


FORM OF ORDER SHEET

Court of _____

Appeal No. 1263/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	4/9/2024	<p>The appeal of Mr. Mukhtar Ullah presented today by Mr. Muhammad Maaz Madni Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 12/9/2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Mukhtar Ullah received today i.e on 15.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copy of extract from service book be placed on file, to ascertain from what date the salary and annual increment of the appellant was started.

No. 599 /Inst./2024/KPST,


Dt. 15/8 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Maaz Madni Adv.

High Court at Peshawar.

*Received on 22.8.24
Resubmitted, please.*


5319


KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: **MUKHTAR ULLAH** V/S **GOVT. OF KP & OTHER**

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

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

Name: **Muhammad Maaaz Madni**
 Signature: 
 Dated: **12-08-2024**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 1263 /2024

MUKHTAR ULLAH

V/S

GOVT. OF KP
& OTHERS

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4.	Charge Report dated 31.05.2014	B	8
5.	Regularization Order dated 12.03.2018	C	9 - 11
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8.	Wakalatnama	17

Dated: 12th August, 2024

APPELLANT

Through:



MUHAMMAD MAAZ MADNI,
ADVOCATE HIGH COURT, PESHAWAR
TF-291, 292. Deans Trade Centre.
Peshawar Cantt:
0333-9313113, 0314-9965666
muhammad.m3adv@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1263 /2024

Registry Peshawar
Khyber Pakhtunkhwa

Diary No. 14959

Dated 15-08-2024

MUKHTAR ULLAH S/O Shah Zarin, SPST (B-14),
Govt. Primary School, Islamabad Deobandi, Tangi, Charsadda.

..... APPELLANT

VERSUS

- 1- THE DIRECTOR (ELEMENTARY & SECONDARY EDUCATION),
Khyber Pakhtunkhwa, Peshawar.
- 2- THE DISTRICT EDUCATION OFFICER,
District Charsadda.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 READ WITH ALL ENABLING LAWS & RULES AGAINST THE ACT & OMISSION OF THE PART OF RESPONDENTS BY NOT ALLOWING INCREMENT FOR THE YEAR 2014 & NOT RELEASING OUT STANDING SALARIES FOR THE MONTHS OF JUNE, JULY & AUGUST 2014 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL DATED 26-04-2024 AFTER LAPSE OF STATUTORY PERIOD OF NINETY (90) DAYS

Filed to-day
Registrar
15/8/24

PRAYER IN APPEAL:

That on acceptance of the instant service appeal the inaction of the respondents by not allowing the annual increment for the year 2014 and not releasing outstanding salaries for the months of JUNE, JULY & AUGUST 2014 may very kindly be declared illegal and the respondents may very graciously be directed to allow the annual increment for the year 2014 with all back benefits and release of outstanding salaries for the month of JUNE, JULY & AUGUST 2014 while applying the PRINCIPLE OF PARITY. Any other remedy which this august Tribunal deems appropriate that may also be awarded in favor of the appellant.

Re-submitted to-day
and filed.
Registrar
15/8/24

Respectfully Sheweth;

FACTS:

Brief facts giving raise to the instant appeal are as under:

1. That appellant is a regular employee of the respondent Department and was initially appointed as Primary School Teacher (BPS-12) on adhoc basis vide order dated 31/05/2014 after fulfilling all the legal & codal formalities required for the post and since then the appellant is performing his duty quite efficiently whole heartedly and upto the entire satisfaction of his high ups.

Copy of Appointment Order dated 31.05.2014 is attached as Annexure A.

2. That appellant after receiving the appointment order dated 31/05/2014 submitted his arrival report and took over the charge of his post on date 31/05/2014 the same date the appellant received the appointment order.

Copy of Charge Report dated 31.05.2014 is attached as Annexure B.

3. That service of all the adhoc teachers were regularized vide Regularization Act, 2017 and accordingly the services of the appellant was also regularized vide order dated 12.03.2018 from the date of appointment i.e. 31/05/2014.

Copy of Regularization Order dated 12.03.2018 is attached as Annexure C.

4. That, one of my colleagues who was appointment with the appellant on the same day filed Service Appeal No. 7597/2021 title Abdul Musawir versus Govt. Of KP & others decided vide dated 06/11/2023 and allowed the same benefit to the appellant (Abdul Musawir).

Copy of Judgement dated 06.11.2023 is attached as Annexure D.

5. That while following the Principle of Parity the appellant also filed Departmental Appeal dated 26/04/2024 in light of the judgment dated 06/11/2023 which was allotted with dairy no. 3131 but no response has been received so far after lapse of statutory period.

Copy of Departmental Appeal dated 26.04.2024 is attached as Annexure ... E.

