


# FORM OF ORDER SHEET

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

**Appeal No. 1271/2024**

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. Khalil 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. Khalil 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. 617 /Inst./2024/KPST,

Dt. 15/8 /2024.

*Amirullah*  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Maaz Madni Adv.

High Court at Peshawar.

*Received on 22.8.24.*

*Resubmitted, please.*

*[Signature]*  
03/9

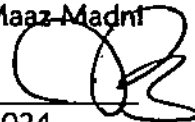
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

**CHECK LIST**

Case Title: **KHALIL 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. 1271 /2024

KHALIL ULLAH

V/S

GOVT. OF KP  
& OTHERS

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4.	Charge Report dated 31.05.2014	B	8
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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. 1271 /2024

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 14968

KHALIL ULLAH S/O Khair Ullah, SPST (B-14),  
Govt. Primary School, No. 3 Utmanzai, 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 Med.  
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/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 appellants may be accepted as prayed for.

Dated: 12-08-2024

Appellant  
  
KHALIL ULLAH

Through:

  
MUHAMMAD MAAZ MADNI  
Advocate, High Court, Peshawar

**CERTIFICATE**

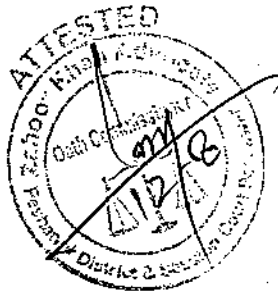
No, such like appeal has been filed or pending on the subject matter between the parties before this Honourable Tribunal.

  
ADVOCATE

**A F F I D A V I T**

I, KHALIL ULLAH s/o Khair Ullah, 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  
17101-0401414-5





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

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

KHALIL 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

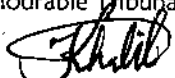
Appellant

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

  
DEPONENT  
17101-0401414-5



6

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) CHIARSADDA

"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
68/1-11	KHALIL ULLAH 17101-0401414-5	GPS Utmanzai-3	MC Utmanzai	121.07

**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.

Khalil Ullah Me Utmanzai,does

~~ATTS~~

7

Appointment Order PST (M) Ad hoc -Based

- 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

4807-4958

Endst: No. 4807-4958 / Dated: Charsadda the 31/5/2014

- Copy forwarded for information and necessary action to the:
- 1. Director ESSE Deptt: Khyber Pakhtunkhwa Peshawar.
  - 2. Deputy Commissioner Charsadda
  - 3. District Accounts Officer Charsadda
  - 4. SDEO (M) Charsadda
  - 5. SDEO (M) Tungi
  - 6. Official Concerned
  - 7. M/File

*[Signature]*  
 31/5/14  
 District Education Officer  
 (Male) Charsadda

~~SECRET~~

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

1. Name: Khalil Ullah

2. Race: Afghan

3. Residence: Utmanzai Charsadda



4. Father's name and residence: Khair Ullah Utmanzai Charsadda



5. Date of birth by Christian era as nearly as can be ascertained: (01-01-1984)

6. Exact height by measurement: 5'-10"

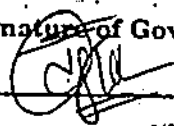
7. Personal marks for identification: NIL

8. Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger  Ring Finger 

Middle Finger  Fore Finger 

Thumb 

9. Signature of Government Servant: 

10. Signature and designation of the Head of the Office, or other Attesting Officer: SD.E/O (M) Charsadda

Administrative notes on the left margin including 'aminister has', 'Division Security', 'of the from', 'un. the', 'ek', 'ered on', 'D.E. (M)', '2124', 'from', 'Dist.', 'Examined', 'of 100', '2124', 'from', 'Dist.', 'Examining', '2124', '2013', 'SD.E/O (M)', 'Charsadda'.

