185-5

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

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

Little Finger (چوہنگیا) Ring Finger (چھنگیا کے ساتھ کی انگلی) Middle Finger (انگشت میمالہ)

Fore Finger (انگشت شہادت)

Thumb (انگولہ)

Attested

(Signature)

Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

Signature of Government servant.....

(سرکاری ملازم کے دستخط)

Signature and designation of the Head of the Office, or other Attesting Officer.....

(تصدیق کنندہ افسر کے دستخط اور مہر)

(Signature)
PRINCIPAL
Govt. High School
No. 1 Kohat

Reattested

(Signature)
Head Master
Govt. High School
Kohat (Sd/-) 10/5/97

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 ہر پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 - 10 میں دستخطوں کے لگے ہونے چاہئے۔ انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

(Signature)
read by
Sd/-

(Signature)
Sd/-
1997

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment or (ii) whether service count for pension under rules 8.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government service
درجہ ملازمت	عارضی، مستقل یا قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پیشکش کا مستحق ہے	تنخواہ بطور عارضی ملازمت	زائد تنخواہ بطور قائم مقام	باسوائے تنخواہ دیگر الاؤنس	تقریری تاریخ	تختہ سرکاری ملازم
S.M.	Temp 9770		Rs. P. 4540/-	PS P. P.M.		07/2/2003	[Signature]
GHS Mamun Uddin (Khadan)	Temp 9770		4540/-	P.M.		07/2/2003	[Signature]
S.M.	Temp 9770		Rs. P. 4780/-			01/12/2003	[Signature]
GHS Khairul Karim	Temp 9770		4780/-			01/12/2003	[Signature]
			[Signature]				
			Nadir Khan Beland Khan Advocate Distt Courts Kohat				
(S. G. Gadi) Revised Entry in BPS-15 (3285-265-11235)							
GHS Kashif	pay fixed as		Rs. 2898/-	1/01		01/12/2003	[Signature]
			Rs. 4610/-	01/12/2003		01/12/2003	[Signature]
			Rs. 4875/-	01/12/2003		01/12/2003	[Signature]
Head Master G.S. Gadi Banda							

Amx(B)

115

20

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

To
The Secretary to Govt. of NWFP
Schools & Literacy Department

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/1-17/2007 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.

Attended
[Signature]

Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

S.N	Designation/Existing Pay Scale	Qualification	Revised Pay Scale D
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.	AWICP (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-Quzan 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

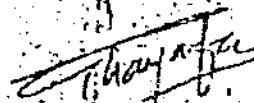
[Signature]

[Signature]

16

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


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


Section Officer (FR)

Encl: 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


Section Officer (FR)



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

Dated Peshawar, 11.07.2012

NOTIFICATION:

No. SO (B & A) / 1-18/11 & SF / 2012:

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

Sr. No.	Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	New Approved Basic Pay Scale	Remarks
1.	Primary Teacher (PT)	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. AT)	"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. D)	"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.

Attested
[Signature]

Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

15

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13	Elementary Education (P.T.T.)	"do"	BPS-9 BPS-10 BPS-12 BPS-14 BPS-15	(BPS-15)	All the existing posts of P.T.T.s are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
14	Senior Physical Education Teachers (Sr. P.E.T's)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	One thirds (1/3 rd) of the total P.E.T's posts are upgraded to BPS-16 and redesignated as Senior P.E.T., 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.
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

Encls: 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

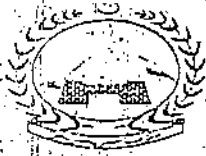
Fatima
SECTION OFFICER (FR)
FINANCE DEPARTMENT

Encls. Of even Number & Date.

Copy of the above is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa reference to his letter No SO(FR)/FD/10-22(E)/2010
2. P.S. to Secretary, E&S
3. P.S. to Special Secretary
4. P.S. to Deputy Secretary
5. P.S. to Minister of E&S
6. The Director, E&SE Kh
7. All the Executive District
8. The Managing Director, I
9. Master file.

High Court



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

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.

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.

Attested
[Signature]

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.

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,

[Signature]
(MASOOD KHAN)
Deputy Secretary (Reg-II)

AAO, PR-E
Pl. Link all the references mentioned in this letter & discuss.

