


FORM OF ORDER SHEET

Court of _____

Appeal No. 1938/2024


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

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

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

No. 774 /Inst./2024/KPST,

Dt. 12/9/2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Ismail Khan Adv.
High Court Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No. 938 / 2024



Asif Ullah 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

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

①

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO 1938 /2024

Asif Ullah S/O Noorqat Ali (SPST, BPS-14) Government Primary School Daulat Pura ,
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/RELEASING 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 Appellant humbly submits as under.

FACTS.

Brief facts of the Appeal are as under.

1. That the Appellant 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 la 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.

(4)


- 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



Through Counsel

 Muhammad Iqbal
Advocate



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BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO _____/2024

Asif Ullah S/O Noorqat Ali (SPST, BPS-14) Government Primary School Daulat Pura ,
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



Asif Ullah

Through Counsel

Muhammad Ismail



Advocate



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

6

Service Appeal No. _____ / 2024

Asif Ullah S/O Noorqat Ali (SPST, BPS-14) Government Primary School Daulat Pura
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

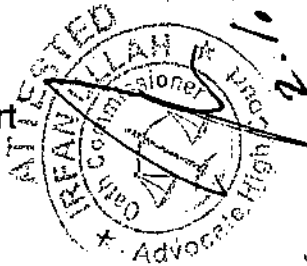
AFFIDAVIT

I, Asif Ullah S/O Noorqat Ali (SPST, BPS-14) Government Primary School Daulat Pura
, Shabqadar District Charsadda, do hereby solemnly affirm and states on oath that the
contents of accompanying appeal are true and correct to the best of my knowledge and
belief and nothing has been concealed from this Hon'ble Tribunal.






Deponent 

IDENTIFIED BY
Muhammad Ismail
Advocate High Court



Through counsel

Ismail Khan 
Umar Khan 
Amjid Khan Mohmand 
Advocates High court Peshawar

Appointment Order PST (M) Ad hoc -Based

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

APPOINTMENT

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of PST School based/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
16/144	ASIF ULLAH 17101-0826588-1	GPS Daulat Pura	Daulat Pura	114.31

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.

Asif Ullah Daulat Pura.docx

Appointment Order PST (M) Ad hoc -Based

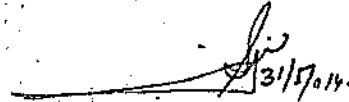
13. His appointment is made on School based. He will have to serve at the place of posting, and his service is not transferable to any other station.
14. Before handing over charge once again their document may be checked if they have not the required qualification, they may not be handed over charge.

(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


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

(9) (10)

چارچ رپورٹ

آصف اللہ PST دولت پورہ چارسدہ

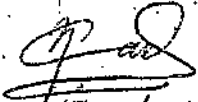
آپ کی تقرری بھدہ گورنمنٹ پرائمری سکول دولت پورہ U/C دولت پورہ چارسدہ میں بحکم 4807-4958

مورخہ 31/05/2014 از آئیڈیٹر کٹ ایجوکیشن آفیسر صاحب چارسدہ ہو چکی ہے۔ لہذا آپ کو آج

مورخہ 31/05/2014 کو لیور دوپہرا اپنے عہدے کا چارج حوالہ کیا جاتا ہے۔ لہذا آپ نوٹ فرمائیں۔

چارچ دہیندہ

چارچ گریندہ



31/5/2014

Head Master

G.P.S.

Daulat Pura Charsadda

OFFICE OF THE DISTRICT EDUCATION OFFICER (M.A.B) CHARSADEA

NOTIFICATION

In pursuance of the Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education (Appointment and Regulation 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 & S/D/3-2/2018 / S/IT /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.

