


FORM OF ORDER SHEET

Court of _____

Appeal No. 1272/2024

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. Mian Adil Shah 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. Mian Adil Shah 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. 666 /Inst./2024/KPST,

Dt. 15/8 /2024.

Amir Jalloh
OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Maaz Madni Adv.

High Court at Peshawar.

Received on 22.8.24

Resubmitted, please.

[Signature]
23/9


KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: **MIAN ADIL SHAH** 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. 1272 /2024

MIAN ADIL SHAH

V/S

GOVT. OF KP
& OTHERS

INDEX

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5.	Regularization Order dated 12.03.2018	C	9 - 10
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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. 1272 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14969

MIAN ADIL SHAH S/O Mian Kifayat Shah, SPST (B-14),
Govt. Primary School, Agra Bala, 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 *& Sr BK*
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


MIAN ADIL SHAH

Through:


MUHAMMAD MAAZ MADNI
Advocate, High Court, Peshawar

CERTIFICATE

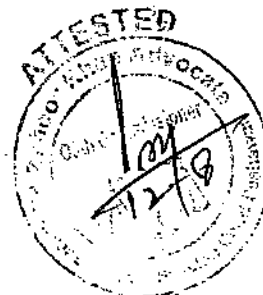
No, such like appeal has been filed or pending on the subject matter between the parties before this Honourable Tribunal.


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
17101-6844013-5



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

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

MIAN ADIL SHAH... .. 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

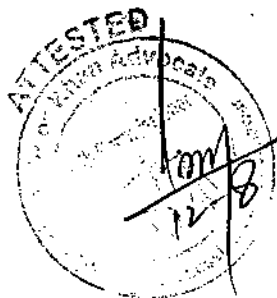
Through:

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

Mian Adil
DEFONENT
17101-6844013-5



6

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

4A

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
3	MIAN ADIL SHAH 17101-6844013-5	GPS Agra Bala	Agra	116.33

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.

ATTST

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. 31/5/2014

Copy forwarded for information and necessary action to the:-

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


District Education Officer
(Male) Charsadda

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	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment	Signature of Government Servant.
SPST. EPS Sheikha Killi		Revised ^{C.S.R.} BPS 14	Rs. 32970/-	Rs. 22530-1740	- 74730	17 2022	
			Rs. 34710/-			12 2022	



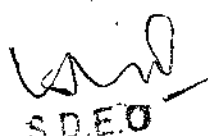
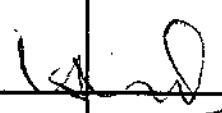
2022
Office of The Accountant General
Khyber Pakhtunkhwa Peshawar
Pay Fixed in the R.B.P.S 2022
RBPS 22530-1740-74730
At Rs. 32970/- W.E.F 1-07-2022
With Next Increment of 1-12-2022 (14)

Accounts Officer
Pay Fixation Party
Khyber Pakhtunkhwa Peshawar

Signature of the holder or other in a col

S
(M)
S
T



9	10	11	12	13		14		
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.	
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
 S.D.E.O (M) CHD	30 ¹¹ / ₂₀₂₂	<i>A/In</i>	 S.D.E.O (M) CHD		Service verified w.e.f 1-12-2021 30-11-2022 from the Acq. Roll & other record of this office			
 S.D.E.O (M) CHD						 S.D.E.O (M) CHD		

CHARGE REPORT

9
B

(8)

Certified that Mr. MIAN ADIL SHAH
S/O MIAN KIFAYAT ULLAH has this day in the F/N
Allow the charge of Primary School Teacher at
GPS AGRA BALA vide notification
No. 4959-5102
of Director of Elementary & Secondary Education Govt. of Khyber Pakhtunkhwa.

Signature of the relieved: *Ashah*
Government servant: P.S.T
Designation: H.T B.P.S.15

Station:
GPS AGRA BALA

Head Master
GPS Agra Bala
Charsadda

Dated: 31-05-2014

Signature of Relieving M.Ashah
Government Servant P.S.T
Designation: BPS-12

Endst: No. 4807-4988 Dated: 31-05-2014

- Copy forwarded to:
- 1) S.D.E.O (Male) Charsadda
 - 2) A.D.O (Male) Charsadda
 - 3) D.A.O Charsadda
 - 4) The Concerned H/M

e/signature
[Signature]
31/05/2014
ASDEO.(M)
Circle Nahaq
Charsadda.

ATTACHED

MOB # 0302-5986085
MIAN ADIL SHAH

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 / 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.

