


FORM OF ORDER SHEET

Court of _____

Appeal No. 1913/2024


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. 1913 / 2024

Zuabir Khan VERSUS The District Education Officer (Male) District Charsadda.

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Appellants

Through counsel

Muhammad Ismail Khan

Amin Ullah Jan

Amjid Khan Mohmand

Advocates High court Peshawar

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

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO 1913 /2024

②

Zubair Khan S/O Shakar Khan(SPST, BPS-14) Government Primary School Shahbaz Khan Corona Shabqadar District Charsadda

.....Appellant...

Versus

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

.....Respondents

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

PRAYERS.

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

Respectfully Sheweth.

The 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.

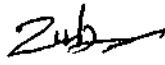
GROUND:

- 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.

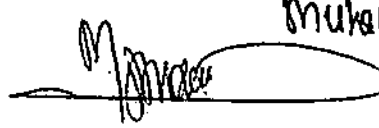
- (4)
- F. That the Respondents acted in arbitrary and malafide manner, while illegally deducting the annual increment for the year 2014, and not releasing salaries for the month of June July and August 2014.
- G. That the Act and omission of the Respondents by illegally deducting annual increment for 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


Zubair khan
(SPST)

Through Counsel


Muhammad Ismail
Advocate.



BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

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SERVICE APPEAL NO _____ /2024

Zubair Khan S/O Shakar Khan (SPST, BPS-14) Government Primary School Shahbaz Khan Korona Shabqadar District Charsadda

VERSUS


The Director Education Khyber Pakhtun Khuwa Peshawar and others

Certificate

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

Appellant

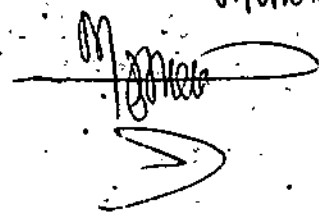
APPELLANT



Zubair Khan

Through Counsel

Muhammed Ismail
Advocate



(6)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

Service Appeal No. _____ / 2024

Zubair Khan S/O Shakar Khan (SPST, BPS-14) Government Primary School Shahbaz Khan Corona 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

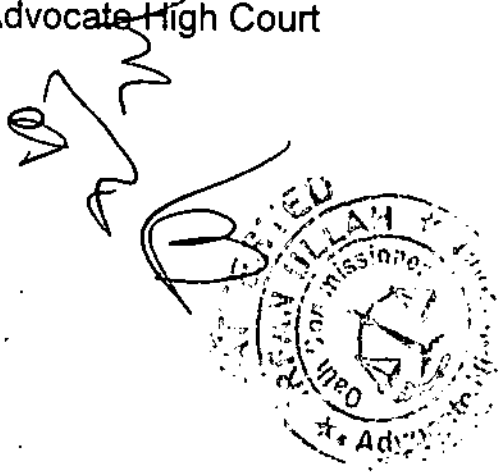
I, Zubair Khan S/O Shakar Khan (SPST, BPS-14) Government Primary School Shahbaz Khan Corona Shabqadar District Charsadda, do hereby solemnly affirm and state on oath that the contents of accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.






Deponent Zubair

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

Ans (A)

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 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 herein with effect from the date of their taking over charge :-

S.#	Name	School Name	U/C	Score
106/144	ZUBAIR KHAN 17103-0342333-9	GPS Shahbaz Khan Kor	Panjpao	125-45

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 DSO(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 DSO(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 of Govt from time to time.

Appointment Order PST (M) Ad hoc -Based

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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

Encls: No: 4807-4958 / Dated: Charsadda the 21/5/14

Copy forwarded for information and necessary action to the:-

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

21/5/14
District Education Officer
(Male) Charsadda

CPSS Shiksha E-Cell
HINDI MATHS
PROJECT WORK

31-5-2014
31-5-2014
31-5-2014

31-5-2014

31-5-2014

31-5-2014

31-5-2014

31-5-2014

31-5-2014

31-5-2014

31-5-2014

31-5-2014

DATE:

DATE:

AMT (B)

(9)

(9)

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

Name: ZUBAIR KHAN

Race: AFGHAN

Residence: Vill: MIAN ISA TEH- SHABQADAR

DIST:- GHARSADDA.

