


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 1270/2024

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. Wajid 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. Wajid 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. 606 /Inst./2024/KPST,

Dt. 15/8 /2024.

*Amir Ullah*  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Maaz Madni Adv.

High Court at Peshawar.

*Received on 22.08.24.  
Resubmitted pl cas. *OB*  
0319*


KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

**CHECK LIST**

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

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <b>MUHAMMAD MAAZ MADNI</b>	<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. 1270 /2024

WAJID ULLAH

V/S

GOVT. OF KP  
& OTHERS

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Dated: 12<sup>th</sup> 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](mailto:muhammad.m3adv@gmail.com)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

APPEAL NO. 1270 /2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 14967

WAJID ULLAH S/O Sher Zada, CT (B-15),  
Govt. High School, Mufti Abad, Charsadda:

Dated 15-08-2024

..... 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 *25.05.2014*  
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 19/04/2024 in light of the judgment dated 06/11/2023 which was allotted with dairy no. 709 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:

**GROUNDS 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

*Wajid Ullah*  
WAJID 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, WAJID ULLAH s/o Sher Zada, 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.

*Wajid Ullah*  
DEPONENT  
17101-0413010-5





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

CM No. \_\_\_\_\_/2024 in APPEAL NO. \_\_\_\_\_/2024

WAJID 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



*Sidullah*  
DEPONENT  
17101.0413010-5

## 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
92/144	WAJID ULLAH 17101-0413010-5	GPS Faqir Abad	Mera Prang	143.47

### 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.


**ATTESTED**

- 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: 4807-4958 /Dated: Charsadda the. 31/5/14

- 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

  
31/5/14.  
District Education Officer  
(Male) Charsadda

~~NOTE~~

Note: 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.

AA"

(i)

Name: WATID ULLAH

Race: Afghan

Residence: village Ghareeb Abad P.O. Charsadda dist & Teh Charsadda



Father's name and residence: SHER ZADA


Date of birth by Christian era as nearly as can be ascertained: Fifteen<sup>th</sup> July Nineteen Eighty one (15-07-1981)

Exact height by measurement: 5'-6"

Personal marks for identification: NIL

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

Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

Signature of Government Servant: 

Signature and designation of the Head of the office, or other Attesting Officer:  S.D.E.O (M) Charsadda

A.S.D.E.O (M) Primary Charsadda

① Passed S.Sc examination from Peshawar Board under R.NO 136538 marks obtained 644/850 on 05-07-1997.

Heirs.

1.

*Wahid*  
A.S.D.E.O (M)  
Primary  
Charsadda

(ii)

*Wahid*  
S.D.E.O (M)  
Charsadda

② Passed F.Sc examination from Peshawar Board under R.NO 158161 marks obtained 706/1100 on 02-10-1999

Verification Roll No.

dated

45

received back

*Wahid*  
A.S.D.E.O (M)  
Primary  
Charsadda

*Wahid*  
S.D.E.O (M)  
Charsadda

③ Passed B.Sc examination from Peshawar University under R.NO 10135 marks obtained 273/550 on 14-09-00

Left Thumb Impression

*Wahid*  
A.S.D.E.O (M)  
Primary  
Charsadda

*Wahid*  
S.D.E.O (M)  
Charsadda

Qualification

Date

Qualification

Date

④ Passed M.Sc examination from Peshawar University under R.NO 24287 marks obtained 831/1200 on 26-02-2009.

Pushto

*Wahid*  
A.S.D.E.O (M)  
Primary  
Charsadda

*Wahid*  
B.L. or B.A.  
Charsadda

⑤ Passed P.T.C examination from (AIOU) Islamabad under R.NO AN 614000 marks obtained 629/900 on 24-06-2013.

Urdu  
Plan-drawing

Training School Final examination

*Wahid*  
A.S.D.E.O (M)  
Primary  
Charsadda

*Wahid*  
Charsadda

Finger Print

Other qualifications

⑥ Passed B.Ed examination from Peshawar University under R.NO 675 marks obtained 594/1000 on 22-12-2005.

