


FORM OF ORDER SHEET

Court of _____

Appeal No. 1602 /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. Maqbala Khan 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. 717 /Inst./2024/KPST,

Dt. 19/8 /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. 1602/2024

Maqabla Khan SCT

VERSUS

Secretary Elementary &
Secondary Education KP etc.
Respondents

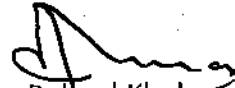
Appellants

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. _____/2024

Maqabla Khan SCT GCMHS Chokara (Karak)

Selection Grade No. S.No. 66/201

.....

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"

- 3
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 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


Namayoun Khan
Advocate High Court
And Dist. Commissioner

BEFORE THE SERVICE TRIBUNAL, KPK

PESHAWAR

4

Service Appeal No. 1602/2024

Maqabla Khan SCT GCMHS Chokara (Karak)

Selection Grade No. S.No 27/156 (A)

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, Mukhtiar Ali SCT GHSS Bogara (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

Maqabla Khan SCT
GCMHS Chokara (KARAK)
CNIC 14203-5077543-9
CELL : 0347-8970070

Muhammad Ali Khan
Advocate Distt. Court, Peshawar
Distt. Court Commissionary

BEFORE THE SERVICE TRIBUNAL, KP PESHAWAR

Service appeal no. _____/2024

5

Maqabla Khan SCT

VERSUS

Secretary Elementary &
Secondary Education KP etc.
Respondents

Appellants

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, Maqabla Khan SCT GCMHS Chokara 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 District
And District Commissioner

G.S.M.S. Samana (Kohat)

6
(A)

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

AWARD OF SELECTION GRADE
TO GT TEACHERS.

Attest
San

The following mentioned 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
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 GHSS Karak.	21-2-82	01-7-94
2/88	Hamidullah 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 Lahadur Khel (Karak).	27-11-83	-do-
✓ 5/96 ✓	Muhammad Yasin GHS Isambur (Karak).	10-12-83	-do-
6/97	Zar Kalim GHS Thal (Kohat).	06-2-84	-do-
7/98	Jamil-ur-Rehman GMS Sakot (Karak).	07-3-84	-do-
8/111	Fazal Ahmed GHSS Takhti Isambur (Karak).	30-10-84	-do-
9/114	Shahid Reza Bilal GHS Kohat.	26-11-84	-do-
10/137	Abdullah GHS Ganderi Kohat (Karak).	14-7-86	-do-
11/139	Mir Jaman GHS Chorleki (Kohat).	25-8-86	-do-
12/147	Rasool Badshah GMS Makh Bada (Karak).	01-11-86	-do-
13/148	Wazir Azam GT GHS Rehmat Abad (Karak).	08-11-86	-do-
14/149	Muhammad Shah GHSS Lachi (Kohat).	17-11-86	-do-
15/150	Tariq Shah GHS Thal	26-11-86	-do-
18/152	Hazrat Ali GHS No. 2 Hangu.	26-11-86	-do-
17/153	Muhammad Anis GT GHS Bontara (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	Samson 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	Noorullah Khan GHS Latamber (Karak).	26-5-87	01-5-95
21/156(A)	Muhammad Khan GHS Daresh Khal (Karak).	26-5-87	01-5-95
22/157	Easa Khan GHS Keri Dhand	26-5-87	01-5-95
23/158	Afsar Khan GHS Banjakh	26-5-87	01-5-95
24/159 ✓	Fiaz Khan GHS Sabir Akad	26-5-87	01-5-95
25/160	Gul Rauf GHS Takhti Nasratti.	26-5-87	01-5-95
26/161	Mohammad Tariq GHS Lechi Feroz (Kohat).	26-5-87	01-5-95
27/162	Usar Zaman GHS Kerak	26-5-87	01-5-95
28/163	Gul Far Khan GHS Takhti Nasratti.	26-5-87	01-5-95
29/164	Shafiq Ali GHS Ahmedi Banda.	26-5-87	01-5-95
30/165	Murtoghass-ul-Hassan GHS No.1 Hangu.	26-5-87	01-5-95
31/166	Akbar Zaman GHS Takhti Nasratti.	26-5-87	01-5-95
32/167	Abdul Basir GHS Gandyali	26-5-87	01-5-95
33/168	Zafar Rahman GHS Sarki Lawaqhat.	26-5-87	01-5-95
34/169	Rizwan Ali CT GHS Ibrahimzai	02-9-87	01-5-95
35/170	Rauf Khan GHS Jehangiri	02-9-87	01-5-95
36/171	Khalid Mawaz GHS Garang Siroj Enel.	02-9-87	01-5-95
37/172	Islam-ul-Din GHS Tor Dhand	02-9-87	01-3-96
38/173	Wali-ul-Din Naseem GHS Kot	02-9-87	01-3-96
39/174	Amir Mohammad GHS Sarozai	02-9-87	01-3-96
40/175	Faiz-ur-Rahman CT GHS Israk 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	Tarwoon Ahmad CT GHS Kohat.	12-9-87	01-3-96
	Mohammad Shorif GHS Mitha Khal (Karak).	13-9-87	01-3-96
	Azam Khan GHS Togh Bala	13-9-87	01-3-96
	Habibullah GHS Takhti Nasratti (Karak)	13-9-87	01-3-96

