


FORM OF ORDER SHEET

Court of _____

Appeal No. 1264/2024


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. Anwar Zeb 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. Anwar Zeb 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. 600 /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.*


08/9

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: ANWAR ZEB 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 Maaz Madni

Signature: _____

Dated: _____

12-08-2024

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 1264 /2024

ANWAR ZEB

V/S

GOVT. OF KP
& OTHERS


INDEX

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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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7.	Departmental Appeal dated 26.04.2024	E	16
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. 1264 /2024

Khyber Pakhtukhwa
Service Tribunal

Diary No. 14960

Dated 15-08-2024

ANWAR ZEB S/O Umar Khan, SPST (B-14),
Govt. Primary School, Inzar Kali, 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 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.
14/9/24
Registrar

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 *28.12.14*
31.05.2014 is attached as
Annexure *A/AA*.

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

ANWAR ZEB

Through:


MUHAMMAD MAAZ MADNI
Advocate, High Court, Peshawar

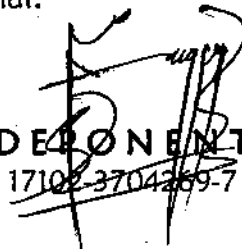
CERTIFICATE

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


ADVOCATE

A F F I D A V I T

I, ANWAR ZEB s/o Umar Khan, 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.


DEPONENT
17102-3704269-7



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

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

ANWAR ZEB

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

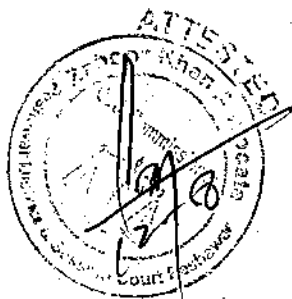
Through:

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

DEPONENT
1710237042697



6

"A"
= 1

Appointment Order PST (M) Ad hoc -Based

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) CHARSAJDA

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
33/144	ANWAR ZEB 17102-3704269-7	GPS Inzar Killi	Harichand	124.53

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.

Anwar Zeb Harichand, does

FILED

7


Appointment Order PST (M) Ad hoc - Based

- 10. 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.
- 11. 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

Order No. 11819, 11858
Dated Charsadda the 31/5/2011

- Copy for circulation for information and necessary action to the
- 1. Director L&S Deptt. Ahsan ul Uloom, Charsadda
 - 2. Deputy Commissioner Charsadda
 - 3. District Revenue Officer Charsadda
 - 4. SDO Charsadda
 - 5. SDO Peshawar
 - 6. Official concerned
 - 7. M. File


31/5/11
District Education Officer
(Male) Charsadda

Anwar Zeb Hani, hand dress



- 1- Name (نام) ANWAR ZEB "AA" (i)
- 2- Nationality and Religion UJAR KHAN
(قومیت اور مذہب)
- 3- Residence MIRANSAHAB HARI CHAND TANK
(مستقر رہائش) DISTT: CHARSADDA
- 4- Father's name and residence UJAR KHAN
(والد کا نام اور پتہ)
- 5- Date of birth by christian era as nearly as can be ascertained 02-1-1986 Second January 1986
(زادگی کی تاریخ تقریباً جتنی معلوم ہو سکے)
- 6- Exact height by measurement 5-6"
(قد کا پیمائش)
- 7- Personal mark of identification Hand
(آپنا نشانہ)

8. Left hand/right hand Thumb and finger-impresions of (Non-gazetted officer,
(مرد کی صورت میں بائیں اور گورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چوٹی) Middle Finger (چھٹیا) Middle Finger (چھٹیا)

Fore Finger (شعبہ) Thumb (بم)

9. Signature of Govt. Servant
(سرکاری ملازم کے دستخط)

10. Signature and designation of the Head of the Office or other Attesting officer:
(مقرر یا کنوینشن کے دستخط اور نام)

Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 8 and 10 should be dated. Finger prints need to be taken after every 5 years under this rule.

