


FORM OF ORDER SHEET

Court of _____

Appeal No. 1461/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	16/09/2024	<p>The appeal of Mr. Jamil Muhammad Khan presented today by Mr. Ansab Abdullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 25.09.2024. 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**

APPEAL NO. 1461 /2024

JAMIL MOHAMMAD KHAN

V/S

GOVT. OF
KP & OTHERS

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Dated:

APPELLANT

Through:



ANSAB ABDULLAH

ADVOCATE HIGH COURT, PESHAWAR

0332-9228957

azamkhanadv50@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1461 /2024

JAMIL MOHAMMAD KHAN S/O NASIR MOHAMMAD KHAN, SPST
(B-14), Govt. Primary School, Haqdar Qalarai., 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 OUTSTANDING SALARIES FOR THE MONTHS
OF JUNE, JULY & AUGUST 2014 AND AGAINST NO
ACTION TAKEN ON THE DEPARTMENTAL APPEAL DATED
16-04-2024 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.**

Respectfully Sheweth;

FACTS:

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

1. That appellant isa 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 postand 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 16/04/2024 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 16.04.2024 is attached as Annexure ...E.

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

GROUND S :

- 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: 29-08-2024

Appellant

Jamil

JAMIL MOHAMMAD KHAN

Through:

[Signature]

ANSAB ABDULLAH

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.

[Signature]
ADVOCATE

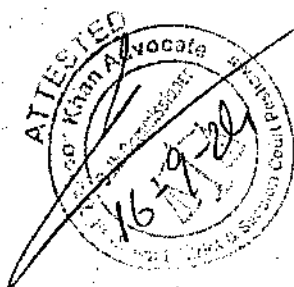
A F F I D A V I T

I, JAMIL MOHAMMAD KHAN s/o NISAR MOHAMMAD 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.

Jamil

DEPONENT

17101-0377280-9



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

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

Jamil Mehammed 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: _____

Appellant

Through: *Ansab Abdallah*

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

Jamil
DEPONENT

17101-0377280-9



1. NO TADA etc is allowed.
2. Change 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 33 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/determinations must be verified from the concerned authorities by the DTC (concerned) and one joint producing copies Certificate will be generated in the name of the appointee for both parties.
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/deductions shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DTC (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.

TERMS & CONDITIONS

S.No	Name	School Name	DTC	Score
129/111	JAMIL AH HASSAN	STPS Hajar	Sarkh Tharu	11.20
		(Jubail)		

Consequent upon recommendation of the District Selection Committee based on the following candidates are hereby ordered against the post of PST School based TC based in HRS-12 (RS: 7000-22000) a 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 forwarding notice in the terms and a notice of one year with effect from the date of the order. I am, therefore, directing.

APPOINTMENT

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

Appointment Order PST (AD) Ad hoc - Based

6

ANNEXURE "A"

Appointment Order PST (M) Ad hoc -Based

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7

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

(Siraj Muhammad)
District Education Officer
(Male) Charsadda

Endst: No: 4807-4958 /Dated: Charsadda the. 31/5/2014

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


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

Chairman
G.P.S. Haddar
M.A.D. Haddar
M.A.D. Haddar

G.P.S. Haddar Haddar
(P.S.H.T.)
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Enclst. NO: 4807 - 4958 Haddar Haddar Haddar Haddar

(NO. 4959-5102 / Date 31-05-2014)

(M) DEO Haddar Haddar Haddar Haddar Haddar Haddar

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ANNEXURE "B"

11/17/11

General Superintendent
District Hospital

LETTERHEAD THUMB AND FINGER
IMPRESSIONS

I have examined Mr. James H. Thompson and certify that he has been employed in the office of the General Superintendent of the District Hospital since 11/17/11.
I can not discover that he had any other employment or other confidential
duties or public infirmity except None.
I do not consider him as disqualified for employment in the office of the
General Superintendent of the District Hospital.
His age according to his own statement is 36 years.
Date of birth 11/17/11

Seal of office

Name of official James H. Thompson
Rank or rate General Superintendent
Address District Hospital
Place of birth 11-17-11
Exact height by measurement 5-10-5
Finger mark of identification (1111-03222-5)
Right thumb of the official 1-D-1
Left thumb of hand of official

MEDICAL CERTIFICATE

U.S. P. H. Form No. 4 (Rev. 1-27-15) 15-20097-29 7-05-11

CanScanner

ANNEXURE - C (9)

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

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For use in Police Department only.

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Note: The contents of this page shall be removed from all records of this office after the death of the person named hereon.

Name Mr. J. S. [unclear]

Race [unclear]

Residence [unclear]

Father's name and residence [unclear]

Date of birth by Christian era, as nearly as can be ascertained 11/13/1913

Exact height by measurement 5-8

Personal marks for identification [unclear]

Left hand thumb and finger impression of (Non-Cazetta) officer.

