


FORM OF ORDER SHEET


Court of _____

Appeal No. 1252/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	3/9/2024	<p>The appeal of Mr. Fida Muhammad presented today by Mr. Fazal Illahi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 10/9/2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The present appeal was returned to the counsel for the appellant for completion and resubmission within 15 days. To day he resubmitted the same without removing the object no. 1 & 3.

Report submitted for perusal please.


19/8/24
Assistant
Institution Section

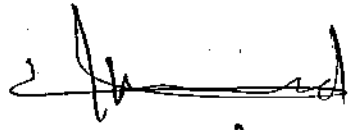
objection sustained. Be return for
doing the needful and resubmission
within ten days. R
28/8/24

NO: 655

Dated: 02/09/2024

R/s.

Re-submitted after doing the
needfull. Be placed before the honorable
S.B. for P.H. please.


Adv. Peshawar.

The appeal of Mr. Fida Muhammad received today i.e on 01.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ①- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ✓ 2- Copy of retirement order mentioned in para-6 of the memo of appeal (Annexure-D) is not attached with the appeal be placed on it.
- ③- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 488 /Inst./2024/KPST,

Dt. 01/08 /2024.

Amalullah
OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Fazal Elahi Adv.
Supreme Court at Peshawar.

- R/Sir, As per direction given above, the address of the appellant is complete in all respect & aspect, needs no alteration or addition.
- 2) The retirement order is hereby attached and marked as "D/I" accordingly.
 - 3) one spare copy of the appeal, complete in all respect is also enclosed and thus all the (03) objections are hereby removed. Kindly be placed before the available S.B for P.H please.

[Signature]
Advocate, Peshawar.
19/08/2024

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR


CHECK LIST

Case Title: Fida Muhammad vs Govt. of KPs & others.

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Pazal Idris Ak

Signature: 

Dated: 1/8/24

①

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

S. Appeal No:- 1252 -P/2024

Fida Muhammad**Versus**Govt: of KP & others.

I N D E X

S#	Description of the Documents	Annex	Pages
1.	Main Appeal.		01-06
2.	Affidavit		07
3.	Copy of appointment order.	"A"	08
4.	Copy of the office order.	"B"	09-10
5.	Copy of the Tentative Seniority List as stood on 31-12-2021.	"C"	11-12
6.	Copy of the retirement order.	"D"	13
7.	Copy of the Order/Judgment in Service Appeal No. 1332/2022	"E"	14-16
8.	Copy of departmental appeal.	"F"	17
9.	Vokalatnama Nama.		18

Dated:- 25/07/2024

Fida
Appellant.

Through:-

Fazal Elahi
Fazal Elahi
Advocate Supreme Court
M.P. 0333910/310
2
DAWOOD KHAN
Advocate, Peshawar.
Bc-10-7221,

(2)

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL
P E S H A W A R.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15090

Dated 1/8/24

S. Appeal No:- 1252 -P/2024

Fida Muhammad S/O Manjwar Khan, Ex-Assistant
Accountant (Rtd) and R/O Village Dara, Tehsil & District Swabi.
office of District Accounts office (DAO) Swabi, **Appellant.**
Finance Department, Government of K.P.

Versus

1. The Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary to the government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.
3. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar. **Respondents**

Filed to-day
Registrar
1/8/24.

Appeal under Section 4 of the Khyber Pakhtunkhwa service Tribunal Act, 1973

Respectfully Sheweth:-

The facts pertaining to this appeal are as under: -

1. That the appellant is a peaceful and law abiding citizen of the country and is permanently residing at the address given above.

That the appellant, being qualified and legally entitled, was recruited against the post of Sub-Accountant in Peshawar Treasury on 22/10/1987. **(Copy of the appointment order is annexure "A").**

3. That after his appointment against the said post of Sub-Accountant, the appellant joined his service and assumed his charge/duty as such in his respective department.
4. That vide letter No FO (FRC)5-21/87 dated 25/01/1989, upon the direction of the Finance department, selection

Re-submitted to-day
and filed.
Registrar
2/8/24.

③

grade was granted to the couple of employees including the appellant which was endorsed/implemented vide office order dated 01-10-1992, passed by the then Worthy Commissioner Mardan and a result thereof, the appellant was bestowed upon with BPS-14. **(Copy of the office order is annexure "B")**.

5. That with the passage of time the appellant was promoted to the post of Assistant Accountant (BPS-17) whereas his name was figured at S.No. 05 of the Tentative Seniority List as stood on 31-12-2021. **(Copy of the Tentative Seniority List as stood on 31-12-2021 is annexure "C")**.
6. That the appellant served the esteemed department throughout the cream of his life with great zeal, zest and enthusiasm and no adverse remarks whatsoever has ever been assigned to him from any quarter while proceeding at the age of superannuation, ultimately got retired from service on 14/02/2022 A.N. **(Copy of the retirement order is annexure "D")**.
7. That since vacancies of higher responsibility were available in the next higher rank/grade and the Appellant was fully qualified, legally entitled and highly deserving candidate to be promoted but was not considered as such from the date of occurrence of the vacancy.
8. That one of the colleague of the appellant namely M. Qazi Sher Afzal, much junior to him, standing at S.No. 11 of the Tentative Seniority List ibid now has been granted notional promotion after his retirement by this august Tribunal vide Service Appeal No. 1332/2022, decided on 04-09-2023 whereas the Order/Judgment has also been implemented properly. **(Copy of the Order/Judgment in Service Appeal No. 1332/2022 is annexure "E")**.

4

9. That the appellant being fully qualified, legally entitled and highly deserving candidate to be promoted to the next higher rank/grade, submitted departmental appeal to the respondent No. 3, but the same is still pending decision. **(Copy of departmental appeal is annexure "F")**.
10. That feeling aggrieved of the action inaction of the respondents and remarkable discrimination meted out in service, the appellant approach and solicits this Honorable Tribunal for redressal of his grievance in shape of granting notional promotion to the next higher rank/grade inter-alia on the following grounds.

GROUND S:-

- A. That the appellant while aggrieved of the action, inaction and omission on part of the respondents to deprive him from his legitimate right of promotion being eligible and entitled to be promoted to the next higher post on regular basis with effect from the date of his eligibility, occurring of Vacancy and finally when such promotion accorded to other similarly placed persons, his junior colleagues and batchmats. The appellant was not treated fairly, justly and in accordance with law which was utterly wrong, illegal, unlawful and unconstitutional and against the fundamental rights of the appellant.
- B. That the appellant is fully qualified to be considered and promoted to the next higher post, but for reasons extraneous to law and known to the respondents, he has been denied the fundamental rights of the appellant guaranteed by the Constitution.
- C. That there were vacancies available during the active service time of the appellant and efforts were also made to convince the respondents to convene the meeting of

Departmental Promotion Committee, so as to decide the promotion case of the petitioner, but in vain.

