


FORM OF ORDER SHEET

Court of _____

Appeal No. 1928 /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  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. 1928 / 2024

Shah Khalid VERSUS The District Education Officer (Male) District Charsadda.

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Appellant

Through counsel

Muhammad Ismail Khan

Amin Ullah Jan

Amjid Khan Mohmand

Advocates High court Peshawar

①

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO 1928 /2024

Shah Khalid S/O Syed Jafar Shah (SPST, BPS-14) Government Primary School Haji Abad Sreekh, 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 APPELLANT.

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 APPELLANT, 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 Appellant 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)

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.

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 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.

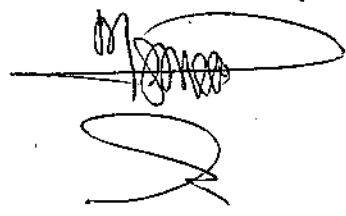
IT IS THEREFORE HUMBL Y PRAYED THAT, ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE INACTION OF THE RESPONDENTS BY NOT ALLOWING THE ANNUAL INCREMENT FOR THE YEAR 2014 AND NOT RELEASING THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014, AND NOT DECIDED THE DEPARTMENTAL APPEAL WITHIN 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
Shah Khalid



Through Counsel

Muhammad Ismail
Advocate.



BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

5

SERVICE APPEAL NO _____ /2024

Shah Khalid S/O Syed Jafar Shah (SPST, BPS-14) Government Primary School Haji
Abad Sreekh, 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

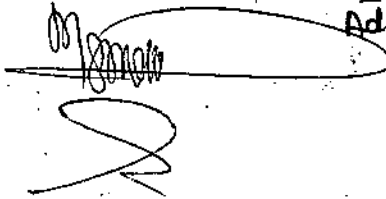
APPELLANT



Shah Khalid

Through Counsel

Muhammad - Ismail
Advocate



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No. _____ / 2024

(6)

Shah Khalid S/O Syed Jafar Shah (SPST, BPS-14) Government Primary School Haji
Abad Sreekh, 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.

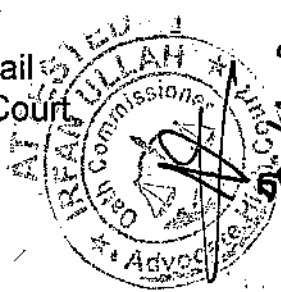
.....Respondents

AFFIDAVIT

I, Shah Khalid S/O Syed Jafar Shah (SPST, BPS-14) Government Primary School Haji Abad
Sreekh, 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

(6)
(7)

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/UC based in R/S-12 (Ra: 7000-500-22000) @ Ra: 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
9	SIAJI KHALID 17301-4432180-5	GPS Mathra Qadeem	Battagram	119.50

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

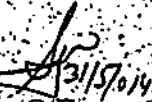
2 (8) (8)

This 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. 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 BRSB Dep'tt: 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

CHARGE REPORT

(9) (82)

You Mr. **SHAH KHALID S/O S.JAFAR SHAH PST (BPS-12)** having appointed against the vacant post of **PST at GPS MATHRA QADEEM**

U/C: **Battagram SHABQADAR CIRCLE NAHAQI** The appointed order issued from District Education Office (M) Charsadda under

Endst : no. **4807-4958**, Dated **31-05-2014**

You are handing over your charge for said post at **GPS MATHRA QADEEM** on **31/05/2014** after noon.

Signature Charge Giver

Signature Charge Taker

[Signature]
Head Master
GPS Mathra Qadeem
Shahqadar

31/05/2014

[Signature]

0331 3131715

*Charge taken
After noon*

12

12

12	13		14	15
Signature of the head of the office or other appointing officer.	Leave:		Signature of the head of the office or other appointing officer.	Reference recorded in the file of the Government Service.
	Nature and duration of leave.	Allocation of period of leave on contract basis for which leave salary is payable in another Government.		
		Period	Government to which payable	

NOTIFICATION

(Appointment and regularization of the services) Act: 2017 (Khyber Pakhtunkhwa Act no.1 of-2018) and Elementary & Secondary Education Department Govt. of Khyber Pakhtunkhwa Notification No: SO(S/F) & 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 vide GEO (M) Chd Endst: No: 19747-20188 dated 12-03-2018.

