


# FORM OF ORDER SHEET

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

**Appeal No. 1399/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29-Aug-24	<p>The appeal of Mr. SHADMAN presented today by Mr. Amjad Ali Mardan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 20-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1399 /2024

Shadman (Computer Operator/S.Stenographer  
BPS-16, Consumer Court Mardan) S/O Farman  
Ullah R/O Kula Dher Charsadda ..... **Appellant**

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary  
Industries, Commerce and Technical Education  
Department KP, Civil Secretariat, Peshawar and  
others ..... **Respondents**

**INDEX**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Page</b>
1	Service Appeal along with affidavit		1-9
2	Application for restraining respondents from recovery along with affidavit		10-11
3	Copy of posting order along with monthly salary statement	A	12-14
4	Copy of impugned order of recovery dated 08.04.2019	B	15
5	Copy of departmental appeal to Secretary Industry dated 04.04.2024	C	16
6	Copy of the impugned order dated 31.07.2024	D	17
7	Copy of the impugned audit para	E	18-20

8	Wakalatnama		21
---	-------------	--	----

**Appellant**  
**Through**

**Amjad Ali (Mardan)**  
**Advocate**  
**Supreme Court of Pakistan**

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

**& Muhammad Talha Khan (Mardan)**  
**Advocate**  
**High Court**

*Muhammad Talha Khan*  
Advocate  
High Court

**Dated:** 28.08.2024

①

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1399 /2024

Shadman (Computer Operator/S.Stenographer  
BPS-16, Consumer Court Mardan) S/O Farman  
Ullah R/O Kula Dher Charsadda ..... **Appellant**

**VERSUS**

1. Govt of Khyber Pakhtunkhwa through Secretary  
Industries, Commerce and Technical Education  
Department KP, Civil Secretariat, Peshawar
2. Secretary Finance, Govt of Khyber  
Pakhtunkhwa, Civil Secretariat, Peshawar
3. Budget Officer-VIII, Finance Department, Govt  
of Khyber Pakhtunkhwa, Civil Secretariat  
Peshawar
4. Accountant General, Khyber Pakhtunkhwa, 10<sup>th</sup>  
Fort Road, Peshawar Cantt, Peshawar
5. Accounts Officer (HAD), Accountant General KP  
Office, 10<sup>th</sup> Fort Road, Peshawar Cantt,  
Peshawar
6. District Accounts Officer Mardan, at District  
Comptroller of Accounts Office, opposite District  
Courts Mardan
7. Audit Officer Inspection, District Accounts Office  
Mardan at District Comptroller of Accounts  
Office, opposite District Courts Mardan

..... **Respondents**

②

**Appeal under Section 4 of Service Tribunal Act 1974 against original order dated 08.04.2019 passed by respondent no 3 whereafter appellant filed departmental appeal dated 04.04.2024 and thereafter, upon departmental appeal dated 04.04.2024, respondent no 5 passed order dated 31.07.2024 wherein recovery of judicial and utility allowance is restarted vide audit para drafted by respondent no 7 which are illegal against law and facts, non-speaking, without lawful authority, coram non-judice, arbitrary, whimsical and of no legal effect.**

---

**Respected Sir,**

**Appellant humbly submits as under:**

- 1) That vide order dated 01.03.2024, appellant is posted at Consumer Protection Court Mardan and working as Computer Operator/S.Stenographer BPS-16 as evident from monthly salary statement (**Copy of posting order and monthly salary statement is Annex "A"**)
- 2) That the Consumer Court has been established under KP Consumers Protection Act 1997.
- 3) That the National Judicial Policy Making Committee (NJPMC) in its meeting held on

10.02.2007 under the Chairmanship of the Hon'ble Chief Justice of Pakistan NJPHC approved judicial allowance to subordinate Courts Staff to the extent of 20% of running basic pay and utility allowances to the extent of 10% of running basic pay, but not less than Rs.1000/- to the staff in BPS-1 to BPS-16.

