


# FORM OF ORDER SHEET

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

**Appeal No. 1277/2024**


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. Marjan Ali 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. Marjan Ali 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. 660 /Inst./2024/KPST,

Dt. 15/8 /2024.

  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Maaz Madni Adv.  
High Court at Peshawar.

Resubmitted, please,   
8/19.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

**CHECK LIST**

Case Title: **MARJAN ALI** 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. \_\_\_\_\_/2024

MARJAN ALI

V/S

GOVT. OF KP  
& OTHERS

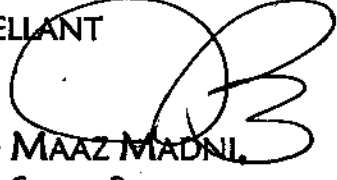
**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	appointment order dated 31.05.2014 <i>Gr. Bk</i>	A/AA	6 - 7/8 - <i>viii</i>
4.	Charge Report dated 31.05.2014	B	8
5.	Regularization Order dated 12.03.2018	C	9 - 10
6.	Judgement dated 06.11.2023	D	11 - 14
7.	Departmental Appeal dated 19.04.2024	E	15
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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. 1277 /2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 14987

Dated 15-08-2024

MARJAN ALI S/O Saeed Gul, SPST (B-14),  
Govt. Primary School, Sheikh Killi Agra, 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 31.05.2014 is attached as Annexure ..... A.

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

  
MARJAN ALI

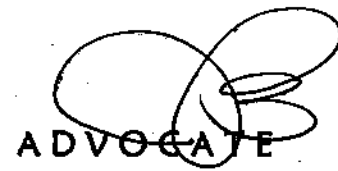
Through:



MUHAMMAD MAAZ MADNI  
Advocate, High Court, Peshawar

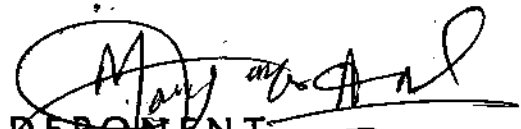
**CERTIFICATE**

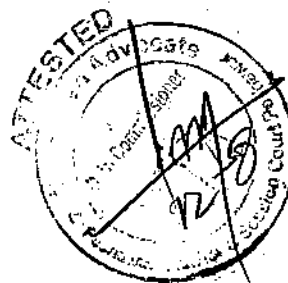
No, such like appeal has been filed or pending on the subject matter between the parties before this Honourable Tribunal.

  
ADVOCATE

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

I, MARJAN ALI s/o Saeed Gul, 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  
17101-9766071-5





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

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

MARJAN ALI... .. 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

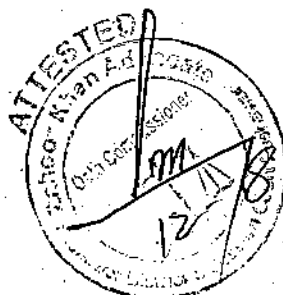
Through:

**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  
17101-9766071-5



6

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) CHIARSADDA

A

APPOINTMENT

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of PST School based/UC based in BPS-12 (Rs: 7000-500-22000) @Rs: 7000/- fixed plus usual allowances as admissible under the rules on ad hoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge :-

S.#	Name	School Name	U/C	Secre
2/144	MARJAN ALI 17101-9766071-5	GPS Sheikh Killi	Agva	121.21

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.

7

**Appointment Order PST (M) Ad hoc -Based**

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

(Siraj Muhammad)  
 District Education Officer  
 (Male) Charsadda

Endst: No: 4807-4958 /Dated: Charsadda the. 31/5/14

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

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

~~SECRET~~  
~~CONFIDENTIAL~~

(For use in Police Department only)

609/100

AA"

The entries in this should be dated

(1)

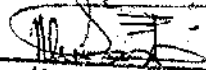
1. Passed SSC Exams from B.I.S.E. Peshawar  
 Under R.No. 136428 in the Session 1998(A).  
 Obtained Marks 379/850.

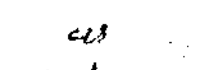
Name: \_\_\_\_\_

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

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

Verification Roll No. \_\_\_\_\_

dated   
 ASDEO (M)  
 Circle Peshawar  
 Charsadda.


received back   
 S.D.F.O.  
 (M) Charsadda.


