


FORM OF ORDER SHEET

Court of _____

Appeal No. 1834 /2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/10/2024	<p>The appeal of Mr. Sher Bahadar resubmitted today by Mr. Asad Aziz Masood Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on 22.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Sher Bahadar received today i.e on 01.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos. 1, 2, 5, 7 & 8 are unnecessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Annexures of the appeal are unattested.
- ③ Affidavit is not attested by the Oath Commissioner.
- ④ Departmental appeal having no date be date.
- 5- Annexures-A and B of the appeal are illegible be replaced by legible/better one.


No. 848 /Inst./2024/KPST,

Dt. 01/10 /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Asad Aziz Mahsood Adv.
High Court at Peshawar.

Resubmitted
7/11/24
after addressing
objections



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In service Appeal No. 1834 /2024

Sher Bahadar
(Appellant)

VERSUS

Govt. of KPK etc
(Respondents)

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Dated: 21/09/2024

Humble Appellant

Sher Bahadar
Through Counsel

Asad Aziz Mahood
Advocate High Court

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 1834 /2024

Sher Bahader, Senior Public Prosecutor,

South Waziristan at Tank

Appellant

Versus

1. Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary, Finance Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. Secretary, Home Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
4. Director General Prosecution, Directorate of Prosecution Civil Secretariat Peshawar.

Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICES
TRIBUNAL ACT, 1974.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1834 /2024

Sher Bahader, Senior Public Prosecutor,
South Waziristan at Tank

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary KPK Civil Secretariat Peshawar.
2. Chief Secretary Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. Secretary, Finance Government of KPK, Civil Secretariat Peshawar.
4. Secretary Home KPK, Civil Secretariat Peshawar.
5. Accountant General Khyber Pakhtunkhwa Peshawar.
6. Director General Prosecution, Directorate of Prosecution Civil Secretariat Peshawar.
7. Section Officer, (SR-IV) Finance Department, Regulation Wing, Khyber Pakhtunkhwa Peshawar.
8. District Accounts Officer District South Waziristan at Tank.

..... **(RESPONDENTS)**

APPEAL UNDER SECTION 4 OF THE KPK SERVICES
TRIBUNAL ACT, 1974.

Respectfully Sheweth;

Facts of the Case:

1. The appellant was initially appointed as District Public Prosecutor in South Waziristan, where appellant served diligently and lawfully began receiving the Special Allowance 2021, pursuant to the Finance Department's notification dated 11.08.2021. Later, the appellant was transferred to North Waziristan as District Public Prosecutor.
2. The Government of Khyber Pakhtunkhwa, through notification No. FD (SO SR-11)2-5-2021-22/special allowances dated 11.08.2021, granted a 20% Special Allowance on the initial basic pay to all officers of BPS-17 and above with effect from 01.06.2021. This notification explicitly excluded only those employees who were either receiving an allowance equal to or more than 100% of their basic pay or had already been granted an allowance equivalent to 20% of their basic pay in the year 2021 (e.g., teachers and IT officials). However, prosecutors were neither receiving any such allowance nor granted a 20% allowance in the year 2021. Copy of notification No. FD (SO SR-11)2-5-2021-22/special allowances dated 11.08.2021 is annexed as **Annexure-A**.
3. On 20.04.2022, the KP Finance Department issued an erroneous notification (No. SO(SR-IV)FD/1-24/2021/AG-KP), claiming that prosecutors were not entitled to the Special Allowance 2021. This notification was based on a flawed interpretation of the original notification dated 11.08.2021. It wrongly included prosecutors in the excluded categories, despite the fact that no allowance was granted to prosecutors in 2021. Copy of notification (No. SO(SR-IV)FD/1-24/2021/AG-KP) dated 20/04/2022 is annexed as **Annexure-B**.

4. Acting upon the impugned notification dated 20.04.2022, the account office in North Waziristan unlawfully ceased the disbursement of the Special Allowance 2021 to me, which I was lawfully entitled to receive as per the notification dated 11.08.2021. Subsequently, upon my transfer back to District South Waziristan, the Last Pay Certificate (LPC) issued by the North Waziristan account office also deprived me of this allowance in my current posting.
5. The Finance Department issued another notification on 25.07.2023 (No. SOS R-IV/FD/y-1/2033/DRA), sanctioning a 15% Disparity Reduction Allowance (DRA) with effect from 01.03.2022. However, the inaction on the part of the authorities to resolve the misinterpretation of the previous notifications continues to cause discrimination against prosecutors.
6. The appellant preferred a departmental appeal to the Worthy Director General Prosecution, Government of Khyber Pakhtunkhwa, requesting the restoration of appellant's Special Allowance 2021 and redressal of the injustice caused by the Finance Department's notification dated 20.04.2022. However, to date, I have received no response to the appeal. Copy of departmental appeal is annexed as **Annexure-C**.
7. That feeling aggrieved by the impugned notification dated 20/04/2022, the appellant does not have any other efficacious remedy but to invoke the appellate jurisdiction of this Honourable Tribunal, by way of instant appeal, on inter alia the following grounds:-