3

- 4) That aforementioned decision of NJPMC was adopted by Govt. of NWFP, now KP and the above allowances were granted to Judicial Officer as well as Staff of Subordinate Courts vide 2 notifications.
- 5) That the above facility is provided to staff of Attorney General.
- 6) That the allowances were granted to the Advocate General KP Office as well.
- 7) That Lahore High Court in WP No.1484/2008 granted the same relief to employees of Federal Service Tribunal on the strength of decision of Attorney General.
- 8) That Hon'ble Peshawar High Court granted allowance vide judgment dated 18.09.2012 to employees of District Judiciary in District Peshawar, Mardan and all Districts of KP.
- 9) That Hon'ble Peshawar High Court, Peshawar granted the allowances to para-legal staff of Provincial Anti-Corruption Court, KP Service Tribunal, Labour Court.
- 10) That as a result of the writ petition No. 4141-P/2016, respondents granted the allowances and in presence of AAG vide order dated 10.04.2018

of Hon'ble Peshawar High Court, Peshawar as the purpose was achieved.

4

- 11) That in the year 2019, respondents stopped the payment of utility/ judicial allowance and started recovery of aforementioned allowances vide order dated 08.04.2019 passed by respondent no 3, which is illegal, against law and facts. **(Copy of impugned order of recovery dated 08.04.2019 is Annex "B")**
- 12) That Judge Consumer Court addressed letter dated 17.04.2019 to Budget Officer, but in vain.
- 13) That the appellant filed departmental appeal dated 04.04.2024 to the Secretary Industries, but in vain. **(Copy of departmental appeal to Secretary Industry dated 04.04.2024 is Annex "C")**
- 14) That upon departmental appeal of the appellant, respondent no 5 issued letter dated 31.07.2024 wherein staff of Consumer Court Mardan is held dis-entitled to judicial allowance and utility allowance which is illegal against law and facts **(Copy of the impugned letter dated 31.07.2024 is Annex "D")**
- 15) That in pursuance of letter dated 31.07.2024, respondent no 7 vide audit para started recovery of the said allowances from the appellant which is illegal against law and facts **(Copy of the impugned audit para is Annex "E")**
- 16) That finding no other efficacious remedy, appellant approaches this hon'ble Tribunal on following grounds:-

**GROUND:**

- (5)
- A) Because admittedly judicial allowance, utility allowance is granted on the basis of judicial work as per notifications, judgments referred above.
  - B) Because appellant is also performing judicial duties like the staff of District & Sessions Court, Service Tribunal, Labour Court, Anti-Corruption Court.
  - C) Because as per letter dated 21.06.2021 issued by Accounts Officer Directorate of Industries & Commerce KP, the nature of job of the staff of Consumer Court is judicial and they observe the office timing, working days calendar issued by the Peshawar High Court
  - D) Because as per letter dated 22<sup>nd</sup> June 2021, the Section Officer (litigation) of the Industries, Commerce and Technical Education Department KP has forwarded/referred the letter dated 21<sup>st</sup> June 2021
  - E) Because appellant are also entitled for continuance of the same allowance as granted to other subordinate staff of other Courts in province and even in Pakistan.
  - F) Because as per 2024 SCMR 538 also reported in 2024 PLC (CS) 830, employees of Solicitor Office working in Civil Secretariat are held entitled to reception of special allowance and utility allowance
  - G) Because as per 2011 PLC (CS) 1373, the staff of the High Court of Sindh is held entitled for



judicial and utility allowance from the date of National Judicial Policy

6

- H) Because as per 2023 PLC (CS) 457, superior judicial allowance is even allowed to Provincial Ombudsman (Mohtasib)
- I) Because as per 2019 PLC (CS) 238, employees of Provincial Criminal Prosecution Services are held entitled for the benefit of judicial allowance on the analogy of its reception by the staff of office of Advocate General
- J) Because as per 2016 GBLR 37, employees of Banking Court and Custom Courts are held entitled to Special Judicial Allowance/Judicial Allowance
- K) Because as per 2016 PLC (CS) 1, the Honorable Sindh High Court directed the Government to re-calculate pension after giving effect to judicial allowance and start the future payment accordingly and arrears be also paid
- L) Because as per PLD 2019 Islamabad 591, the employees of Federal Shariat Court are held entitled for increase in utility allowance etc
- M) Because the staff of the Consumer Court functions under the instructions of the Honorable Peshawar High Court wherein instructions regarding duty hours, vacations, uniform, institution of cases, scanning of court record etc are issued to the staff of Consumer Court
- N) Because appellant is not dealt as per law, violating Article 4 of Constitution of Pakistan, 1973.

