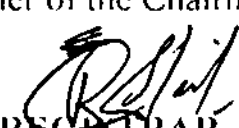


FORM OF ORDER SHEET

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

Appeal No. 1922/2024

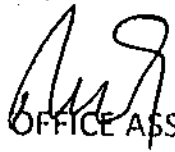
| S.No. | Date of order proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1-    | 11/10/2024                | <p>The present appeal resubmitted today by Muhammad Ismial Khan Advocate. It is fixed 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><br/>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. 1922 / 2024

Tilawat Shah


VERSUS The District Education Officer (Male) District Charsadda.

INDEX SHEET

| S.No | Descriptions   | Annexure | 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 Report dated 31-05-2014   | B        | 9     |
| 6    | Copies of Schools attendance Register dated 31-05-2014 of appellants   | C        | 10-11 |
| 7    | Copies of Regularization Order of appellants   | D        | 12-13 |
| 8    | Copies of Promotion Order of appellants  | E        | 14-15 |
| 9    | Copies of applications/request to SDEO/DEO   | F        | 16    |
| 10   | Copy of SDEO Letter to DEO   | G        | 17-18 |
| 11   | Copy of same identical nature case service appeal No- 7597/2021 decided on dated 06-11-2023 by Kp Service Tribunal | H        | 19-21 |
| 12   | Copies of Departmental Appeal  | I        | 22    |
| 13   | Wakalat Nama   |          | 23    |

Appellant

Through counsel

  
Muhammad Ismail Khan

Amin Ullah Jan

Amjid Khan Mohmand

Advocates High court Peshawar

Office: Al Mansoor Hotel opposite Gulbahar Police Station Near BRT Stop.  
Main GT Road Peshawar. 0346-9192028

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO 1922 /2024

Tilawat Shah S/O Wilayat Shah (SPST, BPS-14) Government Primary School Marozai,  
Shabqadar District Charsadda.

.....Appellant...

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. 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)**

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.

**GROUND:**

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 the 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 HUMBLY 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

Tilawat Shah

Through Counsel

Through Counsel

Muhammad Iqbal  
Advocate

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

5

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

Tilawat Shah S/O Wilayat Shah (SPST, BPS-14) Government Primary School Marozai,  
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.

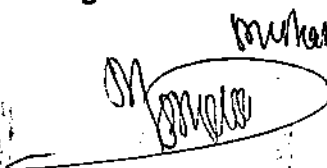
Appellant



APPELLANT

Tilawat Shah

Through Counsel

  
Muhammad Iqbal  
Advocate



**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR**

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

Tilawat Shah S/O Wilayat Shah (SPST, BPS-14) Government Primary School Marozai,  
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, Tilawat Shah S/O Wilayat Shah (SPST, BPS-14) Government Primary School Marozai, 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.

*[Handwritten signature]*

Deponent

*[Handwritten signature]*

**IDENTIFIED BY**  
Muhammad Ismail  
Advocate High Court



Through counsel

Ismail Khan  
Umar Khan  
Amjid Khan Mohmand  
Advocates High court Peshawar

*[Handwritten signature]*  
2/10/24

Appointment Order PST (M) Ad hoc -Based

(7) (9)

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) CHIARSADDA

**APPOINTMENT**

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

| S.# | Name                            | School Name  | U/C       | Score  |
|-----|---------------------------------|--------------|-----------|--------|
| 5   | TILAWAT SHAH<br>17101-0113694-5 | GPS Mandizai | Battagram | 133.59 |

