


# FORM OF ORDER SHEET

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

**Appeal No.** \_\_\_\_\_

1917 / 2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/10/2024	<p>The present appeal resubmitted today by Muhammad Ismial Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 17.10.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The joint appeal of Mr. Mustafa Zeb and 33 others received today i.e. on 03.09.2024 is in complete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Memorandum of appeal be signed by the appellants.
- 2- Check list is not attached with the appeal.
- 3- Annexures of the appeal are not attested.
- 4- Sub-rule- 2 of rule-3 of the appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately. Therefore, the appeal of the above named appellants may be filed separately/individually.
- 5- Annexures of the appeal are illegible be replaced by legible/better one.
- 6- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 774 /Inst./2024/KPST,

Dt. 12/9 /2024.

  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Ismail Khan Adv.  
High Court Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR

Service Appeal No. 1917 / 2024

Syed Zia Ud Din Badshah VERSUS The District Education Officer (Male) District Charsadda.

INDEX SHEET

S.No	Descriptions	Annexture	P.No
1	Memo of Appeal		1-5
2	Affidavit		6
3	Notices to Parties		-
4	Copies of appointments orders of Appellants dated 31-05-2014	A	7-8
5	Copies of appellants Charges Reports dated 31-05-2014	B	9
6	Copies of Schools attendance Register dated 31-05-2014 of appellants	C	10
7	Copies of Service Books of appellants	D	11-12
8	Copies of Regularization Order of appellants	E	13-15
9	Copies of Promotion Order of appellants	F	16-18
10	Copies of applications/request to SDEO/DEO	G	19
11	Copy of SDEO Letter to DEO	H	20-21
12	Copy of same identical nature case service appeal No- 7597/2021 decided on dated 06-11-2023 by Kp Service Tribunal	I	22-31
13	Copies of Departmental Appeal	J	32
14	Wakalat Nama		33

Appellant

Through counsel

Muhammad Ismail Khan

Amin Ullah Jan

Amjid Khan Mohmand

Advocates High court Peshawar

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO 1917 /2024

Syed Zia Ud Din Badshah S/O Molvi Syed Badshah (SPST, BPS-14) Government  
Primary School Daryab Korona, Shabqadar District Charsadda

.....Appellants...

Versus

1. The Director Education Elementary and Secondary Education Khyber Pakhtun Khwa Near Govt Higher Secondary School No-1 GT Road Peshawar.
2. The District Education Officer (DEO) Male District Charsadda.
3. The Sub District Education Officer (SDEO) Shabqadar District Charsadda.
4. The Accountant General AG office Khyber Pakhtun Khwa Fort Road Peshawar.

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING/RELEASEING THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014, AND ALSO REQUEST FOR ALLOWING THE INCREMENT FOR YEAR 2014, AND AS WELL AS AGAINST THE DEPARTMENTAL APPEAL WHICH SUBMITTED ON DATED 08-05-2024 WHICH NOT DECIDED IN STIPULATED PERIOD , WHICH IS THE INACTION OF THE DEO MALE CHARSADDA, WHEREAS THE DEPARTMENT NOT GIVEN ANY RESPONSE TO APPELLANTS.

PRAYERS.

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL WITHIN THE STIPULATED PERIOD AND NOT ALLOWING THE ANNUAL INCREMENT FOR THE YEAR 2014 AND NOT RELEASING THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014, MAY VERY KINDLY BE DIRECTED TO ALLOWING THE INCREMENT FOR THE YEAR 2014 WITH ALL BACK BENIFITS AND ALSO RELEASE THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014. OR ANY OTHER REMEDY/RELIEF WHICH THIS HON'BLE COURT/TRIBUNAL DEEMS FIT AND APPROPRIATE MAY KINDLY ALSO BE AWARDED/PASSED IN FAVOUR OF APPELLANTS, AS THE SAME ISSUE AND QUESTION IN IDENTICAL NATURE CASE IN SERVICE APPEAL NO 7597 OF 2021 ALSO BEEN ALLOWED AND DECIDED ON DATED 06-11-2023 BY THIS HON'BLE COURT.

Respectfully Sheweth.

The Appellants humbly submits as under.

FACTS.

Brief facts of the Appeal are as under.

1. That the Appellants are the employee of the education Department, and were initially appointed as Primary School Teacher PST BPS-12 on ADHOC Basis after fulfilling all the legal and codal formalities required for the post under the law and Rules Regulation.

2

2. That all the Appellants after scrutiny and through proper channel by the Departmental Selection Committee DSC Under the supervision of DEO Male and other respected members of the committee appointed the appellants as primary school teacher PST BPS-12 on dated 31-05-2014.  
**(Copies of Appointments Orders dated 31-05-2014 is attached and annexed as A)**
3. That the Respondent issued the appointments orders for the post of PST to all the Appellants, and when all the appellants received the appointment orders on dated 31-05-2014, they submitted their arrival reports and took over Charge reports of the PST Posts assigned in the appointments orders on dated 31-05-2014, and made entry in the Attendance Register in the school, since then the appellants are working with full zeal and according to their efficiency and with full devotion satisfaction of the School Head.  
**(Copies of Charge Reports dated 31-05-2014 annexed as B and attendance Register Attached as C)**
4. That Service Book of the Appellants was also prepared and necessary entries were made therein in the service books from the date of initial appointments till date.  
**(Copies of Service Books are attached and annexed as D)**
5. That after satisfactory duties of all the Adhoc Teachers, the Govt of Kp through Regularization Act 2017 including appellants in the year 2018 they all were regularized from the date of their initial appointments orders i.e. 31-05-2014. the date which is 31-05-2014 is also mentioned in the heading of the regularization order of the Appellants as well as other candidates of PST.  
**(Copy of Regularization Order annexed as E)**
6. That thereafter the appellant were also promoted from the Post of PST BPS-12 to post of Senior Primary School Teacher SPST BPS-14 by the Departmental Promotion Committee DPC under the supervision of DEO and other officials, Vide order dated 19-05-2020. And the Appellants were in at Serial No  
**(Copy of Promotion orders annexed as F)**
7. That the appellant were facing huge financial discrepancy in their monthly salaries due to the reasons that increment for the year 2014 were not allowed and also the salaries for month of June July and august 2014, were not released for which the appellants made several visits and request verbally as well in shape of applications appeals etc.  
**(Copies of application and appeals annexed as G)**
8. That at last the Respondent No-3 SDEO Shabqadar send one letter to DEO Male Charsadda on dated 22-04-2024, for further action but despite applications reminders to Respondents, they are not given positive response.  
**(Copies of SDEO Male letter to DEO annexed as H)**
9. The service appeal decision in the same nature issue and matter had came to the knowledge of the appellants, which also mentioned in the application, title case ABDUL MUSAWIR VS EDUCATION DEPARTMENT service appeal No- 7597 of 2021, which was decided by the Hon'ble Bench Member of Service Tribunal Peshawar on dated 06-11-2023, whereas the same relief given and granted to one teaching cadre who also appointed with the appellants as PST and later he regularized and also promote as SPST BPS-14.  
**(Copy of same identical nature case and Court order of KP service Tribunal dated 06-11-2023 annexed as i)**

(3)

10. That after the above said mentioned process, when no such relief given to appellants, then the appellants filed departmental appeal to Directorate Education, and attached all the relevant documents correspondence, but till now, no such response/relief given to appellants.