- (7)
- O) Because appellant is discriminated, infringing Article 25/27 of the Constitution of Islamic Republic of Pakistan, 1973.
- P) Because Article 3 of the Constitution embodied to eliminate all sort of exploitations.
- Q) Because as per PLD 1992 SC 207 1981 SCMR 523, PLD 1969 SC 407, 2010 PLC (CS) 1178 allowance once received by a civil servant, under a bonafide belief, can't be recovered as per principle of locus pointentiae
- R) Because respondents are estopped from denying the judicial allowance as well as utility allowance already granted & received by the appellant.
- S) Because as per 1996 SCMR 1185 and 2009 SCMR 1, if a Tribunal or the Supreme Court decides a point of law relating to the terms and conditions of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may, not be parties to that litigation, instead of compelling them to approach the Tribunal or any other legal forum. All citizens are equal before the law and entitled to equal protection of law as per Article 25 of the Constitution.
- T) Because pay and pension is a recurring cause of action and no limitation runs in such like matters.

- U) Because impugned orders are without lawful authority.
- V) Because appellant requests for raising other grounds at the time of arguments.

8

**PRAYER:**

It is, therefore, humbly prayed that, on acceptance of this appeal:-

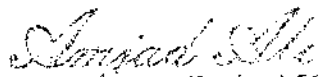
- i. The impugned original order dated 08.04.2019 passed by respondent no 3 & appellate order dated 31.07.2024 passed by respondent no 5 and audit para on the basis of the same drafted by respondent no 7 & stoppage / deduction / recovery of judicial allowance and utility allowance in the pay of the appellant may please be declared as illegal, without lawful authority, arbitrary, coram non-judice, whimsical and of no legal effect and consequently, may please be set-aside.
- ii. Appellant may please be treated at par with other employees of Courts, Tribunals, subordinate legal staff and para-legal staff of all Courts in matter of judicial allowances and utility allowances by declaring appellant entitled to reception of judicial as well as utility allowance w.e.f date of posting at Consumer Court.
- iii. Any other relief deemed fit in the circumstances of the case may also be granted.

Appellant  
Through

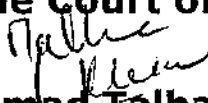
  
Amjad Ali (Mardan)

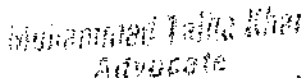
Advocate

Supreme Court of Pakistan

  
ADVOCATE

SUPREME COURT

  
& Muhammad Talha Khan (Mardan)  
Advocate  
High Court

  
Advocate  
High Court

Dated: 28.08.2024

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

9

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

Shadman (Computer Operator/S.Stenographer  
BPS-16, Consumer Court Mardan) S/O Farman  
Ullah R/O Kula Dher Charsadda ..... **Appellant**

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary  
Industries, Commerce and Technical Education  
Department KP, Civil Secretariat, Peshawar and  
others ..... **Respondents**

**AFFIDAVIT**

I, **Shadman (Computer Operator /  
S.Stenographer BPS-16, Consumer Court  
Mardan) S/O Farman Ullah R/O Kula Dher  
Charsadda (appellant)** do hereby solemnly  
affirm and declare that all the contents of this  
**service appeal** are true and correct to the best  
of my knowledge and belief and nothing has  
been concealed from this Tribunal.

Deponent

*Shadman*



**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

C.M No. \_\_\_\_\_/2024

IN

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

10

Shadman (Computer Operator/S.Stenographer  
BPS-16, Consumer Court Mardan) S/O Farman  
Ullah R/O Kula Dher Charsadda ..... **Appellant**

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary  
Industries, Commerce and Technical Education  
Department KP, Civil Secretariat, Peshawar and  
others ..... **Respondents**

**Application for restraining  
respondents from recovery of  
judicial and utility allowance till  
decision of the instant service  
appeal.**

**Respected Sir,**

**Applicant humbly submits as under:**

1. That the aforementioned appeal has been filed today.
2. That the impugned orders passed by respondents are illegal order, in violation of the notifications and judgments referred in the service appeal as well as in violation of Article 3, 4, 25 and 27 of the Constitution of Pakistan 1973 and therefore the impugned orders are illegal order and not tenable in the eye of law.
3. That appellant/applicant has a strong prima facie case and is sanguine about its success.
4. That balance of convenience lies in favour of the appellant/applicant.

