


# FORM OF ORDER SHEET

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

**Appeal No. 1274/2024**


| 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. Owais 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><br/>REGISTRAR</p> |

The appeal of Mr. Owais 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. 607 /Inst./2024/KPST,

Dt. 15/8 /2024.

  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Maaz Madni Adv.

High Court at Peshawar.

*signed*  
*Resubmitted on 22-08-2024.*  
*Resubmitted, please.*

  
03/8

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

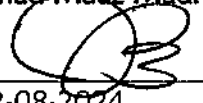
**CHECK LIST**

Case Title: OWAIS 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. 1274 /2024

OWAIS ULLAH

V/S

GOVT. OF KP  
& OTHERS


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| 4.    | Charge Report dated 31.05.2014                    | <b>B</b>    | 8              |
| 5.    | Regularization Order dated 12.03.2018             | <b>C</b>    | 9-11           |
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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. 1274 /2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16990

Dated 15-08-2024

OWAIS ULLAH S/O Fazal Qamar, SPST (B-14),  
Govt. Primary School, Sulai Kamar Rajjar, Charsadda.

..... APPELLANT

VERSUS

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

..... RESPONDENTS

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

Filed to-day  
Registrar  
15/8/24

PRAYER IN APPEAL:

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

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

Respectfully Sheweth;

**FACTS:**

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

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

Copy of Appointment Order dated ~~31~~ *31* *5* *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:

**GROUND OF APPEAL:**

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

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

Dated: 12-08-2024

Appellant

  
OWAIS 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, OWAIS ULLAH s/o Fazal Qamar, 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  
17101-7120368-3





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

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

OWAIS 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**  
17101-7120368-3



Appointment Order PST (M) Ad hoc -Based

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSADDA

**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  |
|---------|--------------------------------|-----------------|----------|--------|
| 111/144 | OWAIS ULLAH<br>17101-7120368-1 | GPS Sulai Kamar | Rajjar-1 | 112.43 |

**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.

APPROVED  
~~APPROVED~~

7

Appointment Order PST (M) Ad hoc -Based

2


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

(Siraj Muhammad)  
District Education Officer  
(Male) Charsadda

Endst: No. 11807-11958 /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) Tangi
6. Official Concerned
7. M/File

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

~~ATTACHED~~  
~~ATTACHED~~

AA

(i)

OF

OWAIS ULLAH S/O FAZAL GAMAR

00728244

PRIMARY SCHOOL TEACHER (PST)

E & SE Department KPK

Price : Rs. 50/-

PRINTED BY:

LITHOGRAPHY & PRINTING DEPARTMENT, GOVERNMENT OF N.W.F.P., PESHAWAR.

(For use in Police Department only)

ii

The entries in this page should be dated 9 and 10 should be dated 11

Heir: SSC

1. Passed SSC Examination in session 2008(A)

Under R.No: 73424 from BISE Peshawar

2. Marks obtained: 697/1st div R.D. on 15-7-2008

3. No. 0108162  
Date 26/8/14

Assistant District Officer (M)  
(C&SE)  
Charsadda

S.D.E.O (M)  
Charsadda

Name: M

Race:

Residence: Village Tehsil & District

Verification Roll No. DAE dated received back

(2) HSSC:- Passed HSSC Examination in session 2011(A) Under R.No: 409948 from B.T.E Peshawar. Marks obtained 2631/3250 1st div.

Father's name and residence

DAE Left Thumb Impression R.D. 14.09.2011

Date of birth by Christian nearly as can be ascertained

Assistant District Officer (M)  
(C&SE)  
Charsadda

S.D.E.O (M)  
Charsadda

B.A.

(3) Passed B.A. Examination in session 2013(A) Under R.No: 67867 from University of Peshawar. Marks obtained 3137 - 1st division

Exact height by measurement

Qualification Date: 12-9-2013

Personal marks for identification

English R.D. on 12-9-2013

First Arts

no. 497836  
11-9-14 Assistant District Officer (M)  
(C&SE)  
Peshawar Charsadda

S.D.E.O (M)  
Charsadda

B.L. Or B.A.

Left hand thumb and of (Non-Gazetted) official

(4) P.T.C. - Passed P.T.C. Examination from A.I.C.U. Islamabad in session AUT-212 under P.No. AD/6879/06

Little Finger

Marks obtained: 602/1st division Result declaration date 24-6-2014

Middle Finger

Urdu

Fluency examination

1st Finger Print

S.D.E.O (M)  
Charsadda

Other qualification:-

Thumb

1st Instructing

Assistant District Officer (M)  
(C&SE)  
Charsadda

Signature of Government

Court Duties

Reserve Duties

Signature and Head of the Office Officer.