(Copies of Departmental appeals to Directorate annexed as J)

11. That the appellants were also visited to concern quarter of accounts office to allow and include the same increment as well as salaries to appellants, but till date the same is neither included nor been allowed in the appellants salaries slip records.

12. That feeling aggrieved from the inaction of the respondents to not decide the departmental appeal and by not allowing the annual increment for year 2014 as well as the salaries of the month of June July and August 2014, the repeatedly visits applications requests and at last departmental and same identical nature service decided case/appeal, the respondents on no grounds And without showing any reasons were silent on the appellant appeals.

13. That feeling aggrieved by all the appellants, and having no other remedy except filing this service appeal on the followings grounds.

#### GROUNDS:

A. That the act and omission of the Respondents by illegally deducting annual increment for the year 2014, and not releasing the monthly salary for the month of June, July and August 2014, is against the law, facts material available on records and norms of natural justice hence not tenable in the eyes of law and is liable to be struck down.

B. That the appellants has not been treated by the respondents department in accordance with law and rules on the subject noted above and as such the Respondents violated article 4 and 5 of the Constitution of Islamic Republic of Pakistan 1973.


C. That the Appellant has properly submitted his charge report and made attendance Register of the school on dated 31-05-2014, and as such the appellant has spent 180 days on 1st December, that entitles the appellant for the annual increment of the year 2014.



D. That the act of the Respondents by illegally deducting annual increment for the year 2014, and not releasing the monthly salary for the month of June, July and August 2014, is against the prevailing Law and Rules.

E. That the Respondents violated Article 38(E) of the constitution of the Islamic Republic of Pakistan 1973, according to which "***The state is bound to eliminate disparity in the income and earning of individuals including persons in the various service of Pakistan***". Thus in light of above the Respondents are duty bound to release the annual increment for the year 2014 as well as the monthly salaries for the month of June, July and August 2014.

- F. That the Respondents acted in arbitrary and malafide manner, while illegally deducting the annual increment for the year 2014, and not releasing salaries for the month of June July and August 2014.
- G. That the Act and omission of the Respondents by illegally deducting annual increment for the year 2014, and not releasing of the monthly salaries for the month of June, July and August 2014, is nothing but depriving the appellant from the legal rights of livelihood.
- H. That the appellant seeks permission to advance other grounds and proofs evidence at the time of hearing and arguments.
- I. That other ground will be discussed at the time of arguments with prior permission of this Hon'ble Court.

IT IS THEREFORE HUMBLLY PRAYED 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 THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014, AND NOT DECIDED THE DEPARTMENTAL APPEAL WITHIN STIPULATED PERIOD, THE RESPONDENTS MAY VERY KINDLY BE DIRECTED TO ALLOW THE INCREMENT FOR THE YEAR 2014 WITH ALL BACK BENIFITS AND ALSO RELEASE THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014. OR ANY OTHER REMEDY/RELIEF WHICH THIS HON'BLE COURT/TRIBUNAL DEEMS FIT AND APPROPRIATE MAY KINDLY ALSO BE AWARDED/PASSED IN FAVOUR OF APPELLANTS, AS THE SAME ISSUE AND QUESTION IN IDENTICAL NATURE CASE IN SERVICE APPEAL NO-7597 OF 2021 ALSO BEEN ALLOWED AND DECIDED ON DATED 06-11-2023 BY THIS HON'BLE COURT, And any other relief and remedy deems justified by this Hon'ble Tribunal may also be passed in favour of the appellant for the interest of justice.

APPELLANT   
Syed Zia Ud Din

Through Counsel  
 Muhammad Ismail  
Advocate  


**BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR**

SERVICE APPEAL NO \_\_\_\_\_/2024

(5)

Syed Zia Ud Din Badshah S/O Molvi Syed Badshah (SPST, BPS-14) Government Primary School Daryab Korona, Shabqadar District Charsadda

VERSUS

The Director Education Khyber Pakhtun Khuwa Peshawar and others

Certificate.

It is certified that, no such like appeal has been file of pending on the subject matter between the parties before this Hon'ble Tribunal.

Appellant

APPELLANT



Syed Zia Ud Din Badshah

Through Counsel

Muhammad Ismail



Advocate.





BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR

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

6

Syed Zia Ud Din Badshah S/O Molvi Syed Badshah (SPST, BPS-14) Government  
Primary School Daryab Korona, Shabqadar District Charsadda

.....Appellant

VERSUS

1. The District Education Officer (Male) District Charsadda.
2. The Secretary Elementary and Secondary Education, KP Peshawar
3. The Director Education Directorate of Elementary and Secondary Education Peshawar
4. The SDEO Male Shabqadar District Charsadda.

.....Respondents

AFFIDAVIT

I, Syed Zia Ud Din Badshah S/O Molvi Syed Badshah (SPST, BPS-14) Government Primary  
School Daryab Korona, Shabqadar District Charsadda, do hereby solemnly affirm and states  
on oath that the contents of accompanying appeal are true and correct to the best of my  
knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

IDENTIFIED BY  
Muhammad Ismail  
Advocate High Court



Through counsel

Ismail Khan  
Umar Khan  
Amjid Khan Mohmand  
Advocates High court Peshawar

Appointment Order PST (M) Ad hoc -Based

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSADDA

**APPOINTMENT**

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

S.#	Name	School Name	U/C	Score
53/144	SYED ZIA UDDIN BADSHAH (101-0275214-9)	GPS Jaryab Kor	M.M Khel	104.98

**TERMS & CONDITIONS**

1. NO EA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. They should not be handed over charge if they exceed 35 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO(concerned) Any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO(concerned) is issued that his certificates are verified
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained..
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he shall be proceeded under the rules framed from time to time.

Appointment Order PST (M) Ad hoc -Based

2

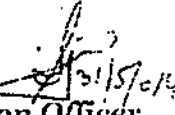
3. His appointment is made on School based, He will have to serve at the place of posting, and his service is not transferable to any other station.
11. Before handing over charge once again their document may be checked if they have not the required qualification, they may not be handed over charge.