S.No.	S.No. in S/List.	Name/School.	D/O Prom: to the P/Post.	D/O Award of S/Grade.
	47/182.	Abdul Jalal CT GHS, No.1 Hangu.	13.9.87	01.3.96
	48/183.	Akbar Jan. CT GHS, Behasur Khel.	13.9.87	01.3.96
	49/184.	Sabz Ali Khan GHS, Billitang.	13.9.87	01.3.96
	50/185	Ishfaq Ahmad GHS, Togh Dala.	13.9.87	01.3.96
	51/186	Zafar-ur-Rehman 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 Beddhan GHS, Gurguri, Krlk.	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, Sheikhman, Kht.	14.9.87	01.3.96
✓	59/194	✓ Abus Sarwar GHS, Nari Khel, Krlk.	14.9.87	01.3.96
✓	60/195	✓ Mohammad Noor GHS, Rahmat Abad.	15.9.87	01.3.96
	61/196	Gul Fayz Noor GHS, Changanjiri.	16.9.87	01.3.96
	62/197	Farid Akbar GHS, Nari Panoa.	16.9.87	01.3.96
	63/198	Mir Fio Khan GHS, Shahidan, Krlk.	20.9.87	02.1.97
✓	64/199	✓ Rohmatullah GHS, Nari Khel.	20.9.87	02.1.97
✓	65/200.	✓ Shamsud Ali GHS, Dstanber.	20.9.87	02.1.97
✓	66/201.	✓ Mokhtiar Ali GHS, Doyara, Krlk.	20.9.87	02.1.97
	67/202	Gul Rasim GHS, Doyara, Krlk.	21.9.87	02.1.97
	68/203.	Khalid Rehman GHS, Karak.	22.9.87	02.1.97
✓	69/204 ✓	Rehan Khalid GHS, Tapi, Kark.	22.9.87	02.1.97
	70/205	Pir Aalam GHS, Wazna, Krlk.	01.10.87	02.1.97
	71/206	Hajet Hussain GHS, Nari Panoa.	08.10.87	02.1.97
	72/207	Inayatullah GHS, Khurrat, Krlk.	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, Karak.	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 Memoor Jan GHS, Dobb (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 Hamid 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 Kenda 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 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 F'S, Mandawa, Karak.	29.11.87	02.1.97
92/227	Noor Islam GHS, Ahmad Abad, Kht.	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 Haseem GHS, Hayat Abad, Krk.	29.11.87	02.1.97
96/231	Mohammad Ayaz GHS, Teri, Karak.	29.11.87	02.1.97
to 97/232	Rayat Khan GHS, Samana, 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, Krk.	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, Krk.	11.5.88	02.1.97
104/238	Anirullah GHS, Lodhi Khel.	02.5.88	02.1.97
105/239	Tehsil-ur-Rehman GHS, Mohammad Khoja.	01.8.88	02.1.97
106/240	Mohammad Farid GHS, Manzini, Karak.	01.8.88	02.1.97
107/241	Mohammad Jamal GHS, Benjakh, Karak.	01.8.88	02.1.97
108/242	Khushal Khan GHS, Surdag, Karak.	01.8.88	02.1.97

(Next Sheet Please).