یہ پتہ کے ساتھ ہر دو سال ایک بار تجدید یا دوبارہ تصدیق کرنا ضروری ہے اور ہر 5 سالوں میں پانچ بار نئے پتے لیا جائے۔
ہاتھوں کے نشانات کے ساتھ ہر دو سال ایک بار تجدید یا دوبارہ تصدیق کرنا ضروری ہے۔

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5	10	11	12	13	14	15	16
Name and position of the officer	Date of termination or appointment	Person of termination (such as promotion, transfer, dismissal)	Signature of the head of the office or other official	Nature and duration of leave taken	Amount of leave or leave taken	Signature of the head of the office or other official	Remarks
[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]
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41

PCL XL error

Subsystem: IMAGE

Error: IllegalAttributeValue

Operator: ReadImage

Position: 1128

HEAD MASTER
M-SHIRT G-P-S
MATERIAL

Handwritten signature

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31-5-2014 7

4807-4958

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSADDA

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 / SIII /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 mentioned against each in the interest of public service.

Sr	Roll No. NTS	Name and Father Name	CNIC No	Name of School	Total Marks out of 200	U/C	Appointment order No. & Date	Date of Taking Over Charge	Latency No. & Date
1	1560039	Muhammad Khalid S/O Yousof Ali	17102-6537002-5	GPS Station Kili	132.89	Abazai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
2	1560071	Murjan Ali S/O Saeed Gul	17101-9766071-5	GPS Sheekh Kili	121.21	Agra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
3	1560014	Mun Addi Shah S/O Mhan Kifayat Ullah	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 Israr 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 Marzai	124.74	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
8	1560125	Muhammad Asim S/O Perver 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.Jaffar Shah	17101-4432180-5	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 Khoso Khan Kili	135.48	Behloia	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 Mun Shah No 5	132.34	Behloia	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
12	1561037	Yaseen Khan S/O Fawad Khan	17101-2716399-9	GPS Shaheedan	132.18	Behloia	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
13	2761564	Nizam Ullah S/O Ubsaid Ullah	17101-6378689-5	GPS Islam Abad Dargai	135.83	Dargai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
14	1561254	Muhammad Ali S/O Faqr Jan	17101-0300786-9	GPS Hafazi	118.45	Daulat Pura	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
15	1560109	Iqram Ul Haq S/O Abdul Dayan	17101-6170125-7	GPS Ambadnet 1	116.79	Daulat Pura	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
16	1560214	Asif Ullah S/O Noorqut 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 Zarat Gul	17101-6375764-1	GPS Aze 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 Renman Gul	17101-0342715-1	GPS Jan Abad	114.33	Dheri Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
19	1560954	Dawood Masood S/O Faraz Masood	17101-0328797-7	GPS Kalyas	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	17101-2239656-1	GPS Haryama-2	111.12	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
22	1561448	Jawad Muhammad S/O Abid Muhammad	17101-1671124-1	GPS Shah Uband	117.17	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
23	1561166	Shakeel Ahmad S/O Farooq Shah	17102-7470651-9	GPS Karimo Banda	123.06	Sandheri	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
24	1561307	Wajid Khan S/O Mustafa Khan	17101-5163178-3	GPS Malka Dheri	118.56	Ghunda Karkana	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
25	1560963	Sarman Ullah S/O Anwar	17101-0339190				4807-4958		23938-24078