6. That feeling highly aggrieved and is left with no other remedy but to file the instant service appeal before this Honourable Tribunal on the following grounds:

GROUND OF APPEAL:

- A-** That act of the respondent by not allowing annual increment for the year 2014 & not releasing the monthly salary for the month of June, July & August 2014 is against the law, rules, facts, void ab initio, Norms of Natural Justice and materials available on the record hence not tenable in the eye of Law and needs interference of this Tribunal.
- B-** That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C-** That appellant has properly submitted his charge report well in time on 31/05/2024 and even then, the appellant was not allowed the benefit of Annual Increment for the year 2014 and also the outstanding salaries for the month of June, July & August 2014.
- D-** That under Article 38 (e) of the Constitution of Islamic Republic of Pakistan, 1973 that:
- “State is bound to reduce disparity in the income and earning of the individuals including persons in the various services of Pakistan.”*
- therefore, the respondent has to act upon the ibid Article of the constitution and had to remove the disparity from the service of the appellant by allowing Annual Increment for the Year 2014 and releasing the monthly salary outstanding for the month of June, July & August 2014.
- E-** That the respondent has acted in an arbitrary and malafide manner by not allowing annual increment for the year 2014 & not releasing the monthly salary for the month of June, July & August 2014.
- F-** That act of the respondents is against the Fundamental Rights as enshrined in the Constitution & also against various judgments passed by the Apex Supreme Court of Pakistan.
- G-** That act of the respondents by not allowing annual increment for the year 2014 & not releasing the monthly salary for the month of June, July & August 2014 without fulfilling the codal formalities required in the subject matter and hence the same is against the norm of Natural Justice.
- H-** That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 12-08-2024

Appellant

Mukhtar
MUKHTAR ULLAH

Through:

Muhammad Maaz Madni
MUHAMMAD MAAZ MADNI
Advocate, High Court, Peshawar

CERTIFICATE

No, such like appeal has been filed or pending on the subject matter between the parties before this Honourable Tribunal.

Muhammad Maaz Madni
ADVOCATE

A F F I D A V I T

I, MUKHTAR ULLAH s/o Shah Zarin, do hereby solemnly affirm on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Mukhtar Ullah
DEPONENT
17102-1163877-1



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM No. _____/2024 in APPEAL NO. _____/2024

MUKHTAR ULLAH V/S GOVT. OF KP

APPLICATION FOR CONDONATION OF DELAY (IF ANY)

Respectfully Sheweth:,

1. That the appellant/petitioner has filed the above titled service appeal before this Honourable Tribunal which has not been fixed so far.
2. That the appellant/petitioner has challenged arrears of outstanding salaries for the month of June, July & August and Increment for the year 2014.
3. That case of the appellant/petitioner involves financial matter hence, no limitation runs against financial matter in light of various judgment of the superior courts of the country **2021 SCMR page 1320 citation (b)**.
4. That this Honourable Tribunal decided the case titled Abdul Musawir VS Govt. in light of judgment **2020 SCMR page 959** the appeal of the appellant/petitioner is well within time.
5. That it is well settled principle laid down by the Supreme Court of Pakistan in cases referred as **2023 SCMR page 8** and **2022 SCMR page 448 citation (i)**, the same question of Law has been decided by this Honourable Tribunal in the above-mentioned case same question has been decided.
6. That any grounds would be agitated at the time of argument with prior permission of this Honourable Tribunal. .

It is, therefore, most humbly prayed that on acceptance of the instant petition the delay (if any) may kindly be condoned in filing of the appeal.

Date: 12/08/2024

Appellant

Through:

MUHAMMAD MAAZ MADNI,
Advocates, High Court, Peshawar

AFFIDAVIT

It is solemnly affirm that the contents of the above application are true and correct to the best of knowledge & belief and nothing has been concealed from this Honourable Tribunal

Mukhtar
DEPONENT
17102-1163877-1



**OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) CHARSAJDA**

A

APPOINTMENT

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of PST School based/UC based in BPS-12 (Rs: 7000-500-22000) @Rs: 7000/= fixed plus usual allowances as admissible under the rules on ad hoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge :-

S.#	Name	School Name	U/C	Score
56/144	MUKHTAR ULLAH 17102-1163877-1	GPS Islamabad Deobandi	Koz Behram Dheri	119.22

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. They should not be handed over charge if they exceed 35 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO(concerned) Any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO(concerned) is issued that his certificates are verified
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained..
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he shall be proceeded under the rules framed from time to time.

Appointment Order PST (M) Ad hoc -Based

7

2

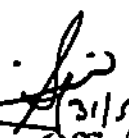
13. His appointment is made on School based, He will have to serve at the place of posting, and his service is not transferable to any other station.
14. Before handing over charge once again their document may be checked if they have not the required qualification, they may not be handed over charge.

(Siraj Muhammad)
District Education Officer
(Male) Charsadda

Endst: No: 41807-41958 /Dated: Charsadda the. 31/5/2014

Copy forwarded for information and necessary action to the: -

1. Director E&SE Deptt: Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Charsadda
3. District Accounts Officer Charsadda
4. SDEO (M) Charsadda
5. SDEO (M) Tangi
- ~~6. Official Concerned~~
7. M/File


31/5/2014
District Education Officer
(Male) Charsadda

Hens,

1.
2.
3.

Verification Roll No.

dated

received back

Left Thumb Impression

Qualification

Passed M.Ed Examination
Date

English

University Mardan Under
Roll No. 6426 Session 2011

Pushio

and obtained e.g.P.A 2.83.
Result declared on 08/05/2012.

Urdu

Non/ud una khar no ANWAM/CE
2014/1668 Date 30/10/2014.

Plan-drawing

26/9/2014.

Finger Print

Other qualifications

Passed Master's Science in
CHEMISTRY for year 2009-10
Under Roll No 51 03102 13.24
e.g.P.A from Abdul Wali Khan University
Mardan.