- D. *That since colleague of the appellant, much junior to him has been promoted, therefore, on this score alone, the appellant deserves to be promoted as such as the case of both the Ex-employees stands on one and the same pedestal.*
- E. *That the act by not promoting the appellant speaks of discrimination, as a colleague junior to him has been promoted whereas the case of the appellant has not been considered at all.*
- F. *That inaction of the respondents is resulting in huge loss to the appellant.*
- G. *That the appellant is entitled to equal protection of law and equal treatment of law as provided in the Constitution.*
- H. *That the appellant has time and again been discriminated by the respondents and thus misprized and neglected by not giving him his due right as the appellant is entitled to be given the same status and accorded with the same treatment as was accorded to other colleagues of the same batch of the appellant and in the light of maxim that equality is equity and that justice is steady and unceasing disposition to render to every person his due.*
- I. *That it has been held by the superior judiciary that similarly placed person would have the same right and denial of equal rights of such like persons is abhorred. 2006 CLC: Page 1555.*
- J. *That in essence the case of the appellant revolve around Article 25 of the Constitution of Islamic of Pakistan 1973 and has numerously been held in a plethora of judgments*

6

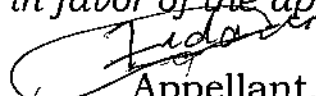
by the superior judiciary that no discrimination to similarly placed person is allowable. Reliance can be placed on 2004 CLC 1353, 2002 PLC C57, 2011 PLD SC 44, 2005 SCMR 295-3009, 2011 SCMR 848, PLD 2001 SC 340, PLD 1957 SC 46, PLD 1993 SC 341, 1991 SCMR 1041 etc.

- K. That the act of respondents in neglecting and refusing the right of notional promotion on regular bases is also against the divine ordain of Allah Almighty as under the principle of natural justice and fundamental human rights of the appellant, the respondents have usurped the right of a human being and have thus bypassed the divine rule to give everyone his due right.
- L. *That the act of respondent is without lawful authority and based on malafide.*
- M. *That the act of the respondents is but against the norms and principles of natural justice.*
- N. *That besides the grounds agitated above the appellant may rely upon additional grounds during hearing.*


It is, therefore, prayed that by accepting this appeal, the respondents may please be directed to ensure the notional promotion of the appellant to the next higher grade and post as prayed for with all consequential back benefits.

Any other remedy, which deems fit by this Honorable Tribunal, may also be granted in favor of the appellant.

Dated:- 10/07/2024


Appellant.

Through:-


Fazal Elahi
Advocate Supreme Court
Mob 0303905301
DAWOOD KHAN
Advocate,

(7)

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

S. Appeal No:- _____/2024

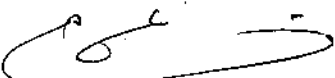
Fida Muhammad **Versus** Govt: of KP & others.

AFFIDAVIT


I, **Fida Muhammad** S/O **Manjavar Khan**, Ex-Assistant
Accountant (Rtd) R/O Village Dara, Tehsil & District Swabi,
(The appellant) do hereby solemnly affirm and declare on oath
that the contents of this accompanying appeal are true and
correct to the best of my knowledge and belief and nothing has
been concealed from this Honorable Tribunal.

Identified by

APPELLANT



Fazal Elahi
Advocate Supreme Court


(Fida Muhammad)
CNIC No:- 16202-9978788-9
Cell No:- 0314 9890195



8

Annex "A"

OFFICE OF THE COMMISSIONER, PESHAWAR DIVISION, PESHAWAR.

OFFICE ORDER.

No. 9405 /Try: Dated Peshawar the 22.10 /1987.
I-G-666(143)

Syed Mushtaq Ali Shah, Sub-Accountant Peshawar Treasury is hereby transferred and posted as Sub-Accountant District Accounts Office, Mardan against the Vacancy caused due to the transfer of Mr. Kafiyatullah to Charsadda Sub-Treasury.

Mr. Fida Mohammad son of Meinjowor village and post Office Darra, Tehsil Swabi District Mardan is hereby appointed as Sub Accountant in Peshawar Treasury in Place of Syed Mushtaq Ali Shah on Temporarily basis. He will draw pay and allowances from the date of taking over in B-11.

Sd/-
Commissioner,
Peshawar Division, Peshawar.

True Copy
[Signature]

No. 9406-12 /Try: Dated Peshawar the 22.10 /1987.

Copy of the above order is forwarded to the:-

1. Accountant General, N.W.F.P., Peshawar.
2. Deputy Commissioner, Mardan for necessary action. The temporary local arrangements already made may please be withdrawn.
3. Deputy Commissioner, Peshawar for information and necessary action.
4. Treasury Officer, Peshawar for information.
5. District Accounts Officer, Mardan for necessary action.
6. Syed Mushtaq Ali Shah, Sub Accountant, Peshawar Treasury for compliance.
7. Mr. Fida Mohammad son of Meinjowor village and Post office Darra, Tehsil Swabi, District Mardan for compliance. His appointment as Sub Accountant is subject to the following conditions:-

(i) The appointment will take place w.e.f. the date of taking over Charge. No TA/DA will be allowed for joining appointment.

(ii) His appointment is temporary and liable to be terminated without any notice or reason. He will However be required to submit one month notice if he wishes to resign or in lieu thereof forfeit on month's Pay.

ATTSTED

[Signature]
Assistant to Commissioner (REV/GA)
Peshawar Division, Peshawar.

Annex - "B"

09

OFFICE OF THE COMMISSIONER, MARDAN DIVISION, MARDAN

OFFICE ORDER

In pursuance of Finance Department Govt of NWFP, instructions contained in letter No. FD(PRC)5-21/87 dated 25.1.1989, under mentioned officials of District Accounts Offices of Mardan Division, are hereby granted selection grades DPS-15 and BPS-14 in their respective cadres as noted against each:-

- 1- Mr Abdul Qayum, Assistant Accountant - Granted selection grade in DPS-15 w.e.f 18.3.92.
- 2- Mr Said Ali Shah, Sub Accountant - Granted selection grade in BPS-14 w.e.f 23.1.92.
- 3- Mr Wida Muhammad, Sub Accountant - Granted selection grade in BPS-14 w.e.f 18.3.92.

sd/-
COMMISSIONER,
MARDAN DIVISION, MARDAN.

No. 4995-5002/4/2/89-GA

Dated Mardan, the 01/10/1992.

Copy forwarded to:-

- 1. The Deputy Commissioner, Mardan.
- 2. The District Accounts Officer Mardan.
- 3. The District Accounts Officer Swabi.
- 4-6. The officials concerned.
- 7-9. Personal files.

True Copy
COB

Jubel
HLL

Assistant to Commissioner (Rev),
for Commissioner Mardan Division, Mardan.

th

Niamat/-

ATTSTED

10-1

Better copy
C

Office of the Commissioner, Mardan Division, Mardan.

Office Order.

In pursuance of finance DEPARTMENT Govt of NWFP, instruction contained in letter No. FD(FRC)5-21187 dated 25-01-1989, under mentioned officials of District Accounts officer of Mardan division are hereby granted selection grades BPS-15 and BPS-14 in their respective cadres as noted against each:-

1. Mr Abdul Qayum Assistant Accountant - Granted selection grade in BPS- 15 w.e.f 18.3.1992.
2. Mr said Ali Shah, Sub Accountant - Granted selection grade in BPS- 14 w.e.f 18.3.92.
3. Mr. Fida Muhammad , sub Accountant - Grated selection grade in BPS-14 w.e.f 18.3.92.