[Signature]
 Special Officer
 Jandir

Shah
 Khelid

Mahar
 No. 12/2018

[Signatures]

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSADDA

(13)

NOTIFICATION

In pursuance of The Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) and Elementary & Secondary Education Department Govt. of Khyber Pakhtunkhwa Notification No. 50 (S/F/E & SED/3-2/2018 / SITT /Contract dated Peshawar the 16/02/2018, services of the following (433) Primary School Teachers appointed through NTS on Adhoc basis on Contract w.e.f (31-05-2014 to 15-07-2017), are hereby regularized in BPS-12, on the same posts in Teaching Cadre on the terms and condition given below with effect from the date of their appointment as mentioned against each in the interest of public service.

Sr	Roll No. NTS	Name and Father Name	CNIC No.	Name of School	Total Marks out of 200	UFC	Appointment order No. & Date	Date of Taking Over Charge	Intention No. & Date
1	1580079	Muhammad Shafiq S/O Yusuf Ali	17183-8837003-5	BPS Station KBR	132.88	Abroad	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
2	1580071	Muhammad Ali S/O Saad Ali	17101-4766071-5	BPS Station KBR	121.21	Agri	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
3	1580014	Mizan Aftab Shah S/O Mian Ghayoor Ullah	17101-8844811-5	BPS Agri Bala	116.33	Agri	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
4	1581340	Muhammad Amin S/O Faraz Muhammad	17101-4738239-3	BPS Agri Bala	114.98	Agri	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
5	1580180	Talwar Shah S/O S.Walayat Shah	17101-8113894-5	BPS Attockal	113.98	Balochistan	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
6	1580941	Muhammad Shauq S/O Fida Muhammad	17101-0815508-7	BPS Attock	129.66	Balochistan	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
7	1580994	Shah Aswar S/O Rahim Khan	17101-8279893-3	BPS Attock	124.24	Balochistan	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
8	1580123	Muhammad Aftab S/O Faraz Khan	17101-7497491-7	BPS Attock	121.46	Balochistan	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
9	1561136	Shah Khalid S/O S.Walayat Shah	17101-4432118-5	BPS Attock	119.3	Balochistan	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
10	1580007	Muhammad Khan S/O Muzaf Khan	17101-8837882-5	BPS Attock	125.48	Balochistan	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
11	1580045	Muhammad Ishaq S/O Muhammad Khalid	17101-4768881-7	BPS Attock	122.34	Balochistan	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
12	1563037	Talwar Khan S/O Faraz Khan	17101-4718889-9	BPS Attock	122.18	Balochistan	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
13	1561544	Muhammad Ullah S/O Usaid Ullah	17101-4379889-5	BPS Attock	123.43	Dargal	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
14	1581254	Muhammad Ali S/O Faraz Khan	17101-8200786-9	BPS Attock	118.43	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
15	1560109	Braze Ali Haq S/O Akmal Daryal	17101-4178115-7	BPS Attock	118.29	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
16	1580114	Aamir Ullah S/O Muzaf Ali Shah	17101-8828888-5	BPS District Para	114.31	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
17	1560175	Muhammad Ali S/O Faraz Khan	17101-4375764-5	BPS Attock	121.86	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
18	1561321	Muhammad Aftab S/O Muzaf Khan	17101-8847725-1	BPS Attock	114.33	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
19	1560754	Muhammad Ali S/O Faraz Khan	17101-8828797-7	BPS Attock	124.56	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
20	1580938	Talwar Ali S/O Muhammad Ali	17101-0288221-1	BPS District Para	116.17	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
21	1560990	Muhammad Aftab S/O Muzaf Khan	17101-2279896-3	BPS District Para	111.12	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
22	1561448	Muhammad Aftab S/O Muzaf Khan	17101-1671324-1	BPS District Para	117.17	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
23	1561186	Muhammad Aftab S/O Faraz Khan	17101-7470861-9	BPS District Para	129.08	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
24	1561007	Muhammad Ali S/O Muzaf Khan	17101-3363178-5	BPS District Para	116.56	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017
25	1580984	Muhammad Ali S/O Faraz Khan	17101-8519788-9	BPS District Para	115.89	District Para	4807-4958 Dated:31/08/2014	01-09-14	23936-24078 Dated:28/04/2017