GROUNDS:-

1. The impugned notification of the finance department dated 20.04.2022 results from a blatant misreading and misinterpretation of the principal notification dated

11.08.2021, which unequivocally entitles prosecutors, including the petitioner, to the Special Allowance 2021

2. The Government of KP (Finance Department), through notification dated 11.08.2021, categorically granted a 20% special allowance of initial basic pay to officers of BPS-17 and above from 01.06.2021. The only exclusions were those officers receiving an allowance equal to or more than 100% of their basic pay and employees awarded an allowance equivalent to 20% of their basic pay in the year 2021, such as teachers and IT officials. Prosecutors have never received allowances equivalent to 100% of their basic pay or any other allowance equivalent to 20% of their basic pay in the year 2021, making their exclusion unjustifiable.
3. The impugned notification dated 20.04.2022 wrongly excluded prosecutors from the entitlement to the 20% Special Allowance 2021. The initial notification of 11.08.2021 explicitly excludes only those who were already receiving allowances equal to or more than 100% of their basic pay or those receiving a 20% allowance in 2021, which does not apply to prosecutors.
4. In the same context, on 25.07.2023, the Finance Department of KP issued another notification (No. SOS R-IV/FD/y-1/2033/DRA), entitling all employees of KPK of BPS-01 to 19 of the Provincial Government (including employees of the Provincial Civil Secretariat, Departments, and Sub-Ordinate Offices) who have never been allowed additional allowance or performance allowance equal to or more than 100% of their basic pay. This clearly means that only those employees were again excluded who were receiving 100% of their basic pay. This second notification again endorsed that prosecutors are eligible for allowance because prosecutors do not receive any allowance equivalent to 100% of their basic pay.

5. District Attorneys of the government of KP, performing the same nature of work as prosecutors, were also receiving an allowance prior to the Finance Department notification of 2021. Now they are receiving both the Special Allowances i.e. Disparity allowance 2022(No. 1150) and the Special Allowance 2021 (No. 2315) besides their previous allowance. But the Finance Department has failed to apply the same standard to prosecutors by issuing an illegal notification targeting prosecutors by mentioning that prosecutors are getting Prosecution Allowance prior to notification dated 11.08.2021.
6. Superintendents of District lower judiciary (BPS-17) of Khyber Pakhtunkhwa, were also receiving Utility allowance prior to the Finance Department notification of 2021. Now they are receiving both the Special Allowances 2021 (No. 2315) besides their previous utility allowance. But the Finance Department has failed to apply the same standard to superintendents of District Lower Judiciary by issuing an illegal notification targeting prosecutors by mentioning that prosecutors are getting Prosecution Allowance prior to notification dated 11.08.2021.
7. Prosecutors receive an allowance notified on 02.02.2009 by the Finance Department of KP, which does not fall within the ambit of para No. II of the notification from the KP Finance Department dated 11.08.2021 and no allowance like IT officials etc were allowed to them in year 2021 at the rate of 20% of their basic pay.
8. Both the allowances of 2021 and 2022 have no nexus with receiving an allowance prior to the Finance Department notification dated 11.08.2021.
9. Employees working in the Civil Secretariat were already receiving a 50% allowance of their basic pay prior to the

Finance Department notification dated 11.08.2021. But they were allowed and held entitled to receive the two allowances of 2021 and 2022. When their allowance was enhanced to 100% of their basic pay, the Finance Department clarified in their notification that they are also entitled to the special allowances 2021 and Disparity Reduction allowance 2022 irrespective of their 100% allowance equivalent to their basic pay. Similarly, attorneys and Superintendents of District Lower Judiciary Khyber Pakhtunkhwa were also receiving an allowance prior to the issuance of the Finance Department notifications of 2021 and 2022, but they were allowed to receive both allowances of 2021 and 2022. This act of the Finance Department is pure and simple discrimination against the undersigned and other prosecutors, as only prosecutors were barred from receiving the Special Allowance of 2021.

10. That para 2 of finance departments notification, which has been made base for excluding prosecutors from receiving 20% special allowance is quite clear. Because Government had already granted allowances at the rate of 20% to certain classes of employees like IT officials etc, in the year 2021. Therefore, only those employees were excluded by clause 2 of notification dated 11.08.2021. By no means other officers were excluded who were receiving any allowance prior to 2021. Example of employees of Provincial Civil Secretariat, attorneys and superintendents of District Judiciary is clear.

11. The appellant along with his colleagues in the prosecution department, have been singled out for discriminatory treatment by the Finance Department's interpretation, while other government officers in BPS-17 and above continue to receive the Special Allowance. This misinterpretation violates my fundamental rights and constitutes unjust discrimination.