Sl. No.	NTS No.	Name and Father's Name	CRP No.	Name of School	Total Marks	U/C	Appointement order No. & Date	Date of taking Over Charge	Contract No. & Date
1	1540019	Muhammad Usaid S/O Ahmad	17101-6317002	CRP Section 128	122.89	Alkhat	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
2	1540021	Muhammad Usaid S/O Saadullah	17101-6317001	CRP Section 128	122.89	Alkhat	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
3	1540014	Muhammad Usaid S/O Muzam	17101-6317011	CRP Agri Bps	118.31	Agri	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
4	1541340	Muhammad Arshad S/O Amir	17101-9181131	CRP Agri Bps	118.31	Agri	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
5	1540181	Talwar Sult S/O S. Wahid Sult	17101-0113584	CRP Bhandari	129.59	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
6	1540941	Muhammad Usaid S/O Fida Muhammad	17101-0113538	CRP Adhra	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
7	1540994	Shah Ahmad S/O Bhanu	17101-0113595	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
8	1540125	Muhammad Usaid S/O Farooq Khan	17101-0113591	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
9	1541110	Sahib Usaid S/O Sultana	17101-0113580	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
10	1540077	Muhammad Usaid S/O Muzam Khan	17101-0113592	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
11	1540845	Muhammad Usaid S/O Muhammad Usaid	17101-0113581	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
12	1541017	Talwar Usaid S/O Farooq Khan	17101-0113599	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
13	2791544	Muhammad Usaid S/O Usaid Usaid	17101-0113583	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
14	1541254	Muhammad Usaid S/O Farooq Khan	17101-0113588	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
15	1540209	Talwar Usaid S/O Usaid Usaid	17101-0113515	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
16	1540214	Muhammad Usaid S/O Muhammad Usaid	17101-0113518	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
17	1540175	Muhammad Usaid S/O Usaid Usaid	17101-0113514	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
18	1541221	Muhammad Usaid S/O Muhammad Usaid	17101-0113515	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
19	1540934	Muhammad Usaid S/O Muhammad Usaid	17101-0113517	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
20	1540928	Muhammad Usaid S/O Muhammad Usaid	17101-0113517	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
21	1540990	Muhammad Usaid S/O Muhammad Usaid	17101-0113516	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
22	1541544	Muhammad Usaid S/O Muhammad Usaid	17101-0113514	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
23	1541144	Muhammad Usaid S/O Muhammad Usaid	17101-0113514	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017
24	1541107	Muhammad Usaid S/O Muhammad Usaid	17101-0113513	CRP Bhandari	129.66	Bhandari	4807-4958 Date: 11/05/2014	01-09-14	2791-14078 Date: 28/04/2017

Muzam Khan

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BY: DISTRICT EDUCATION OFFICER

Muhammad
12/23/18

- 1. District Government
- 2. District Government
- 3. District Government
- 4. District Government
- 5. District Government
- 6. District Government
- 7. District Government
- 8. District Government
- 9. District Government
- 10. District Government

Form No. 19747-2018 P.N.O. (Regulation PST 2018) Dated: 12.03.2018

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) CHARASADA

1. Their services shall be governed by the Kyber Pakhtunkhwa (Civil Services) Act, 1973, the Kyber Pakhtunkhwa (Appointments, Promotion, Transfer of Teachers, Lecturers, Inspectors & 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 GP Fund in terms of the Kyber Pakhtunkhwa (Civil Services) Act, 1973 as amended in 2013.
3. Their services are liable to termination on one month's 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. Their regularization will not be in favor 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 revised subject to verification of academic documents/ testimonials from the concerned Board/University by the SDCO concerned.
8. The employees whose services are regularized under the Kyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regulation of Services) Act, 2017 (Kyber Pakhtunkhwa Act No. 1 of 2018) or in the process of attaining service as the commencement of the Kyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regulation of Services) Act, 2017 (Kyber 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 Kyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regulation of Services) Act, 2017 (Kyber Pakhtunkhwa Act No. 1 of 2018), and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission make 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 interest of the employees, whose services are regularized under this Act with the same service or cadre, shall be determined on the basis of their continuous affiliation 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.