2. Passed F.A. Exams from B.I.S.E. Peshawar  
 Under R.No. 81416 in the Session 2004(A).  
 Marks obtained 472/1100.

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

Date of birth by nearly as can be \_\_\_\_\_

Left Thumb Impression

  
 ASDEO (M)  
 Circle Peshawar  
 Charsadda.

  
 S.D.F.O.  
 (M) Charsadda.

3. Passed B.A. Exams A.I.O.U. Islamabad under  
 R.No. S-483202 in the Session Spz, 2007.  
 Obtained marks 548/900.

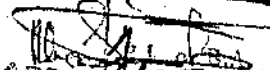
Exact height by \_\_\_\_\_

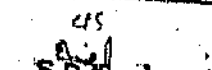
Personal marks \_\_\_\_\_

English

Result declared on 03 March, 2008.  
 First Arts

Pushto

  
 ASDEO (M)  
 Circle Peshawar  
 Charsadda.

  
 S.D.F.O.  
 (M) Charsadda.


Left hand thumb of (Non-Gazettee) \_\_\_\_\_

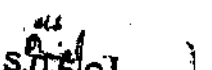
4. Passed M.A. Exams from U.O. Peshawar under  
 R.No. 34251 in the Session 2010(A).  
 Marks obtained 639/1100. Result declared on 9 March 2011.

Little Finger: \_\_\_\_\_

Middle Finger: \_\_\_\_\_

Finger Print

  
 ASDEO (M)  
 Circle Peshawar  
 Charsadda.

  
 S.D.F.O.  
 (M) Charsadda.

Thumb: \_\_\_\_\_


5. Passed P.T.C. Exams from A.I.O.U. Islamabad  
 Under R.No. AN. 637889. in the Session  
 AUT 2012. Marks obtained 597/900.


Signature of Gov \_\_\_\_\_

Signature and de Head of the Office Officer \_\_\_\_\_

Reserve Duties

Result declared on 24 June 2013.

  
 ASDEO (M)  
 Circle Peshawar  
 Charsadda.

  
 S.D.F.O.  
 (M) Charsadda.

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

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

(11)

Kawar  
(A)

Name: MARTAN ALI

Race: AFGHAN (PUNJAB)

Residence: POST OFFICE PRANG VILLAGE SHAHBARA

1/10/10

TEH. W. DIST. ZHARSADDA

Kawar  
04(A)

Father's name and residence: SAEED GUL

1/10/10

Date of birth by Christian era as nearly as can be ascertained: 04-04-1982 (FOURTH APRIL NINETEEN EIGHTY TWO)

under  
Date

Exact height by measurement: 5-8"

007

Personal marks for identification: NIL

45  
1/10/10

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

1/10/10

Little Finger:  Ring Finger: 

obtained

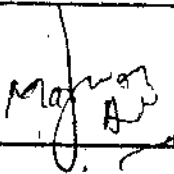
Middle Finger:  Fore Finger: 

011

1/10/10

Thumb: 

1/10/10

Signature of Government Servant: 

00

Signature and designation of the Head of the Office, or other Attesting Officer

0

45  
S.D.O.  
CHD.

00

111

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 7
DST at G.P.S. Chakkrali		B.P.S No-12	(7000-500-22000)					
		Revised B.P.S 12 Rs. 9055/-	Rs. 7000/-	Rs. 1500/-		9/2/14		S.D.O. MULCHOI
		Revised B.P.S 12 Rs. 9055/-	Rs. 11140/-	Rs. 800/-		7/15		
		Revised A.P.S 12 Rs. 11140/-	Rs. 13320/-	Rs. 960/-		7/16		
		Revised A.P.S 12 Rs. 13320/-	Rs. 13320			7/17		
		Revised Entries due to regularization B+12 Rs. 7000-500-22000	Rs. 7000/-			01-09-2014		
		Pay Revised B+12 Rs. 9055/-	Rs. 7000	Rs. 650/-		01-12-2014		
		Rs. 9055/-				01-07-2015		
		Pay Revised B+12 Rs. 9705/-	Rs. 11140/-	Rs. 800/-		01-12-2015		
		Rs. 11140/-	Rs. 11940/-			01-07-2016		
		Rs. 12740/-	Rs. 12740/-			01-12-2016		
		12th Revised B.P.S 12 Rs. 13320/-	Rs. 13320/-	Rs. 960/-				
		Rs. 15240/-	Rs. 15240/-			01-07-2017		
		Rs. 16200/-	Rs. 16200/-			01-12-2017		