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26	1561053	Shaykh Ali Khan S/O Saifur Rahman	GPS Data Center	105.2	122.25	17103-034046	1	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561053
27	1561055	Rahmanullah S/O Rahman	GPS Data Center	105.2	122.25	17103-034046	1	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561055
28	1561057	All Gauhar S/O Zahmeer Gul	GPS Mahood	117.8	122.25	17103-037185	7	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561057
29	2961757	Amerat Zeb S/O Umar Khan	GPS Data Center	117.8	122.25	17102-3704269	7	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	2961757
30	1560094	Jawad Ali S/O Khan Sher Khan	GPS Data Center	124.53	124.53	17101-1927862	7	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560094
31	1560844	Muhammad Umar S/O Ali Rahman	GPS Data Center	128.94	128.94	17101-3845983	7	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560844
32	1560864	Nasir Khan S/O Fakh Mulla	GPS Hassan Zai	123.68	123.68	17101-0395647	7	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560864
33	1561581	Ashraf Khan S/O Gulzar Khan	GPS Sohail S	131.11	131.11	17101-0362752	3	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561581
34	1560056	Shahid Khan S/O Gul Nazir	GPS MS Gul Khan	129.44	129.44	17102-2870858	1	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560056
35	1561043	Shah Ali S/O Hafiz Ullah	GPS Kangra	131.62	131.62	17101-0836640	3	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561043
36	1560959	Noor Ullah Zai S/O Roshan Roshan	GPS Ghurendal	124.02	124.02	17101-0167274	9	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560959
37	1560097	Fahim Amin S/O Roshan Arsh	GPS D. Sander	116.54	116.54	17101-9413852	3	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560097
38	1561449	Shah Muhammad S/O Jan Arsh	GPS Hassan	116.54	116.54	17101-7584487	3	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561449
39	1560052	Nasir Khan S/O Ghani Khan	GPS Hassan	116.54	116.54	17101-9764384	5	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560052
40	1560105	Abdur Raheem S/O Moin Abdul Sami	GPS Sarda Ganga	99.25	99.25	17101-6321182	3	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560105
41	1561212	Syed Zaher Abbas S/O Syed Sander Shah	GPS Sander Ganga	96.43	96.43	17102-0960234	5	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561212
42	1561772	Bakht Taj Gul S/O Saraj	GPS Dhar Koh	127.31	127.31	17101-9234410	5	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561772
43	1560178	Zia Rafiq S/O Muhammad Rafiq	GPS Khatola-1	120.86	120.86	17101-0277826	3	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560178
44	1561165	Shah Zai Khan S/O Abdullah Khan	GPS Sankar-2	105.58	105.58	17101-9168706	7	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561165
45	1560131	Zulfiqar Ali S/O Haseer Umar	GPS Chakran	128.51	128.51	17101-0319350	9	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560131
46	1560150	Amrooz Khan S/O Sadi Ullah Khan	GPS Land Road	122.07	122.07	17102-2652249	1	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560150
47	1560715	Majid Khan S/O Dost Muhammad	GPS Arif Khan	129.54	129.54	17102-7714899	5	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560715
48	1561513	Mukhtar Ullah S/O Shah Zafar	GPS Khasnad	119.22	119.22	17102-1158177	1	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561513
49	1561341	Nasir Ahmad S/O Habib Ullah	GPS Mahood	112.46	112.46	17102-6038336	7	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561341
50	1560796	Wahid Ahmad S/O Waqar Zada	GPS M. Ruzaim	131.51	131.51	17103-0348097	5	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560796
51	1561038	Abdus Salam S/O Abid Ullah	GPS Nasser	124.18	124.18	17301-3402039	1	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561038
52	1561357	Sayed Khan S/O Moin Gul	GPS Nasser	114.32	114.32	17101-7276529	5	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561357
53	1560748	Wahid Ahmad S/O Umar Gul	GPS Hassan Gul	106.07	106.07	17101-4018397	3	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560748
54	1561192	Nasir Khan S/O Shafiq Khan	GPS Khatola	105.96	105.96	17101-9461238	9	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561192
55	2960055	Syed Fawzan Badshah S/O Moin S. Bad Shah	GPS Daryab Koh	104.98	104.98	17101-0275214	9	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	2960055
56	1560743	Yasir Khan S/O Nasir Khan	GPS Mandar	112.51	112.51	17102-2822853	3	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560743
57	1560886	Muhammad Imran Shahid S/O Umar Ullah	GPS Tangi No.3	122.96	122.96	17102-0407188	7	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1560886
58	1561250	Muhammad Jawad Khan S/O Moin Khan	GPS Tangi No.3	128.24	128.24	17102-4434487	7	01-09-14	4807-4958	Dated: 31/05/2014	4807-4958	01-09-14	1561250