Sd-
COMMISSIONER
Mardan Division Mardan.

NO. 4995-5002/4/2/89-GA

DATED Mardan , the 01/10/1992.

Copy forwarded to:-

1. The deputy commissioner, Mardan
2. The District Accounts officer Mardan.
3. The District Accounts officer Swaqbi.

4-6. The officials concerned.

7-9 Personal files

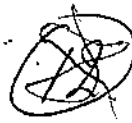
Assistant to commissioner (Rev).
For commissioner Mardan, Division, Mardan.

ATTACHED

Annex - C



True Copy



Annex - D

GOVERNMENT OF KHYBER PAKHTUNKHWA
Finance Department

Dated the Peshawar: 01.04.2022

TENTATIVE SENIORITY LIST OF ASSISTANT ACCOUNTANTS (BS-17) OF TREASURY ESTABLISHMENT KHYBER PAKHTUNKHWA AS IT STOOD ON 31-12-2021.

Sanctioned Posts	148
EMed posts	120
Vacant Posts	18

ATTSTED

S. No	Name of the Officer	Domicile and Date of Birth	Academic and SAS Qualification	Date of 1st Entry into Government Service	Date of Regular Appointment as Asstt. Acctt.	Place of Present Posting	Remarks
1	2	3	4	5	6	7	8
1	Mr. Iftikhar Hussain Shah	Haripur 03/03/1963 /	MA NIL	29/09/1985	04/05/2005	DAO, Swabi	
2	Mr. Sher Andaz	Bannu 15/12/1965	MA SAS (2015)	10/11/1981	07/01/2006	Deputation to BISE Bannu	ATO (Acting Charge)
3	Mr. Umar Radshah	Karak 23/02/1964	MA/B com SAS* (15-01-2018)	13/03/1986	07/01/2006	DCA, Kohat	
4	Mr. Bahroz Khan	Bannu 30/04/1963 /	MA NIL	02/05/1987	24/01/2008	DAO, Buner	
✓ 5	Mr. Fida Mohammad	Swabi 15/04/1962 /	BA NIL	01/11/1987	01/11/2010	DAO, Swabi	
6	Mr. Abdul Saeed	Kohat 20/05/1962 /	BA NIL	29/09/1988	01/11/2010	DCA, Kohat	
7	Mr. Shah Zaman	Mardan 11/02/1968	M.COM NIL	17/08/1988	09/08/2012	DAO, Buner	
8	Mr. Salim Khan	Mardan 10/04/1966	B.com/ MA NIL	17/08/1988	09/08/2012	DCA, Charsadda	
9	Mr. M. Yassin Shah	Bannu 24/01/1966	MA NIL	01/09/1988	09/08/2012	DCA, Bannu	

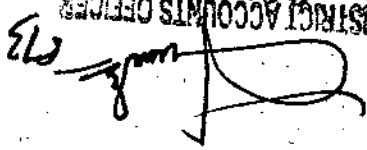
11

(13)

10	Mr. Gohar Zad Khan	Bannu	BA	16/08/1989	09/08/2012	DAO, Lakki Marwat	
		06/01/1968	NIL				
11	Mr. Q. Sher Afzal	Peshawar	D.com	17/09/1989	09/08/2012	DCA, Peshawar	
		15/01/1962	NIL				
12	Mr. Fayaz Ahmad	Charsadda	BA	17/09/1989	09/08/2012	DCA, Abbottabad	
		15/03/1964	NIL				
13	Mr. Zakirullah	Peshawar	BA	17/09/1989	09/08/2012	DCA, Peshawar	
		20/02/1966	SAS (2015)				
14	Mr. Sheraz Muhammad	Peshawar	BA	03/10/1989	09/08/2012	DCA, Peshawar	
		06/09/1966	NIL				
15	Mr. Muhmmad Niaz	Abbottabad	BA	02/06/1984	09/08/2012	DCA, Abbottabad	
		25/03/1966	NIL				
16	Mr. Samiul Haq	Dir Lower	MA	29/01/1991	09/08/2012	DAO, Malakand	
	11/01/1963	NIL					
	Mr. Kanmat Ali	Swat	BA	18/09/1982	09/08/2012	DCA, Swat	
	20/01/1963	NIL					
18	Mr. S. Abid Ali Shah	Peshawar	D.com	03/02/1991	09/08/2012	DCA, Peshawar	
		25/09/1966	NIL				
19	Mr. Fazal Amin	Peshawar	MSC	03/02/1991	09/08/2012	Deputation to Mines & Minerals Dept	
		01/01/1968	NIL				
20	Mr. Mir Azam Khan	Chitral	MA	24/01/1990	09/08/2012	On deputation to Forest	
		10/02/1967	SAS (15-01-2018)				
21	Mr. Jehangir Khan	Abbottabad	BA	18/02/1991	09/08/2012	DAO, Haripur	
		27/07/1966	NIL				
22	Mr. Rambaal Khan	Bannu	MA	05/03/1991	09/08/2012	DCA, Bannu	
		17/02/1965	NIL				
23	Mr. Nazim Hussain	Peshawar	MA	30/04/1991	09/08/2012	On deputation to CB & SFD	ATO(Acting Charge)
		07/10/1967	SAS (2013)				
24	Mr. Fazli Mabood	Swat	MA	27/07/1992	09/08/2012	DAO, Malakand	
		10/04/1964	NIL				
25	Mr. Sher Zaman	Lakki Marwat	MA	26/06/1993	09/08/2012	DAO, Lakki Marwat	
		19/08/1964	NIL				
26	Mr. Fakhru Isalm	Lakki Marwat	D. com	26/06/1993	09/08/2012	DCA, D.I.Khan	
		09/01/1969	NIL				
27	Mr. Khalid Mehmood	Mansehra	M. com	21/07/1993	09/08/2012	DAO, Kohistan Lower	
		15/03/1962	NIL				
28	Mr. Shah Qiaz	Bannu	BA	22/07/1993	09/08/2012	DAO, N.W	
		20/09/1971	NIL				
29	Mr. Inamullah	Mardan	BSC	25/07/1993	09/08/2012	DAO, Dir Lower	
		20/01/1966	NIL				

(14)

ATTSTED


 DISTRICT ACCOUNTS OFFICER
 SWAMI


D.O.B: 15.02.1962 34 Years 00 Months 001 Days
 LFP Quota: HCB BANK LIMITED 0766920641000796
 Shah Hansoor Bt, SWA