Father's name and residence: SHAKAR KHAN

AS ABOVE.

Date of birth by Christian era as nearly as can be ascertained: 08 Feb. N.H. EIGHTY ONE

08.02.1981

Exact height by measurement: 5-7

Personal marks for identification: 17103-0342333-9

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

Little Finger:

Ring Finger:

Middle Finger:

Fore Finger:

Thumb:

Signature of Government Servant: [Signature]

Signature and designation of the Head of the office, or other Attesting Officer.

[Signature]
S.D. EO (M)
Charsadda

ASBEO (M)
Shabqadar
Circle (Chd)

(11)

9	10	11	12	13		14	15
				Leave			
Name and Designation of head of the office or appointing officer in presence of whom...	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other appointing officer	Nature and duration of leave taken	Allocation of period of leave on average per up to four months for which leave salary is payable to another Government	Signature of the head of the office or other appointing officer	Reference to any record, proceedings or orders, or award or process of the Government Servant
					Government by which provided		
Sub Divisional Education Officer (Male) Shabqadar	30/11/2018	P/2	[Signature]			[Signature]	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 Ad-hoc basis on contract w.e.f (31-05-2014 to 15-07-2017), are hereby regularized in RPS-12 on the same basis in Teaching cadre vide DEO (M) Chd Endst:No 19747-2018S dated 17-03-2018.
Sub Divisional Education Officer (Male) Shabqadar	30/11/2018	P/2	[Signature]			[Signature]	
Sub Divisional Education Officer (Male) Shabqadar	30/11/2018	Promotion P/2	[Signature]			[Signature]	
Sub Divisional Education Officer (Male) Shabqadar	30/11/2018	P/2	[Signature]			[Signature]	

Sl. No.	Name and Designation	Cont. No.	Cont. Date	Cont. Type	Cont. Status	Cont. Period	Cont. Remarks
24	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
1	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
2	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
3	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
4	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
5	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
6	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
7	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
8	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
9	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
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16	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
17	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
18	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
19	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
20	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
21	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
22	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
23	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.
24	Mr. M. A. Khan, District Education Officer (M.A.B.) Charsadda	17701-177002	17701-177002	Adm.	Cont.	17701-177002	Cont. Status: Cont.

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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 Provisional Appointment dated 16/02/2018, services of the following (03) Primary School Teachers appointed through RTI on Adhoc basis on Contract w/c (31-05-2014 to 15-02-2017), are hereby regularized in RTI 12, on the same basis 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.

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

Handwritten number 12 in a circle.

Handwritten signature/initials.

NOTIFICATION

Sl. No.	Employee Name	Designation	Grade	Basic Pay	Dearness Allowance	Dearness Allowance Factor	Dearness Allowance %	Dearness Allowance Amount	Dearness Allowance Date	Dearness Allowance From	Dearness Allowance To
91
90
89
88
87
86
85
84
83
82
81
80
79
78
77
76
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13