Little Finger: Ring Finger:

Middle Finger: Fore Finger:

Thumb:

Signature of Government Servant [Signature]

Signature and designation of Head of the office, or other Officer [Signature]
S.D. 110 (10)

				S.D.C.O	M.C.G.P		
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				M-1160		12	
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				M-1160		12	

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Name of Year	Position & name and address of the person responsible	Official title & name of the organization responsible	Pay method	Rate of pay	Other information concerning the pay	Year of report	Remarks
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				7000		7/15	
				7000		3/10	
				11000		7/11	
				12740		12/16	
				15000		7/17	
				15000		12/17	
	Chief of Police Albany, N.Y.						
	Pay Rate of the Officer						
	9055 - 681-3813						
	Pay Rate of the Officer						
	11200						
	REFLECTED 765-7000						
	Pay Rate of the Officer						
	15000						
	Director, Albany, N.Y.						
	Accounts Of Appraisal Restaurants						
						12/18	
						12/19	

<p>Service verified with 7-7-11 to 7-7 from the Act: full and other record of this office</p> <p>S.D.H.O. Maha Charada</p>			<p>S.D.H.O. (M) Chd</p>	<p>S.D.H.O. (M) Chd</p>	<p>S.D.H.O. (M) Chd</p>	<p>S.D.H.O. (M) Chd</p>
<p>S.D.H.O. (Maha Charada)</p>						
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ANNEXURE D

18

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. 50 (S/F)E & SED/3-2/ 2018 / SITT /Contract dated Peshawar the 16/02/2018, services of the following (433) Primary School Teachers appointed through NTS on Adhoc basis on Contract w.e.f (31-05-2014 to 15-07-2017), are hereby regularized in BPS-12, on the same posts in Teaching Cadre on the terms and condition given below with effect from the date of their appointment as mentioned against each in the interest of public service.

Slr	Roll No. NTS	Name and Father Name	ENIC No	Name of School	Total Marks out of 200	U/C	Appointment order No. & Date	Date of taking Over Charge	Extension No. & Date
1	1560039	Muhammad Khalid S/O Yousaf Ali	17102-6537002-5	GPS Station Kili	132.89	Absent	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
2	1560071	Marjan Ali S/O Saad Gul	17101-8756071-5	GPS Sheikh Kili	121.23	Agra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
3	1560014	Mian Adil Shah S/O Mian Khayat Ullah	17101-6644013-5	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 Iqbal Muhammad	17101-9188159-3	GPS Agra Bala	114.53	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 Mandrol	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	17101-0315568-7	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 Mandrol	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	17101-7492431-7	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 Sajjad 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	17301-0307693-1	GPS Khara Khan Kili	115.48	Behlola	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
11	1560845	Muhammad Ishaq S/O Muhammad Nabi	17101-3765891-7	GPS Mian Shakh No.6	132.54	Behlola	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
12	1561837	Yaseen Khan S/O Fawad Khan	17101-2716399-9	GPS Shahzad	132.18	Behlola	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
13	2761964	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 Nahai	138.45	Daulat Pura	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
15	1560109	Iqbal Ul Haq S/O Abdul Dayan	17101-6170115-7	GPS Ambadher-1	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 Shah	17101-0826588-1	GPS Daulat Pura	114.31	Daulat Pura	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
17	1560175	Umar Gul S/O Zia Gul	17301-6375764-1	GPS Aziz Abad-2	121.66	Dheri Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
18	1561321	Abdurahman S/O Rehman Gul	17101-0342715-1	GPS Jan Abad	114.33	Dheri Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
19	1560954	Dawood Masood S/O Fazal Masood	17101-0328797-7	GPS Kafyas	164.56	Dheri Zardad	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
20	1560938	Zafer Ali S/O Muhammad Ali	17101-0260821-7	GPS Dosehra-3	118.17	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
21	1510990	Muhammad Gulzar S/O Mirza Khan	17101-2239656-1	GPS Haryana-2	111.12	Dosehra	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
22	1567448	Fawad Muhammad S/O Abul 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 Ferooz Shah	17102-7470651-9	GPS Karama Banda	123.06	Gandhari	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
24	1561091	Waqar Khan S/O Mustafa Khan	17101-5363178-3	GPS Malka Dheri	116.56	Ghunda Karkana	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
25	1561064	Kamran Ullah S/O Anwar Waizman	17101-0319240-9	GPS Malka Dheri	115.09	Ghunda Karkana	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017