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No./No. S/Inst.	Name/Schools	Date of Prom to P/Post.	D/O Award of S/Grade.
109/243	Murtaz Khan GESS, Karak.	01.8.88	02.1.97
110/244	Ghani-ur-Rehman GHS, Usterzai Dala.	01.8.88	02.1.97
111/245	✓ Qaisar Gul CT GHS, Sabir Abad, Karak.	01.8.88	02.1.97
112/246	✓ Niapatullah 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	Zarmast 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 CTEs 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.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.

Enst: 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. Shukat/-

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



الحق

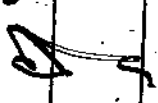
Signature
Nadir Khan Reland Khel
Magistrate
Distt Courts Kohat


1 Name of post درجہ ملازمت	2 Whether substantive or officiating and whether permanent or temporary عارضی، مستقل یا قائم مقام	3 If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II اگر عارضی ہے تو کیا وہ رول 3.20 مطابق پنشن کا مستحق ہے؟	4 Pay in substantive post تنخواہ بطور عارضی ملازمت	5 Additional pay for officiating زائد تنخواہ بطور قائم مقام	6 Other emoluments falling under the term "pay" ماسوائے تنخواہ دیگر الاصل	7 Date of appointment تاریخ تقرری	8 Signature of Government servant دستخط سرکاری ملازم
C.T GHS DAYSHI off/Perm KRL KAYAK			RS. P. Rs. 3192/- P.M.	RS. P. 10/97		10/97	
Do	Do	Revised Entries as a result of award of 5/grade from 131.6-14 to G.P.S-15 w.e. 1.5.95 (Rs: 2190-177-48/5)	Rs: 2898/- + 177/- Pre mature inc.	P.M.		15/95	21/157
Do	Do		Rs: 3075/- P.M.			12/95	C.A.
Do	Do		Rs: 3252/- P.M.			12/96	C.A.
Do	Do		Rs: 3429/- P.M.			12/97	C.A.
Do	Do		Rs: 3606/- P.M.			12/97	C.A.

ATTN
Nadir Khan Beland Khan
Advocate
Dist Courts Kohat

Almasad
M.A. Khan
S.S. Bopara
GHS Bopara (Karak)

1 Name of post درجہ ملازمت	2 Whether substantive or officiating and whether permanent or temporary ہارسی، مستقل یا لائم مقام	3 If officiating, state - (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II اگر ہارسی ہے تو کیا وہ رول 3.20 مطابق پنشن کا مستحق ہے؟	4 Pay in substantive post تنخواہ بطور ہارسی ملازمت	5 Additional pay for officiating زائد تنخواہ بطور لائم مقام	6 Other emoluments falling under the term "pay" ماسوائے تنخواہ دیگر الاؤسی	7 Date of appointment تاریخ لاری	8 Signature of Government servant دستخط سرکاری ملازم
C.T 445/1999 11/11/1999			RS. P. 3783/2000	RS. P.		12/1/99	
-d-	-d-		4137 00			12/2/00	
-do-	-do-						

Attest

 Nadir Khan Bhand Khel
 Advocate
 Dist Courts Kohat

Attest

 Ghassanara (Karak)
 C.T. BPS-19
 GhSS Bhandara (Karak)

9	10	11	12	13	14	15	16	17
Description and expiration of the right of the testator or other party station of office.	Date of termination for probation	Name of party beneficiary	Signature of party	Value of benefit	Date of benefit	Reference to document or instrument of the testator	Reference to document or instrument of the testator	Reference to document or instrument of the testator
Principal		Principal	Principal	Principal	Principal	Principal	Principal	Principal
Principal		Principal	Principal	Principal	Principal	Principal	Principal	Principal
Principal		Principal	Principal	Principal	Principal	Principal	Principal	Principal
Principal		Principal	Principal	Principal	Principal	Principal	Principal	Principal
Principal		Principal	Principal	Principal	Principal	Principal	Principal	Principal
Principal		Principal	Principal	Principal	Principal	Principal	Principal	Principal
Principal		Principal	Principal	Principal	Principal	Principal	Principal	Principal
Principal		Principal	Principal	Principal	Principal	Principal	Principal	Principal
Principal		Principal	Principal	Principal	Principal	Principal	Principal	Principal
Principal		Principal	Principal	Principal	Principal	Principal	Principal	Principal