TERMS & CONDITIONS

422	2012001233	Senior Lecturer S/O	17102-039484B	199	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
423	2012001489	Senior Lect S/O	17102-039484B	198	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
424	2012001023	Senior Lect S/O	17102-039484B	197	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
425	2012001107	Senior Lect S/O	17102-039484B	196	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
426	2012019721	Senior Lect S/O	17102-039484B	195	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
427	2012001183	Senior Lect S/O	17102-039484B	194	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
428	2012000347	Senior Lect S/O	17102-039484B	193	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
429	2017000188	Senior Lect S/O	17102-039484B	192	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
430	2012000325	Senior Lect S/O	17102-039484B	191	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
431	2012001129	Senior Lect S/O	17102-039484B	190	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
432	2017000433	Senior Lect S/O	17102-039484B	189	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
433	2017000433	Senior Lect S/O	17102-039484B	188	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17
434	2012000961	Senior Lect S/O	17102-039484B	187	CPA Senior Lect	116.54	Senior Lect	20762-056	2012-056	08-04-17

(4)

LD/ED
Tawfiq



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

☎ 091-9220481 ✉ emtcharzadda@yahoo.com

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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.2412-2342 / 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-S0280) 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	MINKAJ ULLAH	GPS ANBA DHERI- NO.2	GPS ANBA 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 KHAN	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 BHANI 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
15	NASIR KHAN	GPS KHISRO KHAN KILLI	GPS SHAHNAWAZ KILLI	A.V.P
16	TRAYAT SHAH	GPS MANDEZAI	GPS MANDEZAI	A.V.P
17	MUHAMMAD KHALID	GPS STATION KOROONA	GPS GHULAM FARID KILLI	A.V.P
18	WAJID ULLAH	GPS PALOSA JADEED	GPS PALOSA JADEED	A.V.P
19	MUHAMMAD ISHTIAQ	GPS NERA SHADI- NO.6	GPS BEHLOLA	A.V.P
20	ABDUL MUSAVVER	GPS ANGAR KOROONA	GPS ANGAR KOROONA	A.V.P
21	SHER ALI	GPS KANORA	GPS KANGRA	A.V.P
22	SABIR SHAH	GPS ZUHRAB GUL KILLI NO.1	GPS ZUHRAB GUL KILLI NO.1	A.V.P
23	SHEHER GHAYAS KHAN	GPS PARAO HISATTA	GPS PARAO HISATTA	A.V.P
24	MUHAMMAD SHOAIB	GPS ASHARA BATTAGRAM	GPS ASHARA BATTAGRAM	A.V.P
25	SHAHID KHAN	GPS MIAN SAHIB GUL KILLI	GPS MIAN SAHIB GUL KILLI	A.V.P
26	JAYYAD ALI	GPS KHUBAI	GPS KHUBAI	A.V.P
27	ZULFIQAR ALI	GPS CHAMYARAN	GPS CHAMYARAN	A.V.P
28	KARAM ELAHI	GPS AJOON KILLI	GPS AJOON KILLI	A.V.P
29	MUASSIR SHAH	GPS RIZWAN ABAD	GPS RIZWAN ABAD	A.V.P
30	YASIR KHAN	GPS BHANI KILLI	GPS BHANI KILLI	A.V.P
31	ZUBAIR KHAN	GPS SHAHBAZ KHAN	GPS SHAHBAZ KHAN	A.V.P