Muzaffar

92	1560701	Mirza Ali Khan S/O Mehrab Khan	17101-0340545-5	GPS Delazak- No.1	122.56	Panipat	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
93	1560976	Shah Muhammad S/O Khair Muhammad	21407-4142405-3	GPS Yaqub Kuli	114.26	Panipat	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
94	1560860	Akhtar Ali S/O Ali Rahman	17101-0257743-1	GPS Angar Kor	104.82	Rajgar-1	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
95	1560030	Abdul Musawir S/O Muhammad Ali	17101-3401657-5	GPS Angar Kor	132.1	Rajgar-1	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
96	1561590	Owais Ullah S/O Fazli Qamar	17101-7120368-1	GPS Sular Kamar	112.43	Rajgar-1	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
97	1561728	Shah Ayaz Uddin S/O Saaduddin	17101-0121844-3	GPS Rajgar-1	107.35	Rajgar-1	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
98	1560118	Tahir Ali Shah S/O Abdus Sattar	17101-8707068-5	GPS Shahr Dhand	118.74	Rajgar-2	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
99	1560829	Mansoor Ali S/O Imam Din	17101-1819439-7	GPS Gujano Kuli	109.71	Rajgar-2	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
100	1561100	Muhammad Basir S/O Mauli Sabar Khan	17101-1420852-7	GPS Wardaga-1	107.69	Rajgar-2	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
101	1560867	Sadeeq Ullah S/O Tanzeer Ullah	17101-6320758-7	GPS Kodal-2	96.2	Rashakai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
102	1561304	Mustafa Zeb S/O Jehan Zeb	17101-4804519-5	GPS Mian Kili-2	99.93	Rashakai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
103	1561686	Abdulrah Khan S/O Usad Khan	17101-6417232-9	GPS Zrawa Khan Kor	87.29	Rashakai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
104	1560216	Gul Raj Khan S/O Ate Khan	17101-4325646-3	GPS Banda Rashakai	118.53	Rashakai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
105	1561135	Zakir Ullah S/O Mustan Shah	21407-5670864-5	GPS Banda Rashakai	117.83	Rashakai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
106	2961491	Muhammad Sajjad S/O Toor Khan	17101-1295884-3	GPS Ghunda Kor	114.17	Rashakai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
107	1561553	Khan Muhammad S/O Tariq Muhammad	17101-1059134-3	GPS Rashakai	107.21	Rashakai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
108	1560948	Karam Ullah S/O Fasi Rabbi	17101-0321468-5	GPS Ajoon Kili	117.52	Sarki Titara	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
109	1561732	Ishiyaq Ahmad S/O Ghulam Muhammad	17101-2752491-3	GPS Rasool Khan Kili	124.92	Sarki Titara	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
110	1561235	Fawad Ahmad S/O Murtaza Ahmad	17101-0303540-3	GPS Jalal Kili-2	118.25	Sarki Titara	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
111	1560836	Ishad Ali S/O Noor Muhammad	17101-0993454-5	GPS Anwar Kili-1	120.41	Sarki Titara	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
112	1561021	Zain Ul Abdeen S/O M.Zarin Khan	17101-4689553-3	GPS Sarki Titara-1	112.05	Sarki Titara	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
113	1561540	Jamil Muhammad Khan S/O Nasser Muhammad	17101-0377280-9	GPS Heqdar Celarai	111.2	Sarki Titara	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
114	2980941	Mustafa S/O Mustaqeem	17102-9575090-9	GPS Chail	134.38	Shodag	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
115	1560800	Shehab Ali S/O Niaz Ali	17101-0874859-3	GPS D. Muzarram Khan	110.7	Tarnali	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
116	1561459	Mudassar Shah S/O Tahir Shah	17101-3398831-9	GPS Rinwan Abad	126.55	Turangai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
117	1560171	Waqar Ali Shah S/O Tahir Shah	17101-7624422-5	GPS Umarzai-1	121.33	Umarzai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
118	1561401	Za Ullah S/O Jamil Zada	17101-7128195-1	GPS Inzar Qila	112.97	Turangai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
119	1560091	Muhammad Yasir S/O Sami Ullah	17101-8371336-5	GPS Qadgram	121.89	Umarzai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
120	1560178	Waqar Jan S/O Shahzad Gul	17101-6328981-5	GPS Umarzai-2	118.65	Umarzai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
121	1561702	Nawroz Khan S/O Muhammad Rahman	17101-0337027-1	GPS Yakh Kuli	115.59	Umarzai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
122	1561805	Atsullah Noor S/O Noorul Qamar	17101-5067018-7	GPS Zehoor Abad	113.3	Umarzai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
123	1561257	Ahsan Ahmed S/O Muhammad Islam	17101-9576663-5	GPS Chila Dhera	109.25	Umarzai	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017
124	1561784	Seber Shah S/O Muhammad Zaman	17100-8126097-7	GPS Zuhub Gul	130.56	Zam	4807-4958 Dated:31/05/2014	01-09-14	23938-24078 Dated:28/04/2017