Muzaf Khan

- 1. Copy forwarded for information to the Director, Government of Karnataka
- 2. Director, Government of Karnataka
- 3. Director, Government of Karnataka
- 4. Director, Government of Karnataka
- 5. Director, Government of Karnataka
- 6. Director, Government of Karnataka
- 7. Director, Government of Karnataka
- 8. Director, Government of Karnataka
- 9. Director, Government of Karnataka
- 10. Director, Government of Karnataka

DISTRICT EDUCATION OFFICER
MANGALURU

(SIRSI MUTHANNAID)
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

Form No. 19147-2018 (A.N.) (Regulation No. 12 of 2018) Dated 12.03.2018

1. The employees shall be governed by the Mysore Public Service Act, 1973 and such rules as may be framed thereunder.
2. The employees shall be considered regular and they shall be eligible for pension (deduction of C.P.F. and in terms of the Mysore Public Service Act, 1973 as amended in 2013).
3. The employees are liable to retirement on one month's notice from either side in case of resignation without notice, three months' notice if resignation is subject to confirmation and experience required for a regular post.
4. They shall possess the same qualifications and experience required for a regular post.
5. The resignation shall not be in force of those who have not taken over charge or have remained absent from duty or resign.
6. The resignation will not be in force of those who are under disciplinary proceedings.
7. The pay shall be revised subject to verification of academic/departmental from the concerned Board/Institution by the SDEO concerned.
8. The employees who are regularized under the Mysore Public Service Act, 1973 (Mysore Public Service Act No. 1 of 1973) or in the process of regularization shall be treated as regular employees of the Mysore Public Service Act, 1973 (Mysore Public Service Act No. 1 of 1973) and shall be eligible for regularization and regularization of services Act, 2017 (Mysore Public Service Act No. 1 of 2017) shall rank junior to all other employees belonging to the same grade or cadre, on the date of regularization.
9. The regularized employees who are regularized under this Act within the same grade or cadre, shall be determined on the basis of their comparative position in such grade or cadre.
10. Their seniority shall be determined on the basis of their comparative position in such grade or cadre, provided that if the date of confirmation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

TERMS & CONDITIONS

Sl. No.	Grade	Pay Band	Grade	Pay Band	Grade	Pay Band	Grade	Pay Band	Grade	Pay Band
1	Grade 1	17000-21000	Grade 1	17000-21000	Grade 1	17000-21000	Grade 1	17000-21000	Grade 1	17000-21000
2	Grade 2	15000-19000	Grade 2	15000-19000	Grade 2	15000-19000	Grade 2	15000-19000	Grade 2	15000-19000
3	Grade 3	13000-17000	Grade 3	13000-17000	Grade 3	13000-17000	Grade 3	13000-17000	Grade 3	13000-17000
4	Grade 4	11000-15000	Grade 4	11000-15000	Grade 4	11000-15000	Grade 4	11000-15000	Grade 4	11000-15000
5	Grade 5	9000-13000	Grade 5	9000-13000	Grade 5	9000-13000	Grade 5	9000-13000	Grade 5	9000-13000
6	Grade 6	7000-11000	Grade 6	7000-11000	Grade 6	7000-11000	Grade 6	7000-11000	Grade 6	7000-11000
7	Grade 7	5000-9000	Grade 7	5000-9000	Grade 7	5000-9000	Grade 7	5000-9000	Grade 7	5000-9000
8	Grade 8	3000-7000	Grade 8	3000-7000	Grade 8	3000-7000	Grade 8	3000-7000	Grade 8	3000-7000
9	Grade 9	1000-5000	Grade 9	1000-5000	Grade 9	1000-5000	Grade 9	1000-5000	Grade 9	1000-5000
10	Grade 10	500-1000	Grade 10	500-1000	Grade 10	500-1000	Grade 10	500-1000	Grade 10	500-1000

(14)

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OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) ERSE CHARSADDA
001-0220431 emurher@ndia.com