**TERMS & CONDITIONS.**

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

Appointment Order PST (M) Ad hoc -Based

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

(Siraj Muhammad)  
District Education Officer  
(Male) Charsadda

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

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

  
District Education Officer  
(Male) Charsadda







| 10<br>Signature and Designation of the head of the office or other appointing officer in illustration of columns 1 to 9 | 11<br>Date of termination or appointment | 12<br>Reasons of termination such as promotion, transfer, dismissal, etc. | 13<br>Signature of the head of the office or other appointing officer | 14<br>Leave                              |   | 15<br>Signature of the head of the office or other appointing officer | 16<br>Remarks - to be filled in case of termination of service or resignation of the Government Officer |
|---|--|---|---|--|---|---|---|
|   |  |   |   | 17<br>Nature and Duration of leave taken | 18<br>Allocation of period of leave or average pay - to four months for which leave salary is drawn in another Government |   |   |
| <i>mmjz</i><br>Sub Divisional Educational Officer (Male) Shaheed  | 30/11/16                                 | <i>mmjz</i>   | <i>mmjz</i>   |  | Passed MED Examination for Govt Island School under Roll No. Bc-26691 on 22/11/2016                                       |   |   |
| <i>mmjz</i><br>Sub Divisional Educational Officer (Male) Shaheed  | 30/11/17                                 | <i>mmjz</i>   | <i>mmjz</i>   |  | Worked for 295 out of 1200 days and received Commendation Letter No. F-1-5/11/189239 dated 22-8-2017                      |   |   |
| <i>mmjz</i><br>Sub Divisional Educational Officer (Male) Shaheed  | 30/11/17                                 | <i>mmjz</i>   | <i>mmjz</i>   |  |   |   |   |
| <i>mmjz</i><br>Sub Divisional Educational Officer (Male) Shaheed  | 30/11/17                                 | <i>mmjz</i>   | <i>mmjz</i>   |  |   |   |   |
| <i>mmjz</i><br>Sub Divisional Educational Officer (Male) Shaheed  | 30/11/17                                 | <i>mmjz</i>   | <i>mmjz</i>   |  |   |   |   |
| <i>mmjz</i><br>Sub Divisional Educational Officer (Male) Shaheed  | 30/11/17                                 | <i>mmjz</i>   | <i>mmjz</i>   |  |   |   |   |

**NOTIFICATION**

Appointment and continuation of the services of 433 Rhyber Pakhtunkhwa Male Teachers of 2018 and Primary & Secondary Education Department Govt of Khyber Pakhtunkhwa under Notification No. SD/S/ & S/2018/SIT/ Contract dated 15/07/2018 services of the following 433 primary school teachers appointed through NTS on adhoc basis on contract w.e.f. 01-05-2014 to 15-07-2018. The teachers are working on contract basis on NTS on adhoc basis under D.O. No. G.O. MS-1947/2018 dated 15-07-2018.

Service Verified w.e.f. 11-11-2016 To 20-11-2017 for ACP & other record of this office

*mmjz*  
Sub Divisional Educational Officer (male) Shaheed

Sub Div

# OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSADDA

12

## NOTIFICATION

In pursuance of The Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) and Elementary & Secondary Education Department Govt: of Khyber Pakhtunkhwa Notification No. SO (S/FJE & 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.

R.O.