5. That there shall be irreparable loss to the appellant/applicant if the impugned orders are not suspended and respondents are not restrained from recovery of judicial and utility allowance.

(11)

6. That contents of the service appeal may please be treated as integral part of this application.

**It is therefore humbly requested that respondents may please be restrained from recovery of judicial and utility allowance till decision of the instant service appeal.**

*Shadman*

**Appellant  
Through**

*Amjad Ali*

**Amjad Ali (Mardan)  
Advocate**

**Supreme Court of Pakistan**

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

*Muhammad Talha Khan*

**& Muhammad Talha Khan (Mardan)  
Advocate  
High Court**

*Muhammad Talha Khan*  
Advocate  
High Court

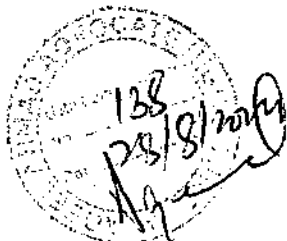
Dated: 28.08.2024

**AFFIDAVIT**

I, **Shadman (Computer Operator / S.Stenographer BPS-16, Consumer Court Mardan) S/O Farman Ullah R/O Kula Dher Charsadda (appellant)** do hereby solemnly affirm and declare that all the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.

Deponent

*Shadman*



Annex A  
12

No. 1310 - 1382 / 1 / 33-DI-Admin

Dated Peshawar the, 01 / 03 / 2024.

**OFFICE ORDER.**

On the recommendations of the Rationalization Committee for the staff of Consumer Protection Courts in Khyber Pakhtunkhwa vide its meeting held on 23.10.2023 constituted under the directives of the Honorable Administrative Judge of Peshawar High Court for the Consumer Protection Courts and subsequent approval of the recommendations vide Peshawar High Court, letter No. 11029/Admin dated 16.12.2023, the Competent Authority (Director General I&C) has been pleased to order the transfer / posting of the following officials of the Consumer Protection Courts with immediate effect in the best public interest.

S. No.	Name & Designation of Officers/officials.	From	To
1.	Miss. Salma, Assistant (BPS-16)	Consumer Protection Court, Mardan.	Consumer Protection Court Swabi.
2.	Mr. Arshad Iqbal, Assistant (BPS-16)	Consumer Protection Court, Haripur posted as Sr. Scale Stenographer.	Consumer Protection Court, Mardan Vice Sr. No. 01
3.	Mr. Nazim Shah, Assistant (BPS-16)	O/o Assistant Director, Industries/CPC, Orakzai.	Consumer Protection Court, Kohat against the vacant post.
4.	Mr. Shadman Khan, Sr. Scale Stenographer (BPS-16)	Consumer Protection Court, Mardan posted against the post of Computer Operator.	Consumer Protection Court, Mardan against the vacant post of Sr. Scale Stenographer.
5.	Sahibzada Mazhar Afif, Computer Operator (BPS-16)	Hqtrs Office, Peshawar.	Consumer Protection Court, Mardan Vice Sr. No 04.
6.	Mr. Kamran Afif, Computer Operator (BPS-16)	Consumer Protection Court, Swat.	Consumer Protection Court, Chitral against the vacant post.
7.	Mr. Anwar Ull Din, Computer Operator (BPS-16)	Consumer Protection Court, Swat, posted as Assistant.	Consumer Protection Court, Swat against the post of Computer Operator (BPS-16) Vice Sr. No. 06.
8.	Mr. Abdur Raheem, Computer Operator (BPS-16)	Hqtrs Office, Peshawar.	Consumer Protection Court, Haripur against the vacant post.
9.	Mr. Abdullah, Jr. Scale Stenographer (BPS-14)	Hqtrs Office, Peshawar.	Consumer Protection Court, Abbottabad against the vacant post of Sr. Scale Stenographer (BPS-16) in OPS.
10.	Muhammad Sajid, Jr. Scale Stenographer (BPS-14)	Hqtrs Office, Peshawar posted in Consumer Protection Court, Abbottabad on Stopgap arrangement.	Consumer Protection Court, Kohat against the vacant post of Sr. Scale Stenographer (BPS-16) in OPS.
11.	Mr. Ishaq Khan, Senior Clerk (BPS-14)	Consumer Protection Court, Peshawar	Consumer Protection Court, Nowshera against the vacant post.
12.	Syed Nasrullah Shah, Senior Clerk (BPS-14)	Consumer Protection Court, Bannu.	O/o Assistant Director, Industries/CPC, Kohat against the vacant post.
13.	Mr. Yashir Sattar, Senior Clerk (BPS-14)	Consumer Protection Court, Bannu	Consumer Protection Court, D.I.Khel against the vacant post.