All
 Adv. Khan Beland Khel
 Advocate
 Court Chambers Kohat

Pension Register No: _____
 Pensioner's Name: MUQABLA KHAN
 Father / Husband name: PIR MUHAMMAD
 Designation: SENIOR CERTIFIED TEACHER
 NIC No.: 1420350775439
 Grade / Scale: 16
 Department: PRINCIPAL GOVT CENTENNIAL
 Pensioner's Type: S.I.I.P.
 Pension Type: SUPERANNUATION
 Date of Birth: 03.02.1956
 Date of appointment: 01.06.1980
 Date of retirement: 03.02.2016
 Date of Death: _____
 Date of commencement: 03.02.2016
 Date of Restoration: 15.06.2028
 Accounts Office ID: KK
 Accounts office Name: Karak
 Federal / Province: Dist. Govt. KP-Provincial
 Length of Qualifying Service: 35 years, 8 months, 2 days
 Old PPO Number: _____
 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: VILLAGE BOGARA TEHSIL
 TANASUFI KARAK

Last Drawn Pension (Rs.) 195
 Gross Pension (Rs.) 2787.44
 With Surrendered Pension (Rs.) _____
 Commuted Pension (Rs.) 18115.10
 Net Family Pension (Rs.) 0.00
 Amount of Commutation (Rs.) 1448388.00
 With Held Amount (Rs.) 0.00
 Life Time Arrears (Rs.) 0.00
 Arrears of Pension (Rs.) 0.00
 Special Arrears Pension (Rs.) 0.00
 Commutation Percentage 35.00
 Commutation Table value 12.37
 Recovery on A/C of _____
 Debitable to Govt : Dist. Govt. KP-Provincial
 Total Net Share
 Federal: 0.00 Punjab: 0.00
 Sindh: 0.00 NWFP: 0.00
 Balochistan: 0.00 Military: 0.00
 AJK: 0.00 Autonomous: 0.00

Payment Mode: _____
 Bank Branch: _____
 Bank Account Number: 3440-5
 Employee Station: Principal Govt Centennial Model School

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	03.02.2010	15.00%	2717.72	03.02.2016
2	03.02.2014	15.00%	3125.37	03.02.2016
3	03.02.2013	15.00%	3594.18	03.02.2016
4	03.02.2014	10.00%	2755.54	03.02.2016
5	03.02.2015	10.00%	3031.09	03.02.2016
6	03.02.2016	25.00% Medical	4167.16	03.02.2016

Signature: _____
 Principal Govt Centennial Model School
 Chokara, Dist. Karak

CHAIRMAN
 Provincial Government
 Accounts Department

A sum of Rs. 1448388.00 (Rupees ONE MILLION FOUR HUNDRED FORTY EIGHT THOUSAND THREE HUNDRED EIGHTY EIGHT) on account of commuted value of pension is also payable.

The Payment value is debitible to the head.
 Major Object A04 Transfer Payments.
 Minor Object A041 Superannuation Allowance and Pension
 Detailed Object A04101 Pension
 A04102 Commuted value Pension.
 A04103 Gratuity Civil
 A04104 Other Pension
 A04105 Gratuity Pension (Where Pension is not mature)
 A04170 Others

Signature: _____
 District Accounts Officer
 Karak

(Designation) _____
 To The _____
 The _____
 Date _____
 District Accounts Officer
 Karak

Attested

Signature: _____
 Nadir Khan Beland Khel
 Advocate
 Distt Courts Kohat

Amx(B)

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20

Government of N.W.F.P
Finance Department
No SO(FR):0-22(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.

Arrest C

PKH

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/C.T	15
4.	AW/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-Quran 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./M.A 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

Attended

[Signature]

Nadir Khan Beland Khel
A. M. Khan
Distt Courts Kohat

2. 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

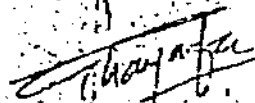
[Signature]

[Signature]

16

meeting held on 26-09-2007 of the committee constituted vide Schools & Literacy
Department Notification No. SO(GYS&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)

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


Section Officer (FR)



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

Dated Peshawar, 11.07.2012

NOTIFICATION:

No. SO (B & A)/1-18/R&SE/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 School 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, 33,452 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 Technology (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 Technology (Sr. TT)	"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.

Attested
[Signature]
Advocate
Distt Courts Kohat

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13.	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.
14.	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 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-13)	All the existing posts of Qari/Qaria are upgraded to BPS-13 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(B)/2010 Dated Pesh: the 16/07 2012

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

F. ul-Ha
SECTION OFFICER (FR)
FINANCE DEPARTMENT

Encls. 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.