Mansoor Khan

422	2031001233	Sayed Khan S/O Ali Akber	17102-9394848-195	GPS Spinnai Tangi	116.54	Shodag	20762-856	Dated:18/03/2017	08-04-17
423	2035001449	Nadeem Jan S/O Khan Bahader	17102-9394848-196	GPS Ternab No.2	112.6	Ternab	20762-856	Dated:28/03/2017	08-04-17
424	2031001023	Muhammed Ali S/O Zaki Ullah Khan	17102-9394848-197	GPS Ternab No.1	113.76	Ternab	20762-856	Dated:28/03/2017	08-04-17
425	2035001107	Mazhar Ali S/O Inikhar Ali	17102-9394848-198	GPS Umarzai No.1	134.95	Umarzai	20762-856	Dated:28/03/2017	08-04-17
426	201701921	Muhammed Zahab S/O Muhammad Yousof	17102-9394848-199	GPS Dheri Zardad No.1	121.85	Dheri Zardad	20762-856	Dated:28/03/2017	08-04-17
427	2032001161	Abdul Majid S/O Abdul Bari	17102-9394848-200	GPS Mubeen Korpora SKF	126	Hassanai	27462-71	Dated:20/05/2017	22-05-17
428	2017000147	Ulan Ullah S/O Yousof Gul Mujeeb Ur Rahman	17102-9394848-201	GPS No.1 Tangi	120.34	MC-Tangi	27462-71	Dated:20/05/2017	22-05-17
429	2017000286	(Disable Quota) S/O Zahid Ullah	17102-9394848-202	GPS No.1 Charsadda	121.32	MC-RI Charsadda	27462-71	Dated:20/05/2017	22-05-17
430	202300325	Hezrat Ullah S/O Alamsaid	17102-9394848-203	GPS Arat Kili	106.74	KozBahramDheri	27530-34	Dated:23/05/2017	01-09-17
431	2038001129	Azif Ur Rehman(Disable Quota) S/O Gul Rehman	17102-9394848-204	GPS Dhakki	121.89	Dhakki	27547-51	Dated:23/05/2017	01-09-17
432	201700463	Syed Wilayat Shah S/O Syed Farah Siaz Shah	17102-9394848-205	GPS Haider NAI	109.59	Shodag	28879-76	Dated:15/07/2017	01-09-17
433	2031000963	Yahya Jan S/O Dilbar Khan	17102-9394848-206	GPS Mahmood Abad	121.61	Chindrodag	18877-60	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, Insitricors & Doctors) Regulatory Act, 2011 and such rules & regulations as may be issued from time to time by the Government.
- 2.) Their services shall be considered regular and they shall be eligible for pension / dedication of GPFund in terms of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended in 2013.
- 3.) Their services are liable to termination on one months' notice from either side in case of resignation without notice, their one month's pay allowances shall be forfeited to the Govt.
- 4.) They shall possess the same qualification and experience required for a regular post.
- 5.) Their regularization shall not affect the promotion quota of existing holders of posts in respective service cadres.
- 6.) The regularization will not be in favour of those, who have not taken over charge or has remained absent from duty or resign / terminated from service and also not for those who are under disciplinary proceedings.
- 7.) Their pay shall be released subject to verification of academic documents/testimonial from the concerned Board/University by the SDEO concerned
- 8.) The employees whose services are regularized under The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) or in the process of attaining service at the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons, (if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment
- 9.) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:
- 10.) Their seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous service in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) CHARSAZZA

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

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

12/03/2018

ANNEXURE "E"

21

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

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. Khan
8-8-24
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

R

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.

Amended
8-8-24


[Handwritten mark]

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

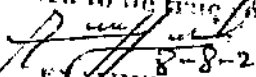
7. For what has been discussed above, the appeal in hand is allowed as prayed for and the appellant is held entitled to all back benefits. Costs shall follow the events. Consign.

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


 (MUHAMMAD AKBAR KHAN)
 Member (E)


 (RASHIDA BANO)
 Member (J)

Date of Presentation of Application 8-8-24
 Number of Words 4
 Copying Fee 5
 Urgent 5
 Total 25
 Name of Rashida
 Date of 5-8-24
 Date of Delivery 8-8-24

Certified to be true copy

 8-8-24
 Member (E)
 Peshawar 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 6th day of November, 2023.*


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

Kabirullah

ATTEST

ANNEXURE "F" (25)

To

THE DISTRICT EDUCATION OFFICER (MALE)
District Charsadda.

Dairy Number: 709
Date: 16-04-2024

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: Jamil Muhammad Khan
Designation: SPST
School: GPSTariq Abad Utmanzai
Contact No: 03339246311

Signature: Jamil

Date: 16/04/2024