U.S.L

Handwritten signature or mark.

Approved  
Director General I&C  
Consumer Protection Court

Handwritten signature.

14.	Muhammad Waqas, Junior Clerk (BPS-14)	Consumer Protection Court, Chitral, posted against the post of Senior Clerk (BPS-14) in OPS.	Consumer Protection Court, Malakand against the vacant post of Senior Clerk (BPS-14) in OPS.
15.	Mr. Shah Fahad Ullah, Junior Clerk (BPS-11)	O/o Assistant Director, CPC/Industries, North Waziristan.	Consumer Protection Court, Lakki Marwat against the vacant post of Senior Clerk (BPS-14) in OPS.
16.	Mr. Anwar Zaib, Bailiff (BPS-06)	Consumer Protection Court, Swat.	Consumer Protection Court, Haripur against the vacant post.
17.	Mr. Sana Ullah, Naib Qasid (BPS-03)	Consumer Protection Court, Swat.	Consumer Protection Court, Malakand on Stopgap arrangement.
18.	Mr. Sohail Azim, Naib Qasid (BPS-03)	Consumer Protection Court, Swat.	O/o Assistant Director, Industries/CPC, Malakand on Stopgap arrangement.

Director General, IC,  
Khyber Pakhtunkhwa

Enclst: No. & date even.

Copy of the above is forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Registrar (Admn), Focal Person for Consumer Courts in Khyber Pakhtunkhwa, Peshawar High Court, Peshawar.
3. The Honorable Judge Consumer Protection Court, Peshawar, Mardan, Nowshera, Swabi, Malakand, Swat, Chitral, Haripur, Abbottabad, Kohat, Lakki Marwat, Bannu, and D.I. Khan.
4. PS to Director General Industries and Commerce, Khyber Pakhtunkhwa, Peshawar
5. PA to Director, Administration, Hqtrs Office, Peshawar.
6. The District Accounts Officer, Mardan, Nowshera, Swabi, Malakand, Swat, Chitral, Haripur, Abbottabad, Kohat, Lakki Marwat, Bannu, D.I. Khan, Orakzai and North Waziristan.
7. The Accounts Officer, Hqtrs Office, Peshawar.
8. The Assistant Director, Industries/CPC, Orakzai, Kohat, North Waziristan and Malakand.
9. The officials concerned.
10. Personal file of the officials concerned.
11. File No. 6/896-B-DI-Admn:

(Asif Zaidi)

Administrative Officer,  
Directorate General of Industries & Commerce,  
Khyber Pakhtunkhwa, Peshawar

Attended  
by the Advocate  
Sovereign Court





**Government of Khyber Pakhtunkhwa**  
**District Accounts Office Mardan**  
**Monthly Salary Statement (June-2024)**

14



**Personal Information of Mr SHADMAN KHAN d/w/s of FARMAN ULLAH**

Personnel Number: 50511798      CNIC: 1710118376989      NTN:  
 Date of Birth: 05.04.1992      Entry into Govt. Service: 12.06.2019      Length of Service: 05 Years 00 Months 020 Days

**Employment Category: Active Temporary**

Designation: COMPUTER OPERATOR      80003384-GOVERNMENT OF KHYBER PAKHTUNKHWA  
 DDO Code: MR4727-Consumer Protection Court, Mardan  
 Payroll Section: 002      GPF Section: 002      Cash Center:  
 GPF A/C No: AJMISC/123      Interest Applied: Yes      **GPF Balance:**      168,704.00  
 Vendor Number: -  
**Pay and Allowances:**      Pay scale: BPS For - 2022      Pay Scale Type: Civil      BPS: 16      Pay Stage: 3