Vice-Chancellor



Roll No. 21243

Result Declared on MARCH 22, 2006

(For use in Police Department only)

Hairs:

Note:- The entries in 9 and 10 should

1. <u>SSC</u>	2. <u>FSC</u>
SSC(A) 1999 Examination has passed in 1st division securing marks 532 out of 850 from BISE Peshawar under the RNO 140329. Result was declared on	FSC(A) 2001 Examination has passed in 2nd division securing marks 554 out of 1100 from BISE Peshawar under the

Verification Roll No. Aug 30, 1999. dated	RNO 59683 dated back
V No 8163	Result was declared on Aug 30, 2001
26-8-99	

Assistant District Officer (M) (E&EE) Charsadda	DDO (M) Peshawar (M) Charsadda
---	--------------------------------

3. <u>BA</u>	4. <u>MA</u>
BA(A) 2003 Examination has passed in 2nd division securing marks 263 out of 550 from University of Peshawar. Qualification: Under the RNO 22787. Date Result was declared on Nov 6, 2003.	MA (Islamiat) Annual 2005 Examination has passed in 1st division securing marks 685 out of 1100 under the RNO 21243 from University of Peshawar. Result was declared on

English: V No 497RC 11-9-14	First Arts: V No 401/RC 11-9-14
Assistant District Officer (M) (E&EE) Charsadda	Assistant District Officer (M) (E&EE) Charsadda

Urdu	Pleadings examination
------	-----------------------

5. <u>BEd</u>	6. <u>PTCL</u>
BEd Annual Examination 2009 has passed in 2nd division securing marks 601 out of 1100 under the R No 1218 from University of Peshawar. Result was declared on Jan 14, 2010.	PTC Autumn 2012 Examination has passed in 1st division securing marks 635 out of 980 from AIU Islamabad. Result was declared on June 24, 2013.

Court Duties	V No 42361 11-9-14
--------------	--------------------

Reserve Duties	Assistant District Officer (M) (E&EE) Charsadda
----------------	---

N.B. - Line to be drawn under the qualification possessed.

Name: \_\_\_\_\_

Race: \_\_\_\_\_

Residence: \_\_\_\_\_

Father's name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ nearly as cast

Exact height: \_\_\_\_\_

Personal marks: \_\_\_\_\_

Left hand thumb of (No. - Gazo

Little Finger

Middle Finger

Thumb

9. Signature: \_\_\_\_\_

10. Signature: \_\_\_\_\_ Head of the Office



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 "P"	Date of appointment	Signature of Government Servant.	
			BAS No 12 (7000-500-22000)					(iv)
QPS Utmanzae No 3			Rs 7000/-			1 <sup>9</sup> / <sub>14</sub>	Full	
			B 12 (9055-650-98555)					
B			Rs 9055/-			1 <sup>7</sup> / <sub>15</sub>		
			B 12 (11140-800-35140)					
B			Rs 11140/-			1 <sup>12</sup> / <sub>15</sub>		
			B 12 (13320-760-19120)					
B			Rs 13320/-			1 <sup>7</sup> / <sub>16</sub>		
			S.D.O (M) Chd					





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 "G"	Date of appointment	Signature of Government Servant
		Revised entry					(vi)
		B12 (7000 - 500 - 22000)		7000/-		11/9/14	
		B12 (9055 - 650 - 28555)		9055/-		7/15	
		B12 (1140 - 800 - 35140)		9705		12/15	
				11940/-		7/16	
				12740/-		12/16	
		B12 (13320 - 960 - 42120)		15240/-		7/17	
				16200/-		12/17	
				<del>B.D.E.O (M) CHB</del>			





8

"B"

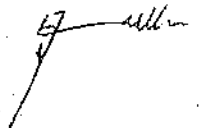
**CHARGE REPORT**

Mr. KHALIL ULLAH SIO KHAR ULLAH has been appointed as a pst in education deptt.

By DEO chd order end.no. 4807-4958 dated 31-5-2014 He took his charge on AF

31-5-2014

at gps No 3 Utmanza district Chasadda.

  
Signature of pst

signature of ADO circle/psht

End no.

Dated



Head Master  
GPS No 3  
Utmanzal Chd.



# OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSADDA

V  
109  
"C"

## 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/3-2/7718 / 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 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/E	Appointment order No. & Date	Date of Taking Over Charge	Registration No. & Date
1	1560038	Muhammed Khalid S/O Yousof Ali	17101-6537002-5	GPS Station KIB	132.89	Absent	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
2	1560071	Murjan Ali S/O Saaved Gul	17101-9764071-5	GPS Sheikh KIB	121.21	Agri	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
3	1560014	Milan Adil Shah S/O Milan Khayat Ullah	17101-6844011-5	GPS Agri Bala	118.33	Agri	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
4	1561240	Muhammed Amir S/O Iqbal Muhammad	17101-9166158-3	GPS Agri Bala	114.58	Agri	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
5	1560163	Thawat Shah S/O S.Walayat Shah	17101-0113234-5	GPS Mandral	133.58	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
6	1560241	Muhammed Shoaib S/O Rida Muhammad	17101-0315584-7	GPS Ashera	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	17101-0298843-3	GPS Marzai	124.24	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
8	1560125	Muhammed Asim S/O Pervez Khan	17101-7492491-7	GPS Mathra New	122.45	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	17101-4433150-5	GPS Mathra Qadeem	119.3	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
10	1560077	Nasir Khan S/O Nadar Khan	17101-0307891-1	GPS Khatu Khan	135.48	Behala	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
11	1560245	Muhammed Ishaq S/O Muhammad Nabil	17101-3783891-7	GPS Mughal Shah No.6	132.54	Behala	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
12	1561037	Yaseen Khan S/O Fawad Khan	17101-2276199-9	GPS Shehadan	132.18	Behala	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
13	2761584	Mizan Ullah S/O Ubaid Ullah	17101-6378689-5	GPS Aijam Abd Dargal	135.83	Dargal	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
14	1561254	Muhammed Ali S/O Faiz In	17101-0100786-9	GPS Nohal	118.43	Doulat Para	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
15	1560109	Iqbal Ullah S/O Abdus Dayan	17101-4170115-7	GPS Ambadar-1	118.79	Doulat Para	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
16	1560714	Ahif Ullah S/O Noorqat Ali Shah	17101-0876584-1	GPS Doulat Para	114.31	Doulat Para	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
17	1560175	Umer Gul S/O Zarat Gul	17101-6375764-1	GPS Aziz Abd-2	121.66	Ohert Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
18	1561221	Abdurshaman S/O Rehman Gul	17101-0347715-1	GPS In Abd	114.33	Ohert Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
19	1560954	Dawood Masood S/O Fazal Masood	17101-0328791-7	GPS Kahya	104.56	Ohert Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
20	1560938	Zafar Ali S/O Muhammad Ali	17101-0180811-7	GPS Dosehra-3	118.17	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
21	1560990	Muhammed Gulzar S/O Mirza Khan	17101-2238656-1	GPS Haryana-2	111.13	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
22	1561448	Jawed Muhammad S/O Nabil Muhammad	17101-1671324-1	GPS Shah Ohand	117.17	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
23	1561188	Shekhal Ahmad S/O Farooq Shah	17102-7470651-9	GPS Karimo Bende	123.06	Gandheri	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
24	1561005	Waqar Khan S/O Mustafa Khan	17101-5363178-3	GPS Maiba Dheri	118.56	Ohundi Karbana	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
25	1560084	Amman Ullah S/O Azizur Rehman	17101-0319790-9	GPS Maiba Uher	115.09	Ohundi Karbana	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017