Court Duties

*Wahid*  
A.S.D.E.O (M)  
Primary  
Charsadda

45

*Wahid*  
Charsadda

Reserve Duties

⑦ Passed M.Ed examination from Abdul wali Khan university mardan under Roll NO: 1776 marks obtained 882/1200 on 02-12-2011 (Signed on page NO 5)









1	2	3	4	5	6	7
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. 311 C.S.R.	Pay in post	Additional Pay for officiating	Other emoluments falling under the term "emoluments"	Date of appointment
CT			Rs 17450/- PM			12/2017
CT			Rs 16120/- PM			7/2017


(vii)

9	10	11	12	13		14	15
				Leave			
				Signature and duration of leave taken	Allocation of period of leave on various days upto four months for which leave salary is payable in another Government		
Signature and Designation of the head of the office or other attesting officer in attestation of column 1 to 3	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.	Signature and duration of leave taken	Allocation of period of leave on various days upto four months for which leave salary is payable in another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
				Period	Government to which is debitable		
[Signature]	30-11-2019	A/S	[Signature]			[Signature]	Service Verified w.o. 01-12-2018 to 30/11/2019 from the acq Roll and other Record of this office
[Signature]	30-11-2020	A/S	[Signature]			[Signature]	Service Verified w.o. 1/12/2019 to 30/11/2020 from the acq Roll and other Record of this office
[Signature]	30-11-2021	A/S	[Signature]			[Signature]	Service Verified w.o. 1/12/2020 to 30/11/2021 from the acq Roll and other Record of this office
[Signature]	30-06-22	Scale Revisor	[Signature]			[Signature]	Service Verified w.o. 1/12/2021 to 30/11/2021 from the acq Roll and other Record of this office
[Signature]	30-11-22	A/S	[Signature]			[Signature]	Service Verified w.o. 01/12/22 to 30/11/22 from the acq R and other Record of this off
[Signature]	30-11-23	A/S	[Signature]			[Signature]	Service verified w.o. 1/12/2022 to 30/11/2023 from the acq Roll and other record of this office
AD MASTER G.H.S Satti Abad Charsadda			Office of The Accountant General Khyber Pakhtunkhwa Peshawar Pay Fixed In the R.B.P.S 2022			HEAD MASTER G.H.S Satti Abad Charsadda	
			REPS 23920-1820-85/25				
			At Rs 33820 W.E.F 1-6-2022 With Next Increment of 1-2-2022 (15)				
			Accounts Officer Pay Fixation Party Khyber Pakhtunkhwa Peshawar				

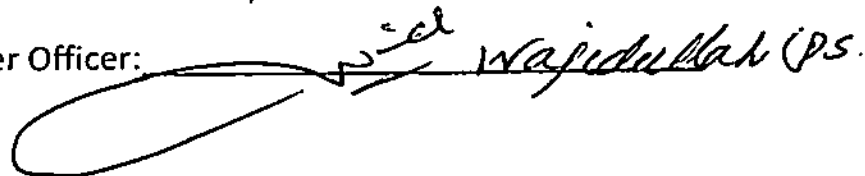
1	2	3	4	5	6	7	Signature of Government Officer
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Act 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	
Stts Muzki Ahmad Chok	Per/Temp		Rs 18780	VIII		1-12-2018	[Signature]
	-do-		Rs 20110	/Pm		1-12-2019	[Signature]
	-do-		Rs 21440	/Pm		1-12-2020	[Signature]
	-do-		Rs 22770	/Pm		1-12-2021	[Signature]
	BPS 15	(23920 - 19800 - 83320)					
	-do-	Rs 33820	33820	/Pm		07-01-2022	[Signature]
	-do		Rs 35800	/Pm		12-01-2022	[Signature]
	do		Rs 37780	/Pm		01-12-2022	[Signature]

## CHARGE REPORT CERTIFICATE

Certified that with reference to Office Order No.4807-4958 (copy enclosed) Dated: 31.05.2014. I have taken over the charge in the forenoon-of 31-05-2014 of the post of Primary School Teacher (PST) at GPS Faqir Abad Majoki (CHD) vide DEO (Male) Charsadda.

Signature of Handing Over Officer: 

Name: MAJID KHAN  
PSHT G.P.S.  
Faqir Abad Majoki Chd  
Designation: PSHT

Signature of Taking Over Officer:  Wajidullah P.S.

RECEIVED

8

W B



1

(9) C.T

**DISTRICT EDUCATION OFFICER  
(MALE) CHARSADDA.**  
Office Ph: No. 0916512150

"C"