14

423	2015001233	Sayed Khan S/O AY ALBAM	17107-9394843-195	GPS Sphal Tang	116.54	Shadag	20767-856 Dated: 28/03/2017	08-04-17
424	2015001449	Nadeem Jan S/O Chan Bahader	17107-9394843-196	GPS Tarnab No.2	112.6	Tarnab	20767-856 Dated: 28/03/2017	08-04-17
425	2015001821	Muhammed AY S/O Zakir Ullah Chas	17107-9394843-197	GPS Tarnab No.3	111.76	Tarnab	20767-856 Dated: 28/03/2017	08-04-17
426	2015001167	Muhammed AK S/O Bahar Ali	17107-9394843-198	GPS Umazal No.1	114.95	Umazal	20767-856 Dated: 28/03/2017	08-04-17
427	201701721	Muhammed Zahid S/O Muhammad Yousof	17107-9394843-199	GPS Dheri Zardad No.1	112.95	Dheri Zardad	20767-856 Dated: 28/03/2017	08-04-17
428	2015001161	Abdul Mujid S/O Abdul Bari	17107-9394843-200	GPS Mubteen Ferozga S/O	116	Mubteen	27462-71 Dated: 20/05/2017	22-05-17
429	2015001047	Muhammed S/O Yousaf Gul Majeed Ullah	17107-9394843-201	GPS Sphal Tang	116.17	Sphal Tang	27462-71 Dated: 20/05/2017	22-05-17
430	2017002786	(Din Isha Chas) S/O Zahid Ullah	17107-9394843-202	GPS No.3 Charsadda	121.12	Charsadda	27462-71 Dated: 20/05/2017	22-05-17
431	201500225	Hazrat Ullah S/O Muzamil	17107-9394843-203	GPS Arat Law	106.74	Charsadda	27530-34 Dated: 21/05/2017	01-04-17
432	2015001372	Asif Ullah S/O Muzamil Chas S/O Gul Bahar	17107-9394843-204	GPS Dheri	121.56	Ullah	27547-51 Dated: 22/05/2017	01-04-17
433	201700483	Syed Waqar Shah S/O Syed Faris S/O Shah	17107-9394843-205	GPS Farday Ch	108.50	Shadag	28873-36 Dated: 15/07/2017	01-09-17
434	201500263	Tajam S/O Muzamil Chas	17107-9394843-206	GPS Mahmood Akbar	121.81	Charsadda	28871-40 Dated: 15/07/2017	01-09-17

TERMS & CONDITIONS

- 1.) Their services shall be governed by the Khyber Pakhtunkhwa Civil servants Act, 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lecturers, Instructors & Doctors) Regulatory Act, 2011 and such rules & regulations as may be issued from time to time by the Government.
- 2.) Their services shall be considered regular and they shall be eligible for pension / defecution of GP Fund in terms of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended in 2015.
- 3.) Their services are liable to termination on one months' notice from either side in case of resignation without notice, their one month's pay/allowances shall be forfeited to the Govt.
- 4.) They shall possess the same qualification and experience required for a regular post.
- 5.) Their regularization shall not affect the promotion quota of existing holders of posts in respective service cadres.
- 6.) The regularization will not be in favour of those who have not taken over charge or has resigned/absent from duty or resigned/terminated from service and also not for those who are under disciplinary proceedings.
- 7.) Their pay shall be released subject to verification of academic documents/credentials from the concerned Board/University by the SDEO concerned.
- 8.) The employees whose services are regularized under the Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) or in the process of awaiting service or the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the common commencement of the Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
- 9.) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre.
- 10.) Their seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous service by the case of two or more employees is the same, the employees older in age shall rank senior to the younger one.

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

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

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

12/03/2018
By: DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA



OFFICE OF THE DISTRICT EDUCATION OFFICER
(M.A.F.) F&SE CHARSADDA

091-9220481 emischervadda@yahoo.com

ANK (E)

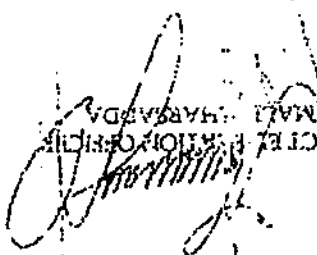
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SKE

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 / Esmb. Dated Peshawar the 21/01/2013, the following Primary School Teachers (BPS 12) are hereby promoted to the post of SPST (BES-14) (Rs.15180 1170-50280) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government in Teaching cadre on the terms and conditions given below with immediate effect and further posted in the school noted against each.