*(Signature)*



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2011001353	Soyel Khan S/O Ali Akbar	17102-8394848-183	GPS Saimal Tangi	114.84	Shodag	20762-838	Dated: 28/03/2017	08-04-17
2015001449	Madeem Jan S/O Khan Behadar	17102-8394848-194	GPS Ternab No.2	112.6	Ternab	20762-858	Dated: 28/03/2017	08-04-17
2015001573	Muhammed Ali S/O Zah Ullah Khan	17102-8394848-197	GPS Ternab No.1	111.78	Ternab	20762-856	Dated: 28/03/2017	08-04-17
2015001707	Mazhar Ali S/O Irfan Ali	17102-8394848-198	GPS Umarsal No.1	134.95	Umarsal	20762-856	Dated: 28/03/2017	08-04-17
201701921	Muhammed Zahid S/O Muhammed Yousaf	17102-8394848-199	GPS Dheri Zardad No.1	112.95	Dheri Zardad	20762-854	Dated: 28/03/2017	08-04-17
2017001161	Abdul Majid S/O Abdul Bari	17102-8394848-200	GPS Mubeen Karpone SKT	126	Mazranal	27462-71	Dated: 20/05/2017	23-05-17
2017000247	Irfan Ullah S/O Yousaf Gul Mujeeb Ur Rahman	17102-8394848-201	GPS No.1 Tangi	120.34	MC-Tangi	27462-71	Dated: 20/05/2017	23-05-17
2017000288	Disable Quota S/O Zahid Ullah	17102-8394848-202	GPS No.1 Charsadda	123.32	MC-III Charsadda	27462-71	Dated: 20/05/2017	27-05-17
201300315	Mazhar Ullah S/O Alamsaid	17102-8394848-203	GPS Mast KBI	106.74	Karbaham Dheri	27530-34	Dated: 23/05/2017	01-06-17
2013001228	Asif Ur Rahman (Disable Quota) S/O Gul Rahman	17102-8394848-204	GPS Dhatki	121.59	Dhatki	27462-51	Dated: 23/05/2017	01-06-17
201700483	Syed Wahyee Shah S/O Syed Farah Meer Shah	17102-8394848-205	GPS Holder KBI	109.59	Shodag	28973-76	Dated: 15/07/2017	01-09-17
2011000653	Yahya Jan S/O Omer Khan	17102-8394848-206	GPS Mahmood Abid	121.61	Charsadda	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 in 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 F.NO. (Regularization PST 2018) Dated: 12/03/2018

- Copy forwarded for information to the -
1. Director EASF, Deptt: Khyber Pakhtunkhwa Peshawar.
  2. District Nazim Charsadda
  3. Deputy Commissioner Charsadda
  4. District Monitoring Officer IMU Charsadda
  5. SDEO (M) Charsadda
  6. SDEO (M) Tangi
  7. SDEO (M) Shabqadar
  8. District Account Officer Charsadda.
  9. Official concerned.
  10. Office file.

12-03-2018  
11-03-2018  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSADDA

12

2



**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

*[Signature]*




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**  
  
 8-8-24  
 EXAMINER  
 Cyber Pakhtukhwa  
 Service Tribunal  
 Peshawar



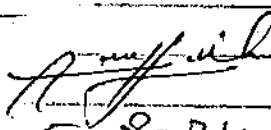
6. Perusal of record reveals that appellant was appointed as Primary School Teacher vide appointment order dated 31.05.2014 and it is admitted fact that appellant submitted his arrival report on the same day i.e 31.05.2014. He was regularized from the date of his appointment vide notification dated 15.03.2018. 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.

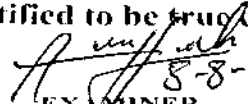
7. For what has been discussed above, the appeal in hand is allowed as prayed for and the appellant is held entitled to all back benefits. Costs shall follow the events. Consign.

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 C.   
 Date of Co. 5-8-24  
 Date of Delivery of Copy 8-8-24

Certified to be true copy  
  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

**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)

To

THE DISTRICT EDUCATION OFFICER (MALE)

District Charsadda.

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"E"

DIO No. 709-18/4/2024

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: Khalil Ullah

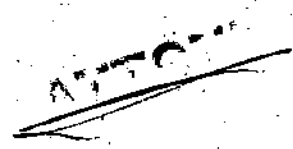
Designation: SPST

School: GPS No.3 Utmanzai

Contact No: 03145760395

Signature: 

Date: 16 / 04 / 2024



# (POWER OF ATTORNEY)

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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

KHAIL ULLAH

VS

GOVT. OF KP & OTHERS

I, Khalil 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.

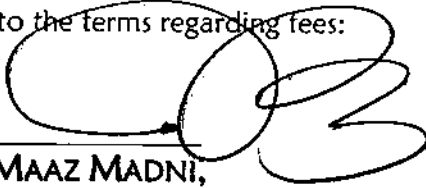
AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf; under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make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

  
(Khalil 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