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

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.

Name: Mr. Omair Ullah 111

Race: Afghan

Residence: Village Sarfraz Killa, P/O Sardheri  
Peshawar Distt; Charsadda

Father's name and residence: Fazal Qamar / As Above

Date of birth by Christian era as nearly as can be ascertained: (03-03-1993) Third March N/A  
Ninety three.

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: Omair Ullah

Signature and Designation of the Head of the Office, or other Attesting Officer. (Signature)  
(CASE) Charasadda

876

87E

Date

0687906  
date  
ation  
2014

| 1  | 2   | 3   | 4                       | 5                              | 6                           | 7                   | 8   | 9   | 10                                 |
|--|---|---|-------------------------|--------------------------------|-----------------------------|---------------------|---|---|------------------------------------|
| Name of post                                   | Whether substantive or officiating and if temporary | If officiating, state appointment, or whether service under Art. 31 | Pay to substantive post | Additional Pay for officiating | Other taking under the term | Date of appointment | Signature of head of the office in attestation of appointment | Signature and Designation of head of the office in attestation of appointment | Date of termination of appointment |
|  |   |   |                         |                                |                             | 14/9                | S.D.E.O (M)   |   |                                    |
| Pass Sub/Kamot                                 |   |   |                         |                                |                             | 14/9                | S.D.E.O (M)   |   |                                    |
| Pay Revisect Aug 1-7-15 B-12 (5155-65-2855)    |   |   |                         |                                |                             | 14/9                | S.D.E.O (M)   |   |                                    |
| Dr. B.12                                       |   |   |                         |                                |                             | 14/9                |   |   |                                    |
| Pay Revisect Aug 1-7-16                        |   |   |                         |                                |                             | 14/9                |   |   |                                    |
| Dr. B.12                                       |   |   |                         |                                |                             | 14/9                |   |   |                                    |
| Pay Revisect Aug 1-7-16 B-12 (1144-800-35140)  |   |   |                         |                                |                             | 14/9                |   |   |                                    |
| Dr. B.12                                       |   |   |                         |                                |                             | 14/9                |   |   |                                    |
| Pay Revisect Aug 1-7-17 E-12 (13320-960-42120) |   |   |                         |                                |                             | 14/9                |   |   |                                    |
| Dr. B.12                                       |   |   |                         |                                |                             | 14/9                |   |   |                                    |
| Pay Revisect Aug 1-7-17 E-12 (13320-960-42120) |   |   |                         |                                |                             | 14/9                |   |   |                                    |
| Dr. B.12                                       |   |   |                         |                                |                             | 14/9                |   |   |                                    |

S.D.E.O  
Z (M) CHD

14

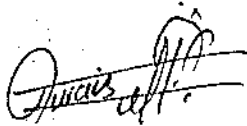
Charge report

8


B

Consequent upon the appointment order under Endst No: 4807-4958, dated 31-05-2014, issued by DEO (M) Charsadda.

I Owais ullah s/o Fazal Qamar, taking my charge in GPS Sulai Kamar Rajjar from the concerned Head master on 31-05-2014

