


FORM OF ORDER SHEET

Court of _____

Appeal No. 1282/2024


| 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. Yasir Khan 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. Yasir Khan 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. 618 /Inst./2024/KPST,

Dt. 15/8 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Maaz Madni Adv.
High Court at Peshawar.

Resubmitted, please.


OSR.


KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: **YASIR KHAN** V/S **GOVT. OF KP & OTHER**

| S# | CONTENTS | YES | NO |
|----|--|-------------------------------------|-------------------------------------|
| 1 | This Appeal has been presented by: MUHAMMAD MAAZ MADNI | <input checked="" type="checkbox"/> | |
| 2 | Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents? | <input checked="" type="checkbox"/> | |
| 3 | Whether appeal is within time? | <input checked="" type="checkbox"/> | |
| 4 | Whether the enactment under which the appeal is filed mentioned? | <input checked="" type="checkbox"/> | |
| 5 | Whether the enactment under which the appeal is filed is correct? | <input checked="" type="checkbox"/> | |
| 6 | Whether affidavit is appended? | <input checked="" type="checkbox"/> | |
| 7 | Whether affidavit is duly attested by competent Oath Commissioner? | <input checked="" type="checkbox"/> | |
| 8 | Whether appeal/annexures are properly paged? | <input checked="" type="checkbox"/> | |
| 9 | Whether certificate regarding filing any earlier appeal on the subject, furnished? | <input checked="" type="checkbox"/> | |
| 10 | Whether annexures are legible? | <input checked="" type="checkbox"/> | |
| 11 | Whether annexures are attested? | <input checked="" type="checkbox"/> | |
| 12 | Whether copies of annexures are readable/clear? | <input checked="" type="checkbox"/> | |
| 13 | Whether copy of appeal is delivered to AG/DAG? | <input checked="" type="checkbox"/> | |
| 14 | Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents? | <input checked="" type="checkbox"/> | |
| 15 | Whether numbers of referred cases given are correct? | <input checked="" type="checkbox"/> | |
| 16 | Whether appeal contains cutting/overwriting? | | <input checked="" type="checkbox"/> |
| 17 | Whether list of books has been provided at the end of the appeal? | <input checked="" type="checkbox"/> | |
| 18 | Whether case relate to this court? | <input checked="" type="checkbox"/> | |
| 19 | Whether requisite number of spare copies attached? | <input checked="" type="checkbox"/> | |
| 20 | Whether complete spare copy is filed in separate file cover? | <input checked="" type="checkbox"/> | |
| 21 | Whether addresses of parties given are complete? | <input checked="" type="checkbox"/> | |
| 22 | Whether index filed? | <input checked="" type="checkbox"/> | |
| 23 | Whether index is correct? | <input checked="" type="checkbox"/> | |
| 24 | Whether Security and Process Fee deposited? On _____ | <input checked="" type="checkbox"/> | |
| 25 | Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____ | <input checked="" type="checkbox"/> | |
| 26 | Whether copies of comments/reply/rejoinder submitted? On _____ | <input checked="" type="checkbox"/> | |
| 27 | Whether copies of comments/reply/rejoinder provided to opposite party? On _____ | <input checked="" type="checkbox"/> | |

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: **Muhammad Maaz Madni**
 Signature: 
 Dated: **12-08-2024**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. _____ /2024

YASIR KHAN

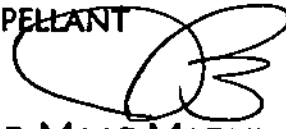
V/S

GOVT. OF KP
& OTHERS

INDEX

| S.NO. | DOCUMENTS | ANNEXURE | PAGE |
|-------|--|----------|------------|
| 1. | Memo of appeal | | 1 - 4 |
| 2. | Condonation of Delay petition | | 5 |
| 3. | appointment order dated 31.05.2014/Sr-Bk | A/AA | 6 - 7/2-vi |
| 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 26.04.2024 | E | 15 |
| 8. | Wakalatnama | | 16 |

Dated: 12th August, 2024

APPELLANT
Through: 
MUHAMMAD MAAZ MADNI,
ADVOCATE HIGH COURT, PESHAWAR
TF-291, 292, Deans Trade Centre,
Peshawar Cantt:
0333-9313113, 0314-9965666
muhammad.m3adv@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1282 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14981

Dated 15-08-2024

YASIR KHAN S/O Nasir Khan, SPST (B-14),
Govt. Primary School, Mandani, Tangi, 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

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

Filed to-day
Registrar
15/8/24

Respectfully Sheweth;

FACTS:

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

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

Copy of Appointment Order dated & Sr. Bk
31.05.2014 is attached as
Annexure A/AA .