(Siraj Muhammad)  
District Education Officer  
(Male) Charsadda

Endst: No: 487-1958 / Dated: Charsadda the: 31/5/14

Copy forwarded for information and necessary action to the:-

1. Director E&SE Deptt: Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Charsadda
3. District Accounts Officer Charsadda
4. SDEO (M) Charsadda
5. SDEO (M) Tangi
6. Official Concerned
7. M/File

  
District Education Officer  
(Male) Charsadda

31/05/2014

9/10/5/16  
epda  
STH  
MSD  
MASTER

31/05/2014

31/05/2014

31/05/2014

31/05/2014

31/05/2014

31/05/2014

31/05/2014

31/05/2014

31/05/2014

31/05/2014

31/05/2014





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

Name: Syed Ziauddin Badshah

Race: Afghan

Residence: Daman Sarhad, Matta Mughal Khel Tehsil, Shahqader Distt. Charsadda

Father's name and residence: Molvi Syed Badshah - do. As above

Date of birth by Christian era as nearly as can be ascertained: (24-08-1923) Four August N.H. Eighty Three

Exact height by measurement: 5-4"

Personal marks for identification: Mark on Fore Head

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

Little Finger		Ring Finger	
Middle Finger		Fore Finger	
Thumb			

Signature of Government Servant: [Signature]

Signature and designation of the head of the Office, or other Attesting officer: [Signature]

**ASDEO (m)**  
**Shahqadar**  
**Circle (Gnd)**

**SUDEO (m)**  
**Shahqadar**



**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARBADA**

**NOTIFICATION**

In pursuance of The Khyber Paktunkhwa Employees of the Elementary & Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Paktunkhwa Act No.1 of 2018) and Elementary & Secondary Education Department Govt. of Khyber Paktunkhwa Notification No. 50 (S/H/E & S/TU/3/2018 / S/11 /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 R/S 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 other Name	QUC No.	Form of Service	Grade	Rate of Salary	U/C	Appointed under the Post & Date	Form of Service	Grade	Rate of Salary
1	150079	Muhammad Khalid S/O Yusuf Ali	17101-6574302	100	100	133.69	None	15-07-2017	100	100	133.69
2	150071	Muhammad Ali S/O Saeed Gul	17101-6560011	5	100	121.21	None	15-07-2017	100	100	121.21
3	150074	Muhammad Ali S/O Khan Khayatullah	17101-6844015	5	100	116.33	None	15-07-2017	100	100	116.33
4	1501340	Muhammad Amir S/O Muhammad Ali	17101-9184359	1	100	114.58	None	15-07-2017	100	100	114.58
5	1500165	Faraz Shah S/O Muhammad Ali	17101-0133094	5	100	113.59	None	15-07-2017	100	100	113.59
6	1500241	Muhammad Shoaib S/O Fida Muhammad	17101-0135508	7	100	109.66	None	15-07-2017	100	100	109.66
7	1500994	Shah Amir S/O Bahim Khan	17101-0190850	3	100	124.34	None	15-07-2017	100	100	124.34
8	1500135	Muhammad Amir S/O Muneer Khan	17101-0104721	7	100	121.45	None	15-07-2017	100	100	121.45
9	1501100	Shah Yousaf S/O Muneer Khan	17101-0421120	100	100	113.3	None	15-07-2017	100	100	113.3
10	1500007	Shah Yousaf S/O Muneer Khan	17101-0301003	100	100	113.3	None	15-07-2017	100	100	113.3
11	1500005	Muhammad Khalid S/O Muneer Khan	17101-0301005	100	100	113.3	None	15-07-2017	100	100	113.3
12	1501002	Muhammad Khalid S/O Muneer Khan	17101-0301002	100	100	113.3	None	15-07-2017	100	100	113.3
13	1500004	Muhammad Khalid S/O Muneer Khan	17101-0301004	100	100	113.3	None	15-07-2017	100	100	113.3
14	1501001	Muhammad Khalid S/O Muneer Khan	17101-0301001	100	100	113.3	None	15-07-2017	100	100	113.3
15	1501003	Muhammad Khalid S/O Muneer Khan	17101-0301003	100	100	113.3	None	15-07-2017	100	100	113.3
16	1500214	Ali Ullah S/O Muneer Khan	17101-0030588	100	100	114.31	None	15-07-2017	100	100	114.31
17	1500101	Muhammad Khalid S/O Muneer Khan	17101-0301001	100	100	113.3	None	15-07-2017	100	100	113.3
18	1501254	Muhammad Khalid S/O Muneer Khan	17101-0301002	100	100	113.3	None	15-07-2017	100	100	113.3
19	1500354	Muhammad Khalid S/O Muneer Khan	17101-0301002	100	100	113.3	None	15-07-2017	100	100	113.3
20	1500202	Muhammad Khalid S/O Muneer Khan	17101-0301002	100	100	113.3	None	15-07-2017	100	100	113.3
21	1500100	Muhammad Khalid S/O Muneer Khan	17101-0301000	100	100	113.3	None	15-07-2017	100	100	113.3
22	1500102	Muhammad Khalid S/O Muneer Khan	17101-0301002	100	100	113.3	None	15-07-2017	100	100	113.3
23	1500104	Muhammad Khalid S/O Muneer Khan	17101-0301004	100	100	113.3	None	15-07-2017	100	100	113.3
24	1501005	Muhammad Khalid S/O Muneer Khan	17101-0301005	100	100	113.3	None	15-07-2017	100	100	113.3
25	1500107	Muhammad Khalid S/O Muneer Khan	17101-0301007	100	100	113.3	None	15-07-2017	100	100	113.3
26	1500214	Muhammad Khalid S/O Muneer Khan	17101-0301004	100	100	114.31	None	15-07-2017	100	100	114.31
27	1500101	Muhammad Khalid S/O Muneer Khan	17101-0301001	100	100	113.3	None	15-07-2017	100	100	113.3
28	1500102	Muhammad Khalid S/O Muneer Khan	17101-0301002	100	100	113.3	None	15-07-2017	100	100	113.3
29	1500354	Muhammad Khalid S/O Muneer Khan	17101-0301002	100	100	113.3	None	15-07-2017	100	100	113.3
30	1500202	Muhammad Khalid S/O Muneer Khan	17101-0301002	100	100	113.3	None	15-07-2017	100	100	113.3
31	1500100	Muhammad Khalid S/O Muneer Khan	17101-0301000	100	100	113.3	None	15-07-2017	100	100	113.3
32	1500102	Muhammad Khalid S/O Muneer Khan	17101-0301002	100	100	113.3	None	15-07-2017	100	100	113.3
33	1500104	Muhammad Khalid S/O Muneer Khan	17101-0301004	100	100	113.3	None	15-07-2017	100	100	113.3
34	1501005	Muhammad Khalid S/O Muneer Khan	17101-0301005	100	100	113.3	None	15-07-2017	100	100	113.3
35	1500107	Muhammad Khalid S/O Muneer Khan	17101-0301007	100	100	113.3	None	15-07-2017	100	100	113.3