Drill Instructing

Court Duties

Reserve Duties

5) Passed B.Sc Exam for the year 2009
(H) Under R. No. 5055 Mardian dist
e.g.P.A from Abdul Wali Khan University
Mardan.

SUBMISSIONS

(For use in Police Department only).



AA

The entries on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

ii

Name: Muhibtar Ullah

Race: Afghan

Residence: village Soor Kamar Po. Harichand
Tehsil Tangi District Charsadda


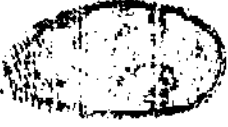
Father's name and residence: Shah Zarin


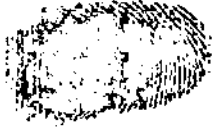
Date of birth by Christian era as nearly as can be ascertained: As Above
12-04-1981
twelfth April N.H. & Eighty one

Exact height by measurement: 6-0"

Personal marks for identification: 17102-1163877-1

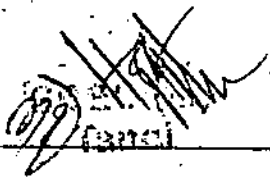
Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

Signature of Government Servant: Muhibtar

Signature and designation of the Head of the office, or other Attesting Officer: 

111

1	2	3	4	5	6	7	8
Name of Post	Substantive Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
PST G.P.S Islam about Deobandi							
PST Islam Akbar G.P.S. Dhobandi (Tangri)			Rs 7000/P.M			01/09/2014	Mullah
Office of the Accountant General Khyber Pakhtunkhwa Peshawar Pay Fixed in the Revised Basic Pay Scales							
	9055 - 650 - 9055		12				
Pay Fixed in Rs	9055	01-07-2015					
R.B.P.S.	1140 - 800 - 1140		12				
Pay Fixed in Rs	1140	01-07-2016					
R.B.P.S.	1320 - 950 - 1320		12				
Pay Fixed in Rs	1320	01-07-2017					
Date of Next increment due	15240	01-12-2017					
Accounts Officer Pay Fixation Party Peshawar							
do	do		Rs 7000/P.M			17/15	Mullah
do	do		Rs 9705/P.M			12/15	Mullah
do	do		Rs 11940/P.M			17/16	Mullah
do	do		Rs 12740/2			12/16	Mullah
do	do		Rs 15240/P.M			17/17	Mullah
do	do		Rs 16200/P.M			12/17	Mullah
do	do		Rs 17160/P.M			12/18	Mullah

(iv)

9	10	11	12	13		14	15	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 4	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer		Period	Signature of the head of the office or other attesting officer.	Reference to any recorded, punishment or censure, or reward or praise of the Government Servant	
					Government to which debitable			
<i>[Signature]</i> S.D. (Male) Tangi	30 ⁶ / ₁₅	SR	<i>[Signature]</i>			Appointed as PST Sp. Islamabad Deoband di. UIC No. 2 Bekram Dhoivide Distt. U Chansadda No. 480-1958 dt. 31-5-2014 on Ad hoc basis w.e.f. 01/9/2017 <i>[Signature]</i> S.D. (Male) Tangi	SERVICES VERIFIED w.e.f. 01-9-15 to 30-11-17 from The Acquittance Roll and Other Records of this Officer	
<i>[Signature]</i> S.D. (Male) Tangi	30 ¹¹ / ₁₅	SR	<i>[Signature]</i>			SERVICES VERIFIED w.e.f. 01-9-15 to 30-11-17 from The Acquittance Roll and Other Records of this Officer		
<i>[Signature]</i> S.D. (Male) Tangi	30 ⁶ / ₁₆	SR	<i>[Signature]</i>			Sub Divisional Education Officer (Male) Tangi		
<i>[Signature]</i> S.D. (Male) Tangi	30 ¹¹ / ₁₆	A/guc	<i>[Signature]</i>			Service Verified w.e.f. 1/12/2015 to 30/11/2016 from the Acq. Roll and other record of this office		
<i>[Signature]</i> S.D. (Male) Tangi	30 ⁵ / ₁₇	SR	<i>[Signature]</i>			S.D. (Male) Tangi		
<i>[Signature]</i> S.D. (Male) Tangi	30 ¹¹ / ₁₇	Abic	<i>[Signature]</i>			Regularization order Issued vide Distt. Education Officer (male) Chansadda for NTS Teachers vide Exd. dt. No 19747-20188 dated 12-03-2018 at SNO 48		
<i>[Signature]</i> S.D. (Male) Tangi	30 ⁴ / ₁₈	A/guc	<i>[Signature]</i>					
<i>[Signature]</i> S.D. (Male) Tangi	30 ¹¹ / ₁₉	A/guc	<i>[Signature]</i>			Sub Divisional Education Officer (Male) Tangi		



1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
LPS Islamabad Dobandi	per		RS 18120/PM	✓		1/12/19	
do	do		R 18690/PM + 11700 + 9860	✓		19/5/2020	
do	do		Rs 21030/PM	✓		1/12/2022	
do	do		R 22200/PM	✓		1/12/2021	
Pay Revised BPS-14			(22530 - 1740 - 74730)				
do	do		R 32970/PM	✓		1/7/2022	
do	do		R 34710/PM	✓		1/12/2022	

(vi)