Slr	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	Exention No. & Date
1	1560039	Muhammad Khalid S/O Yousaf Ali	17102-6537002-5	GPS Station Killi	132.89	Abazai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
2	1560071	Marjan Ali S/O Saeed Gul	17101-9766071-5	GPS Sheikh Killi	121.21	Agra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
3	1560014	Milan Adil Shah S/O Mian Kilayat Ullah	17101-6844013-5	GPS Agra Bafa	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 Bafa	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. Waileyat Shah	17101-0113694-5	GPS Mandizai	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	17101-0399896-3	GPS Marozai	124.74	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
8	1560125	Muhammad Asim S/O Pervez Khan	17101-7492491-7	GPS Mathra New	121.45	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
9	1561110	Shah Khalid S/O S. Jaffar Shah	17301-4437180-5	GPS Mathra Qadeem	119.3	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
10	1560007	Nasir Khari S/O Nadur Khan	17101-0507693-1	GPS Khisro Khan Killi	135.48	Behlola	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
11	1560845	Muhammad Ishfaq S/O Muhammad Nabl	17101-3765891-7	GPS Milan Shakh No.6	132.34	Behlola	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
12	1561037	Yaseen Khan S/O Fawad Khan	17101-2716399-9	GPS Shaheedan	132.18	Behlola	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
13	2761564	Nizam Ullah S/O Ubaid 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 Faqir Jan	17101-0300786-9	GPS Nahaqi	118.45	Daufat Para	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
15	1560109	Ikram Ul Haq S/O Abdul Dayan	17101-6170115-7	GPS Amhadher-1	116.29	Daufat Para	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
16	1560214	Asif Ullah S/O Noorqar Ali Shah	17101-0826588-5	GPS Daufat Para	114.31	Daufat Para	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
17	1560175	Umar Gul S/O Zinat Gul	17101-6375764-1	GPS Aziz Abad-2	121.66	Dheri Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
18	1561321	Abdurahman S/O Rehman Gul	17101-0342715-1	GPS Jan Abad	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 Faisal 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 Maryana-2	111.12	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
22	1561448	Fawad Muhammad S/O Abid Muhammad	17101-1671324-1	GPS Shah Dhand	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	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 Malka Dheri	116.56	Ghunda Karkana	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
25	1560064	Kamran Ullah S/O Azizur Rehman	17101-0319280-9	GPS Malka Dheri	115.09	Ghunda Karkana	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017

Muhammad

(Handwritten signature)

16

422	2031001233	Sayel Khan S/O Ali Akbar	17102-9394848-195	GPS Splmal 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	112.6	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	Mazher Ali S/O Istikhar Ali	17102-9394848-198	GPS Umarzai No.1	134.95	Umarzai	20762-856 Dated:28/03/2017	08-04-17
426	201701921	Muhammad Zohaib S/O Muhammad Yousaf	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 Koroona SKF	126	Hassanzai	27462-71 Dated:20/05/2017	22-05-17
428	2017000247	Irfan Ullah S/O Yousaf Gul Mujeeb Ur Rahman	17102-9394848-201	GPS No.1 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.1 Charsadda	121.32	MC-III Charsadda	27462-71 Dated:20/05/2017	22-05-17
430	202300325	Hazrat Ullah S/O Alamsaid	17102-9394848-203	GPS Arat Killi	106.74	KozBahramDheri	27530-34 Dated:23/05/2017	01-09-17
431	2033001129	Asif Ur Rehman(Disable Quota) S/O Gul Rehman	17102-9394848-204	GPS Dhakki	121.59	Dhakki	27547-51 Dated:23/05/2017	01-09-17
432	201700483	Syed Wilayat Shah S/O Syed Farah Sior Shah	17102-9394848-205	GPS Haidar Killi	109.59	Shodag	28873-76 Dated:15/07/2017	01-09-17
433	2031000963	Yahya Jan S/O Dilbar Khan	17102-9394848-206	GPS Mahmood Abed	121.61	Chindrodag	28877-80 Dated:15/07/2017	01-09-17

TERMS & CONDITIONS.

- 1.) Their services shall be governed by the Khyber Pakhtunkhwa Civil servants Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lecturers, Instructors & Doctors) Regulatory Act, 2011 and such rules & regulations as may be issued from time to time by the Government.
- 2.) Their services shall be considered regular and they shall be eligible for pension / dedication of GP Fund 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

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

Copy forwarded for information to the: -

1. Director E&SE 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.

Dy. DISTRICT EDUCATION OFFICER
 (MALE) CHARSADDA

(11)

11



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.”

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

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

[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.

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

ATTESTED

A. J. 8-8-24

EXAMINER


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[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.

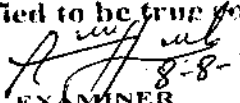
8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of November, 2023.*


 (MUHAMMAD AKBAR KHAN)
 Member (E)


 (RASHIDA BANO)
 Member (J)

Kateemadhi

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

Certified to be true copy

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar


14


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 (MALE)
District Charsadda.

(15) "E"
Diary No. 709-16/4/2024

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: Miam Adil Shah

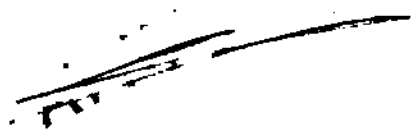
Designation: SPST

School: GPS Sheikh Killi

Contact No: 0302 5986 085

Signature: Miam Adil

Date: 16/04/2024



(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2024

MIAN ADIL SHAH

VS

GOVT. OF KP & OTHERS

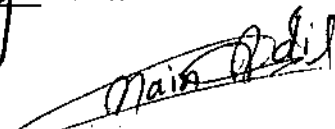
I, Mian Adil Shah do hereby nominated and appointed **MUHAMMAD MAAZ MADNI**, Advocate High Court, Peshawar, to be counsel in the above matter for me/us and on my/our behalf as agreed to appear, plead, act and answer in the above court or any appellate court or any court to which the business is transferred 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.

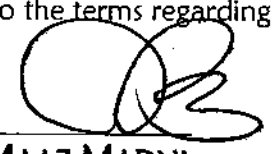
AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf; under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make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


(Mian Adil Shah)

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