**Notification.**

In pursuance 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) & Elementary & Secondary Education Department Govt. of Khyber Pakhtunkhwa Notification No. SO(S/F)ESSSED/3-2/2018/SITT/Contract dated 16/02/2018, services of the following C.T appointed through NTS on Adhoc basis on Contract w.e.f 2014 to 2017, are hereby regularized in BPS-15, 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	Name	Father Name	School	Appointment order No and dated	Date of Regularization
01	Mazroor Ahmad	Muhammad Dildar	GHS Satti Abad	No.3013-36/CT dated 10.05.2014	10.05.2014
02	Fazli Ali-o	Abdul Mabood	GHS M.M Khel No-01	do	do
03	Nasir Ul Haq	Sami Ul Haq	GHSS Hassan Zai	do	do
04	Abdul Saeed	Abdul Karim	GHS M.M Khel No-01	do	do
05	Ayub Jan	Jan Gul	GMS Nazo Killi	do	do
06	Anis Ullah	Khudada	GHSS Mohammad Nari	do	do
07	Syed Kashif Azeem	Syed Azeem Shah	GHS M.M Khel No-02	do	do
08	Dawood Shah	Akhtar Shah	GMS Aziz Abad	do	do
09	Musafir	Ikram Ud Din	GHS Tangi No-02	do	do
10	Zahid Shah	Said Wali Shah	GMS Mian Isa	do	do
11	Aqeel Qasim	Muhammad Qasim	GHSS Doshera	do	do
12	Tauheed Ullah	Pir Afzal	GHS Dheri Sakindar Khan	do	do
13	Muhammad Fahcem	Zarif Khan	GHS Dalazak	do	do
14	Muhammad Ayaz	Saida Gul Khan	GHSS Ambadher	do	do
15	Hafiz Abdur Rahman	Hafiz Saeed Ur Rahman	GHSS Tarnab	do	do
16	Waqar Ahmad Khan	Saeed Ullah	GMS Kot	do	do
17	Mazhar Mahmood	Shujaat Khan	GHS Babra	do	do
18	Yasir Ahmad	Inam Ullah	GHS M.M Khel No-1	do	do
19	Hazrat Bilal	Masal Khan	GHSS Hassan Zai	do	do
20	Muazzam Jan	Painda Khan	GMS Aziz Abad	do	do
21	Shabeer Ahmad	Saif Ur Rehman	GHSS Bajtagram	do	do
22	Muhammad Rasheed	Muhammad Israiel	GHS M.M Khel 02	do	do
23	Asad Ullah	Abdul Sattar	GHSS Manga Dargi	do	do
24	Nafizat Khan	Saif Ur Rehman	GHS M.M Khel No.1	do	do
25	Husain Khan	Yad Gul	GMS Backha	32-09-15 dated 14.03.2015	14.03.2015
26	Bakht Biland Jan	Nisar Muhammad	GHS Rashaki	No.3947-51 dated 07.12.2015	07.12.2015
27	Muhammad Tufail Khattak	Dost Muhammad	GHSS Sherpao	No.15607-37 dated 26.03.2016	26.03.2016
28	Saeed Ullah	Aziz Ur Rehman	GHSS Muhammad Nari	do	do
29	Atta Ullah Jan	Liaqat Ali	GHS Ghari Hamid Gul	do	do
30	Shabir Ahmad	Sher Bahadar	GHS Ghari Hamid Gul	do	do
31	Aamir Hussain	Rahman Shah	GHSS Matta Maghul Khel	do	do
32	Zia Ur Rahman	Inayat Ullah Khan	GHS Zahid Abad	do	do
33	Bakht Zada	Khitab Gul	Govt: Shaheed Shahood Alam HSS	do	do