*Handwritten signature/initials*





15

422	2011001123	Sajid Khan S/O Ali Akbar	17102-9394848-195	GPS Tahsil Tangi	118.54	Mundag	20762-851	Dated: 26/03/2017	08-04-17
423	2012001449	Hadeem Jan S/O Khan Bahadar	17102-9394848-196	GPS Tahsil No 1	132.8	Tarnab	20762-851	Dated: 24/03/2017	04-04-17
424	2011001021	Muhammed AB S/O Zohra Liliak Chan	17102-9394848-197	GPS Tahsil No 1	131.78	Tarnab	20762-851	Dated: 26/03/2017	24-04-17
425	2013001107	Mechar Ali S/O Iftikhar Ali	17102-9394848-198	GPS Umertal	134.95	Umertal	20762-851	Dated: 28/03/2017	08-04-17
426	201201921	Muhammed Zahid S/O Muhammad Younis	17102-9394848-199	GPS Cheri Zardid No 3	112.55	Cheri Zardid	20762-851	Dated: 21/03/2017	24-04-17
427	2012001161	Abdul Mujid S/O Abdul Bari	17102-9394848-200	GPS Mubeen Tarooni SGT	128	Mubeen	27462-71	Dated: 22/03/2017	22-04-17
428	2017000747	Iftan Ullah S/O Fouzar Gul Mujeeb UR BAKHSH	17102-9394848-201	GPS No 1 Tarnab	120.24	MAC Tangi	27462-71	Dated: 22/03/2017	22-04-17
429	2017000786	(Disable Quota) S/O Zahid Ullah	17102-9394848-202	GPS No 1 Charsadda	123.32	MAC Charsadda	27462-71	Dated: 22/03/2017	22-04-17
430	201300315	Hazrat Ullah S/O Alimuddin	17102-9394848-203	GPS Area GR	106.74	Kotla Anwar Khan	27530-34	Dated: 21/03/2017	01-04-17
431	2013001179	Aad Ali Rahman (Disable Quota) S/O Gul Rahman	17102-9394848-204	GPS Dhakki	121.51	Dhaki	27462-71	Dated: 21/03/2017	01-04-17
432	201700483	Syed Wajeez Shah S/O Syed Farah Sar Shah	17102-9394848-205	GPS Holder LMB	109.51	Shahid	20270-78	Dated: 14/03/2017	21-04-17
433	2011000983	Yahya Jan S/O Dilbar Chan	17102-9394848-206	GPS Mahmood Akbar	111.61	Chandrag	26877-82	Dated: 22/03/2017	21-04-17

**TERMS & CONDITIONS**

- 1.) Their services shall be governed by the Khyber Pakhtunkhwa Civil servants Act, 1971, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lecturers, Instructors & Instructional Regulatory Act, 2011) and such rules & regulations as may be issued from time to time by the Government.
- 2.) Their services shall be considered regular and they shall be eligible for pension / deduction of C/P and 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 position 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/statement 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 2017) 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 2017) 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 2017), and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
- 9.) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre.
- 10.) Their seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous service in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one.

(SIRAJ MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSADEA

Encls: No: 19747-20188 F.N.U. (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) Shahqadir
  8. District Account Officer Charsadda.
  9. Office concerned.
  10. Office file.

12/03/18  
12-03-18

BY DISTRICT EDUCATION OFFICER  
(MALE) CHARSADEA



1267  
OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) E.&SE CHARSADDA

091-9220481 emscharsadda@yahoo.com

(15)

SKF

OFFICE ORDER

Consequent upon recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.2412-2542 / Promotion / Estab Dated Peshawar the 21/01/2013, the following Primary School Teachers (BPS-12) are hereby promoted to the post of SPST (BPS-14) (Rs.15180-1170-50280) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government in Teaching cadre on the terms and conditions given below with immediate effect and further posted in the school noted against each.

Sl	NAME	PRESENT SCHOOL	POSTED AT	REMARKS
1	SHER MUHAMMAD KHAN	GPS GANDERI BALA	GPS PALAY DOBANDI	A.V.P
2	ABIGULI ULLAH	GPS AMBA DHERI- NO.2	GPS AMBA DHERI- NO.1	A.V.P
3	ADAM ALI KHAN	GPS CHEENA	GPS CHEENA	A.V.P
4	ZUBAIR	GPS PLA DHERAI	GPS PLA DHERAI	A.V.P
5	ADILWAN	GPS KHULY	GPS KHULY	A.V.P
6	FAZAL MANAN	GPS KHAT KILLI SHOLGARA	GPS KHAT KILLI SHOLGARA	A.V.P
7	ABID QAYUM	GPS MALIK ABAD	GPS MALIK ABAD	A.V.P
8	IFTIKHAR ULLAH	GPS MARCHAKI	GPS MARCHAKI	A.V.P
9	MUSUM SHAH	GPS INAM KILLI	GPS LANDAI SHAH	A.V.P
10	MUHAMMAD YOUSAF	GPS KULA DHER NO.1	GPS KULA DHER NO.1	A.V.P
11	ASLAM KHAN	GPS KHORA ABAD	GPS KHORA ABAD	A.V.P
12	AJUTAR ALI	GPS ANGAR KOROONA	GPS ANGAR KOROONA	A.V.P
13	HAFIZA ULLAH	GPS ISLAM ABAD DARGAJ	GPS ISLAM ABAD DARGAJ	A.V.P
14	RAFIQI JAN	GPS KASS KOROONA	GPS KASS KOROONA	A.V.P
15	NASIB KHAN	GPS KHISRO KHAN KILLI	GPS SHAHNAWAZ KILLI	A.V.P
16	TILAWAT SHAH	GPS MANDEZAI	GPS MANDEZAI	A.V.P
17	MUHAMMAD IQBALID	GPS STATION KOROONA	GPS GHULAM FARID KILLI	A.V.P
18	WAJID ULLAH	GPS PALOSA JADEED	GPS PALOSA JADEED	A.V.P
19	MUHAMMAD ISHTIAQ	GPS MERA SHAKH- NO.6	GPS BENLOLA	A.V.P
20	ADDUL MUSAWIR	GPS ANGAR KOROONA	GPS ANGAR KOROONA	A.V.P
21	SHER ALI	GPS KANGRA	GPS KANGRA	A.V.P
22	SABIR SHAH	GPS ZUHRAB GUL KILLI NO.1	GPS ZUHRAB GUL KILLI NO.1	A.V.P
23	SHEHER GHAYAS KHAN	GPS PARAO NISATTA	GPS PARAO NISATTA	A.V.P
24	MUHAMMAD SHOABID	GPS ASHARA BATTAGRAM	GPS ASHARA BATTAGRAM	A.V.P
25	SHAHRI KHAN	GPS MIAN SAHIB GUL KILLI	GPS MIAN SAHIB GUL KILLI	A.V.P
26	JAWAD ALI	GPS KHUDBAI	GPS KHUDBAI	A.V.P
27	ZULFICAR ALI	GPS CHAMYARAN	GPS CHAMYARAN	A.V.P
28	KHAM ELANI	GPS AJOON KILLI	GPS AJOON KILLI	A.V.P
29	MUHAMMAD SHAH	GPS RIZWAN ABAD	GPS RIZWAN ABAD	A.V.P
30	YASIR KHAN	GPS INAM KILLI	GPS INAM KILLI	A.V.P
31	ZUBAIR KHAN	GPS SHAHBAZ KHAN	GPS SHAHBAZ KHAN	A.V.P