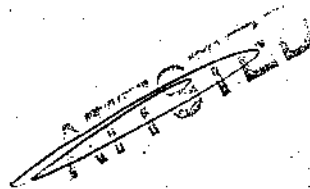


Signature of official



Head Master  
GPS Sulai Kamar  
Rajjar Charsadda

Signature of Head  
master





# 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.

| Sr | Roll No. NTS | Name and Father Name                  | CHC No          | Name of School        | Total Marks out of 200 | U/C            | Appointment order No. & Date | Date of taking Over Charge | Exemption No. & Date         |
|----|--------------|---------------------------------------|-----------------|-----------------------|------------------------|----------------|------------------------------|----------------------------|------------------------------|
| 1  | 1560039      | Muhammad Khalid S/O Yousef Ali        | 17102-6537002-5 | GPS Station K&S       | 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 K&S        | 121.21                 | Agra           | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 3  | 1560014      | Mian Adil Shah S/O Mian Kifayat Ullah | 17101-6844013-5 | GPS Agra Bala         | 116.33                 | Agra           | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 4  | 1561340      | Muhammad Amin S/O Israr Muhammad      | 17101-9188159-3 | GPS Agra Bala         | 114.58                 | Agra           | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 5  | 1560163      | Tilawat Shah S/O S.Wailayat Shah      | 17101-0113694-5 | GPS Mandzal           | 133.59                 | Battagram      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 6  | 1560941      | Muhammad Shoab S/O Fida Muhammad      | 17101-0315588-7 | GPS Ashara            | 129.66                 | Battagram      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 7  | 1560994      | Shah Anwar S/O Rahim Khan             | 17101-0399895-3 | GPS Marozai           | 124.24                 | Battagram      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 8  | 1560125      | Muhammad Asim S/O Pervez Khan         | 17101-7492491-7 | GPS Mathra New        | 121.45                 | Battagram      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 9  | 1561110      | Shah Khalid S/O S.Jaffar Shah         | 17301-4432180-5 | GPS Mathra Qadeem     | 119.3                  | Battagram      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 10 | 1560007      | Nasir Khan S/O Nadir Khan             | 17101-0307693-1 | GPS Khisro Khan K&S   | 135.48                 | Behloa         | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 11 | 1560845      | Muhammad Ishaq S/O Muhammad Nabi      | 17101-3765831-7 | GPS Mian Shakh No.6   | 132.34                 | Behloa         | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 12 | 1561037      | Yaseen Khan S/O Fawad Khan            | 17101-116399-9  | GPS Shaheedan         | 132.18                 | Behloa         | 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 Nahaji            | 118.45                 | Daud Pura      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 15 | 1560109      | Ikram Ul Haq S/O Abdul Dayan          | 17101-6170115-7 | GPS Ambodher-1        | 116.29                 | Daud Pura      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 16 | 1560214      | Asif Ullah S/O Noorqat Ali Shah       | 17101-0826588-1 | GPS Daulat Pura       | 114.31                 | Daulat Pura    | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 17 | 1560175      | Umar Gul S/O Zariat 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 | 1561121      | Abdurahman S/O Rehman Gul             | 17101-0342715-3 | GPS Jan Abad          | 114.53                 | Dheri Zardad   | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 19 | 1560954      | Dawood Masood S/O Faraz Masood        | 17101-0328797-7 | GPS Kalyas            | 104.56                 | Dheri Zardad   | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 20 | 1560938      | Zafar Ali S/O Muhammad Ali            | 17101-0260821-7 | GPS Dosehra-1         | 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 Haryana-2         | 111.12                 | Dosehra        | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 22 | 1561448      | Jawad Muhammad S/O Abd Muhammad       | 17101-1671124-1 | GPS Shah Dhand        | 117.17                 | Dosehra        | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 23 | 1561346      | Shakeel Ahmad S/O Farooq Shah         | 17102-7470651-9 | GPS Ramro Banda       | 123.08                 | Gandhari       | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 24 | 1561075      | Waseer Khan S/O Mustafa Khan          | 17101-5163178-3 | GPS Maifa Dheri       | 116.96                 | Chunda Karkana | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 25 | 1561061      | Kamran Iqbal S/O Arzu                 | 17101-0319190-9 |                       |                        |                | 4807-4958                    |                            | 23938-24078                  |