19/2

-1-

Registrar

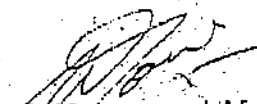
REGISTERED

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)

Ann (E) 20

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

Writ Petition No. 413 /2016

W/O 864-B/18



1. Mukhtiar Ali S.C.T Teacher GCMHS Chokara District Karak
2. Ghani Rahman SGT Teacher GCMHS Chokara District Karak
3. Muhammad Iqbal CT Teacher GCMHS Chokara District Karak
4. Pio Khan SCT Teacher GCMHS Chokara District Karak
5. Riayat 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

Attested
de
Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

Filed To
26/11/2016
Additional Registrar

RECEIVED
JUDICIAL OFFICER
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 Kandukhel District Karak
- 27. Sher Aslam SAT Teacher GHSS Kandukhel District Karak
- 28. Muqabila Khan SCT Teacher GHSS Bogara District Karak
- 29. Jamil Ur Rehman SCT Teacher GHSS Bogara District Karak

Handwritten signature

30. Ikram Ullah Khan SPET Teacher GHSS Bogara District Karak 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.

Filed To
20 MAY 2016
Additional Registrar

Handwritten signature
Peshawar District Council

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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: *[Signature]*
 P.G. No. *[Signature]*
 Additional Registrar

ATTYESTED
[Signature]
 EXAMINER
 Peshawar High Court
 Peshawar

(73)

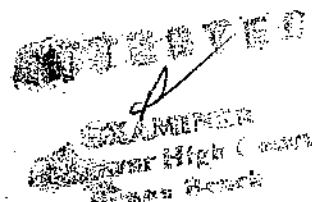
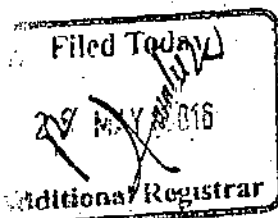
Senior Clerk and junior Clerk etc who have obtained the up-gradation through Selection grade.(Copy of the notification dated 04-04-2009 is annexed as "C").

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 ~~34-02-2003~~ 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



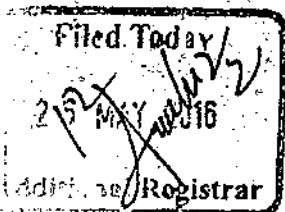
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(u)

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

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



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Lower 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.

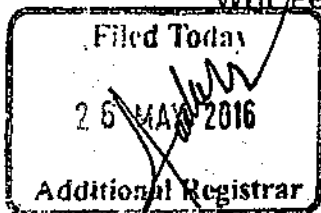
- D. That the said benefit of the one advance pre-mature increment are availing the clerical staff of the audit etc which is clear cut discrimination with the petitioners and action of the respondents is against the principle of equity and also violated the norms of justice.

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

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Additional Registrar
High Court

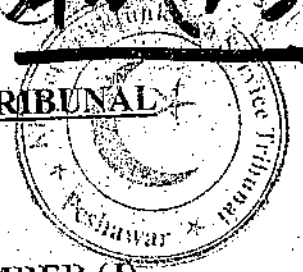
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FORM "A"
FORM OF ORDER SHEET

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	<p><u>W.P No. 413-B/2016 with IR.</u></p> <p><u>Present:</u></p> <p style="padding-left: 40px;">Mr. Masooq Iqbal Khattak advocate for petitioner.</p> <p style="text-align: center;">*****</p> <p><u>ABDUL SHAKOOR, J.---</u></p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">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.</p> <p>Disposed of accordingly.</p> <p><u>Announced.</u> 03.9.2018</p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center;"><i>[Signature]</i> 27/07/2018</p> <p style="text-align: center;">Examiner Peshawar High Court Bannu Bench Authorised Under Article 87 of The Qanun-e-Shahadat Ordinance 1984</p>

Office
03/9/2018

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Amr (F) Amr (F)
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Service Appeal No. 750/2019

BEFORE: MR. SALAH-UD-DIN MEMBER (J)
MISS FAREEHA PAUL MEMBER (E)
Riyat 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

Attested
[Signature]

Mr. Fazal Shah Mohmand,
Addl. Advocate General

For respondents

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

Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

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-ur Rehman Versus the Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretary, Peshawar and others", Service

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Service Tribunal
Peshawar

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Appeal No.754/2019 titled "Muhammad Kamal Versus the Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretary, Peshawar and others", Service Appeal No. 755/2019 titled "Nasem 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. FD/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 BS 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 SSF 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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 J. A. KAMAL
 Member, Khyber Pakhtunkhwa
 Service Tribunal
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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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Khyber Pakhtunkhwa



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)

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Puzle Submittal 1087
EX-110-2R
Khyber Pakhtunkhwa
Services Tribunal
Peshawar
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Date of Presentation	21-9-23
Number of Words	6-P
Copying Fee	20/-
Urgent	
Total	30/-
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Date of Completion	23-10-23
Date of Delivery	23-10-23

نادر خان سلیڈہ سٹیٹ ایڈووکیٹ

Bc-18-1001

0307-8321929

قیمت ایک روپیہ

کورٹ فیس

۲۰ء منجانب

صاحب نواز بنام سکریٹری ایٹوکنس و بیڈ

مقدمہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی کل کاروائی متعلقہ آل 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 تقرر ثالث 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 یکطرفہ یا اپیل کی برآمدگی ابجد منصوبی و نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ پر داخنت منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہر 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 وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم

ماہ

الع

مقام

کے لئے منظور ہے۔

صاحب نواز

Attested

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