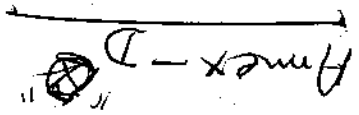
Total Deductions 8,209.00
 123,591.00

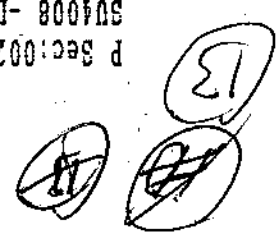
0001-Basic Pay 67,170.00
 1001-House Rent Allowance 458 6,650.00
 1210-Convey Allowance 2005 5,000.00
 1947-Medical Allow 158 (16-22) 2,811.00
 2135-Audit/Accts. Allowance 13,434.00
 2146-154 Adhoc Relief All-2013 1,420.00
 2199-Adhoc Relief Allow 8108 944.00
 2211-Adhoc Relief All 2016 108 4,788.00
 2224-Adhoc Relief All 2017 108 6,717.00
 Gross Pay and Allowances 131,800.00
 DEDUCTIONS:
 17 Payable 46,470.32 Deducted 22,519.00
 3501-Benevolent Fund 1,500.00
 4004-R. Benefits & Death Comp: 900.00

PAYS AND ALLOWANCES:
 17 Active Temporary 504008

P Sec:002 Month:October 2021
 504008-DAO SWAMI TREASURY STAFF
 TREASURY ESTABLISHMENT SW
 HTN: 5631744-3
 GPF #: Old #: Assistant Accountant
 Name: RIDA MUHAMMAD YOUSAFZAI CNIC No.1620299787885
 Pats #: 00230648 Buckler: GPF Interest Applied
 17 Active Temporary

True copy


Amex-D




S# 1 Sawabi



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

OFFICE ORDER

Date of Post: the 26-10-2021

No. SO(Estt-1)FD/1-32/LPR/2021. In pursuance of sub-section (2) of section 13(A) of the Khyber Pakhtunkhwa civil servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973) read with sub-section (3) thereof, Mr.Fida Muhammad, Assistant Accountant (BS-17), District Accounts Office, Swabi shall stand retired from Government service w.e.f. 14.02.2022 (A.N) on attaining the age of superannuation i.e sixtieth (60th) years as his date of birth is 15.02.1962.

2. Sanction is also hereby accorded to the grant of leave encashment of 365 days in lieu of leave preparatory to Retirement (LPR), in respect of the aforesaid retiring officer, in pursuance of Finance Department's notification No.SO(FR)FD/5-92/2005/Vui-V dated 31-12-2012.

SECRETARY FINANCE

Endst: No: & Date even

Copy forwarded to:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa Peshawar with reference to his letter No.1-32/DTRA/21/1198 dated 07.10.2021.
2. The District Accounts Officer, Swabi.
3. The Budget Officer-XI, Finance Department.
4. Mr.Fida Muhammad, Assistant Accountant (BS-17), District Accounts Office, Swabi.
5. PS to Special Secretary, Finance Department.
6. Office order file.

*Ad. Secy. Acctt.
for P. Peshawar*

Section Officer (Estt-1)

Attested

3/11/21
588
4/11/21
DISTRICT ACCOUNTS OFFICER
SWABI

14

Annex - E

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1552 /2022

Mr. Qazi Sher Afzal Assistant Accountant
O/o District Comptroller Of Accounts Peshawar.



(Appellant)

VERSUS

1. The Govt of KP through Chief Secretary, KP, Peshawar .
2. The Chief Secretary, Khyber Pakhtunkhwa Peshawar.
3. The Secretary Finance Deptt: KP, Peshawar.
4. The Director, Treasuries & Accounts Khyber Pakhtunkhwa Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 FOR DIRECTING THE RESPONDENTS TO CONSIDER THE APPELLANT FOR PROMOTION AS ASSISTANT TREASURY OFFICER (BPS-17) FROM HIS DUE DATE/ VACANCY WAS AVAILABLE IN HIS QUOTA AND AGAINST NOT DECIDING DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

*A Request to be made
copy
oh*

PRAYER:

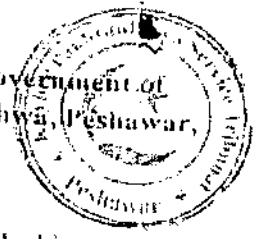
THAT ON THE ACCEPTANCE OF THIS APPEAL THE INACTION /OMISSION OF THE RESPONDENTS NOT PROMOTING THE APPELLANT AS ASSISTANT TREASURY OFFICER (BPS-17) FROM HIS DUE DATE/ VACANCY WAS AVAILABLE IN HIS QUOTA MAY BE DECLARE AS ILLEGAL, UNLAWFUL, AGAINST THE PROMOTION RULES AND NORMS OF JUSTICE AND THE RESPONDENTS MAY PLEASE BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION AS ASSISTANT TREASURY OFFICER (BPS-17) FROM HIS DUE DATE/ VACANCY WAS AVAILABLE IN HIS QUOTA BEING ELIGIBLE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

ATTESTED
[Signature]
District Comptroller
Peshawar

15

77

Service Appeal No.1332/2022 titled "Qazi Sher Afzal Vs. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar, and others".



ORDER

16th Sept. 2023

Mr. Kalim Arshad Khan, Chairman:

Appellant alongwith his counsel

present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr.

Muhammad Kashif Khan, Assistant Director for the respondents present.

2. At the very outset, learned counsel for the appellant produced copy of the judgment passed in Writ Petition No.70-P/2023 decided on 02.05.2023, whereby, case of 13 colleagues of the appellant, was decided in their favor directing the respondents to place the case of the petitioners of the writ petition before the Departmental Promotion Committee for consideration to be promoted, strictly in accordance with law. Mr. Muhammad Kashif Khan, Assistant Director is present on behalf of the respondents has, however, stated that judgment of the Hon'ble Peshawar High Court has been challenged by the department before august Supreme Court of Pakistan by filing CP. He further submitted that the appellant being colleague of the petitioners of the writ petition will be treated equally, in case ultimate decision is given in favor of the petitioners. The learned counsel for the appellant has, however, submitted that during the pendency of this appeal, the appellant had retired and his case would be taken accordingly for benefits which the others would get from the judgment of the Hon'ble Peshawar High Court. As the Hon'ble Peshawar High Court has decided the matter on merits and has directed that the case of the similar persons be placed before the DPC for their consideration for promotion, in accordance with law. Therefore, the appellant has also to be treated alike.

Certified to be true copy

ORDER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

to get true copy
Handwritten signature

- 3. This case is disposed of in view of the above. Consign.
- 4. Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 14th day of September, 2023.

(Signature)
 (Muhammad Akbar Khan)
 Member (E)

(Signature)
 (Kalim Arshad Khan)
 Chairman

Muhammad Shah

Certified to be true copy
(Signature)
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Date of Presentation of Application 22/9/23
 Number of Words 2-p
 Copying Fee 15/-
 Urgent 5/-
 Total 15/-
 Name of Copyist ---
 Date of Completion of Copy 22/9/23
 Date of Delivery of Copy 22/9/23

Attested to be true copy
(Signature)

17

17

Annex - "E"

"F"

To

The Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar.

Subject: APPEAL FOR PROMOTION TO ATO ON NOTIONAL BASIS.

R/Sir

With due respect it is stated that I Mr. Fida Muhammad has been retired from District Accounts Office Swabi as Assistant Accountant in BS-17 on 14.02.2022 (A.N).