Wage type		Amount	Wage type		Amount
0001	Basic Pay	34,850.00	1001	House Rent Allowance 45%	4,091.00
1210	Convey Allowance 2005	5,000.00	1584	Judicial Allowance	9,000.00
1874	Utility Allowance 2007	14,000.00	1974	Medical Allowance 2011	1,500.00
2315	Special Allowance 2021	3,500.00	2341	Dispr. Red All 15% 2022KP	3,064.00
2347	Adhoc Rel All 15% 22(PS17)	3,064.00	2378	Adhoc Relief All 2023 35%	11,406.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-4,960.00	3501	Benevolent Fund	-1,500.00
3534	R. Ben & Death Comp Fresh	-650.00	3609	Income Tax	-760.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6503	MCYC Loan Principal Insta	93,332.00	-1,667.00	38,321.00

**Deductions - Income Tax**

Payable: 8,859.98      Recovered till June-2024: 8,860.00      Exempted: 0.02-      Recoverable: 0.00

**Gross Pay (Rs.): 89,475.00      Deductions: (Rs.): -9,537.00      Net Pay: (Rs.): 79,938.00**

Payee Name: SHADMAN KHAN  
 Account Number: 2009472315  
 Bank Details: THE BANK OF KHYBER, 080318 MAIN BAZAR CHARSADEA MAIN BAZAR CHARSADEA, CHARSADEA

**Leaves:**      Opening Balance:      Aailed:      Earned:      Balance:

Permanent Address:  
 City: XD      Domicile: -      Housing Status: No Official  
 Temp. Address:  
 City:      Email:

Stamp: District Accounts Office Mardan

Aux (B)  
15  
20

OST IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

NO. BOVIII/FD/1-8(B)/2017-2018  
Dated Peshawar the, 08.04.2019

To,

✓  
The Section Officer (B&A)  
Industries Department.

Subject:- EXCESS EXPENDITURE THAN REVISED ESTIMATES 2018-19.

I am directed to refer to the subject noted above and to state that as per attached statement, the offices of consumer courts have made excess expenditure than revised estimate 2018-19 under the object utility allowance and judicial allowances, which needs clarification.

It is, therefore, requested to send a copy of notification of Provincial Government where under the Judicial Allowance and utility allowance is permissible to the staff of consumer protection courts. If notification in this regard has not been issued, then the allowances may be discontinued and the amount drawn by the staff of consumer courts may be recovered and the same may be deposited in govt. treasury under intimation to this department on top priority basis, please.

Encl: as above. ✓

ACCOUNTS OFFICER  
Office of Accounts General  
Khyber Pakhtunkhwa Peshawar

(Khan Bahadur)  
BUDGET OFFICER-VIII

ASIA

Attested  
By: [Signature]  
Supervisor



To

The Secretary,  
Industries, Commerce and Technical Education  
Department, Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.

Amr (C)

16

Departmental appeal against order dated  
08.04.2019 passed by Budget Officer-VIII,  
Finance Department KP wherein appellant  
is held dis-entitled to reception of judicial  
and utility allowance which is illegal  
against law and facts.

Sir,

Appellant humbly submits as under:

It is most respectfully submitted that appellant is working at Consumer Court Mardan and performing judicial duties like other similarly placed employees in District Judiciary as well as High Court, Federal Shariat Court, Tribunals and Special Courts. The grant of judicial and utility allowance is approved by the Hon'ble Chief Justice in the year 2007 and thereafter upheld by various Courts of the Country including the High Court of Sindh, Lahore High Court, Islamabad High Court and the Hon'ble Peshawar High Court Peshawar. Appellant is working under the umbrella of Peshawar High Court wherein instructions regarding timings, duty hours, holiday calendar, uniform, institution and disposal of cases and computerization of Court record are issued by the High Court.

It is therefore humbly requested that order dated 08.04.2019 passed by Budget Officer-VIII Finance Department KP may please be set aside and appellant may please be held entitled to judicial and utility allowance w.e.f date of posting at Consumer Court.

Attested  
Anded by Advocate  
Supreme Court

(Appellant)

Shadman  
S/O Farman Ullah  
R/O Kula Dher Distt Charsadda

Dated: 04.04.2024

Am (D)  
(17)

Office of the  
**Accountant General**  
Khyber Pakhtunkhwa Peshawar  
Phone: 091 9211250-53

NO.H-24(78)DAO KOHAT/343-344

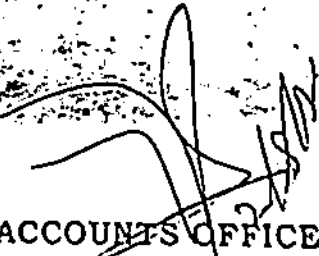
Dated:31.07.2024

To

The District Comptroller of Accounts,  
Kohat.