(17)

122	WISAL AHMAD	GPS HASSAN GUL KOROONA	GPS HASSAN GUL KOROONA	A.V.P
123	RAHAM SHID KHAN	GPS KRAPA MUHAMMD KHAN	GPS KRAPA MUHAMMD KHAN	A.V.P
124	SHAMSUL HAQ	GPS BAZ MIAN KILLI	GPS BAZ MIAN KILLI	A.V.P
125	SHERBAZ KHAN	GPS SPINKAI NO.2	GPS SPINKAI NO.2	A.V.P
126	SYED ZIAUDDIN BAD SHAH	GPS DARYAB KOROONA	GPS DARYAB KOROONA	A.V.P
127	DAWOOD MASOOD	GPS KALYAS	GPS KALYAS	A.V.P
128	MUHAMMAD ADIL JAN	GPS BOSA KHEL NO.2	GPS BOSA KHEL NO.2	A.V.P
129	NUSRAT ALI	GPS ISLAM ABA CHD	GPS ISLAM ABA CHD	A.V.P
130	MOHIB ULLAH	GPS ATTACKI NO.2	GPS ATTACKI NO.2	A.V.P
131	SAYYED MASOOD AHMAD	GPS ATTACKI NO.2	GPS ATTACKI NO.2	A.V.P
132	NIJAZ ALI KHAN	GPS ATTACKI NO.3	GPS ATTACKI NO.3	A.V.P
133	ZAFAR KHAN	GPS SHABQADAR FORT	GPS SHABQADAR FORT	A.V.P
134	ABDUR RFI JAN	GPS SADAR GARHI No.3	GPS SADAR GARHI No.3	A.V.P
135	TARIQ JAN	GPS ATTACKI NO.3	GPS ATTACKI NO.3	A.V.P
136	ZAHEER ABBAS	GPS SARDAR GAHRI	GPS SARDAR GAHRI	A.V.P
137	SADEEQ ULLAH	GPS KODAI NO.2	GPS KODAI NO.2	A.V.P
138	IHSAN ALI	GPS ATTACKI NO.3	GPS ATTACKI NO.3	A.V.P
139	MUSTAFA ZEB	GPS MIAN KILLI	GPS MIAN KILLI	A.V.P
140	ABDULLAH KHAN	GPS ZARWAR KHAN KOR	GPS ZARWAR KHAN KOR	A.V.P
141	NIJAZ MUHAMMAD	GPS MATHRA NEW	GPS MATHRA NEW	A.V.P
142	NOOR-UL-ISLAM	GPS DARGAI	GPS DARGAI	A.V.P
143	MEER ALAM	GPS HAMISH GUL KILLI	GPS HAMISH GUL KILLI	A.V.P
144	TILA MUHAMMAD	GPS HAMISH GUL KILLI	GPS HAMISH GUL KILLI	A.V.P
145	SHAH SAUD	GPS SHEIKHANO KOROONA	GPS SHEIKHANO KOROONA	A.V.P
146	MANZOOR KHAN	GPS AKHONZADGON	GPS AKHONZADGON	A.V.P
147	UBAID ULLAH JAN BACHA	GPS PRANG NO.3	GPS PRANG NO.3	A.V.P
148	NIJAZ AHMAD	GPS KHAT KILLI PRANG	GPS KHAT KILLI PRANG	A.V.P
149	IHSAN MUHAMMAD	GPS KODAI SARDARYAB	GPS KODAI SARDARYAB	A.V.P
150	MAZULLAH KHAN	GPS HASSAN ABAD	GPS HASSAN ABAD	A.V.P
151	MAQSOOD JAN	GPS GUL ABAD MERA	GPS GUL ABAD MERA	A.V.P
152	MUHAMMAD FAROOQ	GPS ZAHID ABAD	GPS ZAHID ABAD	A.V.P
153	MUHAMMAD SHOAB	GPS ABAZAI	GPS ABAZAI	A.V.P
154	JAUHAR UDDIN	GPS MUSLIM ABAD	GPS MUSLIM ABAD	A.V.P
155	INAYATUR RAHMAN	GPS HASSAN ABAD	GPS HASSAN ABAD	A.V.P
156	JEHAN ZEB KHAN	GPS CHANCHANO KHAT	GPS CHANCHANO KHAT	A.V.P
157	KASHIF KHAN	GPS GANJI DAG NO.1	GPS GANJI DAG NO.1	A.V.P
158	SANI RAHMAN	GPS LANDI SHAH	GPS LANDI SHAH	A.V.P
159	GULAI NOOR	GPS QAZI SERAI	GPS GANDHERI PAYAN NO.2	A.V.P
160	ANWAR UL HAQ	GPSTARNAB SKF	GPSTARNAB SKF	A.V.P
161	HIMAYAT ULLAH	GPS DAMAN BATTAGRAIM	GPS DAMAN BATTAGRAIM	A.V.P

**TERMS & CONDITIONS:**

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period, in case of misconduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se-Seniority on lower post will remain intact.

(18)

6. No TA, DA is allowed for joining their duty.
7. They will give an undertaking to this effect to be recorded in their service books.
8. No application for any change regarding Posting/Transfer shall be entertained.