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 STST (BPS-14) (Rs.15180-170-50280) 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 GANDERIGALA	GPS PALAY BOBANDI	AVP
2	LINHAJ ULLAH	GPS AMBA DHERA NO 2	GPS AMBA DHERA NO 2	AVP
3	ASHALI KHAN	GPS CHEENA	GPS CHEENA	AVP
4	ZUBAIR	GPS PLA DHERAI	GPS PLA DHERAI	AVP
5	ADNAN	GPS KHULY	GPS KHULY	AVP
6	FAZAL NAJIAN	GPS KHAT KILLI SHOLGARA	GPS KHAT KILLI SHOLGARA	AVP
7	ABID DAYUM	GPS MALIK ABAD	GPS MALIK ABAD	AVP
8	IFTIKHAR ULLAH	GPS MARCHAKI	GPS MARCHAKI	AVP
9	MUSLIM SHAH	GPS INAM KILLI	GPS LANDAJ SHAH	AVP
10	MUHAMMAD YOUSAF	GPS KULA DHER NO 1	GPS KULA DHER NO.1	AVP
11	ASLAMI KHAN	GPS KHORA ABAD	GPS KHORA ABAD	AVP
12	AKHTAR ALI	GPS ANGAR KOROONA	GPS ANGAR KOROONA	AVP
13	NIZAM ULLAH	GPS ISLAM ABAD DARGAJ	GPS ISLAM ABAD DARGAJ	AVP
14	NAEEM JAH	GPS KASS KOROONA	GPS KASS KOROONA	AVP
15	HASIR KHAN	GPS KHISRO KHAN KILLI	GPS SHAHNAYAZ KILLI	AVP
16	TILAYAT SHAH	GPS MANDEZAI	GPS MANDEZAI	AVP
17	MUHAMMAD KHALID	GPS STATION KOROONA	GPS GHULAM FARID KILLI	AVP
18	WAJID ULLAH	GPS PALOSA JADEED	GPS PALOSA JADEED	AVP
19	MUHAMMAD ISHTIAQ	GPS MERA SHAKH NO 6	GPS BEHLOLA	AVP
20	ABDUL MUSAWIR	GPS ANGAR KOROONA	GPS ANGAR KOROONA	AVP
21	SHER ALI	GPS KANGRA	GPS KANGRA	AVP
22	SABIR SHAH	GPS ZUHRAB GUL KILLI NO.1	GPS ZUHRAB GUL KILLI NO.1	AVP
23	SHEHER GHAYAS KHAN	GPS PARAO NISATTA	GPS PARAO NISATTA	AVP
24	MUHAMMAD SHOAB	GPS ASHARA BATTAGRAM	GPS ASHARA BATTAGRAM	AVP
25	SHAHID KHAN	GPS MIAN SAHIB GUL KILLI	GPS MIAN SAHIB GUL KILLI	AVP
25	JAWAD ALI	GPS KHUBAI	GPS KHUBAI	AVP
27	ZULFIDAR ALI	GPS CHAMYARAN	GPS CHAMYARAN	AVP
28	KARAM ELAHI	GPS AJOON KILLI	GPS AJOON KILLI	AVP
29	MUQASSIR SHAH	GPS RIZWAN ABAD	GPS RIZWAN ABAD	AVP
30	YASIR KHAN	GPS INAM KILLI	GPS INAM KILLI	AVP
31	ZUBAIR KHAN	GPS SHAHBAZ KHAN	GPS SHAHBAZ KHAN	AVP