As per tentative seniority list of Assistant Accountants BS-17 as stood on 31.12.2021, my seniority number was 5 and according to the reliable sources, sufficient number of Assistant Treasury Officer (ATO) BS-17 posts were available and my promotion was due but I have been deprived of promotion due to making lame excuse of non-availability of posts.

Later on one of my counterpart who was junior than me and was at serial No. 11 in seniority list has been promoted in the light of a writ petition/service appeal No. 1332/2022 before Honourable Peshawar High Court/service tribunal Peshawar.

Therefore, it is requested that my case may also be placed before DPC for considered of promotion to Assistant Treasury Officer (ATO) on notional basis as vacancies were available in quota and being eligible under the rules.

Dated 15-04-2024

sd/-

Fida Muhammad, Asstt: Accountant
District Accounts Office Swabi

Attached to be

True Copy
E.C.

ATTSTED

Fajal Malik
 Mob: 0333-301-301
 Email: Fajal Malik@hotmail.com
 Fajal Malik
 80 @ Facebook
 Fajal Malik
 Fajal Malik

KRST
 کے لئے منظور ہے

Fajal Malik

2024 کا سال
 Fajal Malik

یہ درخواستیں منظور کی گئی ہیں۔
 درخواستوں کی تفصیلات درج ذیل ہیں۔
 درخواستوں کی تفصیلات درج ذیل ہیں۔
 درخواستوں کی تفصیلات درج ذیل ہیں۔
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 درخواستوں کی تفصیلات درج ذیل ہیں۔
 درخواستوں کی تفصیلات درج ذیل ہیں۔
 درخواستوں کی تفصیلات درج ذیل ہیں۔

Fajal Malik

Fajal Malik

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Fajal Malik

Bc-10-7921
 CNIC-17301-70063901

Fajal Malik

①

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

S. Appeal No:- _____-P/2024

Fida Muhammad**Versus**Govt: of KP & others.

I N D E X

S#	Description of the Documents	Annex	Pages
1.	Main Appeal.		01-06
2.	Affidavit		07
3.	Copy of appointment order.	"A"	08
4.	Copy of the office order.	"B"	09-10
5.	Copy of the Tentative Seniority List as stood on 31-12-2021.	"C"	11-12
6.	Copy of the retirement order.	"D"	13
7.	Copy of the Order/Judgment in Service Appeal No. 1332/2022	"E"	14-16
8.	Copy of departmental appeal	"F"	17
9.	Vokalatnama Nama.		18

Dated:- 25/07/2024

Fida
Appellant.

Through:-

Fazal Elahi
Fazal Elahi

Advocate Supreme Court

DAWOOD KHAN
DAWOOD KHAN

Advocate, Peshawar.

(2)

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

S. Appeal No:- _____-P/2024

Fida Muhammad S/O Manjawar Khan, Ex-Assistant
Accountant (Rtd) and R/O Village Dara, Tehsil & District Swabi.
.....**Appellant.**

Versus

1. The Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary to the government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.
3. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar.**Respondents**

**Appeal under Section 4 of the Khyber Pakhtunkhwa
service Tribunal Act, 1973.**

Respectfully Sheweth:-

The facts pertaining to this appeal are as under: -

1. *That the appellant is a peaceful and law abiding citizen of the country and is permanently residing at the address given above.*
2. *That the appellant, being qualified and legally entitled, was recruited against the post of Sub-Accountant in Peshawar Treasury on 22/10/1987. (Copy of the appointment order is annexure "A").*
3. *That after his appointment against the said post of Sub-Accountant, the appellant joined his service and assumed his charge/duty as such in his respective department.*
4. *That vide letter No FO (FRC)5-21/87 dated 25/01/1989, upon the direction of the Finance department, selection*

③

grade was granted to the couple of employees including the appellant which was endorsed/implemented vide office order dated 01-10-1992, passed by the then Worthy Commissioner Mardan and a result thereof, the appellant was bestowed upon with BPS-14. **(Copy of the office order is annexure "B")**.

5. That with the passage of time the appellant was promoted to the post of Assistant Accountant (BPS-17) whereas his name was figured at S.No. 05 of the Tentative Seniority List as stood on 31-12-2021. **(Copy of the Tentative Seniority List as stood on 31-12-2021 is annexure "C")**.
6. That the appellant served the esteemed department throughout the cream of his life with great zeal, zest and enthusiasm and no adverse remarks whatsoever has ever been assigned to him from any quarter while proceeding at the age of superannuation, ultimately got retired from service on 14/02/2022 A.N. **(Copy of the retirement order is annexure "D")**.
7. That since vacancies of higher responsibility were available in the next higher rank/grade and the Appellant was fully qualified, legally entitled and highly deserving candidate to be promoted but was not considered as such from the date of occurrence of the vacancy.
8. That one of the colleague of the appellant namely M. Qazi Sher Afzal, much junior to him, standing at S.No. 11 of the Tentative Seniority List ibid now has been granted notional promotion after his retirement by this august Tribunal vide Service Appeal No. 1332/2022, decided on 04-09-2023 whereas the Order/Judgment has also been implemented properly. **(Copy of the Order/Judgment in Service Appeal No. 1332/2022 is annexure "E")**.

(4)

9. That the appellant being fully qualified, legally entitled and highly deserving candidate to be promoted to the next higher rank/grade, submitted departmental appeal to the respondent No. 3, but the same is still pending decision. **(Copy of departmental appeal is annexure "F")**.
10. That feeling aggrieved of the action inaction of the respondents and remarkable discrimination meted out in service, the appellant approach and solicits this Honorable Tribunal for redressal of his grievance in shape of granting notional promotion to the next higher rank/grade inter-alia on the following grounds.

GROUND S:-

- A. That the appellant while aggrieved of the action, inaction and omission on part of the respondents to deprive him from his legitimate right of promotion being eligible and entitled to be promoted to the next higher post on regular basis with effect from the date of his eligibility, occurring of Vacancy and finally when such promotion accorded to other similarly placed persons, his junior colleagues and batchmates. The appellant was not treated fairly, justly and in accordance with law which was utterly wrong, illegal, unlawful and unconstitutional and against the fundamental rights of the appellant.
- B. That the appellant is fully qualified to be considered and promoted to the next higher post, but for reasons extraneous to law and known to the respondents, he has been denied the fundamental rights of the appellant guaranteed by the Constitution.
- C. That there were vacancies available during the active service time of the appellant and efforts were also made to convince the respondents to convene the meeting of

Departmental Promotion Committee, so as to decide the promotion case of the petitioner, but in vain.