**ADJUSTMENT**

Adjustment/transfer of the following teachers is also hereby ordered on their own pay & scale in the schools mentioned against each in the interest of public service with immediate effect.

S.NO	NAME & DESIGNATION	PRESENT SCHOOL	POSTED AT	REMARKS
1	Riaz Ali SPST	GPS Khas Korona	GPS Tals Shah	Single teacher school
2	Khurshid Alam SPST	GPS Gul Shah Killi	GPS Bari Band	Adjusted being s/plus
3	Jawad Khan SPST	GPS Kagan	GPS Safo Bari Band	Adjusted being s/plus
4	Abdul Bari Jan SPST	GPS Ghulam Farid Killi	GPS No.1 Sader Garhal	N.Basis
5	Muhammad Sajjad SPST	GPS Ghundai Korona	GPS Banda Kashakal	Adjusted being s/plus
6	Muslim Khan SPST	GPS Mirza Dher No.1	GPS Hassanrai	N.Basis
7	Fahim Rahman SPST	GPS Rafi Ullah Korona	GPS Bachyane Killi	N.Basis
8	Misar Ali PST	GPS Landi Shah	GPS Arat Korona	Being disabled
9	Zahir Ullah SPST	GPS Shabara No.1	GPS Sukkar	N.Basis
10	Muhammad Zahoor PST	GPS Shah Nawaz Killi	GPS Ichhola Wala	N.Basis
11	Aziz ur Rahman SPST	GPS Azim Gul Miran Killi	GPS Sati Abart	N.Basis
12	Hudaib Akhtar SPST	GPS Khan Khel	GPS Gonda	N.Basis
13	Shah Jehan PST	GPS Ntmoral Baba	GPS Sheikh Killi	N.Basis
14	Abdur Rahman SPST	GPS Risaldar Killi No.2	GPS Garhi Hameed Gu	N.Basis

**NOTE:-**

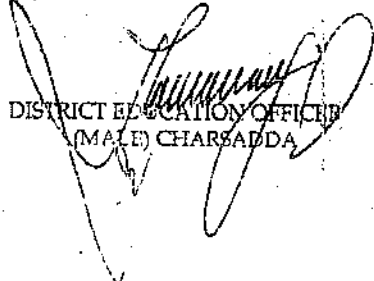
- \* No TA, DA is allowed
- \* Charge report should be submitted to all concerned

(JEHANGIR KHAN)  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSADDA

Order No. 5420-5602 / F.No. (Promotion 2020) / Date: 19/10/2020

Copy for information to the:

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Charsadda.
3. District Accounts Officer Charsadda.
4. District Monitoring Officer (DMO) Charsadda.
5. Sub-Divisional Education Officer (Male) Charsadda.
6. Sub-Divisional Education Officer (Male) Tangi.
7. Sub-Divisional Education Officer (Male) Shabqadar.
8. Official concerned.
9. Office file.

  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSADDA

(19)

To

THE DISTRICT EDUCATION OFFICER (MALE)

District Charsadda.

(Signature)

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: Syed Ziauddin Badshah

Designation: SPST

School: GPS Dargab Koner

Contact No: 0333-9332614

Signature: (Signature)

Date: 20/04/2014

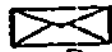
20/04/2014

20

22/7

Office of the Sub Divisional Education Officer  
(Male) Shabqadar Charsadda

No. 10021

 sdeopri@gmail.com  
Dated 22/7/2024

To

The District Education Officer  
(Male) Charsadda

**SUBJECT: APPLICATION FOR THE GRNAT OF INCREMENT FOR THE YEAR**  
**2014 AND SALARIES FOR THE MONTHS OF JUNE, JULY & AGUST**  
**2014**

Memo:

Enclosed please find herewith a self-explanatory applications along with other relevant documents of the following officials is submitted for your kind perusal and necessary action please.

Ser #	Name of Official	Designation	School Name
1	Tariq Jan	SPST	GPS No,3 Attaki
2	Sherbaz Khan	SPST	GPS, Hassanzai Shabqadar
3	Syed Zaheer Abbas	SPST	GPS Spinkai No,1 Shabqadar
4	Abdur Rafi Jan	SPST	GPS Katozai No.2.
5	Rahm Shid Khan	SPST	GPS Krapa Muhammad Khan
6	Zia Rafiq	SPST	GPS, Katozai No.3.
7	Naseem Khan	SPST	GPS Mir Zai
8	Zubair Khan	SPST	GPS Shahbaz Khan Kor
9	Mustafa Zeb	SPST	GPS, Mian killi Shabqadar
10	Gul Raj Khan	SPST	GPS, Kodai No .1
11	Sadeeq Ullah	SPST	GPS, Kodai No,2
12	Muhammad Sajjad	SPST	GPS, Banda Rashakai
13	Khan Muhammad.	SPST	GPS, Rashaki
14	Zakir Ullah	SPST	GPS, No1,Kodai
15	Shah Muhammad	SPST	GPS Shabaz Khan Killi


(21)



Office of the Sub Divisional Education Officer  
(Male) Shabqadar Charsadda

16	Ihsan Ali	SPST	GPS,
17	Muhammad Izhar	SPST	GPS, Hassanzai
18	Asif ullah	SPST	GPS, Sandasar
19	Fathul Amin	SPST	GPS, Haryana
20	Tilawat Shah	SPST	GPS, No1, Sohta
21	Muhammad Asim	SPST	GPS Haji AbadSreekh
22	Shah Khalid	SPST	GPS, Haji AbadSreekh
23	Syed Masood Ahmad	SPST	GPS,NO2 Atttaki
24	Mohibullah	SPST	GPS.NO 2. Attaki
25	Bakht Taj Gul	SPST	GPS Kabaley Shabqadar
26	Syed Ziauddin Badshah	SPST	GPS Daryab Korona
27	Seeed Khan	SPST	GPS Matta Mughal Khel
28	Wasal Ahmad SPST	SPST	Hassan Gul Korona
29	Sher Ali	SPST	GPS Kangra Nahaqqi
30	Muhammad Shoaib	SPST	GPS Ashara Battagram
31	Arshad Khan	SPST	GPS, Kotak
32	Adnan Hussain	SPST	GPS, Gonda

Each As Above

  
Sub Divisional Education Officer  
(Male) Shabqadar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

APPEAL NO. 7597 /2021

(2)

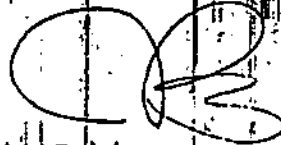
ABDUL MUSAWIR V/S EDUCATION DEPTT.