2. That appellant after receiving the appointment order dated 31/05/2014 submitted his arrival report and took over the charge of his post on date 31/05/2014 the same date the appellant received the appointment order.

Copy of Charge Report dated
31.05.2014 is attached as
Annexure B.

3. That service of all the adhoc teachers were regularized vide Regularization Act, 2017 and accordingly the services of the appellant was also regularized vide order dated 12.03.2018 from the date of appointment i.e. 31/05/2014.

Copy of Regularization Order dated
12.03.2018 is attached as Annexure C.

4. That, one of my colleagues who was appointment with the appellant on the same day filed Service Appeal No. 7597/2021 title Abdul Musawir versus Govt. Of KP & others decided vide dated 06/11/2023 and allowed the same benefit to the appellant (Abdul Musawir).

Copy of Judgement dated 06.11.2023 is
attached as Annexure D.

5. That while following the Principle of Parity the appellant also filed Departmental Appeal dated 26/04/2024 in light of the judgment dated 06/11/2023 which was allotted with dairy no. 3131 but no response has been received so far after lapse of statutory period.

Copy of Departmental Appeal dated
26.04.2024 is attached as Annexure ... E.

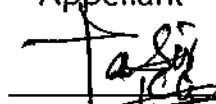
6. That feeling highly aggrieved and is left with no other remedy but to file the instant service appeal before this Honourable Tribunal on the following grounds:

GROUNDS OF APPEAL:

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

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

Dated: 12-08-2024

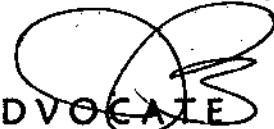
Appellant

YASIR KHAN

Through:


MUHAMMAD MAAZ MADNI
Advocate, High Court, Peshawar

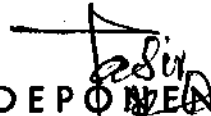
CERTIFICATE

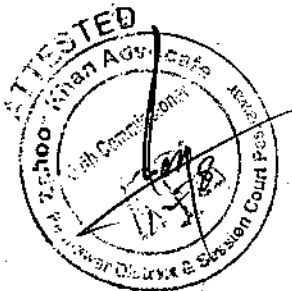
No, such like appeal has been filed or pending on the subject matter between the parties before this Honourable Tribunal.


ADVOCATE

A F F I D A V I T

I, YASIR KHAN s/o Nasir Khan, 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
17102-2872837-3



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

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

YASIR KHAN 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

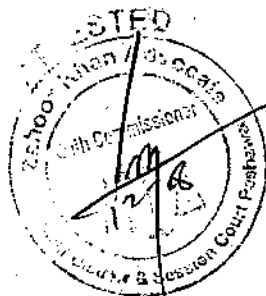
Through:

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
17102-28/2837-3



Appointment Order PST (M) Ad hoc - Based

7

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

(Siraj Muhammad)
 District Education Officer
 (Male) Charsadda

Date: Charsadda, 11/11/2018

- 1. District Education Officer and necessary authorities to the Director L&SI Deptt. Khyber Pakhtunkhwa Peshawar.
- 2. District Commissioner Charsadda
- 3. District Accounts Officer Charsadda
- 4. SDCIA M. Charsadda
- 5. SDCIA M. Tangi
- 6. Official Concerned

(Signature)
 District Education Officer
 (Male) Charsadda

Name (نام)

YASIR-KHAN

AA"

(i)

Nationality and Religion

Afghan, Islam

(قومیت اور مذہب)

Residence

Wapda Killi, p/o Sheikh Abad, Tehsil P. Dist. Charoada.