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32	FAZAL AMIN	GPS EWAS KILLI	GPS EWAS KILLI	AVP
33	ISHTIAD AHMAD	GPS RASOOL KHAN KILLI	GPS RASOOL KHAN KILLI	AVP
34	MUHTAD ALI	GPS PAINDA KHEL TARNAB	GPS PAINDA KHEL TARNAB	AVP
35	MUHAMMAD BIRHAN	GPS SHERKI MUNAF KILLI	GPS SHERKH MUNAF KILLI	AVP
36	AMWAR ZEB	GPS INZAR KILLI	GPS INZAR KILLI	AVP
37	SHAH ANWAR	GPS ASHARA BATTAGRAM	GPS ASHARA BATTAGRAM	AVP
38	KHALIL ULLAH	GPS UTMANZAI NO.3	GPS UTMANZAI NO.3	AVP
39	NOOR ULLAH JAN	GPS GHURMBAK NO.1	GPS GHURMBAK NO.1	AVP
40	MUHAMMAD ISMAIL SHAHID	GPS TANGI NO.3	GPS TANGI NO.3	AVP
41	MUHAMMAD IZHAR	GPS HASSANZAI	GPS HASSANZAI	AVP
42	SHAH AJAMAD	GPS KARIMO BANDA	GPS SHAKOOR	AVP
43	MIRZA ALI KHAN	GPS DALAZAK NO.1	GPS DALAZAK NO.1	AVP
44	ROSHAN KHAN	GPS ALI JAN KILLI	GPS ALI JAN KILLI	AVP
45	MOAZAM JAN	GPS QAZI KHEL-2	GPS QAZI KHEL-2	AVP
46	BAKHT TAJ GUL	GPS DHERAJ KOR KATOZAI	GPS DHERAJ KOR KATOZAI	AVP
47	REHMAN ULLAH	GPS OCHA WALA NO.1	GPS OCHA WALA NO.1	AVP
48	ASPROOZ KHAN	GPS LANDI ROAD	GPS LANDI ROAD	AVP
49	ADNAN HUSSAIN	GPS GONDA	GPS GONDA	AVP
50	MUHAMMAD YASIR	GPS ODIGRAM	GPS ODIGRAM	AVP
51	INAMUL HASSAN	GPS KILA DHER NO.1	GPS KILA DHER NO.1	AVP
52	UMAR GUL	GPS AZIZ ABAD NO.2	GPS AZIZ ABAD NO.2	AVP
53	SHAH AYAZ UDDIN	GPS RAJJAR NO.1	GPS RAJJAR NO.1	AVP
54	MUHAMMAD ASIM	GPS KOTAK	GPS KOTAK	AVP
55	WAQAR ALI SHAH	GPS UMARZAI NO.1	GPS UMARZAI NO.1	AVP
56	MARIAN ALI	GPS SHABRA NO.1	GPS SHABRA NO.1	AVP
57	NASEEM KHAN	GPS MIRZAI	GPS MIRZAI	AVP
58	ZIA RAFIQ	GPS KATOZAI NO.1	GPS KATOZAI NO.3	AVP
59	SHAHID ALI	GPS DILDAR GARIH	GPS CHEENA	AVP
60	IRSHAD ALI	GPS QALARY	GPS QALARY	AVP
61	HAJID KHAN	GPS ARAT KORODNA	GPS ARAT KORODNA	AVP
62	SHAH KHALID	GPS MATHRA QADEEM	GPS MATHRA QADEEM	AVP
63	MUKHTAR ULLAH	GPS ISLAM ABAD DOBANDI	GPS ISLAM ABAD DOBANDI	AVP
64	TAHIR ALI SHAH	GPS SHAKAR DHAND	GPS HIKMAT ABAD	AVP
65	WASIQ JAN	GPS UMARZAI NO.2	GPS UMARZAI NO.2	AVP
66	GUL RAJ KHAN	GPS KODAI NO.1	GPS KODAI NO.1	AVP
67	MUHAMMAD ALI	GPS NAHAQI	GPS NAHAQI	AVP
68	QAISAR ALI	GPS MUHAMMAD NARI	GPS MUHAMMAD NARI	AVP
69	IRFAN ULLAH	GPS ZARIN ABAD	GPS ZARIN ABAD	AVP
70	YOUSAF KHAN	GPS RUSTAM KHAN KILI	GPS RUSTAM KHAN KILI	AVP
71	MUHAMMAD DAWOOD KHAN	GPS TANGI NO.1	GPS TANGI NO.1	AVP
72	FAWAD AHMAD	GPS JALAL KILLI-2	GPS JALAL KILLI-2	AVP
73	SHAHID KHAN	GPS SHAH AFZAL ABAD	GPS SHAH AFZAL ABAD	AVP
74	ALAM ZEB KHAN	GPS HAJI ABAD UMARZAI	GPS HAJI ABAD UMARZAI	AVP
75	ALI GOMAR	GPS MEHMOOD ABAD SKF	GPS MEHMOOD ABAD SKF	AVP
76	ZAKIR ULLAH	GPS KODAI NO.1	GPS KODAI NO.1	AVP