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
Signature and Designation of the head of the office or other attesting officer in attestation of column 1 to 4	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debit to	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
<i>[Signature]</i>	19.5.2020	promoted BPS 14	<i>[Signature]</i>			SERVICES VERIFIED w.e.f. 01/12/16 to 30/11/18	
<i>[Signature]</i>	30.11.2020	<i>[Signature]</i>	<i>[Signature]</i>			The Acquittance Roll and Other Records of this Officer	
<i>[Signature]</i>	30.11.2021	<i>[Signature]</i>	<i>[Signature]</i>			<i>[Signature]</i>	
<i>[Signature]</i>	30.11.2021	<i>[Signature]</i>	S.D.E.O (Male) Tangi			<i>[Signature]</i>	
S.D.E.O (Male) Tangi	30.6.2022	Revised	S.D.E.O (Male) Tangi			promotion order issued from BPS 12 to BPS 14 vide DEO (M), Charsadda Endors No. 5420-5602 dated 19.5.2020 at SW 63	
S.D.E.O (M) Tangi	30.11.2022	<i>[Signature]</i>	S.D.E.O (M) Tangi			Sub Divisional Education Officer (Male) Tangi	
S.D.E.O (M) Tangi						SERVICES VERIFIED w.e.f. 1-12-18 to 31-12-2020 The Acquittance Roll and Other Records of this Officer	
						Sub Divisional Education Officer (Male) Tangi	
2022 Office of The Accountant General Khyber Pakhtunkhwa Peshawar Pay Fixed in the R.B.P.S 2022 RBPS 2022 301240 34730 At Rs 32870 With Next Increment of 1-12-2022							
Accounts Officer Election Party Khyber Pakhtunkhwa Peshawar						Passed M. Phil Exam 2017-2019 From AWKU, Mardan CGRA 3-4 21865-68 14-4-2017	

VII

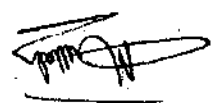
9	10	11	12	13		14	15
Name and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabte to another Government		
				Period	Government to which debitabte		
						Passed <u>B. Ed</u> Exam <u>R. 654618</u> From <u>A. I. O. U. Islamabad</u> Date <u>SPR. 2006</u> Marks: <u>525/900</u> Verif. Letter No: <u>786/14/19A059</u> Date: <u>04-02-2019</u> 31	
						SDEO (M) <input checked="" type="checkbox"/> TANGI	
						SERVICES VERIFIED from <u>1/12/20</u> to <u>30/11/20</u> The Acquittance Roll and Other Records of this Officer	
						S.D.E.O (Male) Tangi	
						SERVICES VERIFIED from <u>1/12/20</u> to <u>30/11/22</u> The Acquittance Roll and Other Records of this Officer	
						S.D.E.O (M) Tangi	

~~REGISTERED~~

Govt Primary School
Gobandi Islamabad
HEAD MASTER



02/2/14



02/2/14

02/2/14

31-05-2014

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31-05-2014

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B

8

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSADDA

9

NOTIFICATION

In pursuance of The Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) and Elementary & Secondary Education Department Govt. of Khyber Pakhtunkhwa Notification No. SO (S/F/E & SED/3-2/ 2018 / SITT /Contract dated Peshawar the 16/02/2018, services of the following (433) Primary School Teachers appointed through NTS on Adhoc basis on Contract w.e.f (31-05-2014 to 15-07-2017), are hereby regularized in BPS-12, on the same posts in Teaching Cadre on the terms and condition given below with effect from the date of their appointment as metioned against each in the interst of public service.