**ATTN:**

Sr	Name	Father Name	School	Appointment order No and dated	Date of Regularization
			Nisatta		
34	Kamran Khan	Inam Ullah	GHSS Mandani	do	do
35	Muhammad Ullah	Raham Elahi	GHS Hajizai	do	do
36	Fairooz Khar.	Qalandar Khan	GHSS Rdhmat Ullah Khan	do	do
37	Qadar Gul	Ziarat Gul	GHSS Sherpao	do	do
38	Rehmat Ullah	Alam Said	GHSS Matta Maghul Khel	do	do
39	Amjad Ali	SHAUKAT ALI	GHSS Sherpao	do	do
40	Muhammad Kashif Jan	Khan Zaman	GHSS Matta Maghul Khel	do	do
41	Wisal Khan	Mirza Khan	GHS Mirza Dher	do	do
42	Gul Wahab	Itbar Gul	GHSS Sherpao	do	do
43	Ismail	Umar Gul	GHS Gandheri	do	do
44	Hafiz Ul Asad	Hakim Khan	GHSS Sherpao	do	do
45	Liaqat Shah	Habib Shah	GHS Harichand	do	do
46	Mian Muhammad Tariq Shah	Mian Iqbal Shah	GHS Dheri Sikandar Khan	do	do
47	Sabir Ullah	Ashraf Khan	GHS Mian Isa	do	do
48	Muhammad Adnan	Amir Nawaz Khar.	GHS Haji Zai SKF	20646-80 dated 28.03.2017	17.05.2017
49	Aasim Ahmad	Aadil Ahmad	GHSS Ambadher	do	do
50	Muhammad Awais	Muhammad Ismail	GHS Katozai SKF	do	do
51	Ijaz Ali	Rustam Khan	GMS Chanchano Khat	do	do
52	Niamat Ullah	Hayat Khan	GHS Shara SKF	do	do
53	Muhammad Amir	Mujahid	GMS Gul Abad Sholgara	do	do
54	Muhammad Sajjad	Muhammad Yousaf	GHS Behlola	do	do
55	Shakeel Ahmad	Miraj Gul	GHS Khawaja Hawas	do	do
56	Muhammad Tariq	Zahir Shah	GHS Zahid Abad	do	do
57	Abid Muhammad	Naik Muhammad	Govt: Shaheed Mian Shahzad Ijaz HS Tangi	do	do
58	Zahid Muhammad	Naik Muhammad	GHSS Mandani	do	do
59	Imdad Ullah	Ashraf Khan	GHS Mufti Abad	do	do
60	Muhammad Azam Khan	Ali Khan	Govt: Shaheed Sami Ullah MS Utmanzai	do	do
61	Wasceef Ullah	Aurangzeb	GMS Tarkha Faqir Abad	do	do
62	Rashid Minhas	Fazli Rabbi	Govt: Shaheed Rizwan Sareer HSS Utmanzai	do	do
63	Zaheer Ullah Khan	Gul Jan	Govt: Shaheed Mian Shahzad Ijaz HS Tangi	do	do
64	Faizan Ahmad	Ahmad Salam	GHS Shakardhand	do	do
65	Syed Tahfeem Ullah Kakakhel	Syed Latif Ullah Kakakhel	GHSS Sherpao	do	do
66	Sarfraz Khan	Abdul Zameen	GHS Shakardhand	do	do
67	Muhammad Suhaib Khan	Fida Muhammad	GHS Gul Abad Tangi	do	do
68	Abdul Qayyum	Abdul Rasheed	GHSS Matta Maghul Khel	do	do
69	Abdul Mateen	Muhammad Khan	GMS Munshayano Killi	do	do
70	Wajid Ullah	Sher Zada	GHS Mufti Abad	No.27190-27204 dated 17.05.2017	17.05.2017
71	Waqas Ghaffari	Abdul Ghaffar Ghaffari	Govt: Shaheed Hayat Ullah HS Rajjar	do	do
72	Sana Ullah	Fazli Maula	GHS Behlola	do	do
73	Muhammad Istikhhar	Gulab Khan	GMS Sherpao	do	do
74	Misbah Ullah	Ghani Muhammad	GHS Agra	do	do
75	Zubair Ali	Bakhtair Ali	GHSS Muhammad Nari	do	do

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*Handwritten signature and date*  
27/5/18

CTE

Sr	Name	Father Name	School	Appointment order No and dated	Date of Regularization
76	Abdur Raziq (Disable)	Mustafa Kamal	GHS Bariband	23772-76 dated 23.06.2016	23.06.2016

### 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 / dedication 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.
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

Endst: No. 20461-69 / File No. 2/CT/Regularization Dated 12/1/3 / 2018.

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Charsadda.
3. District Nazim Charsadda
4. District Accounts Officer, Charsadda.
5. DMO Charsadda
6. Principals/Head Masters Concerned.
7. Cashier local office.
8. Officials concerned.
9. Master File.

DISTRICT EDUCATION OFFICER  
(MALE) CHARSADDA

~~ATTORNEY~~

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4 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

*[Handwritten mark]*



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.

**ATTESTED.**

*A. J. Khan*  
8-8-24  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar


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.

*[Handwritten signature]*

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 6<sup>th</sup> day of November, 2023.*

  
(MUHAMMAD AKBAR KHAN)  
Member (E)

  
(RASHIDA BANO)  
Member (J)

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

Certified to be true copy  
  
 8-8-24  
 EXAMINER  
 Khyber Pakhtunkhwa  
 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 6<sup>th</sup> day of November, 2023.*

  
(Muhammad Akbar Khan)  
Member (E)

  
(Rashida Bano)  
Member (J)

Kabeerullah

~~ATTSTET~~

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Diary NO: 921

Dated: 20-04-2024

"E"

10

THE DISTRICT EDUCATION OFFICER (MALE)

District Charsadda.

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.

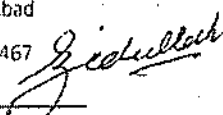
Obediently Yours

Name: Wajid Ullah

Designation: CT

School: GHS Sati Abad

Contact No: 03104646467

Signature: 

Date: 20/04/2024

~~Handwritten signature~~

# (POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2024

WAJID ULLAH

VS

GOVT. OF KP & OTHERS

I, Wajid 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 12<sup>th</sup> day of Aug 2024.

EXECUTANT

Wajid Ullah  
(Wajid 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.:

Contact#: 0333-9313113, 0314-9965666