77	JAWAD MUHAMMAD	GPS SHAH DHAND	GPS SHAH DHAND	AVP
78	USMAN ALI	GPS SHEKH ABAD RAJJAR	GPS SHEKH ABAD RAJJAR	AVP
79	WAQAR KHAN	GPS MALKA DHER	GPS MALKA DHER	AVP
80	FATHUL AMIN	GPS DHERI SIKANDER KHAN	GPS DHERI SIKANDER KHAN	AVP
81	MDAN ADIL SHAH	GPS AGRA BALA	GPS AGRA BALA	AVP
82	KIRAN UL HAQ	GPS AMBA DHER NO.1	GPS AMBA DHER NO.1	AVP
83	ZAFAR ALI	GPS DOSEHRA-NO.3	GPS DOSEHRA-NO.3	AVP
84	ASIF SHAH	GPS SHALIMANO KILLI	GPS SHALIMANO KILLI	AVP
85	SHAD MUHAMMAD	GPS HARYANA	GPS HARYANA	AVP
86	NAEEM JAH	GPS YAKH KOHI	GPS YAKH KOHI	AVP
87	MUHAMMAD SHAHZAD KHAN	GPS KASS KOROONA	GPS KASS KOROONA	AVP
88	AZIAT HUIJAJ	GPS MARCHAKI-2	GPS MARCHAKI-2	AVP
89	IHSAN ULLAH ALIAS ASAD	GPS UMAR ABAD CHD	GPS UMAR ABAD CHD	AVP
90	ARSHAD KHAN	GPS KOTAK	GPS KOTAK	AVP
91	MUHAMMAD ZEESHAN	GPS KHAT KILLI PRANG	GPS KHAT KILLI PRANG	AVP
92	KAMRAN ULLAH	GPS MALKA DHER	GPS MALKA DHER	AVP
93	RASOOL SHAH	GPS PRANG- NO.3	GPS PRANG- NO.3	AVP
94	MUHAMMAD ASHIF	GPS AGRA BALA	GPS AGRA BALA	AVP
95	SHAH MUHAMMAD	GPS YAR JAN KOROONA	GPS YAR JAN KOROONA	AVP
96	ABDUR RAHMAN	GPS JAN ABAD	GPS JAN ABAD	AVP
97	SAEED KHAN	GPS MITTA MUKHAL KHEL	GPS MITTA MUKHAL KHEL	AVP
98	ASIF ULLAH	GPS DAULAT PURA	GPS DAGER	AVP
99	MUHAMMAD SAJJAD	GPS GHUNDAI KOROONA	GPS GHUNDAI KOROONA	AVP
100	DILAYAR SHAH	GPS BOSA KHEL PRANG	GPS BOSA KHEL PRANG	AVP
101	ISHAD AHMAD	GPS MAH SAHIB GUL QALA	GPS BILDAR GARNI	AVP
102	ROOHUL AMIN	GPS DAGSHAMOZAI	GPS DAGSHAMOZAI	AVP
103	ATTA ULLAH NOOR	GPS NISHAN ABAD	GPS NISHAN ABAD	AVP
104	ZIA ULLAH	GPS INZER QALA	GPS INZER QALA	AVP
105	YASIR KHAN	GPS MANDANI	GPS MANDANI	AVP
106	HAZIR AHMAD	GPS MARDHAND NO.-1	GPS MARDHAND NO.-1	AVP
107	OWAIS ULLAH	GPS SULAI KAMAR	GPS SULAI KAMAR	AVP
108	ZAHIR ABDEEN	GPS SARKI TITARA-NO.1	GPS SARKI TITARA-NO.1	AVP
109	JAMIL MUHAMMAD KHAN	GPS TARIQ ABAD	GPS TARIQ ABAD	AVP
110	MUHAMMAD GULZAR	GPS SHAH DHAND	GPS SHAH DHAND	AVP
111	SHAHAB ALI	GPS GANGDO	GPS GANGDO	AVP
112	MANZOOR ALI	GPS GURRANO KILLI	GPS GURRANO KILLI	AVP
113	ILAJNO SHAH	GPS RHMAT ULLAH KOROONA	GPS RHMAT ULLAH KOROONA	AVP
114	AFTAB AHMAD	GPS CHITLA DHERI	GPS HAJI ABAD UMARZAI	AVP
115	ASFANDIYAR	GPS PRANG- NO.3	GPS PRANG- NO.3	AVP
116	ZAHOOR AHMAD	GPS SHERPAD NO.1	GPS SHERPAD NO.1	AVP
117	FARHAD ALI	GPS KATIQAN	GPS KATIQAN	AVP
118	MUHAMMAD BASIR	GPS WARDAGA- NO.1	GPS WARDAGA- NO.1	AVP
119	AQIB KHAN	GPS CHECK RAJJAR	GPS CHECK RAJJAR	AVP
120	KHAN MUHAMMAD	GPS RASHAKAI	GPS RASHAKAI	AVP
121	AMJID ALI	GPS DARGAJ	GPS DARGAJ	AVP