Subject:- GRANT OF JUDICIAL ALLOWANCE AND UTILITY ALLOWANCE.

The undersigned is directed to refer to your letter No.01/DCA/KT/PR-1/2023-24 dated 01.07.2024 on the above noted subject and to state that the said allowance is admissible to Peshawar High Court and its sub-ordinate judiciary only (copy enclosed), and since Consumers Courts are working under the jurisdiction of Industries Department, therefore, the staff of the Consumers Courts are not entitled to the subject allowances, with the exception of judges staff.


  
ACCOUNTS OFFICER (HAD)


Copy for information and necessary action to all DAO's.

4/8/2024

Approved  
District and Sessions  
Court



5/8/24  


  
2/8/24

Ann **E** **18**

Overpayment due to payment of judicial allowance amounting to Rs. 1.152 million

According to the clarification of the Accountant General Khyber Pakhtunkhwa vide letter No. H-24(78)DAO Kohat/343-344 dated 31.07.2024, the Judicial allowance is not admissible to the staff of Consumer Protection Court except the judges of the said courts.

During the certification audit of the District Comptroller of Accounts Mardan for the financial year 2023-24, it was noticed that a sum of Rs. 1.152 million was irregularly paid on account of judicial allowance to the staffs of the Consumers Protection Court Mardan in violation of the above mentioned notification which resulted into overpayment of Rs. 1.152 million.

Pers.no.	Name	BPS	Cost Center Description	Amount	Total
766714	YOUSAF KHAN	Grade 03	Consumer Protection Court Mardan	6,000.00	72,000.00
590829	ISHTIAQ ALI	Grade 03	Do	6,000.00	72,000.00
652176	SALMA	Grade 16	Do	9,000.00	108,000.00
127312	MUSHTAQ ALI	Grade 04	Do	6,000.00	72,000.00
129316	MOHAMMAD ARIF	Grade 16	Do	9,000.00	108,000.00
967497	SAJID ALI	Grade 03	Do	6,000.00	72,000.00
967499	FAZAL DAYAN	Grade 04	Do	6,000.00	72,000.00
967502	BAKHT ZADA	Grade 03	Do	6,000.00	72,000.00
967506	MUHAMMAD IRFAN	Grade 04	Do	6,000.00	72,000.00
50511798	SHADMAN KHAN	Grade 16	Do	9,000.00	108,000.00
856304	SAR ANJAM	Grade 03	Do	6,000.00	72,000.00
882105	MUHAMMAD ASIM	Grade 06	Do	6,000.00	72,000.00
910792	UMAR FAROOQ	Grade 03	Do	6,000.00	72,000.00
915466	SHAH MAHMOOD	Grade 16	Do	9,000.00	108,000.00

The matter is brought to the notice for recovery under intimation to audit.

The lapse occurred due to weak internal control.

Audit Officer Inspection

Attested  
Amir Ali Advocate  
Supreme Court

*Sanjiv Kumar*  
*23/8/24*

19

Overpayment due to payment of Utility allowance amounting to Rs. 1.132 million


According to the clarification of the Accountant General Khyber Pakhtunkhwa vide letter No 24(7S)DAO Kohat/343-344 dated 31.07.2024, the Utility Allowance is not admissible to the of Consumer Protection Court except the judges of the said courts.

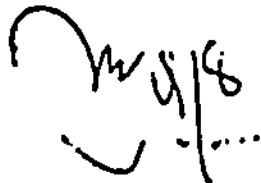
During the certification audit of the District Comptroller of Accounts Mardan for the finance year 2023-24, it was noticed that a sum of Rs. 1.320 million was irregularly paid on account utility allowance to the staffs of the Consumers Protection Court Mardan in violation of the above mentioned notification which resulted into overpayment of Rs. 1.320 million.

The matter is brought to the notice for recovery under intimation to audit.

The lapse occurred due to weak internal control.