C

Sr	Roll No. NTS	Name and Father Name	QNC No	Name of School	Total Marks out of 200	U/C	Appelment order No. & Date	Date of Taking Over Charge	Extenion No. & Date
1	1560039	Muhammad Khalid S/O Yousaf Ali	17102-6537002-5	GPS Station Kib	132.89	Abazai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
2	1560071	Marijan Ali S/O Saeed Gul	17101-9766071-5	GPS Sheikh Kibi	121.21	Agra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
3	1560014	Mian Adil Shah S/O Mian Kilayat Ubah	17101-6844013-5	GPS Agra Bala	116.33	Agra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
4	1561340	Muhammad Amin S/O Iqbal Muhammad	17101-9188159-3	GPS Agra Bala	114.58	Agra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
5	1560163	Tilawat Shah S/O S.Wailayat Shah	17101-0113694-5	GPS Mandzai	133.59	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
6	1560941	Muhammad Shoab S/O Fida Muhammad	17101-0315588-7	GPS Ashara	129.66	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
7	1560994	Shah Anwar S/O Rahim Khan	17101-0399895-3	GPS Marozai	124.24	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
8	1560125	Muhammad Asim S/O Pervez Khan	17101-7492491-7	GPS Mathra New	121.45	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
9	1561110	Shah Khalid S/O S.Jaffer Shah	17301-4432180-5	GPS Mathra Qadeem	119.3	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
10	1560007	Nasir Khan S/O Nadur Khan	17101-0307693-1	GPS Khairo Khan Kib	135.48	Behlola	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
11	1560845	Muhammad Ishtiaq S/O Muhammad Nabi	17101-3765891-7	GPS Mian Shakh No.6	132.34	Behlola	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
12	1561037	Yaseen Khan S/O Fawad Khan	17101-2716393-9	GPS Shaheedan	132.16	Behlola	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
13	2761564	Nizam Ullah S/O Ubaid Ubah	17101-6378683-5	GPS Islam Abed Dargal	135.83	Dargal	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
14	1561254	Muhammad Ali S/O Faqir Jan	17101-0300786-9	GPS Nahaqi	138.45	Daulat Pura	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
15	1560109	Ikram Ul Haq S/O Abdul Dayan	17101-6170135-7	GPS Ambadher-1	116.29	Daulat Pura	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
16	1560234	Asif Ullah S/O Noorqat Ali Shah	17101-0826588-1	GPS Daulat Pura	114.31	Daulat Pura	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
17	1560175	Umar Gul S/O Ziarat Gul	17101-6375764-1	GPS Aziz Abad-2	121.66	Dheri Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
18	1561321	Abdurahman S/O Rehman Gul	17101-0342715-1	GPS Jan Abad	134.93	Dheri Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
19	1560954	Dawood Masood S/O Fazel Masood	17101-0328797-7	GPS Kahyas	104.56	Dheri Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
20	1560938	Zafar Ali S/O Muhammad Ali	17101-0260821-7	GPS Dosehra-3	116.17	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
21	1560990	Muhammad Gulzar S/O Mirza Khan	17101-7796654-1	GPS Haryana-2	111.12	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
22	1561448	Jawed Muhammad S/O Abd Muhammad	17101-1671374-1	GPS Shah Dhand	117.17	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
23	1561166	Shakeri Ahmad S/O Farooz Shah	17102-7470651-9	GPS Kerma Banda	133.06	Gandheri	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
24	1561089	Waqar Khan S/O Mustafa Khan	17101-5363178-3	GPS Malka Dheri	119.56	Chunda Karkana	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
25	1560964	Kamran Ullah S/O Anwar	17101-0359290				4807-4958		23938-24078