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

ADJUSTMENT

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

S.NO	NAME & DESIGNATION	PRESENT SCHOOL	POSTED AT	REMARKS
1	Riaz Ali SPST	GPS Kaza Korona	GPS Tala Shah	Single teacher school
2	Khurshid Alam SPST	GPS Gul Shah Killi	GPS Bari Band	Adjusted being s/ plus
3	Jawad Khan SPST	GPS Kagen	GPS Safa Bari Band	Adjusted being s/ plus
4	Abdul Bari Jan SPST	GPS Ghulam Farid KIBI	GPS No.1 Sadar Girbal	N.Basis
5	Muhammad Sajjad SPST	GPS Ghundal Korona	GPS Banda Rashahai	Adjusted being s/ plus
6	Muslim Khan SPST	GPS Mirza Ober No.1	GPS Hassanzal	N.Basis
7	Dahir Rahman SPST	GPS Bari Ullah Korona	GPS Bachyano Killi	N.Basis
8	Nisar Ali PST	GPS Lendi Shah	GPS Arat Korona	Being disable
9	Zahir Ullah SPST	GPS Shabara No.1	GPS Sukkar	N.Basis
10	Muhammad Zaboer PST	GPS Shah Nawaz KIBI	GPS Behlole Bala	N.Basis
11	Aziz ur Rahim SPST	GPS Azim Gul Milan Killi	GPS Saib Abasi	N.Basis
12	Hubab Akhtar SPST	GPS Khan Khel	GPS Gonda	N.Basis
13	Shah Jehan PST	GPS Nimgal Baba	GPS Sheikh Kili	N.Basis
14	Abdur Rahman SPST	GPS Risahdar KIBI No.2	GPS Cerhi I Iameed Gul	N.Basis

NOTE:-

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

(JEHANGIR KHAN)
DISTRICT EDUCATION OFFICER
(MALE) CHARSAZZA

Endst: No 5402-5602 / F.No. (Promotion 2020) / Dated 19 / 05 / 2020

Copy for information to the:

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

DISTRICT EDUCATION OFFICER
(MALE) CHARSAZZA

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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. 4837/4953 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 pay letter 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: Asif Ullah

Designation: SPST

School: GPS Sandasar

Contact No: 03459111238

Signature: *Asif Ullah*

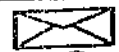
Date: 22/07/2024

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

~~117~~

No. 10021



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, Rashak.
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, 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 Attaki
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

ABDUL MUSAWIR V/S EDUCATION DEPTT.

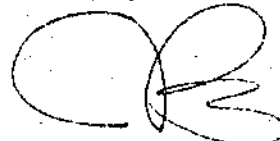
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S. NO.	DOCUMENTS	ANNEXURE	PAGE
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2.	Appointment Order dated 31.05.2014	A	6-7
3.	Charge Report dated 31.05.2014	B	8
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5.	Service Book	D	10-17
6.	Pay Rolls	E	18-19
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9.	Wakalatnama	22

APPELLANT

Through:



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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 7577 /2021

ABDUL MUSAWIR s/o Muhammad Ali, SPST (BPS-14),
Govt. Primary School, Angar Kali, Charsadda,
PO 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 REGRETTEED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of the instant service appeal the inaction
of the respondents by not allowing the annual increment for
the year 2014 and not releasing outstanding salaries for the
month of June, July & August 2014 may very kindly be
declared illegal and the respondents may kindly be directed
to allowing increment for the year 2014 with all back benefits
and also release the outstanding salaries for the month of
June, July & August 2014. Any other remedy which this
august Tribunal deems appropriate that may also be awarded
in favor of the appellant.

Respectfully Sheweth:

FACTS:

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

Handwritten signature and date: 20/7/21

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

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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

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

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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 salaries 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 malafide manner while illegally deducting annual increment for the year 2014 and not releasing the monthly salary for the month of June, July & August 2014.
- G- That act & omission of the respondents by illegally deducting annual increment for the year 2014 and not releasing the monthly salary for the month of June, July & August 2014 is nothing but depriving the appellant from legal right of livelihood.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 15-10-2021

APPELLANT

ABDUL MUSAWIR

Through:

MUHAMMAD MAAZ MADNI
Advocate High Court, Peshawar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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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 Kati,
Charsadda, R/O Amir Abad, P.O Rajjar, Tehsil & District Charsadda.
..... (Appellant)