  
Audit Officer Inspection

Checked  
24/07/2024  
Subordinate Officer 

See/don't work  


8/26/24, 11:32 AM

Gmail - CHANGES ALERT - MR4727 Dated 24.08.2024

20

M Gmail

Consumer Protection Court Mardan <consumercourtmr@gmail.com>

**CHANGES ALERT - MR4727 Dated 24.08.2024**

1 message

Employee Services <SERVICES@pifra.gov.pk>  
To: CONSUMERCOURTMRD@gmail.com

Sat, Aug 24, 2024 at 6:19 PM

- 00127312 MUSHTAQ ALI  
00127312 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 12000.00- w.e.f 01.08.2024 to 31.07.2025  
00129316 MOHAMMAD ARIF  
00129316 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 23000.00- w.e.f 01.08.2024 to 31.07.2025  
00590829 ISHTIAQ ALI  
00590829 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 12000.00- w.e.f 01.08.2024 to 31.07.2025  
00652176 SALMA  
00652176 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 21000.00- w.e.f 01.08.2024 to 31.07.2025  
00766714 YOUSAF KHAN  
00766714 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 12000.00- w.e.f 01.08.2024 to 31.07.2025  
00856304 SAR ANJAM  
00856304 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 12000.00- w.e.f 01.08.2024 to 31.07.2025  
00882105 MUHAMMAD ASIM  
00882105 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 12000.00- w.e.f 01.08.2024 to 31.07.2025  
00910792 UMAR FAROOQ  
00910792 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 12000.00- w.e.f 01.08.2024 to 31.07.2025  
00915466 SHAH MAHMOOD  
00915466 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 19000.00- w.e.f 01.08.2024 to 31.07.2025  
00967497 SAJID ALI  
00967497 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 12000.00- w.e.f 01.08.2024 to 31.07.2025  
00967499 FAZAL DAYAN  
00967499 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 12000.00- w.e.f 01.08.2024 to 31.07.2025  
00967502 BAKHT ZADA  
00967502 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 12000.00- w.e.f 01.08.2024 to 31.07.2025  
00967506 MUHAMMAD IRFAN  
00967506 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 12000.00- w.e.f 01.08.2024 to 31.07.2025  
50511798 SHADMAN KHAN  
50511798 3905 ( Justice(ROP) ) Monthly deduction amount changed to PKR 23000.00- w.e.f 01.08.2024 to 31.07.2025

یہ ای میل خودکار نظام کے تحت بھیجی جا رہی ہے جس کا مقصد ڈی ڈی او کو ملازمین کی چینجز سے متعلق ہر وقت مطلع کرنا ہے۔ اگر اس ای میل میں شامل ملازمین کی چینجز میں کوئی غلطی پائی جا رہی ہو، تو جلد از جلد اپنے متعلقہ اکاؤنٹ آفس سے رابطہ کر کے درستگی کروائیں

Kind Regards,  
FABS Directorate  
<http://www.fabs.gov.pk>

Approved  
FABS Directorate  
Mardan

(Signature)

\* This is an auto generated mail from PSH system, Do not reply \*\*\*  
\*\*Errors & omissions excepted

قسم پنجم نمبر ۵ سروس ٹریننگ سنٹر پاکستان

مقدمہ

21

Appellant 2024

مورخہ: 26/8/2024

مقدمہ: سادمان

دعویٰ: Service Appeal

بنام: حکومت پاکستان سیکرٹری سیکرٹری انڈسٹری و پوسٹ

باجعہ تھمبہ (آنکھ)

مقدمہ مندرجہ بالا اپنی طرف سے واسطے بیرونی درجہ دی رکن کارروائی متعلقہ

پاکستان

کیلئے امجد علی ایڈووکیٹ شہزاد، سپریم کورٹ آف پاکستان / محمد طاہر خان ایڈووکیٹ ہائی کورٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ برطرف دینے جواب دی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک دروپہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیرونی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیرونی کرنے کا اختیار ہوگا۔ نیز صورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور قبول ہوگا اور ان مقدمہ میں جو خرچہ و جانہ اتوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ پر ہوا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیرونی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنٹا رہے۔

الذوقوم: 26

ماہ اگست

2024

Accepted by:

Amjad Ali  
ADVOCATE  
SUPREME COURT

Muhammad Talha Khan  
Advocate  
High Court

BC 105506 امجد علی ایڈووکیٹ شہزاد، سپریم کورٹ آف پاکستان، ڈیڑھ کورٹس، مردان  
0321-9882434 0321-9870175

Appellant