- D. That since colleague of the appellant, much junior to him has been promoted, therefore, on this score alone, the appellant deserves to be promoted as such as the case of both the Ex-employees stands on one and the same pedestal.*
- E. That the act by not promoting the appellant speaks of discrimination, as a colleague junior to him has been promoted whereas the case of the appellant has not been considered at all.*
- F. That inaction of the respondents is resulting in huge loss to the appellant.*
- G. That the appellant is entitled to equal protection of law and equal treatment of law as provided in the Constitution.*
- H. That the appellant has time and again been discriminated by the respondents and thus misprized and neglected by not giving him his due right as the appellant is entitled to be given the same status and accorded with the same treatment as was accorded to other colleagues of the same batch of the appellant and in the light of maxim that equality is equity and that justice is steady and unceasing disposition to render to every person his due.*
- I. That it has been held by the superior judiciary that similarly placed person would have the same right and denial of equal rights of such like persons is abhorred. 2006 CLC: Page 1555.*
- J. That in essence the case of the appellant revolve around Article 25 of the Constitution of Islamic of Pakistan 1973 and has numerously been held in a plethora of judgments*

6

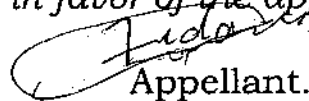
by the superior judiciary that no discrimination to similarly placed person is allowable. Reliance can be placed on 2004 CLC 1353, 2002 PLC C57, 2011 PLD SC 44, 2005 SCMR 295-3009, 2011 SCMR 848, PLD 2001 SC 340, PLD 1957 SC 46, PLD 1993 SC 341, 1991 SCMR 1041 etc.

- K. That the act of respondents in neglecting and refusing the right of notional promotion on regular bases is also against the divine ordain of Allah Almighty as under the principle of natural justice and fundamental human rights of the appellant, the respondents have usurped the right of a human being and have thus bypassed the divine rule to give everyone his due right.
- L. *That the act of respondent is without lawful authority and based on malafide.*
- M. *That the act of the respondents is but against the norms and principles of natural justice.*
- N. *That besides the grounds agitated above the appellant may rely upon additional grounds during hearing.*


It is, therefore, prayed that by accepting this appeal, the respondents may please be directed to ensure the notional promotion of the appellant to the next higher grade and post as prayed for with all consequential back benefits.

Any other remedy, which deems fit by this Honorable Tribunal, may also be granted in favor of the appellant.

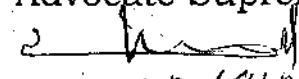
Dated:- 10/07/2024


Appellant.

Through:-


Fazal Elahi

Advocate Supreme Court


DAWOOD KHAN

(7)

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

S. Appeal No:- _____/2024

Fida Muhammad **Versus** Govt: of KP & others.

AFFIDAVIT

I, **Fida Muhammad** S/O **Manjwar Khan**, *Ex-Assistant Accountant (Rtd) R/O Village Dara, Tehsil & District Swabi,*

(The appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

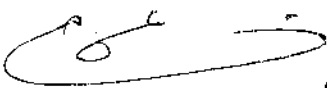
Identified by

APPELLANT

(Fida Muhammad)

CNIC No:- 16202-9978788-9

Cell No:- 0314 9890195



Fazal Elahi
Advocate Supreme Court



8

Annex - "A"

OFFICE OF THE COMMISSIONER, PESHAWAR DIVISION, PESHAWAR.

OFFICE ORDER.

No. 9405 /Try: Dated Peshawar the 22.10 /1987.
I-G-666(143)

Syed Mushtaq Ali Shah, Sub-Accountant Peshawar Treasury is hereby transferred and posted as Sub-Accountant District Accounts Office, Mardan against the Vacancy caused due to the transfer of Mr. Kafyatullah to Charsadda Sub-Treasury.

Mr. Fida Mohammad son of Meinjowor village and post Office Darra, Tehsil Swabi District Mardan is hereby appointed as Sub Accountant in Peshawar Treasury in Place of Syed Mushtaq Ali Shah on Temporarily basis. He will draw pay and allowances from the date of taking over in B-11.

Sd/-
Commissioner,
Peshawar Division, Peshawar.

True Copy
[Signature]

No. 9406-12 /Try: Dated Peshawar the 22.10 /1987.

Copy of the above order is forwarded to the:-

1. Accountant General, N.W.F.P., Peshawar.
2. Deputy Commissioner, Mardan for necessary action. The temporary local arrangements already made may please be withdrawn.
3. Deputy Commissioner, Peshawar for information and necessary action.
4. Treasury Officer, Peshawar for information.
5. District Accounts Officer, Mardan for necessary action.
6. Syed Mushtaq Ali Shah, Sub Accountant, Peshawar Treasury for compliance.

7. Mr. Fida Mohammad son of Meinjowor village and Post office Darra, Tehsil Swabi, District Mardan for compliance. His appointment as Sub Accountant is subject to the following conditions:-

(i) The appointment will take place w.e.f. the date of taking over Charge. No TA/DA will be allowed for joining appointment.

(ii) His appointment is temporary and liable to be terminated without any notice or reason. He will However be required to submit one month notice if he wishes to resign or in lieu thereof forfeit on month's Pay.

ATTSTED

[Signature]
Assistant to Commissioner (REV/GA)
Peshawar Division, Peshawar.

Annex - "B"

09

OFFICE OF THE COMMISSIONER, MARDAN DIVISION, MARDAN

OFFICE ORDER

In pursuance of Finance Department Govt of NWFP, instructions contained in letter No. FD(SEC)5-21/87 dated 25.1.1989, under mentioned officials of District Accounts Offices of Mardan Division, are hereby granted selection grades BPS-15 and BPS-14 in their respective cadres as noted against each:-

- 1- Mr Abdul Nayum, Assistant Accountant - Granted selection grade in BPS-15 w.e.f 18.3.92.
- 2- Mr Said Ali Shah, Sub Accountant - Granted selection grade in BPS-14 w.e.f 23.1.92.
- 3- Mr Fida Muhammad, Sub Accountant - Granted selection grade in BPS-14 w.e.f 18.3.92.

sd/-
COMMISSIONER,
MARDAN DIVISION, MARDAN.

No. 4995-5002/4/2/89-GA

Dated Mardan, the 01/10/1992

Copy forwarded to:-

1. The Deputy Commissioner, Mardan.
2. The District Accounts Officer Mardan.
3. The District Accounts Officer Swabi.
- 4-6. The officials concerned.
- 7-9. Personal files.

True Copy
CO

*Label
HERE*

Assistant to Commissioner (Dev),
for Commissioner Mardan Division, Mardan.

th

Niamat/-

ATTSTED

10-1

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Office of the Commissioner, Mardan Division, Mardan.

Office Order.

In pursuance of finance DEPARTMENT Govt of NWFP, instruction contained in letter No. FD(FRC)5-21187 dated 25-01-1989, under mentioned officials of District Accounts officer of Mardan division are hereby granted selection grades BPS-15 and BPS-14 in their respective cadres as noted against each;-

1. Mr Abdul Qayum Assistant Accountant – Granted selection grade in BPS- 15 w.e.f 18.3.1992.
2. Mr said Ali Shah, Sub Accountant – Granted selection grade in BPS- 14 w.e.f 18.3-92-
3. Mr. Fida Muhammad , sub Accountant – Grated selection grade in BPS-14 w.e.f 18.3-92-

Sd-
COMMISSIONER
Mardan Division Mardan.

NO. 4995-5002/4/2/89-GA

DATED Mardan , the 01/10/1992.