(مستقل رہائش)

Father's name and residence

KHALID-KHAN

(والد کا نام اور پتہ)

Date of birth by Christian era as nearly as

can be ascertained 25th march Nineteen Eight nine 25/03/1989

(تاریخ پیدائش مطابق سن عیسوی)

Exact height by measurement

5 Feet 7 inches

(قد و قامت)

Personal mark of identification

Null

(نشان شناخت)

Left hand/right hand thumb and finger impressions of (Non-gazetted officer)

(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger

(چوٹکیا)

Ring Finger

(چوٹکیا کے ساتھ انگلی)

Middle Finger.

(انگشت میانہ)

Fore Finger

(انگشت شہادت)

Thumb

(انگوٹھا)

Signature of Government Servant

(سرکاری ملازم کے دستخط)

Signature and designation of the Head of

the office or other Attesting officer

Assistant District Officer (M)
(E&S)
Charoada

(تصدیق کنندہ افسر کے دستخط اور مہر)

S.D.E.O (M)
Charoada

The entries in this page should be renewed or re-attested at least every five years and the signatures in Lines 9 and 10 should be dated. Finger prints need not be renewed every 5 years under this rule.

نشانہ مندرجات ہر پانچ سال بعد تصدیق ہونا ضروری ہیں اور ہر 5 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہئے۔
تینوں کے نشانات ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

| 10. Date of termination or appointment | 11. Reason of termination (Such as Promotion, transfer, dismissal etc.) | 12. Signature of the Head of the Office or other Attesting officer | 13. Nature and duration of leave taken | 13. Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government | 14. Signature of the Head of the office or other attesting Officer | 15. Reference to any recorded Punishment or censure, reward or praised of the Government servants |
|---|--|---|---|---|---|--|
| | | | | چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تین Period Government to which debitable ۲ ماہ حکومت پاکستان | | |
| | | | | APP has 'PST' Fixed Vidia DEOM, Charsadda Endlist No 4807-4958 dated 31/5/14 at 9PS Imam Kali | | |
| | | | | Passed SSC Exam from BISE Peshawar Under P No 193873 dated Marked 560/B, out of SSC Session 2005 (A) V-No 3164 dated 26/8/14 at siva 7 | | |
| | | | | Passed FSC Exam from BISE Peshawar Under P No 55331 Session 2007(A) dated Marked 694 out of 1100 usual 0.8.2007 V No 1646 | | |

S.D.E.O (M)
Charsadda

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

S.D.E.O (M)
Charsadda

S.D.E.O (M)
Charsadda



with 001

1

| 10. | 11. | 12. | 13. | 14. | 15. | |
|--|---|--|------------------------------------|--|--|--|
| Date of termination or appointment | Reason of termination (Such as Promotion, transfer, dismissal etc.) | Signature of the Head of the Office or other Attesting officer | Nature and duration of leave taken | Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government | Signature of the Head of the office or other attesting Officer | Reference to any recorded Punishment - censure reward or praise of the Government servants |
| <p>Service Verified w.o.f. 11/9/14 To 31/3/77 From acq Roll & other record of this office</p> <p>The PST Post was Regularized from the date of his apptt. vide DEO(M) Charsadda order No. 19747-20185 dated 12-3-18 at S.O. 86</p> | <p>وجوہات انتقال ملازمت ترقی بنیاد بایرطرنی</p> | <p>دستخط افسر مجاز</p> | <p>رضت کی نوٹیت وسعیار</p> | <p>پارادیک کی رضت کے لے اوسط ترقی و ترقی Government to which debitable Period</p> <p>Passul B.A Exam from University of Peshawar under R No 30740 obtained Marks 265 out of 550 session 2009 The Result was declared on 19.9.2009</p> <p>V No 407/Rec 11.9.14 Assistant District Officer (I & S) Charsadda</p> | <p>دستخط افسر مجاز</p> <p>S.D.O. (M) Charsadda</p> | |
| | <p>S.O. (M) Charsadda</p> | | | <p>Passul M.A Exam from University of Peshawar under R No 38191 obtained Marks 582 out of 1100 session 2011(A) The Result was declared on 7.2.12</p> <p>V No 401/Rec 19.8.14 Assistant District Officer (I & S) Charsadda</p> | <p>S.D.O. (M) Charsadda</p> | |
| | | | | <p>Passul P.T.C Exam from AIO U System Ahead Session SPR 2009 under R No 2640119 obtained Marks 289 The Result was declared on 14.3.09</p> <p>V No 31361 11.9.14 Assistant District Officer (I & S) Charsadda</p> | <p>S.D.O. (M) Charsadda</p> | |