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|-----|---------|--|-----------------|-----------------------|--------|--------------|-------------------------------|----------|---------------------------------|
| 92  | 1560701 | Mirza Ali Khan S/O Mehrab Khan         | 17103-0340645-5 | GPS Dalazak-No.1      | 122.66 | Panjpao      | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 93  | 1560976 | Shah Muhammad S/O Khair Muhammad       | 21407-4147405-3 | GPS Yarjan Killi      | 114.36 | Panjpao      | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 94  | 1560860 | Akhter Ali S/O Ali Rehman              | 17101-0257749-1 | GPS Angar Kor         | 144.92 | Rajjar-1     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 95  | 1560030 | Abdul Musawir S/O Muhammad Ali         | 17101-3401857-5 | GPS Angar Kor         | 132.1  | Rajjar-1     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 96  | 1561590 | Owais Ullah S/O Fazli Qamar            | 17101-7120368-1 | GPS Sulai Karna       | 112.43 | Rajjar-1     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 97  | 1561728 | Shah Ayaz Uddin S/O Saeeduddin         | 17101-0271844-3 | GPS Rajjar-1          | 102.35 | Rajjar-1     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 98  | 1560118 | Tahir Ali Shah S/O Abdus Sattar        | 17101-8707068-5 | GPS Shakar Dhand      | 118.74 | Rajjar-2     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 99  | 1560829 | Manzoor Ali S/O Imam Din               | 17101-1819839-7 | GPS Gujrano Killi     | 109.71 | Rajjar-2     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 100 | 1561100 | Muhammad Basir S/O Malvi Sabar Khan    | 17101-1420852-7 | GPS Wardoga-1         | 107.59 | Rajjar-2     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 101 | 1560867 | Sadeeq Ullah S/O Taqdeer Ullah         | 17101-6320758-7 | GPS Kodai-2           | 96.2   | Rashakai     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 102 | 1561304 | Mustafa Zeb S/O Jehan Zeb              | 17101-4804519-5 | GPS Mian Killi-2      | 93.93  | Rashakai     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 103 | 1561686 | Abdullah Khan S/O Ibad Khan            | 17101-6417232-9 | GPS Zrawar Khan Kor   | 87.29  | Rashakai     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 104 | 1560216 | Gul Raj Khan S/O Ata Khan              | 17101-4325646-3 | GPS Banda Rashakai    | 118.53 | Rashakai     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 105 | 1561135 | Zakir Ullah S/O Mustan Shah            | 21407-5670864-5 | GPS Banda Rashakai    | 117.43 | Rashakai     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 106 | 2961492 | Muhammad Sajjad S/O Toor Khan          | 17101-1895884-3 | GPS Ghundai Kor       | 114.17 | Rashakai     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 107 | 1561553 | Khan Muhammad S/O Taj Muhammad         | 17101-1059134-3 | GPS Rashakai          | 107.21 | Rashakai     | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 108 | 1560945 | Karam Ilahi S/O Fazli Rabbi            | 17101-0321468-5 | GPS Ajpon Killi       | 127.52 | Sarki Titara | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 109 | 1561732 | Ishtiyaq Ahmad S/O Ghulam Muhammad     | 17101-2752491-3 | GPS Rasool Khan Killi | 124.92 | Sarki Titara | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 110 | 1561235 | Fawad Ahmad S/O Mushtaq Ahmad          | 17101-0303540-3 | GPS Jalal Killi-2     | 118.25 | Sarki Titara | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 111 | 1560836 | Irshad Ali S/O Noor Muhammad           | 17101-0993454-5 | GPS Anwar Killi-1     | 120.41 | Sarki Titara | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 112 | 1561021 | Zain Ul Abideen S/O M.Zarin Khan       | 17101-4689553-3 | GPS Sarki Titara-1    | 112.05 | Sarki Titara | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 113 | 1561540 | Jamil Muhammad Khan S/O Nasir Muhammad | 17101-0377280-9 | GPS Haqdar Qalbari    | 111.2  | Sarki Titara | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 114 | 2960941 | Mustafa S/O Mustaqeem                  | 17102-9575090-9 | GPS Chail             | 134.38 | Shodag       | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 115 | 1560800 | Shahab Ali S/O Niaz Ali                | 17101-0874659-3 | GPS D. Mukarram Khan  | 110.7  | Tarnab       | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 116 | 1561489 | Mudassir Shah S/O Tahir Shah           | 17101-3398831-9 | GPS Rizwan Abad       | 176.55 | Turangzai    | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 117 | 1560171 | Waqar Ali Shah S/O Tahir Shah          | 17101-7624422-5 | GPS Umarzai-1         | 121.33 | Umarzai      | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 118 | 1561401 | Zia Ullah S/O Jamil Zada               | 17101-7128195-1 | GPS Inzar Qala        | 112.97 | Turangzai    | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 119 | 1560092 | Muhammad Yasir S/O Sami Ullah          | 17101-8371336-5 | GPS Odigram           | 121.89 | Umarzai      | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 120 | 1560176 | Wasiq Jan S/O Shahzad Gul              | 17101-6328961-3 | GPS Umarzai-2         | 118.65 | Umarzai      | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 121 | 1561702 | Nasim Jan S/O Muhammad Rahman          | 17101-0332021-1 | GPS Yakh Kohl         | 115.59 | Umarzai      | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 122 | 1561805 | Attullah Noor S/O Noorul Qamar         | 17101-5067018-7 | GPS Zahaar Abad       | 113.3  | Umarzai      | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 123 | 1561257 | Aftab Ahmad S/O Muhammad Islam         | 17101-9526663-5 | GPS Chitla Dherai     | 109.25 | Umarzai      | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |
| 124 | 1561264 | Saber Shah S/O Muhammad Zainan         | 17102-8126097-7 | GPS Zuhab Gul         | 130.56 | Zlam         | 4807-4958<br>Dated:31/05/2014 | 01-09-14 | 23938-24078<br>Dated:28/04/2017 |