| Sl | Roll No. NTS | Name and Father Name                  | ORC No          | Name of School        | Total Marks out of 280 | U/C            | Appointment order No. & Date | Date of Taking Over Charge | Exemption No. & Date         |
|----|--------------|---------------------------------------|-----------------|-----------------------|------------------------|----------------|------------------------------|----------------------------|------------------------------|
| 1  | 1560019      | Muhammad Khalid S/O Yusuf Ali         | 17101-4537001-5 | GPS Station KIB       | 132.89                 | Absent         | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 2  | 1560071      | Murjan Ali S/O Saad Gul               | 17101-4766071-5 | GPS Sheikh KIB        | 121.21                 | Agra           | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 3  | 1560014      | Mian Adil Shah S/O Mian Khatayt Ullah | 17101-6844011-5 | GPS Agra Bal          | 118.33                 | Agra           | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 4  | 1561340      | Muhammad Amin S/O Izzat Muhammad      | 17101-9188159-3 | GPS Agra Bal          | 114.58                 | Agra           | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 5  | 1560163      | Tilawat Shah S/O S.Wakayat Shah       | 17101-0113694-5 | GPS Mandral           | 113.59                 | Battagram      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 6  | 1560941      | Muhammad Shoaib S/O Fida Muhammad     | 17101-0315588-7 | GPS Ashera            | 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 Mandral           | 124.24                 | Battagram      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 8  | 1560125      | Muhammad Aamir S/O Pervez Khan        | 17101-7492491-7 | GPS Mathra New        | 121.45                 | Battagram      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 9  | 1561110      | Shah Khalid S/O Sajjad Shah           | 17101-4432180-5 | GPS Mathra Qadeem     | 119.5                  | Battagram      | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 10 | 1560007      | Nasir Khan S/O Nader Khan             | 17101-0307883-1 | GPS Khuro Khan KIB    | 135.48                 | Bahawal        | 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   | 132.34                 | Bahawal        | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 12 | 1561037      | Yaseen Khan S/O Farooq Khan           | 17101-3716395-9 | GPS Shabwan           | 132.18                 | Bahawal        | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 13 | 2781544      | Nizam Ullah S/O Ubaid Ullah           | 17101-6178605-5 | 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 Ijaz           | 17101-0300786-9 | GPS Nisheed           | 118.45                 | Daudpur        | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 15 | 1560109      | Razvi Ali Haq S/O Abdul Qayam         | 17101-6170113-7 | GPS Ambassador-1      | 116.29                 | Daudpur        | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 16 | 1560214      | Azif Ullah S/O Moazat Ali Shah        | 17101-0826589-2 | GPS Daudpur           | 114.21                 | Daudpur        | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 17 | 1560175      | Umar Gul S/O Ziaat Gul                | 17101-6375764-1 | GPS Aziz Abad-2       | 121.66                 | Dheri Zardab   | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 18 | 1561323      | Abdurahman S/O Rehman Gul             | 17101-0342715-1 | GPS Jan Abad          | 114.33                 | Dheri Zardab   | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 19 | 1560954      | Dawood Masood S/O Faraz Masood        | 17101-0328797-7 | GPS Kahves            | 104.56                 | Dheri Zardab   | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 20 | 1560918      | Zafar Ali S/O Muhammad Ali            | 17101-0260821-7 | GPS Dosehra-3         | 116.17                 | Dosehra        | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 21 | 1560990      | Muhammad Gulzar S/O Muzee Khan        | 17101-2239654-1 | GPS Haryana-2         | 111.32                 | Dosehra        | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 22 | 1561448      | Jawad Muhammad S/O Abdul Muhammad     | 17101-1671324-1 | GPS Shah (Shah)       | 117.17                 | Dosehra        | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 23 | 1561116      | Shakeel Ahmed S/O Farooq Shah         | 17101-7470651-9 | GPS Karmoo Banda      | 127.06                 | Gandheri       | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 24 | 1561027      | Waqar Khan S/O Mustafa Khan           | 17101-5563178-1 | GPS Malka Dheri       | 116.56                 | Ghanda Kartana | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |
| 25 | 1561044      | Fazlan Ullah S/O Arshad Rehman        | 17101-0119780-9 | GPS Malka Dheri       | 115.09                 | Ghanda Kartana | 4807-4958 Dated:31/05/2014   | 01-09-14                   | 23938-24078 Dated:28/04/2017 |