S#	NAME	PRESENT SCHOOL	POSTED AT	REMARKS
1	SHER MUHAMMAD KHAN	GPS GARDEZI BALA	GPS PALAY DOBANDI	A.V.P
2	MINHAJ ULLAH	GPS AMBA DHERI NO.2	GPS AMBA DHERI NO.2	A.V.P
3	ASIM ALI KHAN	GPS CHEEMA	GPS CHEEMA	A.V.P
4	ZUBAIR	GPS PLA DHERAI	GPS PLA DHERAI	A.V.P
5	ADWAN	GPS KHULY	GPS KHULY	A.V.P
6	FAZAL MAHAN	GPS KHAT KILLI SHOLGARA	GPS KHAT KILLI SHOLGARA	A.V.P
7	ABID QAYUM	GPS MAJIK ABAD	GPS MAJIK ABAD	A.V.P
8	IFTIKHAR ULLAH	GPS MARCHAKI	GPS MARCHAKI	A.V.P
9	MUSLIM SHAH	GPS INAM KILLI	GPS INAM KILLI	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	HASIR KHAN	GPS KHISRO KHAN KILLI	GPS SHAHNAWAZ KILLI	A.V.P
16	TILAWAT 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 MERA SHAKH NO.6	GPS DEHLOLA	A.V.P
20	ABDUL MUSAYYER	GPS ANGAR KOROONA	GPS ANGAR KOROONA	A.V.P
21	SHER ALI	GPS KANGRA	GPS KANGRA	A.V.P
22	SABIR SHAH	GPS ZUHRAB GUL KILLI NO.1	GPS ZUHRAB GUL KILLI NO.1	A.V.P
23	SHAMER GHAYAS IQWAN	GPS PARAD NISATTA	GPS PARAD NISATTA	A.V.P
24	MUHAMMAD SHOAB	GPS ASHARA BATTIAGRAM	GPS ASHARA BATTIAGRAM	A.V.P
25	SHARIK KHAN	GPS MIAN SAMIB GUL KILLI	GPS MIAN SAMIB GUL KILLI	A.V.P
26	JAWAD ALI	GPS KHUBAI	GPS KHUBAI	A.V.P
27	ZULFIQAR ALI	GPS CHAMYARAN	GPS CHAMYARAN	A.V.P
28	KARAM ELAHI	GPS AJOOD KILLI	GPS AJOOD KILLI	A.V.P
29	MUHAMMAD SHAH	GPS RIZWAN ABAD	GPS RIZWAN ABAD	A.V.P
30	YASIR KHAN	GPS INAM KILLI	GPS INAM KILLI	A.V.P
31	ZUBAIR KHAN	GPS SHAHNAWAZ KHAN	GPS SHAHNAWAZ KHAN	A.V.P


 DISTRICT EDUCATION OFFICER
 (MALE) CHARSADDA

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

Copy for information by the
 Order No. 5420-5102 / No. (Provision 2020) / Dated 19/05/2020

(BHANU SINGH KHANNA)
 DISTRICT EDUCATION OFFICER
 (MALE) CHARSADDA

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

Sl. No.	Remarks	Post	Grade	Remarks
1	Headmaster	Headmaster	Headmaster	
2	Headmaster	Headmaster	Headmaster	
3	Headmaster	Headmaster	Headmaster	
4	Headmaster	Headmaster	Headmaster	
5	Headmaster	Headmaster	Headmaster	
6	Headmaster	Headmaster	Headmaster	
7	Headmaster	Headmaster	Headmaster	
8	Headmaster	Headmaster	Headmaster	
9	Headmaster	Headmaster	Headmaster	
10	Headmaster	Headmaster	Headmaster	
11	Headmaster	Headmaster	Headmaster	
12	Headmaster	Headmaster	Headmaster	
13	Headmaster	Headmaster	Headmaster	
14	Headmaster	Headmaster	Headmaster	
15	Headmaster	Headmaster	Headmaster	
16	Headmaster	Headmaster	Headmaster	
17	Headmaster	Headmaster	Headmaster	
18	Headmaster	Headmaster	Headmaster	
19	Headmaster	Headmaster	Headmaster	
20	Headmaster	Headmaster	Headmaster	

ADDITIONAL MEMBER OF THE FOLLOWING TEACHERS IS ALSO HEREBY ORDERED ON THEIR OWN PAY & SCALE IN THE CIRCLES MENTIONED AGAINST EACH TO THE INTEREST OF PUBLIC SERVICE WITH LAUDABLE EFFECT.