Munir Khan

~~ATTACHED~~

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|     |            |  |                   |                        |        |                  |                               |          |
|-----|------------|--|-------------------|------------------------|--------|------------------|-------------------------------|----------|
| 422 | 2031001233 | Sayel Khan S/O Ali Akbar                     | 17102-9394848-195 | GPS Splmai Tangi       | 116.54 | Shodag           | 20762-856<br>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<br>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<br>Dated:28/03/2017 | 08-04-17 |
| 425 | 2035001107 | Mazhar Ali S/O Istikhar Ali                  | 17102-9394848-198 | GPS Umarzal No.1       | 134.95 | Umarzal          | 20762-856<br>Dated:28/03/2017 | 08-04-17 |
| 426 | 201701921  | Muhammad Zohab S/O Muhammad Yousaf           | 17102-9394848-199 | GPS Dheri Zardad No.1  | 112.95 | Dheri Zardad     | 20762-856<br>Dated:28/03/2017 | 08-04-17 |
| 427 | 2032001161 | Abdul Majid S/O Abdul Bari                   | 17102-9394848-200 | GPS Mubeen Korodna SKF | 126    | Hassanzai        | 27462-71<br>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<br>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<br>Dated:20/05/2017  | 22-05-17 |
| 430 | 202300325  | Hazrat Ullah S/O Alamsaid                    | 17102-9394848-203 | GPS Arat Killi         | 106.74 | KozBehramDheri   | 27530-34<br>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<br>Dated:23/05/2017  | 01-09-17 |
| 432 | 201700483  | Syed Wilayat Shah S/O Syed Farah Siar Shah   | 17102-9394848-205 | GPS Haldar Killi       | 109.59 | Shodag           | 28873-76<br>Dated:15/07/2017  | 01-09-17 |
| 433 | 2031000963 | Yahya Jan S/O Dilbar Khan                    | 17102-9394848-206 | GPS Mahmood Abad       | 121.61 | Chindrodag       | 28877-80<br>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 GPFund in terms of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended in 2013.
- 3.) Their services are liable to termination on one months' notice from either side in case of resignation without notice, their one month's pay/allowances shall be forfeited to the Govt.
- 4.) They shall possess the same qualification and experience required for a regular post.
- 5.) Their regularization shall not affect the promotion quota of existing holders of posts in respective service cadres
- 6.) The regularization will not be in favour of those, who have not taken over charge or has remained absent from duty or resign / terminated from service and also not for those who are under disciplinary proceedings.
- 7.) Their pay shall be released subject to verification of academic documents/testimonial from the concerned Board/University by the SDEO concerned
- 8.) The employees whose services are regularized under The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) or in the process of attaining service at the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
- 9.) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre.
- 10.) Their seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous service in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one.

( SIRAJ MUHAMMAD )  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSADEA

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.

**ALLIED**

Dy-DISTRICT EDUCATION OFFICER  
(MALE) CHARSADEA

*Muhammad Siraj*  
12/03/2018

(12)

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7597/2021

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

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

VERSUS

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

Mr. Muhammad Maaz Madani  
Advocate ... For appellant

Mr. Muhammad Jan  
District Attorney ... For respondents

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

JUDGMENT

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

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

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

ATTESTED

  
8-8-24  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



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

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

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

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

**ATTESTED**

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


*[Handwritten mark]*

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

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

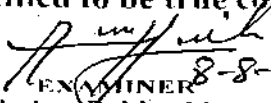
8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6<sup>th</sup> day of November, 2023.*

  
 (MUHAMMAD AKBAR KHAN)  
 Member (E)

  
 (RASHIDA BANO)  
 Member (J)

Kazantallib

Date of Presentation of Application 8-8-24  
 Number of Words 4  
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 Date of Copy 5-8-24  
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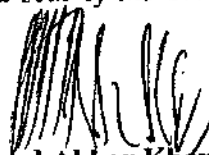
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 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

**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

(16)

Diary No. 709-16/4/2024

THE DISTRICT EDUCATION OFFICER (MALE)  
District Charsadda.

- E

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: Owais Ullah

Designation: SPST

School: GPS Sulai Kaman

Contact No: 03159397199

Signature: Owais

Date: 16/04/2024



# (POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

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

OWAIS ULLAH

VS

GOVT. OF KP & OTHERS

I, Owais 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

  
(Owais 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