S.D.O. MULCHOI



1	2	3	4	5	6	7	8	9
PSI 815	PSI 815	BPS No - 12 (13320-96-42120)	Rs 17160/-			12/18		Signature of Government Servant
Shahbraz	Shahbraz	BPS No - 14 (15180-1170-50282)	Rs 18120/-			12/19		Signature of Government Servant
			Rs 18690 + 1170 = 19860/-			207/5		Signature of Government Servant
			Rs 21050/-			12/2020		Signature of Government Servant
			Rs 22200/-			12/2021		Signature of Government Servant
			Revised Rs 14 Rs 22530 - 1740 - 24730			12/2022		Signature of Government Servant
			32970/-			12/2022		Signature of Government Servant
			34710/-			12/2022		Signature of Government Servant

Whether substantive or officiating  
 (i) whether appointment, or  
 (ii) whether service counts for pension under Art. 371 C.S.R.

Pay in substantive post

Additional Pay for officiating

Other emoluments falling under the term "Pay"

Date of Appointment

Signature of Government Servant

Picture and Designation of the head of the office  
 other attesting officer  
 in attestation of columns 1 to 8









MISILE

31/5/2014  
[Signature]  
[Signature]

31/5/2014  
[Signature]  
[Signature]

4807-4988  
[Handwritten text in Urdu]

B

8

# 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 metioned against each in the interst of public service.

Sr	Holl 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	Extention No. & Date
1	1560039	Muhammad Khalid S/O Yousof 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	Marijan Ali S/O Saeda 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	Mian Adil Shen 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 Mandical	133.59	Battagram	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
6	1560941	Muhammad Shoaib 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 Jaffer 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 Nadur Khan	17101-0307693-1	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 Ishtiaq S/O Muhammad Nabi	17101-3765891-7	GPS Mian 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 Abnd 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 Mahaqi	118.45	Daulat Pura	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
15	1560109	Ikrum Ul Haq S/O Abdul Dayan	17101-6170115-7	GPS Ambadher	116.29	Daulat Pura	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
16	1560214	Asif Ullah S/O Noorqat Ali Shan	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 Ziarat Gul	17101-6375764-1	GPS Aziz Abad-2	171.66	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 Fazal 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 Guizer 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 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 Dher	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	17101-0319790-9	GPS Malka Dher	115.09	Ghunda Karkana	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017

Muhammad

15/11/20

15/11/20

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

BY: DISTRICT EDUCATION OFFICER (MALE) CHARASADDA

*Muhammad*  
12/03/2018

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

(SIRAJ MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) CHARASADDA

1.) Their services shall be governed by the Khyber Pakhtunkhwa Civil servants Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lecturers, Inspectors & Doctors) Regulatory Act, 2011 and such rules & regulations as may be issued from time to time by the Government.

2.) Their services shall be considered regular and they shall be eligible for pension / deduction of C/P 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 provision quota of existing holders of posts in respective service cadres.

6.) The regularization will not be in favour of those who are under disciplinary proceedings.

7.) Their pay shall be released subject to verification of academic documents/ testimonials from the concerned Board/University by the S/DCO 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 interest 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.