OFFICE
of the High Court
Peshawar



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.

ڈیپٹی سیکریٹری
 فینانس
 گورنمنٹ آف خیبر پختونخوا
 پشاور

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

Dear Sir,

I am directed to invite your attention to the subject matter 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.

*Nadir Khan Belal
 Advocate
 Distt Courts Kohat*

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)

ڈیپٹی سیکریٹری
 فینانس
 گورنمنٹ آف خیبر پختونخوا
 پشاور

PL. Link with the references mentioned in this letter is discuss.

19/2

-1-


Notional Registrar

Notional Registrar
 Peshawar High Court,
 Peshawar Bench

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 Aghar)
Section Officer (SR-1)

20

Amx(E) (16)

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

Writ Petition No. 413 /2016

11/NO 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

Nadir Khan Beland Khel
Advocate
Distt Courts Kohat

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 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
26 MAY 2016
Additional Registrar

Handwritten signature

Handwritten signature and stamp

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172

- 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
8/6/2016
Additional Registrar

ATTESTED
EXAMINER
High Court
Peshawar

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(19)

(13)

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~~ **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;

Filed Today
 29 MAY 2016
 Additional Registrar

G R O U N D 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

RECEIVED
 MEMBER
 High Court
 Mysore Bench

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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

Rawood

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
Lower High Court

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 (15)

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.

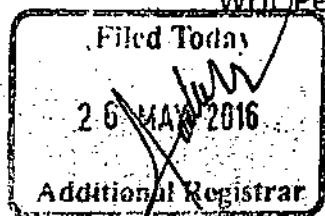
- D. That the said benefit of the one advance pre-mature increment are availing the clerical staff of the audit etc which is clear cut discrimination with the petitioners and action of the respondents is against the principle of equity and also violated the norms of justice.

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

ATTACHED
 CLERK
 Registrar High Court

26

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>Mr. Masooq Iqbal Khattak advocate for petitioner.</p> <p>*****</p> <p><u>ABDUL SHAKOOR, J.---</u></p> <p>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>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>CERTIFIED TO BE TRUE COPY</p> <p><i>5/7/2018</i></p> <p>Examiner Peshawar High Court Bannu Bench Authorised Under Article 87 of The Qanun-e-Shahadat Ordinance 1984</p> <p><i>Office</i> <i>03/9/2018</i></p>

27 ~~Amx (J)~~ ~~Amx (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)
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

Mr. Fazal Shah Mohmand, Addl. Advocate General For respondents

Attended

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

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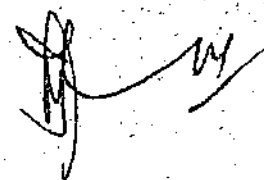
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Appeal No.754/2019 filed "Muhammad Karnal Versus the Secretary Education (E&SE), Government of Khyber Pakhtunkhwa, Civil Secretary, Peshawar and others", Service Appeal No. 755/2019 titled "Naeem Ullah Versus the Secretary Education (E&SE), Government 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. 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 SSI 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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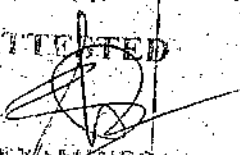
Vide a later order dated 17.01.2022, another chance was given to the respondents to submit reply, failing which their right was to be struck off. No reply was received on behalf of the respondents. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General 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.


(FARIEHA PAUL)
Member (E)


(SALAH-UD-DIN)
Member (J)

Received by
*Fazle Subhan
Khyber Pakhtunkhwa
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Peshawar

Date of Presentation	21-9-23
Number of Pages	6-P
Copying Fee	20/-
Urgent	✓
Total	30/-
Name of Copy	
Date of Completion	23-10-23
Date of Delivery	23-10-23

بعدالت صوبہ سندھ سٹریٹس کمیٹی - شیام

قیمت ایک روپیہ

نامہ رمضان علیہ صلوات اللہ علیہ کے کوٹھ سا۔

BL-18-1001

0307-8321929

کورٹ فیس

۲۰ منجانب

نام سکرٹری ایجوکیشن دہلی

مقابلہ خان

مقدمہ

مقدمہ

دعوے

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 بر حلقہ 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 یا طرفہ یا اپیل کی برآمدگی ابجد منسوخی 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 داخنتہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ 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۔

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ماہ

المرقوم

العبد

مقابلہ خان

مقام شیام کے لئے منظور ہے۔

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میسر