VERSUS

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

Mr. Muhammad Maaz Madani
Advocate ... For appellant

Mr. Muhammad Jan
District Attorney ... For respondents

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

JUDGMENT

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

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

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

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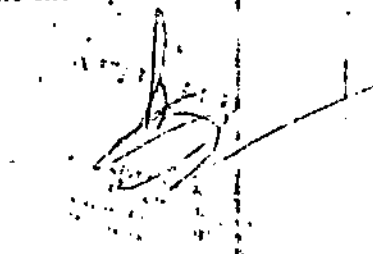
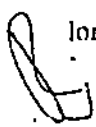
to the post of Senior Primary School Teacher (BPS-14) vide order dated 12.03.2018. The appellant facing huge discrepancy in the monthly salary due the reason that increment for the year 2014 was not allowed and the salaries for the month of June, July and August 2014 was not released. Despite the factum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

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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.

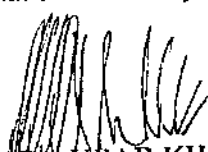
5. Learned District Attorney contended that the appellant has been treated in accordance with law and rules. He further contended that initially the appellant was appointed on 31.05.2014, but the appointment order of the appellant and his colleagues were amended and in this regard a corrigendum was issued.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




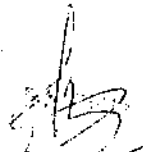
6. Perusal of record reveals that appellant was appointed as Primary School Teacher vide appointment order dated 31.05.2014 and it is admitted fact that appellant submitted his arrival report on the same day i.e. 31.05.2014. He was regularized from the date of his appointment vide notification dated 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)


 30/7/24


Date of Presentation of Petition: 30/7/24
 Number of Pages: 7-P
 Amount: 35/-
 Fee: 3/-
 Total: 110/-
 Date of Disposal: 30/7/24
 Date of Judgment: 30/7/24


ORDER
06.11.2023

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

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

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 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-16. (Copy of Regularization Order attached)
- vi. Thereafter the appellant also promoted from the Post of PST BPS-12 to post of Senior Primary School Teacher SPST BPS-14 by the Departmental Promotion Committee DPC under the supervision of DEO and other officials, Vide order dated 19-05-2020.
(Copy of Promotion orders attached)
- vii. the appellant facing huge financial discrepancy in monthly salaries due to the reasons that increment for the year 2014 were not allowed and also the salaries for month of June July and August 2014 not released for which the appellants made several visits and request verbally as well in shape of applications appeals etc. (Copies of application and appeals)
- viii. At last the SDEO Shabqadar send one letter to DEO Male Charsadda on dated 22/04/2024 for further action and process the applications, but despite applications reminders to department, they are not given positive response.
(Copies of applications and SDEO Male letter to DEO attached)
- ix. the service appeal decision in the same nature issue and matter had come to the knowledge of the appellants in the title case ABDUL MUSAWIR VS EDUCATION DEPARTMENT service appeal No- 7597 of 2021, which was decided by the Hon'ble Bench Member of Service Tribunal Peshawar on dated 06-11-2023, whereas the same relief given and granted to one teaching cadre who also appointed with the appellant as PST and later he regularized and also promoted as SPST BPS-14
(Copy of same identical nature case of service Tribunal dated 06-11-2023 attached)
- x. The appellants were also visited to concern quarter of accounts office to allow and include the same increment as well as salaries to appellant, but till date the same is neither included nor been allowed in the appellants salaries slip records.
- xi. feeling aggrieved from the inaction of the DEO Office by not allowing the annual increment for year 2014 as well as the salaries of the month of June July and August 2014, the repeatedly visits applications requests and at last departmental and same identical nature service decided case/appeal, the DEO office on no grounds And without showing any reason were silent on the appellant request applications appeal, and having no other remedy except filing this departmental appeal for speedy remedy and justice.

APPELLANT

Asif Ullah S/O Noorqat Ali
(SPST, BPS-14) Government Primary
School Daulat Pura, Shabqadar District
Charsadda