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422	2031001283	Sayel Khan S/O Ali Akbar	17102-9394848-195	GPS Sirmal Tangi	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	117.6	Tarnab	20762-856	Dated:28/03/2017	08-04-17
424	2031001023	Muhammad Ali S/O Zait 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 Zohail S/O Muhammad Yousof	17102-9394848-199	GPS Dheri Zardad No.1	112.95	Dheri Zardad	20762-856	Dated:28/03/2017	08-04-17
427	2032001161	Abdul Majid S/O Abdul Bari	17102-9394848-200	GPS Mubeen Koropora SKF	126	Hassanai	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.2 Tangi	120.14	MC- Tangi	27462-71	Dated:20/05/2017	22-05-17
429	2017000286	(Disable Quota) S/O Zahid Ullah	17102-9394848-202	GPS No.2 Charsadda	121.32	MC- all Charsadda	27462-71	Dated:20/05/2017	22-05-17
430	202300325	Mazrat Ullah S/O Almasad	17102-9394848-203	GPS Arac Kili	106.74	Muzbahram/Dheri	27530-34	Dated:23/05/2017	01-09-17
431	2033001129	Azul Ur Rehman (Disable Quota) S/O Gul Rehman	17102-9394848-204	GPS Dhakir	121.59	Dhakir	27547-51	Dated:23/05/2017	01-09-17
432	2017000483	Syed Wajayat Shah S/O Syed Farah Siaz Sitah	17102-9394848-205	GPS Haidar Sak	109.59	Shodag	28873-76	Dated:15/07/2017	01-09-17
433	2011000963	Yahya Jan S/O Dilbar Khan	17102-9394848-206	GPS Mahmood Abad	121.61	Chandrodag	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 month's 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) CHARSADDA

Encls. No 19747-20188, FNO (Regularization PST 2018) Dated: 12/03/2018

Copy forwarded for information to the -

1. Director E&M Deptt. Khyber Pakhtunkhwa Peshawar.
2. District Education Officer, Charsadda.
3. Deputy Commissioner, Charsadda.
4. District Monitoring Officer, IAI, Charsadda.
5. SDO, M, Charsadda.
6. SDO, M, Tangi.
7. SDO, M, Shabqadar.
8. District Education Officer, Charsadda.
9. Official concerned.
10. Office file.

12/03/18
DISTRICT EDUCATION OFFICER

ATTACHED

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D



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

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.


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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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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.

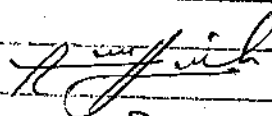
7. For what has been discussed above, the appeal in hand is allowed as prayed for and the appellant is held entitled to all back benefits. Costs shall follow the events. Consign.


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)

Kateenullah

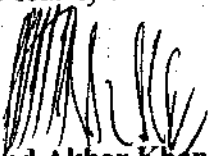
Date of Presentation of Application 8-8-24
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 Total 25
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 Date of Completion of Copy 5-8-24
 Date of Delivery of Copy 8-8-24


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 8-8-24
 EXAMINER
 Khyber Pakhtukhwa
 Service Tribunal
 Peshawar

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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)

To

THE DISTRICT EDUCATION OFFICER (M/LE)

District Charsadda.

16 Teh Tangi

Diary NO: 3131

Date: 26-06-2024.

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: Anwar Zeb

Designation: SPST

School: GPS Jolagan

Contact No: 03451939646

Signature:

Date:

22/04/2014



(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2024

ANWAR ZEB

VS

GOVT. OF KP & OTHERS

I, Anwar Zeb 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.

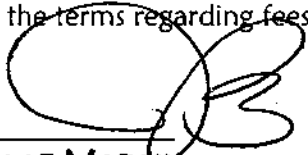
AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf: under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make 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 Aug 2024.

EXECUTANT

(Anwar Zeb)

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.:

Contact#: 0333-9313113, 0314-9965666