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1561250	Muhammad Farooq Khan S/O Saifur Khan	17102-743487-7	GPS Tracking No. 1	118.24	M.C. Tangi	Dated: 31/05/2014	4807-4958	01-09-14	17102-743487-7
1560886	Muhammad Iqbal Khan S/O Iqbal Ud Din	17102-0607188-7	GPS Tracking No. 3	123.98	M.C. Tangi	Dated: 31/05/2014	4807-4958	01-09-14	17102-0607188-7
1560743	Tahir Khan S/O Nasir Khan	17102-2878837-3	GPS Tracking No. 112.51	Mansoor	Mansoor	Dated: 31/05/2014	4807-4958	01-09-14	17102-2878837-3
1560055	Syed Zaidun Badshah S/O Moin S. Bad Shah	17102-0275214-9	GPS Darayab Koh	104.98	M.M. Khan	Dated: 31/05/2014	4807-4958	01-09-14	17102-0275214-9
1561192	Karam Shah Khan S/O Shah Dar Khan	17101-9402238-9	M.M. Khan	105.96	M.M. Khan	Dated: 31/05/2014	4807-4958	01-09-14	17101-9402238-9
1560748	Wajid Ahmad S/O Usat Gul	17101-4428397-3	GPS Kappa Koh	106.07	M.M. Khan	Dated: 31/05/2014	4807-4958	01-09-14	17101-4428397-3
1561357	Saeed Khan S/O Mian Gul	17101-2276529-5	Mughal Khan	114.22	M.M. Khan	Dated: 31/05/2014	4807-4958	01-09-14	17101-2276529-5
1561038	Abdul Salam S/O Abdul Ullah	17301-3407039-1	GPS Marita Mughal Khan	124.18	M.M. Khan	Dated: 31/05/2014	4807-4958	01-09-14	17301-3407039-1
1560796	Wajid Ahmad S/O Wazir Zada	17103-0342097-5	GPS M. Hussain Khan	131.53	M.M. Khan	Dated: 31/05/2014	4807-4958	01-09-14	17103-0342097-5
1561341	Nazir Ahmad S/O Habib Ullah	17102-6036336-7	GPS Marwan No. 1	112.46	Kot Behram	Dated: 31/05/2014	4807-4958	01-09-14	17102-6036336-7
1561513	Mukhtar Ullah S/O Shah Zarin	17102-1163877-1	GPS Kumbhar Dhandhi	119.22	Kot Behram	Dated: 31/05/2014	4807-4958	01-09-14	17102-1163877-1
1560715	Majid Khan S/O Dost Muhammad	17102-7714899-5	GPS Anar Koh	119.64	Kot Behram	Dated: 31/05/2014	4807-4958	01-09-14	17102-7714899-5
1560150	Arif Khan S/O Saif Ullah Khan	17102-2652249-1	GPS Land Road	122.07	Kot Behram	Dated: 31/05/2014	4807-4958	01-09-14	17102-2652249-1
1560311	Zulqar Ali S/O Yassar Umar	17102-0310990-9	GPS Chanyaran	128.51	Khan Makh	Dated: 31/05/2014	4807-4958	01-09-14	17102-0310990-9
1561265	Shir Dar Khan S/O Abdulrah Khan	17101-9168308-7	GPS Spantex 2	105.59	Karoon	Dated: 31/05/2014	4807-4958	01-09-14	17101-9168308-7
1560178	Zia Raif S/O Muhammad Raif	17101-0377825-3	GPS Karoon 1	120.66	Karoon	Dated: 31/05/2014	4807-4958	01-09-14	17101-0377825-3
1561772	Balal Taj Gul S/O Sami Balal	17101-2528410-5	GPS Thar Koh	122.51	Karoon	Dated: 31/05/2014	4807-4958	01-09-14	17101-2528410-5
1561211	Syed Zaher Abbas S/O Syed Sander Shah	17101-0980354-5	GPS Sardar Gaur	96.43	Karoon	Dated: 31/05/2014	4807-4958	01-09-14	17101-0980354-5
1560105	Abdul Raif Khan S/O Moin Khan	17101-6321182-5	GPS Sada Gaur	99.55	Karoon	Dated: 31/05/2014	4807-4958	01-09-14	17101-6321182-5
1560052	Naem Jan S/O Ghani Khan	17101-9764384-5	GPS Harjara	125.19	Kangra	Dated: 31/05/2014	4807-4958	01-09-14	17101-9764384-5
1561449	Shed Muhammad S/O Jan Muhammad	17101-7588487-3	GPS Harjara	125.98	Kangra	Dated: 31/05/2014	4807-4958	01-09-14	17101-7588487-3
1560097	Fatih Amin S/O Rook Ullah Arif	17101-9343851-3	GPS D. Sander Khan	116.54	Kangra	Dated: 31/05/2014	4807-4958	01-09-14	17101-9343851-3
1560959	Moor Ullah Jan S/O Roshan Jan	17101-0167774-9	GPS Ghumbhal	124.02	Kangra	Dated: 31/05/2014	4807-4958	01-09-14	17101-0167774-9
1561043	Shir Ali S/O Harir Ullah	17101-8836640-3	GPS Kangra	131.82	Kangra	Dated: 31/05/2014	4807-4958	01-09-14	17101-8836640-3
1560056	Shahid Khan S/O Gul Raza Khan	17102-2878838-2	GPS MS Gul Qura	129.44	Wazir Khan	Dated: 31/05/2014	4807-4958	01-09-14	17102-2878838-2
1561581	Arif Khan S/O Gulzar Khan	17101-4362252-7	GPS Bokk	115.13	Hassan Zai	Dated: 31/05/2014	4807-4958	01-09-14	17101-4362252-7
1560884	Nasim Khan S/O Faiz Malik	17101-0395647-3	GPS Sohana-1	121.11	Hassan Zai	Dated: 31/05/2014	4807-4958	01-09-14	17101-0395647-3
1560844	Muhammad Iqbal S/O Ali Rahman	17101-3845981-7	GPS Hassan Zai	123.63	Hassan Zai	Dated: 31/05/2014	4807-4958	01-09-14	17101-3845981-7
1560994	Iqbal Ali S/O Khan Sher Khan	17101-1922862-5	GPS Khudai	128.94	Hassan Zai	Dated: 31/05/2014	4807-4958	01-09-14	17101-1922862-5
2961757	Amir Zeb S/O Umar Khan	17102-3704269-7	GPS Harir Gul Koh	124.53	Kumbhar	Dated: 31/05/2014	4807-4958	01-09-14	17102-3704269-7
1561823	Ali Gaur S/O Zameer Gul	17103-0371185-7	GPS Mahmood	117.8	Harir Zai	Dated: 31/05/2014	4807-4958	01-09-14	17103-0371185-7
1560135	Rahmullah S/O Harmed Khan	17103-0354096-1	GPS Gha Wada-1	122.25	Harir Zai	Dated: 31/05/2014	4807-4958	01-09-14	17103-0354096-1
1561053	Shah Wali Haq S/O Saifur Rahman	17101-1852398-9	GPS Dar Nakh Koh	105.7	Chandni Kumbhar	Dated: 31/05/2014	4807-4958	01-09-14	17101-1852398-9

Mansoor Khan

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422	2031001233	Sayel Khan S/O Ali Akbar	17102-9394848-195	GPS Software Targi	116.54	Shodag	20762-856 Dated:28/03/2017	08-04-17
423	2035001449	Nadeem Jan S/O Khan Bahader	17102-9394848-196	GPS Tarnab No.2	112.6	Tarnab	20762-856 Dated:28/03/2017	08-04-17
424	2031001023	Muhammad Ali S/O Zahir Ullah Khan	17102-9394848-197	GPS Tarnab No.1	111.76	Tarnab	20762-856 Dated:28/03/2017	08-04-17
425	2035001107	Mazhar Ali S/O Istikhar Ali	17102-9394848-198	GPS Umarzai No.1	134.95	Umarzai	20762-856 Dated:28/03/2017	08-04-17
426	201701921	Muhammad Zohaib S/O Muhammad Yousof	17102-9394848-199	GPS Oheri Zardad No.1	112.95	Oheri Zardad	20762-856 Dated:28/03/2017	08-04-17
427	2032001161	Abdul Majid S/O Abdul Bari	17102-9394848-200	GPS Mubeen Korona SKP	126	Hassanzai	27462-71 Dated:20/05/2017	22-05-17
428	2017000247	Irfan Ullah S/O Yousof Gul Mujeeb Ur Rehman	17102-9394848-201	GPS No.1 Targi	120.14	M/C- Targi	27462-71 Dated:20/05/2017	22-05-17
429	2017000286	(Disable Quota) S/O Zahid Ullah	17102-9394848-202	GPS No.1 Charsadda	121.32	M/C-IR Charsadda	27462-71 Dated:20/05/2017	22-05-17
430	202300325	Hazrat Ullah S/O Almasaid	17102-9394848-203	GPS Arat Kibi	126.74	KotBabram/Oheri	27520-34 Dated:23/05/2017	01-09-17
431	2033001129	Asif Ur Rehman(Disable Quota) S/O Gul Rehman	17102-9394848-204	GPS Dhakki	121.59	Dhakki	27547-51 Dated:23/05/2017	01-09-17
432	201700483	Syed Wajayat Shah S/O Syed Farah Siar Shah	17102-9394848-205	GPS Haidar Kibi	109.59	Shodag	28273-76 Dated:15/07/2017	01-09-17
433	2031000963	Yahya Jan S/O Dilbar Khan	17102-9394848-206	GPS Mahmood Abad	121.61	Chindrodag	28877-80 Dated:15/07/2017	01-09-17