**TERMS & CONDITIONS**

422	2031001233	Sayal Khan S/O Ali Akbar	17102-9394848-	195	GPS Spinal Tangi	116.54	Shodarg	Dated: 28/03/2017	20762-856	08-04-17
423	2035001448	Nadeem Jan S/O Khan Bahader	17102-9394848-	196	GPS Ternab No.2	112.6	Ternab	Dated: 28/03/2017	20762-856	08-04-17
424	2031001023	Muhammad Ali S/O Zahir Ullah Khan	17102-9394848-	197	GPS Ternab No.1	111.76	Ternab	Dated: 28/03/2017	20762-856	08-04-17
425	2035001107	Mahzar Ali S/O Irfan Khan	17102-9394848-	198	GPS Umarzai	134.95	Umarzai	Dated: 28/03/2017	20762-856	08-04-17
426	201201921	Muhammad Zohrab S/O Muhammad Yousof	17102-9394848-	199	GPS Dhafi	112.95	Dhafi Zardad	Dated: 18/03/2017	20762-856	08-04-17
427	2032001161	Abdul Majid S/O Abdul Bani	17102-9394848-	200	GPS Mubara	126	Imtiaz	Dated: 20/05/2017	27462-71	22-05-17
428	2012000247	Irfan Ullah S/O Yousof Gul	17102-9394848-	201	GPS No.1 Tangi	120.14	MC-Tangi	Dated: 20/05/2017	27462-71	22-05-17
429	201200286	Usable Quani S/O Zahir Ullah	17102-9394848-	202	GPS No.1 Charad	121.32	Charad	Dated: 20/05/2017	27462-71	22-05-17
430	202300235	Hazrat Ullah S/O Alimzad	17102-9394848-	203	GPS Arzi Killi	106.74	Koz Bahram/Dheri	Dated: 23/05/2017	27530-34	01-09-17
431	2033001120	Asif U-Rahaman/Diabetic Quani S/O Gul Rahman	17102-9394848-	204	GPS Dhaki	121.58	Dhaki	Dated: 23/05/2017	27547-51	01-09-17
432	201200483	Syed Wajid Shah S/O Syed Farah Sior Shah	17102-9394848-	205	GPS Haidar Kibi	109.59	Shadag	Dated: 15/07/2017	28873-75	01-09-17
433	203100963	Yahya Jan S/O Dilbar Khan	17102-9394848-	206	GPS Mahmand	121.61	Chitrodag	Dated: 15/07/2017	28877-80	01-09-17

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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

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**ATTESTED**

*A. J. 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

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

  
 (MUHAMMAD AKBAR KHAN)  
 Member (E)

  
 (RASHIDA BANO)  
 Member (J)

Katenuhli

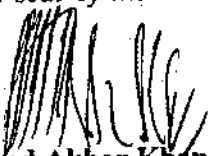
Date of Presentation of Application 8-8-24  
 Number of Words 4  
 Copying Fee 5  
 Urgent 5  
 Total 25  
 Name of Applicant A. Mujib  
 Date of Case 5-8-24  
 Date of Delivery of copy 8-8-24


Certified to be true copy  
  
 8-8-24  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

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**ORDER**  
06.11.2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.
2. Vide our detailed judgement of today placed on file, the appeal in hand is allowed as prayed for and the appellant is held entitled to all back benefits. Costs shall follow the event. Consign.
3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6<sup>th</sup> day of November, 2023.*

  
(Muhammad Akbar Khan)  
Member (E)

  
(Rashida Bano)  
Member (J)

Dary No. 709 19-04-2024

To

THE DISTRICT EDUCATION OFFICER (MALE),  
District, Charsadda.

Subject: APPLICATION FOR THE GRANT SALARY FOR THE  
MONTH OF JUNE, JULY & AUGUST 2014 & INCREMENT  
FOR THE YEAR 2014.

R/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 dated 31-05-2014 after fulfilling all the codal & legal formalities required for the post. I submitted my arrival report but in the meanwhile summer vocation started and started duty after summer vocation. After, performing duty for sufficient time my services was regularized with the promulgation of the Act of 2017.

My salary was started from 01-09-2014 and not from 31-05-2014 and according to the said salary our increment for the year 2014 was also not allowed to me.

Recently, one of my colleague Namely Abdul Musawir has approached Khyber Pakhtunkhwa Service Tribunal Peshawar for such benefit and his case was graciously allowed.

In this respect, it is stated that the Salary for the month of June, July & August 2014 and increment for the Year 2014 may kindly be allowed to me by Principle of Parity and oblige, please.

Obediently Yours,

Mariam Ali  
GPS, Sheikhkali  
Mariam Ali  
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# (POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

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

MARJAN ALI

VS

GOVT. OF KP & OTHERS

I, Marjan Ali 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

(Marjan Ali)

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