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

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ANP (F)

(17)

To

THE DISTRICT EDUCATION OFFICER (MALE)
District Charsadda.

Subject: APPLICATION FOR THE GRANT OF INCREMENT FOR THE YEAR 2014 AND SALARIES FOR THE MONTHS OF JUNE, JULY & AUGUST 2014.

Respected/Sir,

Most respectfully, it is stated that I am working under your kind control in District Charsadda. I was appointed as PST (BPS-12) vide order Endst No 4807-4958 dated 31-05-2014. After performing duty for sufficient time my service was regularized with the promulgation of the Act of 2017.

While our official service commencement date was 31/05/2014, the government began issuing our salaries from 01/09/2014, and according to the said salary our increment for the year 2014 was not allowed to me.

Furthermore, I wish to highlight a recent development within our department wherein one of my colleagues namely Abdul Musawir successfully pursued legal action and approached Khyber Pakhtunkhwa Service Tribunal Peshawar to rectify this issue and his case was graciously allowed. As a result, the department issued the petitioner with all withheld salaries and corresponding increments in alignment with initial appointment date.

In the light of this precedent and the principle of equal treatment for all employees, I am respectfully requesting that the department extends the same consideration to me as the said petitioner and I have been appointed with the same Endst Number and on same date, May 31, 2014.

In this respect, it is therefore requested that salaries for the months of June, July & August 2014 and increment for the year 2014 may kindly be allowed to me in line with the principles of justice and fairness, please.

Thank you for your time and consideration.

Obediently Yours

Name: ZUBAIR KHAN

Designation: SPST

School: GPS SHABAZ KHAN KUR

Contact No: 0340 99015889

Signature:

Date: 20/04/2021


AN-4 (5)

18

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

~~Handwritten signature~~

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 Muhmmad Khan
6	Zia Rafiq	SPST	GPS, Katozai No.3.
7	Naseem Khan	SPST	GPS Mir Zai
8	Zubair Khan	SPST	GPS Shahbaz Khan Kor
9	Mustafa Zeb	SPST	GPS, Mian killi Shabqadar
10	Gul Raj Khan	SPST	GPS, Kodai No .1
11	Sadeeq Ullah	SPST	GPS, Kodai No,2
12	Muhammad Sajjad	SPST	GPS, Banda Rashakai
13	Khan Muhammad.	SPST	GPS, Rashaki
14	Zakir Ullah	SPST	GPS, No1,Kodai
15	Shah Muhammad	SPST	GPS Shabaz Khan Killi


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

16	Ihsan Ali	SPST	GPS,
17	Muhammad Izhar	SPST	GPS, 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 Attak
24	Mohibullah	SPST	GPS.NO 2. Aitaki
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

20
AI

APPEAL NO. 7597 /2021

ANA (H)

ABDUL MUSAWIR

V/S

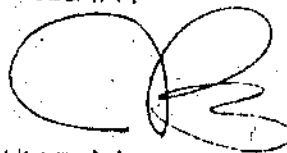
EDUCATION DEPTT.

INDEX

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

APPELLANT

Through:



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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

APPEAL NO. 7597 /2021

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 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:

ATTESTED

[Signature]
20/7/21

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

Copy of Appointment Order dated 31.05.2014 is attached as Annexure

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

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

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

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

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

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

6. That appellant was facing huge discrepancy in the monthly salary due the reason that increment for the year 2014 was not allowed and the salaries for the month of June, July & August 2014 was not released for which the appellant, made several request before the respondents by knocking the doors of various forum and accordingly the fixation party of

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.

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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.

(24)

- 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


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:

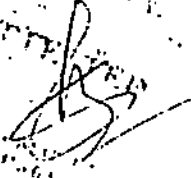
Addresses of parties mentioned in the heading of the appeal is correct and sufficient for service.