8

ANNEX-B

جاری دلوڈ

4807/4958

ایم یاسر خان

31-05-2014

گورنمنٹ ایجوکیشنل افسیس، ایف ڈی ایف، ایف ڈی ایف

گورنمنٹ ایجوکیشنل افسیس، ایف ڈی ایف، ایف ڈی ایف

گورنمنٹ ایجوکیشنل افسیس، ایف ڈی ایف، ایف ڈی ایف

گورنمنٹ ایجوکیشنل افسیس، ایف ڈی ایف، ایف ڈی ایف

گورنمنٹ ایجوکیشنل افسیس، ایف ڈی ایف، ایف ڈی ایف

گورنمنٹ ایجوکیشنل افسیس، ایف ڈی ایف، ایف ڈی ایف

گورنمنٹ ایجوکیشنل افسیس، ایف ڈی ایف، ایف ڈی ایف

گورنمنٹ ایجوکیشنل افسیس، ایف ڈی ایف، ایف ڈی ایف

جاری دلوڈ

Yasir Khan

جاری دلوڈ

Falakiniaz

Head Master
GPS Inam Killi
(CHD)

Handwritten mark

Handwritten mark

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSAKDA.

9

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.

| Sl. No. | Roll No. NTS | Name and Father Name | CRIC No. | Name of School | Total Marks out of 100 | U/C | Appointment order No. & Date | Date of Taking Over Charge | Location No. & Date |
|---------|--------------|---------------------------------------|-----------------|-----------------------|------------------------|----------------|------------------------------|----------------------------|------------------------------|
| 1 | 1560039 | Muhammad Khalid S/O Yousef Ali | 17101-6537002-5 | GPS Station Kili | 132.89 | Abasi | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 2 | 1560071 | Marijan Ali S/O Saad Gul | 17101-9766071-5 | GPS Sheikh Kili | 121.21 | Agra | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 3 | 1560014 | M An Azeem Shah S/O Mian Khatay Ullah | 17101-0844013-5 | GPS Agra Bala | 116.33 | Agra | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 4 | 1561340 | Muhammad Amn 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 | Talawat Shah S/O S.Wajayat 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 | 129.68 | Battagram | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 7 | 1560994 | Shah Anwar S/O Rahim Khan | 17101-0399195-3 | GPS Marozal | 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 | 17101-7091491-7 | 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 | 17101-4432180-5 | 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 | 17101-0307693-3 | GPS Ashara Khan Kili | 135.48 | Behola | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 11 | 1560845 | Muhammad Ishtiaq S/O Muhammad Rabi | 17101-3765891-7 | GPS Mian Shah No.6 | 132.34 | Behola | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 12 | 1561037 | Yaseen Khan S/O Fawad Khan | 17101-2716199-9 | GPS Shaheedan | 132.18 | Behola | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 13 | 2781564 | Nizam Ullah S/O Ubaid Ullah | 17101-6378689-5 | GPS Islam Abad Dargal | 135.83 | Dargal | 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 | Daudat Pura | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 15 | 1560109 | Iqbal Ullah S/O Abdul Dayan | 17101-6170115-7 | GPS Ambassador-1 | 116.29 | Daudat Pura | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 16 | 1560714 | Ajil Ullah S/O Noorqat Ali Shah | 17101-0826588-1 | GPS Daudat Pura | 114.31 | Daudat Pura | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 17 | 1560175 | Umar Gul S/O Zariat Gul | 17101-6375764-3 | GPS Aziz Abad-2 | 121.66 | Dheri Zardad | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 18 | 1561321 | Abdurshman 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 Faraj Masood | 17101-0328797-7 | GPS Kalyas | 104.56 | Dheri Zardad | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 20 | 1560938 | Zafar Ali S/O Muhammad Ali | 17101-0260821-7 | GPS Dosehra-3 | 116.17 | Dosehra | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 21 | 1560990 | Muhammad Gulzar S/O Mirza Khan | 17101-2239656-3 | GPS Maryana-2 | 111.12 | Dosehra | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 22 | 1561448 | Iqbal Muhammad S/O Abd 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 Ahmed S/O Farooq Shah | 17102-7470651-9 | GPS Karim Banda | 123.06 | Gandheri | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 24 | 1561007 | Waqar Khan S/O Mustafa Khan | 17101-5363178-3 | GPS Makh Dheri | 116.56 | Ghunda Farkana | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |
| 25 | 1560054 | Kamran S/O | 17101-0119790-9 | GPS Makh Dheri | 115.09 | Ghunda Farkana | 4807-4958 Dated:31/05/2014 | 01-09-14 | 23938-24078 Dated:28/04/2017 |