Copy forwarded to;-

1. The deputy commissioner, Mardan
2. The District Accounts officer Mardan.
3. The District Accounts officer Swaqbi.
- 4-6. The officials concerned.
- 7-9. Personal files

Assistant to commissioner (Rev).
For commissioner Mardan, Division, Mardan.

ATTACHED

Annex - "C"



True Copy
Cob

(11)

Annex - "D"

GOVERNMENT OF KHYBER PAKHTUNKHWA
Finance Department

Dated the Peshawar: 01.04.2022

TENTATIVE SENIORITY LIST OF ASSISTANT ACCOUNTANTS (BS-17) OF TREASURY ESTABLISHMENT KHYBER PAKHTUNKHWA AS IT STOOD ON 31-12-2021.

Sanctioned Posts	148
Filled posts	100
Vacant Posts	18

ATTSTED

S. No	Name of the Officer	Domicile and Date of Birth	Academic and SAS Qualification	Date of 1st Entry into Government Service	Date of Regular Appointment as Asstt. Acctt:	Place of Present Posting	Remarks
1	2	3	4	5	6	7	8
1	Mr. Iftikhar Hussain Shah	Haripur 03/03/1963 /	MA NIL	29/09/1985	04/05/2005	DAO, Swabi	
2	Mr. Sher Andaz	Bannu 15/12/1965	MA SAS (2015)	10/11/1981	07/01/2006	Deputation to BISE Bannu	ATO (Acting Charge)
3	Mr. Umar Badshah	Karak 23/02/1964	MA/R com SAS (15-01-2018)	13/03/1986	07/01/2006	DCA, Kohat	
4	Mr. Bahroz Khan	Bannu 30/04/1963 /	MA NIL	02/05/1987	24/01/2008	DAO, Buner	
✓ 5	Mr. Fida Mohammad	Swabi 15/04/1962 /	BA NIL	01/11/1987	01/11/2010	DAO, Swabi	
6	Mr. Abdul Saeed	Kohat 20/05/1962 /	BA NIL	29/09/1988	01/11/2010	DCA, Kohat	
7	Mr. Shah Zaman	Mardan 11/02/1968	M.COM NIL	17/08/1988	09/08/2012	DAO, Buner	
8	Mr. Salim Khan	Mardan 10/04/1966	B.com/ MA NIL	17/08/1988	09/08/2012	DCA, Charsadda	
9	Mr. M. Yassin Shah	Bannu 24/01/1966	MA NIL	01/09/1988	09/08/2012	DCA, Bannu	

12

Mr	Mr	Mr
30	31	32

10	Mr. Gohar Zad Khan	Bannu 06/01/1968	BA NIL	16/08/1989	09/08/2012	DAO, Lakki Marwat	
11	Mr. Q. Sher Afzal	Peshawar 15/01/1962	D.com NIL	17/09/1989	09/08/2012	DCA, Peshawar	
12	Mr. Fayaz Ahmad	Charsadda 15/03/1964	BA NIL	17/09/1989	09/08/2012	DCA, Abbottabad	
13	Mr. Zakirullah	Peshawar 20/02/1966	BA SAS (2015)	17/09/1989	09/08/2012	DCA, Peshawar	
14	Mr. Sheraz Muhammad	Peshawar 06/09/1966	BA NIL	03/10/1989	09/08/2012	DCA, Peshawar	
15	Mr. Muhammad Niaz	Abbottabad 25/03/1966	BA NIL	02/06/1984	09/08/2012	DCA, Abbottabad	
16	Mr. Samiul Haq	Dir Lower 11/01/1963	MA NIL	29/01/1991	09/08/2012	DAO, Malakand	
	Mr. Kammat Ali	Swat 20/01/1963	BA NIL	18/09/1982	09/08/2012	DCA, Swat	
18	Mr. S. Abid Ali Shah	Peshawar 25/09/1966	D.com NIL	03/02/1991	09/08/2012	DCA, Peshawar	
19	Mr. Fazal Amin	Peshawar 31/01/1968	MSC NIL	03/02/1991	09/08/2012	Deputation to Mines & Minerals Deptt.	
20	Mr. Mir Azam Khan	Chitral 10/02/1967	MA SAS (15-01-2018)	24/01/1990	09/08/2012	On deputation to Forest	
21	Mr. Jehangir Khan	Abbottabad 27/07/1966	BA NIL	18/02/1991	09/08/2012	DAO, Haripur	
22	Mr. Rameel Khan	Bannu 17/02/1965	MA NIL	05/03/1991	09/08/2012	DCA, Bannu	
23	Mr. Nazim Hussain	Peshawar 07/10/1967	MA SAS (2013)	30/04/1991	09/08/2012	On deputation to CB & SFD	ATO (Acting Charge)
24	Mr. Fazli Mabood	Swat 10/04/1964	MA NIL	27/07/1992	09/08/2012	DAO, Malakand	
25	Mr. Sher Zaman	Lakki Marwat 19/08/1964	MA NIL	26/06/1993	09/08/2012	DAO, Lakki Marwat	
26	Mr. Fakhru Isalm	Lakki Marwat 09/01/1969	D.com NIL	26/06/1993	09/08/2012	DCA, D.I. Khan	
27	Mr. Khalid Mehmood	Mansehra 15/03/1962	M.com NIL	21/07/1993	09/08/2012	DAO, Kohistan Lower	
28	Mr. Shah Qiaz	Bannu 20/09/1971	BA NIL	22/07/1993	09/08/2012	DAO, N.W	
29	Mr. Inamullah	Mardan 20/01/1966	BSC NIL	25/07/1993	09/08/2012	DAO, Dir Lower	

19

ATTSTED

Amex - D

13

Sawabi

S#: 1

P Sec:002 Month:October 2021
SU4008 -DAO SWABI TREASURY STAFF
TREASURY ESTABLISHMENT SW
NTN: 5631744-3
GPF #:
Old #:

Pers #: 00230648 Buckle:
Name: FIDA MURAHMAD YOUSAPZAI
ASSISTANT ACCOUNTANT
CNIC No.1620299787885
GPF Interest Applied
17 Active Temporary

SU4008

PAYS AND ALLOWANCES:

0001-Basic Pay	67,170.00
1001-House Rent Allowance 45%	6,650.00
1210-Convey Allowance 2005	5,000.00
1947-Medical Allow 15% (16-22)	2,811.00
2135-Audit/Acctts. Allowance	13,434.00
2148-15% Adhoc Relief All-2013	1,420.00
2199-Adhoc Relief Allow #10%	944.00
2211-Adhoc Relief All 2016 10%	4,788.00
2224-Adhoc Relief All 2017 10%	6,717.00
Gross Pay and Allowances	131,800.00

DEDUCTIONS:

IT Payable 46,470.32 Deducted 22,519.00	TAX: (3609) 5,809.00
	Subrc:
3501-Benevolent Fund	1,500.00
4004-E. Benefits & Death Comp:	900.00