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	.....	1 - 5
2.	Appointment Order dated 31.05.2014	A	6 - 7
3.	Charge Report dated 31.05.2014	B	8
4.	Attendance Register	C	9
5.	Service Book	D	10 - 17
6.	Pay Rolls	E	18 - 19
7.	Departmental Appeal dated 09.07.2021	F	20
8.	Appellate Order Dated 16.09.2021	G	21
9.	Wakalatnama	.....	22

APPELLANT

Through:



MUHAMMAD MAAZ MADNI,  
ADVOCATE HIGH COURT, PESHAWAR  
KHATTAK LAW ASSOCIATES,  
Juma Khan Plaza, Warsak Raod, Peshawar  
0333-9313113; 0345-9090737  
muhammad.m3adv@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

APPEAL NO. 7597 /2021

(23)

ABDUL MUSAWIR s/o Muhammad Ali, SPST (BPS-14),  
Govt. Primary School, Angar Kali, Charsadda,  
s/o Amir Abad, PO Rajjar, Tehsil & District Charsadda.

APPELLANT

VERSUS

1. THE DIRECTOR EDUCATION, Khyber Pakhtunkhwa,  
near Govt. Hasnain Sinaheed High School, Firdous, Peshawar.
2. THE DISTRICT EDUCATION OFFICER,  
District Charsadda.
3. THE ACCOUNTANT GENERAL, KHYBER PAKHTUNKHWA,  
Fort Road, Peshawar Cantt.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE INACTION OF THE RESPONDENTS BY NOT  
ALLOWING INCREMENT FOR THE YEAR 2014 & ALSO NO  
RELEASING OUTSTANDING SALARIES FOR THE MONTH  
OF THE JUNE, JULY & AUGUST 2014 AND AGAINST  
APPELLATE ORDER DATED 16-09-2021 (Communicated to the  
appellant through register post on 21-09-2021) WHEREBY THE  
DEPARTMENTAL APPEAL DATED 09-07-2021 OF THE  
APPELLANT WAS REGRETTED ON NO GOOD GROUNDS

PRAYER:

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  
month of June, July & August 2014 may very kindly be  
declared illegal and the respondents may kindly be directed  
to allowing increment for the year 2014 with all back benefits  
and also release the outstanding salaries for the month of  
June, July & August 2014. 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:

ATTESTED

20/9/21

1. That appellant is the employee of the respondent Department and was initially appointed as Primary School Teacher (PST) (BPS-12) on adhoc basis after fulfilling all the legal and codal formalities required for the post vide order dated 31-05-2014.

Copy of Appointment Order dated 31.05.2014 is attached as Annexure .....

2. That the appellant after receiving the appointment order dated 31-05-2014 submitted his arrival report and took over the charge of the post assigned in the appointment order on 31-05-2014 and made entry in the attendance register of the school since then the appellant is working quite efficiently whole heartedly with full devotion and upto the entire satisfaction of his high ups.

Copy of Charge Report dated 31.05.2014 & Attendance Register is attached as Annexure ..... B & C


3. That service book of the appellant was also prepared and necessary entry was made therein in the service book from the date of initial appointment till date.

Copy of Service Book are attached as Annexure ..... D

4. That service of all the adhoc teachers were regularized vide Regularization Act of 2017 and accordingly the services of the appellant was also regularized from the date of appointment vide order dated 12-03-2018, the entry of which was properly incorporated on page-7 of the service book already annexed above as annexure-D.

5. That presently the appellant is working as Senior Primary School Teacher (BPS-14) as in the year 2020 the appellant is promoted from the post of Primary School Teacher (BPS-12) to the post of Senior Primary School Teacher (BPS-14) vide order dated 19-05-2020 at serial no. 20, the entry of which has also been made in the service book on page-09 of the service book attached at annexure-D.

6. That appellant was 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 & August 2014 was not released for which the appellant made several request before the respondents by knocking the doors of various forum and accordingly the fixation party of

ATTESTED  
  
.....

~~27~~  
24

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.

Copy of Pay Rolls are attached as Annexure ..... E.

7. That the appellant feeling aggrieved from the inaction of the respondents by not allowing increment for the year 2014 and not releasing the monthly salary for the month of June, July & August 2014, the appellant file Departmental Appeal dated 09-07-2021 before the competent authority which was rejected vide appellate order dated 16-09-2021 on no good ground and the same is communicated to the appellant through registered post on 21-09-2021.

Copy of Departmental Appeal dated 09.07.2021 & Appellate Order Dated 16.09.2021 is attached as Annexure ..... F & G.

8. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others:

GROUND:

- A- That act & omission of the respondents by illegally deducting annual increment for the year 2014 and not releasing the monthly salary for the month of June, July & August 2014 is against the law, facts, material available on record and norms of natural justice hence not tenable in the eye of Law and is liable to be struck down.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules 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 the appellant has properly submitted his charge report & made attendance in the attendance register of the school on 31-05-2014 and as such the appellant has spent 180 days on 01<sup>st</sup> December that entitles the appellant for the annual increment of the year 2014.
- D- That act of the respondents by illegally deducting annual increment for the year 2014 and not releasing the monthly

salary for the month of June, July & August 2014 is against the prevailing Law & Rules.

- E- That respondents violated Article 38(e) of the Constitution of Islamic Republic of Pakistan 1973, according to which:  
*"the state is bound to eliminate disparity in the income and earnings of individuals including persons in the various services of Pakistan."*  
thus in light of the above the respondents are duty bound to release the annual increment for the year 2014 as well as the monthly salaries for the month of June, July & August 2014.
- F- That, the respondents acted in arbitrary and malafide manner while illegally deducting annual increment for the year 2014 and not releasing the monthly salary for the month of June, July & August 2014.
- G- That act & omission of the respondents by illegally deducting annual increment for the year 2014 and not releasing the monthly salary for the month of June, July & August 2014 is nothing but depriving the appellant from legal right of livelihood.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 15-10-2021

APPELLANT

ABDUL MUSAWIR

Through:

MUHAMMAD MAAZ MADNI  
Advocate High Court, Peshawar

CERTIFICATE

(27)

(28)

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



ADVOCATE

AFFIDAVIT

I, Mr. ABDUL MUSAWIR s/o Muhammad Ali, do hereby solemnly affirm on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



DEPONENT

17101-3401857-5

NOTE:

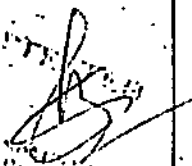
Addresses of parties mentioned in the heading of the appeal is correct and sufficient for service.