27/04/17

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|     |            |   |                   |                        |        |                 |           |                  |          |
|-----|------------|---|-------------------|------------------------|--------|-----------------|-----------|------------------|----------|
| 422 | 2031001233 | Sayed Khan S/O Ali Akbar                      | 17102-8394848-195 | GPS Salmal Tangi       | 118.54 | Shooling        | 20762-854 | Dated:28/03/2017 | 08-04-17 |
| 423 | 2035001449 | Nadwani Jan S/O Khan Bahader                  | 17102-8394848-196 | GPS Tarnab No.1        | 112.6  | Tarnab          | 20762-854 | Dated:28/03/2017 | 08-04-17 |
| 424 | 2031001023 | Muhammed Ali S/O Zaki Ullah Khan              | 17102-8394848-197 | GPS Tarnab No.1        | 111.76 | Tarnab          | 20762-854 | Dated:28/03/2017 | 08-04-17 |
| 425 | 2035001107 | Mazhar Ali S/O Iskhhar Ali                    | 17102-8394848-198 | GPS Umarzal No.1       | 134.85 | Umarzal         | 20762-854 | Dated:28/03/2017 | 08-04-17 |
| 426 | 201701971  | Muhammed Zohab S/O Muhammed Yousof            | 17102-8394848-199 | GPS Dheri Zarded No.1  | 112.95 | Dheri Zarded    | 20762-854 | Dated:28/03/2017 | 08-04-17 |
| 427 | 2032001181 | Abdul Majid S/O Abdul Bari                    | 17102-8394848-200 | GPS Mubeen Karwara S/S | 128    | Mubeen Karwara  | 27482-71  | Dated:20/05/2017 | 22-05-17 |
| 428 | 2017000247 | Irfan Ullah S/O Yousof Qadir Majeed Uf Rahman | 17102-8394848-201 | GPS No.1 Tangi         | 120.14 | MC-Tangi        | 27482-71  | Dated:20/05/2017 | 22-05-17 |
| 429 | 2017000286 | (Disable Quota) S/O Zafar Ullah               | 17102-8394848-202 | GPS No.1 Charsadda     | 121.32 | MC-88 Charsadda | 27482-71  | Dated:20/05/2017 | 22-05-17 |
| 430 | 202300325  | Mazrat Ullah S/O Akramzad                     | 17102-8394848-203 | GPS Arat GBR           | 108.74 | KarBehramDheri  | 27530-84  | Dated:23/05/2017 | 01-09-17 |
| 431 | 2033001129 | Asif Ur Rehman(Disable Quota) S/O Qud Rehman  | 17102-8394848-204 | GPS Dhakki             | 121.59 | Dhakki          | 27547-61  | Dated:23/05/2017 | 01-09-17 |
| 432 | 201700483  | Syed Wilayat Shah S/O Syed Farah Siaz Shah    | 17102-8394848-205 | GPS Haldar GBR         | 109.59 | Shooling        | 28873-76  | Dated:15/07/2017 | 01-09-17 |
| 433 | 2031000963 | Yalva Jan S/O Dilbar Khan                     | 17102-8394848-206 | GPS Mahmood Abad       | 121.61 | Chandrodag      | 28177-60  | Dated:19/07/2017 | 03-09-17 |

**TERMS & CONDITIONS**

- 1.) Their services shall be governed by the Khyber Pakhtunkhwa Civil servants Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lecturers, Instructors & Doctors) Regulatory Act, 2011 and such rules & regulations as may be issued from time to time by the Government.
- 2.) Their services shall be considered regular and they shall be eligible for pension / deduction of GPFund in terms of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended in 2013.
- 3.) Their services are liable to termination on one months' notice from either side in case of resignation without notice, their one month's pay allowances shall be forfeited to the Govt.
- 4.) They shall possess the same qualification and experience required for a regular post.
- 5.) Their regularization shall not affect the promotion quota of existing holders of posts in respective service cadres.
- 6.) The regularization will not be in favour of those, who have not taken over charge or has remained absent from duty or resign / terminated from service and also not for those who are under disciplinary proceedings.
- 7.) Their pay shall be released subject to verification of academic documents/testimonial from the concerned Board-University by the SDEO concerned
- 8.) The employees whose services are regularized under The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) or in the process of attaining service at the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons, (if any), who, in pursuance of the recommendations 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) CHARSAADA

Order No 19747-2018 FNU (Regularization PST 2018) Dated: 12/03/2018

- 1. Director I & S Deptt. Khyber Pakhtunkhwa Peshawar.
- 2. District Nazim Charsadda
- 3. Deputy Commissioner Charsadda
- 4. District Monitoring Officer, IAO Charsadda
- 5. SDEO (M) Charsadda
- 6. SDEO (M) Tangi
- 7. SDEO (M) Shabqadar
- 8. District Account Officer Charsadda
- 9. Official concerned
- 10. Office file

Dy: DISTRICT EDUCATION OFFICER  
(MALE) CHARSAADA

*(Handwritten Signature)*  
12/03/18





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

☎ 091-9220431 ✉ [emischarsadda@yahoo.com](mailto:emischarsadda@yahoo.com)