TERMS & CONDITIONS.

- 1.) Their services shall be governed by the Khyber Pakhtunkhwa Civil servants Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lecturers, Instructors & Doctors) Regulatory Act, 2011 and such rules & regulations as may be issued from time to time by the Government.
- 2.) Their services shall be considered regular and they shall be eligible for pension / deduction of GPFund in terms of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended in 2013.
- 3.) Their services are liable to termination on one months' notice from either side in case of resignation without notice, their one month's pay allowances shall be forfeited to the Govt.
- 4.) They shall possess the same qualification and experience required for a regular post.
- 5.) Their regularization shall not affect the promotion quota of existing holders of posts in respective service cadres
- 6.) The regularization will not be in favour of those, who have not taken over charge or has remained absent from duty or resign / terminated from service and also not for those who are under disciplinary proceedings.
- 7.) Their pay shall be released subject to verification of academic documents/testimonial from the concerned Board/University by the SDEO concerned
- 8.) The employees whose services are regularized under The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) or in the process of attaining service at the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment
- 9.) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:
- 10.) Their seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous service in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) CHARSHADDA

Encl: No 19747-20188 F.NO. (Regularization PNT 2018) Dated: 12/03/2018

Copy forwarded for information to the:-

1. Director EASE, Deptt. Khyber Pakhtunkhwa Peshawar.
2. District Nazim Charsadda
3. Deputy Commissioner Charsadda
4. District Monitoring Officer (M) Charsadda
5. SDA (M) Charsadda
6. SDO (M) Targi
7. SDH (M) Shabqadar
8. District Account Officer Charsadda
9. Official concerned
10. Office file

By: DISTRICT EDUCATION OFFICER

ATTACHED

Muhammad
12/03/18

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(12)

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7597/2021

BEFORE: MRS. RASHIDA BANO ... MEMBER(J)
MR. MUHAMMAD AKBAR KHAN ... MEMBER (E)

Abdul Musawair S/O Muhammad Ali, SPST, BPS-14, GPS Anar Kali,
Charsadda, R/O Amir Abad, P.O Rajjar, Tehsil & District Charsadda.

..... (Appellant)

VERSUS

1. The Director Elementary & Secondary Education Department, Peshawar.
2. The District Education Officer (M), Charsadda.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar Cant.

..... (Respondents)

Mr. Muhammad Maaz Madani
Advocate ... For appellant

Mr. Muhammad Jan
District Attorney ... For respondents

Date of Institution.....15.10.2021
Date of Hearing.....06.11.2023
Date of Decision.....06.11.2023

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“On acceptance of this appeal, the inaction of the respondents by not allowing the annual increment for the year 2014 and releasing outstanding salaries for the month of June, July & August 2014 may very kindly be declared illegal and the respondents may kindly be directed and also release the outstanding salaries for the months of June, July & August 2014.”

2. Brief facts of the case, as given in the memorandum of appeal, are that appellant was initially appointed as Primary School Teacher (BPS-12) on adhoc basis vide order dated 31.05.2014. Later on services of the appellant was regularized in the year 2017 from the date of his appointment. He was promoted

R

ATTESTED
[Signature]
8-8-24
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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to the post of Senior Primary School Teacher (BPS-14) vide order dated 12.03.2018. The appellant facing huge discrepancy in the monthly salary due the reason that increment for the year 2014 was not allowed and the salaries for the month of June, July and August 2014 was not released. Despite the factum of pay fixation party of respondent No.3 allowed the increment for the year 2014 but till date the same is neither been included nor been allowed in the salary of the appellant. Feeling aggrieved, he filed departmental appeal, which was rejected, hence the instant service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that appellant has not been treated in accordance with law and rules and respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973. He further argued that the act and omission of the respondents by illegally deducting annual increment for the year 2014 and not releasing salaries is against the law, facts, material available on record and norms of natural justice hence not tenable in the eye of law is liable to be struck down. He submitted that appellant has properly submitted his charge report and mark his attendance in the attendance register on 31.05.2014 and he is held entitled for annual increment for the year 2014.

5. Learned District Attorney contended that the appellant has been treated in accordance with law and rules. He further contended that initially the appellant was appointed on 31.05.2014, but the appointment order of the appellant and his colleagues were amended and in this regard a corrigendum was issued. The amended order directed the appointees to take charge from 01.09.2014, because of long summer vacations to save the public exchequer.