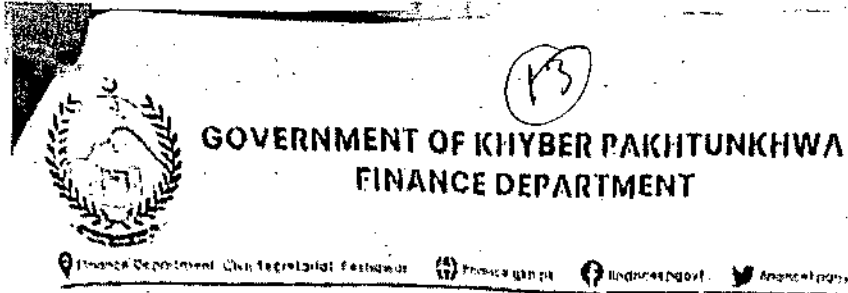
True Copy
C.O.S

Total Deductions	8,209.00
	123,591.00

D.O.B	LFP Quota:	
15.02.1962	MCB BANK LIMITED	Shah Mansoor Br. Swa
34 Years 00 Months 001 Days	0766920641000796	

Fida
DISTRICT ACCOUNTS OFFICER
SWABI

Annex "D" - I



OFFICE ORDER

Interf Peak: the 20-10-2021

No.SO(Estt-I)FD/1-32//LPR/2021. In pursuance of sub-section (2) of section 13(A) of the Khyber Pakhtunkhwa civil servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973) read with sub-section (3) thereof, Mr.Fida Muhammad, Assistant Accountant (BS-17), District Accounts Office, Swabi shall stand retired from Government service w.e.f. **14.02.2022 (A.N)** on attaining the age of superannuation i.e sixtieth (60th) years as his date of birth is **15.02.1962**.

2. Sanction is also hereby accorded to the grant of leave encashment of 365 days in lieu of leave preparatory to Retirement (LPR), in respect of the aforesaid retiring officer, in pursuance of Finance Department's notification No.SO(FR)FD/5-92/2005/Vol-V dated 31-12-2012.

SECRETARY FINANCE

Endst: No: & Date even

Copy forwarded to:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa Peshawar with reference to his letter No.1-32/DTRA/21/1198 dated 07.10.2021.
2. The District Accounts Officer, Swabi.
3. The Budget Officer-XI, Finance Department.
4. Mr.Fida Muhammad, Assistant Accountant (BS-17), District Accounts Office, Swabi.
5. PS to Special Secretary, Finance Department.
6. Office order file.

Section Officer (Estt-I)

3/11/21

5/10

5/8

4/10/21

5/3

DISTRICT ACCOUNTS OFFICER
SWABI

dm

(14)

Annex - 'E'

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR (1)

APPEAL NO. 1552 /2022

Mr. Qazi Sher Afzal Assistant Accountant
O/o District Comptroller Of Accounts Peshawar.



(Appellant)

VERSUS

1. The Govt of KP through Chief Secretary, KP, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa Peshawar.
3. The Secretary Finance Deptt: KP, Peshawar.
4. The Director, Treasuries & Accounts Khyber Pakhtunkhwa Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 FOR DIRECTING THE RESPONDENTS TO CONSIDER THE APPELLANT FOR PROMOTION AS ASSISTANT TREASURY OFFICER (BPS-17) FROM HIS DUE DATE/ VACANCY WAS AVAILABLE IN HIS QUOTA AND AGAINST NOT DECIDING DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE INACTION /OMISSION OF THE RESPONDENTS NOT PROMOTING THE APPELLANT AS ASSISTANT TREASURY OFFICER (BPS-17) FROM HIS DUE DATE/ VACANCY WAS AVAILABLE IN HIS QUOTA MAY BE DECLARE AS ILLEGAL, UNLAWFUL, AGAINST THE PROMOTION RULES AND NORMS OF JUSTICE AND THE RESPONDENTS MAY PLEASE BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION AS ASSISTANT TREASURY OFFICER (BPS-17) FROM HIS DUE DATE/ VACANCY WAS AVAILABLE IN HIS QUOTA BEING ELIGIBLE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

*A request to be trace
copy*

ATTESTED

District Comptroller of Accounts
Peshawar

(15)

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Service Appeal No.1332/2022 titled "Qazi Sher Afzal Vs. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar, and others".



ORDER

17 Sept 2023

Mr. Kalim Arshad Khan, Chairman:

Appellant alongwith his counsel

present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Muhammad Kashif Khan, Assistant Director for the respondents present.

2. At the very outset, learned counsel for the appellant produced copy of the judgment passed in Writ Petition No.70-P/2023 decided on 02.05.2023, whereby, case of 13 colleagues of the appellant, was decided in their favor directing the respondents to place the case of the petitioners of the writ petition before the Departmental Promotion Committee for consideration to be promoted, strictly in accordance with law. Mr. Muhammad Kashif Khan, Assistant Director is present on behalf of the respondents has, however, stated that judgment of the Hon'ble Peshawar High Court has been challenged by the department before august Supreme Court of Pakistan by filing CP. He further submitted that the appellant being colleague of the petitioners of the writ petition will be treated equally, in case ultimate decision is given in favor of the petitioners. The learned counsel for the appellant has, however, submitted that during the pendency of this appeal, the appellant had retired and his case would be taken accordingly for benefits which the others would get from the judgment of the Hon'ble Peshawar High Court. As the Hon'ble Peshawar High Court has decided the matter on merits and has directed that the case of the similar persons be placed before the DPC for their consideration for promotion, in accordance with law. Therefore, the appellant has also to be treated alike.

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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to be true copy
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3. This case is disposed of in view of the above. Consign.

4. Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 14th day of September, 2023.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Muzam Shah

Certified to be true copy

ILLUMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application	22/9/23
Number of Words	2-P
Copying Fee	15/-
Urgent	5/-
Total	15/-
Name of Copy	
Date of Completion of Work	22/9/23
Date of Delivery of copy	22/9/23

Attested to
be true copy
dm

17

17

Annex - "F"

"F"

To

The Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar.

Subject: APPEAL FOR PROMOTION TO ATO ON NOTIONAL BASIS.

R/Sir

With due respect it is stated that I Mr. Fida Muhammad has been retired from District Accounts Office Swabi as Assistant Accountant in BS-17 on 14.02.2022 (A.N).

As per tentative seniority list of Assistant Accountants BS-17 as stood on 31.12.2021, my seniority number was 5 and according to the reliable sources, sufficient number of Assistant Treasury Officer (ATO) BS-17 posts were available and my promotion was due but I have been deprived of promotion due to making lame excuse of non-availability of posts.

Later on one of my counterpart who was junior than me and was at serial No. 11 in seniority list has been promoted in the light of a writ petition/service appeal No. 1332/2022 before Honourable Peshawar High Court/service tribunal Peshawar.

Therefore, it is requested that my case may also be placed before DPC for considered of promotion to Assistant Treasury Officer (ATO) on notional basis as vacancies were available in quota and being eligible under the rules.

Dated 15-04-2024

sd/-

Fida Muhammad, Asstt: Accountant
District Accounts Office Swabi

Attended to be

True copy
EC

ATTSTED