Signature

Handwritten marks

| | | | | | | | | |
|-----|------------|--|-------------------|------------------------|--------|------------------|-------------------------------|----------|
| 422 | 2031001233 | Sayel Khan S/O Ali Akbar | 17102-9394848-195 | GPS Splmal Tangl | 116.54 | Shodag | 20762-856 Dated:28/03/2017 | 08-04-17 |
| 423 | 2035001449 | Nadeem Jan S/O Khan Bahader | 17102-9394848-196 | GPS Tarnab No.2 | 112.6 | Tarnab | 20762-856 Dated:28/03/2017 | 08-04-17 |
| 424 | 2031001023 | Muhammad Ali S/O Zait Ullah Khan | 17102-9394848-197 | GPS Tarnab No.1 | 111.76 | Tarnab | 20762-856 Dated:28/03/2017 | 08-04-17 |
| 425 | 2035001107 | Mazhar Ali S/O Istikhar Ali | 17102-9394848-198 | GPS Umarzai No.1 | 134.95 | Umarzai | 20762-856 Dated:28/03/2017 | 08-04-17 |
| 426 | 201701921 | Muhammad Zohab S/O Muhammad Yousaf | 17102-9394848-199 | GPS Dheri Zardad No.1 | 112.95 | Dheri Zardad | 20762-856 Dated:28/03/2017 | 08-04-17 |
| 427 | 2032001161 | Abdul Majid S/O Abdul Bari | 17102-9394848-200 | GPS Mubeen Karooni SKF | 126 | Hassanzai | 27462-71 Dated:20/05/2017 | 22-05-17 |
| 428 | 2017000247 | Irfan Ullah S/O Yousaf Gul Mujeeb Ur Rahman | 17102-9394848-201 | GPS No.1 Tangi | 120.14 | MC- Tangi | 27462-71 Dated:20/05/2017 | 22-05-17 |
| 429 | 2017000286 | (Disable Quota) S/O Zehid Ullah | 17102-9394848-202 | GPS No.1 Charsadda | 121.32 | MC-III Charsadda | 27462-71 Dated:20/05/2017 | 22-05-17 |
| 430 | 202300325 | Hazrat Ullah S/O Alamsaid | 17102-9394848-203 | GPS Arat Killi | 106.74 | KozBahramDheri | 27530-34 Dated:23/05/2017 | 01-09-17 |
| 431 | 2033001129 | Asif Ur Rehman(Disable Quota) S/O Gul Rehman | 17102-9394848-204 | GPS Dhakki | 121.59 | Dhakki | 27547-51 Dated:23/05/2017 | 01-09-17 |
| 432 | 201700483 | Syed Willayat Shah S/O Syed Farah Siar Shah | 17102-9394848-205 | GPS Haidar Killi | 109.59 | Shodag | 28873-76 Dated:15/07/2017 | 01-09-17 |
| 433 | 2031000963 | Yahya Jan S/O Dilbar Khan | 17102-9394848-206 | GPS Mahmood Abad | 121.61 | Chindrodag | 28877-80 Dated:15/07/2017 | 01-09-17 |

TERMS & CONDITIONS.