ATTESTED

A. S. Khan
8-8-24

EXAMINER

Khyber Pakhtunkhwa
Service Tribunal
Peshawar


[Signature]

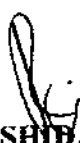
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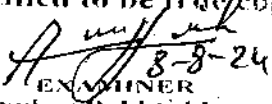
6. Perusal of record reveals that appellant was appointed as Primary School Teacher vide appointment order dated 31.05.2014 and it is admitted fact that appellant submitted his arrival report on the same day i.e 31.05.2014. He was regularized from the date of his appointment vide notification dated 15.03.2018. According to the terms and conditions as mentioned in the appointment order of the appellant, he could draw his pay with effect from 01.09.2014, however in view of section 17 of Civil Servants Act, 1973 and FR17 the appellant is entitled for the payment of his salaries with effect from 31.05.2014, the date on which he submitted his arrival report. The appellant is thus entitled to receive salary for the months of June, July and August 2014. Moreover, while counting their service from 31.05.2014, six months service period as required for grant of annual increment stood completed and the appellant is also held entitled for the annual increment of 2014. So far as the question of limitation is concerned, suffice it is stated that being a financial matter, the appellant is having a continual cause of action, therefore, limitation will not have any adverse implication on the claim of the appellant.

7. For what has been discussed above, the appeal in hand is allowed as prayed for and the appellant is held entitled to all back benefits. Costs shall follow the events. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of November, 2023.*


 (MUHAMMAD AKBAR KHAN)
 Member (E)


 (RASHIDA BANO)
 Member (J)

Certified to be true copy

 8-8-24
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Date of Presentation of Application 8-8-24
 Number of Words 4
 Copying Fee 5
 Urgent 5
 Total 25
 Name of Copyist A. J. Khan
 Date of Completion of Copy 5-8-24
 Date of Delivery of Copy 8-8-24

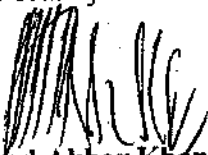
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ORDER
06.11.2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Vide our detailed judgement of today placed on file, the appeal in hand is allowed as prayed for and the appellant is held entitled to all back benefits. Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of November, 2023.*


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

Katozuitik

16

"E"

To

THE DISTRICT EDUCATION OFFICER (MALE)
District Charsadda.

Teh-Tangji Dargy No-313)

Date: 26-04-2024

Subject: APPLICATION FOR THE GRANT OF INCREMENT FOR THE YEAR 2014 AND SALARIES FOR THE MONTHS OF JUNE, JULY & AUGUST 2014.

Respected/Sir,

Most respectfully, it is stated that I am working under your kind control in District Charsadda. I was appointed as PST (BPS-12) vide order Endst No. 4807-4958 dated 31-05-2014. After performing duty for sufficient time my service was regularized with the promulgation of the Act of 2017.

While our official service commencement date was 31/05/2014, the government began issuing our salaries from 01/09/2014, and according to the said salary our increment for the year 2014 was not allowed to me.

Furthermore, I wish to highlight a recent development within our department wherein one of my colleagues namely Abdul Musawir successfully pursued legal action and approached Khyber Pakhtunkhwa Service Tribunal Peshawar to rectify this issue and his case was graciously allowed. As a result, the department issued the petitioner with all withheld salaries and corresponding increments in alignment with initial appointment date.

In the light of this precedent and the principle of equal treatment for all employees, I am respectfully requesting that the department extends the same consideration to me as the said petitioner and I have been appointed with the same Endst Number and on same date, May 31, 2014.

In this respect, it is therefore requested that salaries for the months of June, July & August 2014 and increment for the year 2014 may kindly be allowed to me in line with the principles of justice and fairness, please.

Thank you for your time and consideration.

Obediently Yours

Name: Mukhtar Ullah

Designation: SPST

School: GPS Anbar Qala

Contact No: 03023515601

Signature: Mukhtar Ullah

Date:

22/04/2024

~~ATTEST~~

(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2024

MUKHTAR ULLAH

VS

GOVT. OF KP & OTHERS

I, Mukhtar Ullah do hereby nominated and appointed **MUHAMMAD MAAZ MADNI**, Advocate High Court, Peshawar, to be counsel in the above matter for me/us and on my/our behalf as agreed to appear, plead, act and answer in the above court or any appellate court or any court to which the business is transferred in the above matter as and is agreed to sign and file petition, appeals, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out; and to apply for and receive payment of any or all sums or submit the above matter to arbitration, and to employ an other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

AND to do all acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.

AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf; under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make him appear in the court, if the case, may be dismissed in default, it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS WHERE OF I/We hereunto set MY/OUR hand to these presents, the contests of which have been explained to and understood by ME/US this 12th day of _____ 2024.

EXECUTANT

Mukhtar Ullah
(Mukhtar Ullah)

Accepted subject to the terms regarding fees:

MUHAMMAD MAAZ MADNI,

ADVOCATE HIGH COURT, PESHAWAR

BC No. (BC-11-1460)

CNIC No. 17101-9263898-1

OFFICE: KHATTAK LAW ASSOCIATES,

TF-291 & 292, Deans Trade Centre, Peshawar Cantt.

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