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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	Fazal Ahmad SPST	GPS Raw Korona	GPS Tala Shah	Single teacher school
2	Muhammad Alam SPST	GPS Gul Shah Killi	GPS Ban Band	Adjusted being 1/ plus
3	Jawad Khan SPST	GPS Ragan	GPS Sato Ban Band	Adjusted being 1/ plus
4	Abdul Bari Khan SPST	GPS Ghulam Farid Killi	GPS No.1 Sadar Garhai	N. Basis
5	Muhammad Sajjad SPST	GPS Ghunda Korona	GPS Barala Bakhajai	Adjusted being 1/ plus
6	Moslim Khan SPST	GPS Mirza Dher No.1	GPS Hasanzai	N. Basis
7	Behar Rahman SPST	GPS Fah Ullah Korona	GPS Bachyano Killi	N. Basis
8	Muhammad Ali SPST	GPS Landi Shah	GPS Aral Korona	Being disable
9	Zahir Ullah SPST	GPS Shabara No.1	GPS Sukkar	N. Basis
10	Muhammad Zabeer SPST	GPS Shah Nawaz Killi	GPS Behlola Bala	N. Basis
11	Aziz ur Rahman SPST	GPS Azim Gul Mian Killi	GPS Satti Abad	N. Basis
12	Habibullah Khan SPST	GPS Khan Ghel	GPS Qonda	N. Basis
13	Shah Jehan SPST	GPS Mirza Bala	GPS Sheikh Killi	N. Basis
14	Abdur Rahman SPST	GPS Rasidat Killi No.2	GPS Garbi Hameed Gul	N. Basis

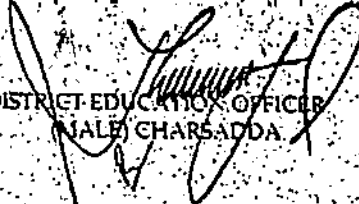
NOTE:-

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

(JEHANGIR KHAN)
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

Endst No: 5420-3602 / F.No. (Promotion 2020) / Dated: 19/10/2020

- Copy for information to the:
- Director (E&SE) Khyber Pakhtunkhwa Peshawar.
 - Deputy Commissioner Charsadda.
 - District Accounts Officer Charsadda.
 - District Monitoring Officer (MFO) Charsadda.
 - Sub-Divisional Education Officer (Male) Charsadda.
 - Sub-Divisional Education Officer (Male) Tangi.
 - Sub-Divisional Education Officer (Male) Shabqadar.
 - Official concerned.
 - Office file.


DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

To:

THE DISTRICT EDUCATION OFFICER (MALE)
District Charsadda.



18

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. 4807-1958 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 Pakhtunhwa 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 extend 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: **SHAH KHALID**

Designation: SPST

School: GPS HAJI ABAD SRELKH

Contact No: 0331 3131775

Signature: **SAM**

Date: 20/04/2024

(19)

~~10/11~~

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

No. 10021,



sdeopri@gmail.com

Dated 22/9/2024

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 Katozal No.2.
5	Rahm Shid Khan	SPST	GPS.Krapa Muhmmad Khan
6	Zia Rafiq	SPST	GPS, Katozal 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 Rashaki
13	Khan Muhammad.	SPST	GPS, Rashaki
14	Zakir Ullah	SPST	GPS, No1, Kodai
15	Sfah Muhammad	SPST	GPS Shabaz Khan Killi




(20)

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

Encl. As Above


Sub Divisional Education Officer
(Male) Shabqadar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 7597 /2021

(2)

ABDUL MUSAWIR

V/S

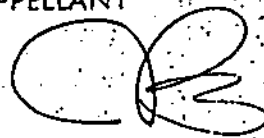
EDUCATION DEPTT.

I N D E X

S. NO.	DOCUMENTS	ANNEXURE	PAGES
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 Road, Peshawar,

0333-9313113, 0345-9090737

muhammad.m3adv@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 7597 /2021

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

APPELLANT

VERSUS

1. THE DIRECTOR EDUCATION, Khyber Pakhtunkhwa,
near Govt. Hasnain Shaheed 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 rise to the instant appeal are as under:

APPROVED

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 A.

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

(23)

(23)

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 01st 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 service 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 mala fide 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

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
- 


ADVOCATE

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 Elcmer 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

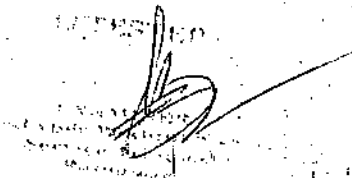
JUDGMENT

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

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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.

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

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

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


(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)

Date of Presentation of Application 30/7/24

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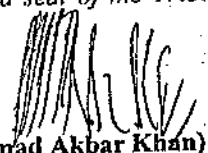
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ORDER
06.11.2023

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

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

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


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

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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-9. (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 were silent on the appellant request applications appeal, and having no other remedy except filing this departmental appeal for speedy remedy and justice.

Appellant
Shah Khalid S/O Syed Jafar Shah
(SPST, BPS-14) Government Primary
School Haji Abad Sreekh, Shabqadar District
Charsadda