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PO

**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.

| S# | NAME               | PRESENT SCHOOL            | POSTED AT                 | REMARKS |
|----|--------------------|---------------------------|---------------------------|---------|
| 1  | SHER MUHAMMAD KHAN | GPS GANDERI BALA          | GPS PALAY DOBANDI         | A.V.P   |
| 2  | MINHAJ ULLAH       | GPS AMBA DHERI- NO.2      | GPS AMBA DHERI- NO.2      | A.V.P   |
| 3  | ASIM ALI KHAN      | GPS CHEENA                | GPS CHEENA                | A.V.P   |
| 4  | ZUBAIR             | GPS PLA DHERAI            | GPS PLA DHERAI            | A.V.P   |
| 5  | ADNAN              | 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  | MUSLIM 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 | AKHTAR ALI         | GPS ANGAR KOROONA         | GPS ANGAR KOROONA         | A.V.P   |
| 13 | NIZAM ULLAH        | GPS ISLAM ABAD DARGAI     | GPS ISLAM ABAD DARGAI     | A.V.P   |
| 14 | NAEEM JAN          | GPS KASS KOROONA          | GPS KASS KOROONA          | A.V.P   |
| 5  | NASIR KHAN         | GPS KHISRO KHAN KILLI     | GPS SHAHNAWAZ KILLI       | A.V.P   |
| 6  | TILAWAT SHAH ✓     | GPS MANDEZAI              | GPS MANDEZAI              | A.V.P   |
| 7  | MUHAMMAD KHALID    | GPS STATION KOROONA       | GPS GHULAM FARID KILLI    | A.V.P   |
| 8  | WAJID ULLAH        | GPS PALOSA JADEED         | GPS PALOSA JADEED         | A.V.P   |
| 9  | MUHAMMAD ISHTIAQ   | GPS MERA SHAKH- NO.8      | GPS BEHLOLA               | A.V.P   |
| 10 | ABDUL MUSAWIR      | GPS ANGAR KOROONA         | GPS ANGAR KOROONA         | A.V.P   |
| 11 | SHER ALI           | GPS KANGRA                | GPS KANGRA                | A.V.P   |
| 12 | SABIR SHAH         | GPS ZUHRAB GUL KILLI NO.1 | GPS ZUHRAB GUL KILLI NO.1 | A.V.P   |
| 13 | SHEHER GHAYAS KHAN | GPS PARAO NISATTA         | GPS PARAO NISATTA         | A.V.P   |
| 14 | MUHAMMAD SHOAB     | GPS ASHARA BATTAGRAM      | GPS ASHARA BATTAGRAM      | A.V.P   |
| 15 | SHAHID KHAN        | GPS MIAN SAHIB GUL KILLI  | GPS MIAN SAHIB GUL KILLI  | A.V.P   |
| 16 | JAWAD ALI          | GPS KHUBAI                | GPS KHUBAI                | A.V.P   |
| 17 | ZULFIQAR ALI       | GPS CHAMYARAN             | GPS CHAMYARAN             | A.V.P   |
| 18 | KARAM ELAHI        | GPS AJOON KILLI           | GPS AJOON KILLI           | A.V.P   |
| 19 | MUDASSIR SHAH      | GPS RIZWAN ABAD           | GPS RIZWAN ABAD           | A.V.P   |
| 20 | YASIR KHAN         | GPS INAM KILLI            | GPS INAM KILLI            | A.V.P   |
| 21 | ZUBAIR KHAN        | GPS SHAHRAT KHAN          | GPS SHAHRAT KHAN          | A.V.P   |

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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 Kass Koroona        | GPS Tala Shah         | Single teacher school |
| 2    | Khurshad 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 Sadar Garhai | N.Basis               |
| 5    | Muhammad Sajad SPST | GPS Ghundai Koroona     | GPS Banda Rashakai    | Adjusted being s/plus |
| 6    | Muslim Khan SPST    | GPS Mirza Dher No.1     | GPS Hassanza          | N.Basis               |
| 7    | Bahur Rahman SPST   | GPS Rafi Ullah Koroona  | GPS Bachyano Killi    | N.Basis               |
| 8    | Nisar Ali PST       | GPS Landi Shah          | GPS Aral Koroona      | Being disable         |
| 9    | Zahid Ullah SPST    | GPS Shabara No.1        | GPS Sukkar            | N.Basis               |
| 10   | Muhammad Zahoor PST | GPS Shah Nawaz Killi    | GPS Behlola Bala      | N.Basis               |
| 11   | Aziz ur Rahim SPST  | GPS Azim Gul Mian Killi | GPS Serti Abad        | N.Basis               |
| 12   | Huqab Akhtar SPST   | GPS Khan Khet           | GPS Gonda             | N.Basis               |
| 13   | Shah Jehan PST      | GPS Nimrozi Baba        | GPS Sheikh Kili       | N.Basis               |
| 14   | Abdur Rahman SPST   | GPS Risaldar Killi No.2 | GPS Garhi Hameed Gul  | N.Basis               |