- 1.) Their services shall be governed by the Khyber Pakhtunkhwa Civil servants Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lecturers, Instructors & Doctors) Regulatory Act, 2011 and such rules & regulations as may be issued from time to time by the Government.
- 2.) Their services shall be considered regular and they shall be eligible for pension / deduction of GPFund in terms of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended in 2013.
- 3.) Their services are liable to termination on one 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) CHARSADDA

Encls: 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.

RECEIVED

12/03/2018

112

D

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7597/2021

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



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

.... (Appellant)

VERSUS

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

.... (Respondents)

Mr. Muhammad Maaz Madani
Advocate ... For appellant

Mr. Muhammad Jan
District Attorney ... For respondents

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

JUDGMENT

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

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

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

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

ATTESTED

19

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]


ATTESTED

13

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

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

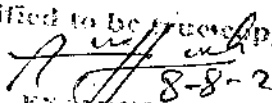
8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of November, 2023.*


 (MUHAMMAD AKBAR KHAN)
 Member (E)


 (RASHIDA BANO)
 Member (J)

Kaizenallah

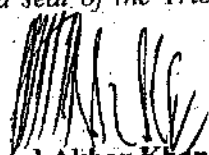
Date of Presentation of Application 8-8-24
 Number of Words 4
 Copying Fee 5
 Urgent 5
 Total 25
 Name of Applicant A. J. Khan
 Date of Filing 5-8-24
 Date of Decision 8-8-24


Certified to be true copy

8-8-24
 ENGINEER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

~~RECEIVED~~

ORDER
06.11.2023

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


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

Kakemulbb

RECEIVED

(15)
Teh-Tangri, District No-313)

To:

THE DISTRICT EDUCATION OFFICER (MALE)
District Charsadda.

Date: 26-04-2024

Subject: APPLICATION FOR THE GRANT OF INCREMENT FOR THE YEAR 2014 AND SALARIES FOR THE MONTHS OF JUNE, JULY & AUGUST 2014.

Respected/Sir,

Most respectfully, it is stated that I am working under your kind control in District Charsadda. I was appointed as PST (BPS-12) vide order Endst No. 4807-4958 dated 31-05-2014. After performing duty for sufficient time my service was regularized with the promulgation of the Act of 2017.

While our official service commencement date was 31/05/2014, the government began issuing our salaries from 01/09/2014, and according to the said salary our increment for the year 2014 was not allowed to me.

Furthermore, I wish to highlight a recent development within our department wherein one of my colleagues namely Abdul Musawir successfully pursued legal action and approached Khyber Pakhtunkhwa Service Tribunal Peshawar to rectify this issue and his case was graciously allowed. As a result, the department issued the petitioner with all withheld salaries and corresponding increments in alignment with initial appointment date.

In the light of this precedent and the principle of equal treatment for all employees, I am respectfully requesting that the department extends the same consideration to me as the said petitioner and I have been appointed with the same Endst Number and on same date, May 31, 2014.

In this respect, it is therefore requested that salaries for the months of June, July & August 2014 and increment for the year 2014 may kindly be allowed to me in line with the principles of justice and fairness, please.

Thank you for your time and consideration.

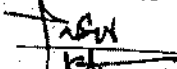
Obediently Yours

Name: Yasir Khan

Designation: SPST

School: GPS Mandani

Contact No: 03478120240

Signature: 

Date:

22/04/24

RECEIVED

(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2024

YASIR KHAN

VS

GOVT. OF KP & OTHERS

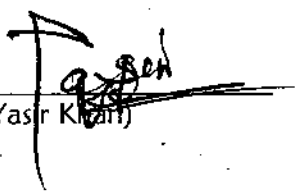
I, Yasir Khan do hereby nominated and appointed **MUHAMMAD MAAZ MADNI**, Advocate High Court, Peshawar, to be counsel in the above matter for me/us and on my/our behalf as agreed to appear, plead, act and answer in the above court or any appellate court or any court to which the business is transferred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

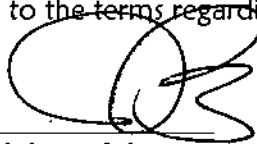
AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf; under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make 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 _____ day of _____ 2024.

EXECUTANT


(Yasir Khan)

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