ADVOCATE

LIST OF BOOKS:

1. Constitution of Pakistan, 1973.
2. Service Laws
3. Other relevant case Laws



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, Elmer 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:

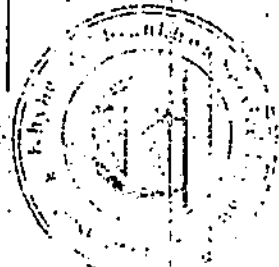
"On acceptance of this appeal, the inaction of the respondents by not allowing the annual increment for the year 2014, and releasing outstanding salaries for the month of June, July & August 2014 may very kindly be declared illegal and the respondents may kindly be directed and also release the outstanding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

APPROVED



28



R

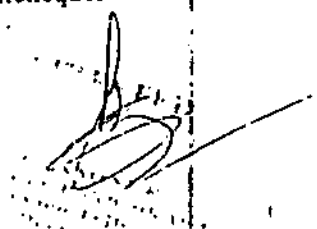
to the post of Senior Primary School Teacher (BPS-14) vide order dated 12.03.2018. The appellant facing huge discrepancy in the monthly salary due the reason that increment for the year 2014 was not allowed and the salaries for the month of June, July and August 2014 was not released. Despite the factum 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.

29





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


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

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

  
 (MUHAMMAD AKBAR KHAN)  
 Member (E)

  
 (RASHIDA BANO)  
 Member (J)

Kaleemullah

  
 30/7/24

Date of Presentation of Application 30/7/24  
 Number of Words 7-P  
 Taxation Fee 35/-  
 Filing Fee 9/-  
 Total 44/-  
 Name of Applicant \_\_\_\_\_  
 Date of Disposal of Appeal 30/7/24  
 Date of Delivery of Judgment 30/7/24

**ORDER**


06.11.2023


1. Learned counsel for the appellant present: Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Vide our detailed judgement of today placed on file, the appeal in hand is allowed as prayed for and the appellant is held entitled to all back benefits. Costs shall follow the event. Consign.

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

2023.

  
(Muhammad Akbar Khan)  
Member (E)

  
(Rashida Bano)  
Member (J)

(31)

(52)

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To

The Director Education

Elementary and Secondary Education KP Peshawar.

*(Signature)*

Departmental Appeal

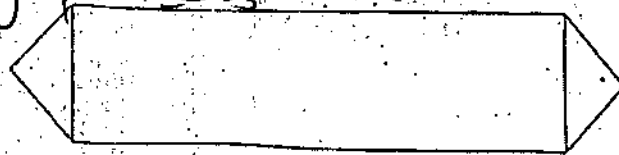
- i. The Appellants are the employee of the education Department, and were Initially appointed as Primary School Teacher PST BPS-12 on ADHOC Basis after fulfilling all the legal and codal formalities required for the post under the law and Rules Regulation.
- ii. Appellants after scrutiny and through proper channel by the Departmental Selection Committee DSC Under the supervision of DEO Male and other respected members of the committee appointed the appellants as primary school teacher PST BPS-12 on dated 31-05-2014. (Copies of Appointment Order dated 31-05-2014 is attached)
- iii. the DEO has Issued the appointments orders for the post of PST to all candidates , and when all the candidates received the appointment orders on dated 31-05-2014, they submitted their arrival reports and took over Charge reports of the PST Posts assigned in the appointments orders on dated 31-05-2014, and made entry in the Attendance Register in the respective quarters school, since then the appellant working with full zeal and according to the efficiency and with full devotion satisfaction of the School Head.  
(Copies of Charge Reports dated 31-05-2014 and Register Attached)
- iv. Service Book of the Appellants also prepared and necessary entries were made therein in the service books from the date of initial appointments till date.  
(Copies of Service Books are attached )
- v. after satisfactory duties of all the Adhoc Teachers, the Govt of Kp through Regularization Act 2017 including appellant In the year 2018 all were regularized from the date of their initial appointments orders i.e 31-05-2014. The date which is 31-05-2014 is also mentioned in the heading of the regularization order of the Appellant as well as other candidates of PST, and the appellants were placed at Serial No-55. (Copy of Regularization Order attached)
- vi. Thereafter the appellant also promoted from the Post of PST BPS-12 to post of Senior Primary School Teacher SPST BPS-14 by the Departmental Promotion Committee DPC under the supervision of DEO and other officials, Vide order dated 19-05-2020.  
(Copy of Promotion orders attached)
- vii. the appellant facing huge financial discrepancy in monthly salaries due to the reasons that increment for the year 2014 were not allowed and also the salaries for month of June July and august 2014 not released for which the appellants made several visits and request verbally as well in shape of applications appeals etc. (Copies of application and appeals)
- viii. At last the SDEO Shabqadar send one letter to DEO Male Charsadda on dated 22/04/2024 for further action and process the applications, but despite applications reminders to department, they are not given positive response.  
(Copies of applications and SDEO Male letter to DEO attached)
- ix. the service appeal decision in the same nature issue and matter had come to the knowledge of the appellants in the title case ABDUL MUSAWIR VS EDUCATION DEPARTMENT service appeal No- 7597 of 2021, which was decided by the Hon'ble Bench Member of Service Tribunal Peshawar on dated 06-11-2023, whereas the same relief given and granted to one teaching cadre who also appointed with the appellant as PST and later he regularized and also promoted as SPST BPS-14  
(Copy of same identical nature case of service Tribunal dated 06-11-2023 attached )
- x. The appellants were also visited to concern quarter of accounts office to allow and include the same increment as well as salaries to appellant, but till date the same is neither included nor been allowed in the appellants salaries slip records.
- xi. feeling aggrieved from the inaction of the DEO Office by not allowing the annual increment for year 2014 as well as the salaries of the month of June July and august 2014, the repeatedly visits applications requests and at last departmental and same identical nature service decided case/appeal, the DEO office on no grounds And without showing any reason were silent on the appellant request applications appeal, and having no other remedy except filing this departmental appeal for speedy remedy and justice.

APPELLANT

Syed Zia Ud Din Badshah S/O Molvi Syed Badshah  
(SPST, BPS-14) Government Primary  
School Daryab Korona, Shabqadar District  
Charsadda

*(Signature)*

بعدالت حانا حیدرین لکھنؤ کا رفاہ



Appended

2 پنجاب

بسم صبا الدین بنام بی بی سیدہ فاطمہ

مورخہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کاروائی متعلقہ

آن مقام لکھنؤ میں کیے گئے جس میں اصحاب اہل علم نے حکم مانگا۔ محفل اسماعیل تنک (صبر سنیع) مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دینے جواب وہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق و زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائزہ التوائے مقدمہ کے سبب سے وہ ہوگا کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

بسم صبا الدین و بی بی سیدہ فاطمہ

Accepted & Accepted

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ماہ

الرقوم

Handwritten signature and text: کے لئے منظور ہے۔