**NOTE:-**

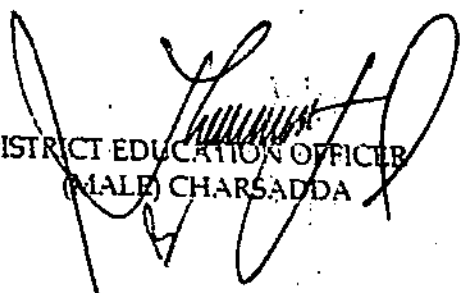
- \* No TA, DA is allowed
- \* Charge report should be submitted to all concerned

(JEHANGIR KHAN)  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSAJDA

Indst: No 5420-5602 F.No. (Promotion 2020) / Dated 19/05/2020

Copy for information to the:

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

  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSAJDA

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To  
THE DISTRICT EDUCATION OFFICER (MALE)  
District Charsadda.



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 - Tilawat - Shah

Designation: SPST

School: GPS. Marozai.

Contact No: 0316-9902581

Signature: 

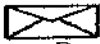
Date: 20/04/2024

(17)

(23)

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

No. 10021

 [sdeopri@gmail.com](mailto:sdeopri@gmail.com)  
Dated 22/4/2024

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      |


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

|    |                       |      |                       |
|----|-----------------------|------|-----------------------|
| 16 | Ihsan Ali             | SPST | GPS,                  |
| 17 | Muhammad Izhar        | SPST | GPS, Hassanzal        |
| 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 Khet |
| 28 | Wasai 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            |

Encl. As Above

  
Sub Divisional Education Officer  
(Male) Shabqadar

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, SPS1, BPS-14, GPS Anar Kala,  
Charsadda, R/O Amir Abad, P.O Rajjar, Tehsil & District Charsadda.

..... (Appellant)

VERSUS

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

..... (Respondents)

Mr. Muhammad Maaz Madani  
Advocate ..... For appellant

Mr. Muhammad Jan  
District Attorney ..... For respondents

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

JUDGMENT

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

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

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

AKK/11/11/23  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

to the post of Senior Primary School Teacher (BPS-16) vide order dated 12.03.2013. The appellant facing huge discrepancy in the monthly salary due to 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 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.

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3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that appellant has not been treated in accordance with law and rules and respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973. He further argued that the act and omission of the respondents by illegally deducting annual increment for the year 2014 and not releasing salaries is against the law, facts, material available on record and norms of natural justice hence not tenable in the eye of law is liable to be struck down. He submitted that appellant has properly submitted his charge report and mark his attendance in the attendance register on 31.05.2014 and he is held entitled for annual increment for the year 2014.

5. Learned District Attorney contended that the appellant has been treated in accordance with law and rules. He further contended that initially the appellant was appointed on 31.05.2014, but the appointment order of the appellant and his colleagues were amended and in this regard a corrigendum was issued. The amended order directed the appointees to take charge from 01.09.2014, because of long summer vacations to save the public exchequer.

ATTESTED

  
District Attorney  
District Court  
District Judge  
District Attorney  
District Court  
District Judge  
District Attorney

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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 reported that the 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 15.05.2018. According to the terms and conditions as mentioned in the appointment order of the appellant, he could draw his pay with effect from 01.02.2014, however in view of section 17 of Civil Servants Act, 1973 and FR-17 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)

Certified true copy

KS  
Secretary  
Peshawar

Date of Payment  
Number of  
Copy of  
Type  
Date of  
Date of

11/12/23

11/12/23



To

The Director Education  
Elementary and Secondary Education KP Peshawar.

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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-5. (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 OPC 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 came 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

Tilawat Shah S/O Wilayat Shah  
(SPST, BPS-14) Government Primary  
School Marozai, Shabqadar District  
Charsadda