ADVOCATE

LIST OF BOOKS:

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





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

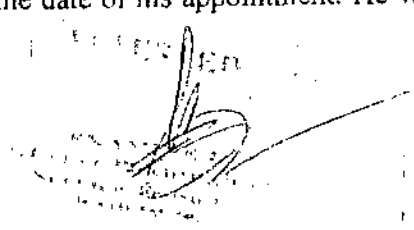
JUDGMENT

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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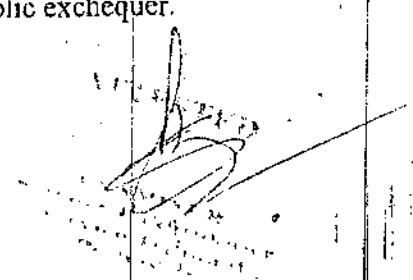
(27)

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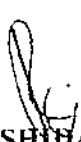
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6. Perusal of record reveals that appellant was appointed as Primary School Teacher vide appointment order dated 31.05.2014 and it is admitted fact that appellant submitted his arrival report on the same day i.e 31.05.2014. He was regularized from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


 30/7/24

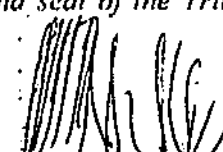
Date of Presentation of Petition 30/7/24
 Date of Decision 30/7/24
 Date of Appeal 30/7/24
 Date of Disposal 30/7/24
 Date of Judgment 30/7/24
 Date of Order 30/7/24


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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ANX (1)

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To:

The Director Education


Elementary and Secondary Education KP Peshawar.



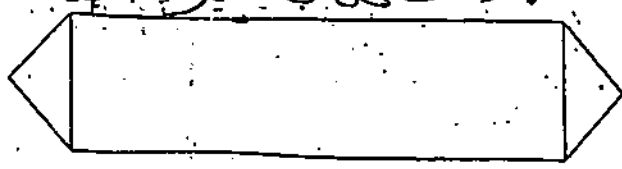
Departmental Appeal

- 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 Ppsts 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-91. (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 came to the knowledge of the appellants in the title case ABDUL MUSAWIR VS EDUCATION DEPARTMENT service appeal No- 7597 of 2021, which was decided by the Hon'ble Bench Member of Service Tribunal Peshawar on dated 06-11-2023, whereas the same relief given and granted to one teaching cadre who also appointed with the appellant as PST and later he regularized and also promoted as SPST BPS-14
(Copy of same identical nature case of service Tribunal dated 06-11-2023 attached)
- x. The appellants were also visited to concern quarter of accounts office to allow and include the same increment as well as salaries to appellant, but till date the same is neither included nor been allowed in the appellants salaries slip records.
- xi. feeling aggrieved from the inaction of the DEO Office by not allowing the annual increment for year 2014 as well as the salaries of the month of June July and august 2014, the repeatedly visits applications requests and at last departmental and same identical nature service decided case/appeal, the DEO office on no grounds And without showing any reason were silent on the appellant request applications appeal, and having no other remedy except filing this departmental appeal for speedy remedy and justice.

APPELLANT


Zubair Khan S/O Shakar Khan
(SPST, BPS-14) Government Primary
School Shabbaz Khan Korona
Shabqadar District Charsadda

بعدالت حسابا حیدرآباد میں رہنے کے لیے درخواست



موردہ
مقدمہ
دعویٰ
جرم

2 جناب
ذبح خان بنام ڈی ایچ ایس ڈی (ج) و دیگر

Appelant

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پر کیے گئے اسکا اصل حکم ٹی۔ ختم مبارک
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقریرات و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے
اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے
سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سند ہے۔

اسکا اصل حکم، اعراب

ذبح خان قلم سنگ خان

Accepted
Accepted

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Handwritten signature and stamp

العہدہ گاہ العہدہ

مقام (ج)