12. Depriving the appellant of the Special Allowance 2021 based on a flawed interpretation of the Finance Department's

notification amounts to a violation of my legitimate right as a Senior Public Prosecutor. The impugned action of withholding the allowance is unlawful, unreasonable and in contravention of the principles of justice.

13. Despite submitting a departmental appeal to the Director General Prosecution, Government of Khyber Pakhtunkhwa, no action has been taken to address my grievance, further prolonging the injustice against me.

14. That Counsel for the appellant may please be allowed to raise additional grounds during the course of arguments.

Relief Sought:

In light of the above facts and grounds, it is respectfully prayed that this honorable tribunal may kindly:

- 1. Set aside the impugned notification dated 20.04.2022 (No. SO(SR-IV)FD/1-24/2021/AG-KP) issued by the Finance Department, Government of Khyber Pakhtunkhwa, declaring it unlawful and void with respect to prosecutors.**
- 2. Direct the Finance Department to restore the 20% Special Allowance 2021 to me as per the notification dated 11.08.2021.**
- 3. Direct the account office in South Waziristan at Tank to rectify its actions and disburse the withheld amount of the Special Allowance 2021 to me with arrears.**
- 4. Grant any other relief that this honorable tribunal deems fit and appropriate in the interest of justice.**

Dated: 21/09/2024

Humble Appellant


Sher Bahadar
Through Counsel


Asad Aziz Mabsood
Advocate High Court

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2024

Sher Bahadar
(Appellant)

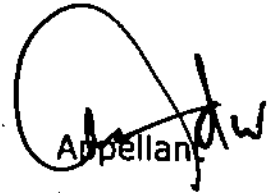
VERSUS

Govt. of KPK etc
(Respondents)

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Court.

Dated 21/09/2024


Appellant

NOTE

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated 21/09/2024


Appellant's counsel

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2024

Sher Bahadar
(Appellant)

VERSUS

Govt. of KPK etc
(Respondents)

AFFIDAVIT

I, **Sher Bahadar**, the appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following my instructions;
2. That all parawise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein is based on exaggeration or distortion of facts.

Dated 21/09/2024

Identified By:-


Asad Aziz Mahsood
Advocate High Court
Dera Ismail Khan





GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Am: A 10

Dated Peshawar the: 11-08-2021

NOTIFICATION

No. FD(SO SR-III)2-5/21-22/Special Allow. The Government of Khyber Pakhtunkhwa has been pleased to sanction Special Allowance - 2021 @ 20% of the initial basic pay scales 20:7 to the Civil Servants in BPS 17 & above with effect from 01.08.2021 in the best public interest.

The above allowance will be admissible subject to the following conditions:

- i. It will be admissible to those employees in BPS 17 & above who are not entitled for allowances equal to or more than 100% of the basic pay (whether frozen or otherwise)
- ii. It will also not be admissible to those employees who are in receipt of allowances like Teaching Allowance vide No. FD (SOSR-II) 2-5/2021-22/Teaching Allow. dated 07.07.2021, IT Professional Allowance vide No. FD (SO SR-III) 2-5/2021-22/IT Prof Allow. dated 07.07.2021 Risk allowance and Health Professional Allowance, etc.
- iii. It will be subject to income tax.
- iv. It shall not be treated as part of emoluments for the purpose of calculations of pension/gratuity and calculation of House Rent etc.
- v. It will not be admissible to the Officers/Officials who are on earned leave, extraordinary leave and study leave except casual leave.
- vi. All Autonomous/Semi-Autonomous/Medical Teaching Institutions/Other Institutions and Authorities under Provincial Government shall adopt this notification within their respective organizations with the approval of concerned Competent Forum subject to availability of their resources.

Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Encl: No. & Date etc.

A copy of the above is forwarded for information & necessary action to the:

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. All Administrative Secretaries to government of Khyber Pakhtunkhwa.
5. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
6. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
7. All the Divisional Commissioners in Khyber Pakhtunkhwa.
8. All Deputy Commissioners in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. All Heads of Attached Departments in Khyber Pakhtunkhwa
11. All Heads of Autonomous/Semi-Autonomous Bodies, Khyber Pakhtunkhwa.
12. All District Accountants Officers in Khyber Pakhtunkhwa.
13. The Director-FIU, Finance Deptt. with the request to upload the same on FD's Website.
14. PSC to Chief Secretary, Khyber Pakhtunkhwa.
15. All Section Officers/Budget Officers in Finance Department, Khyber Pakhtunkhwa.
16. The Manager, Government printing Press, Peshawar.
17. The Private Secretary to Secretary, Finance Deptt. Khyber Pakhtunkhwa.
18. PAs to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
19. PAs to Additional Secretaries/Deputy Secretaries in Finance Department, Peshawar.

(Muhammad Ilyas Khattak)
Section Officer (SR: II)

Amr. B.!!



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Finance Department Civil Secretariat Peshawar

E-mail: regulation@fpk.gov.pk

Fax: +92-91-9990000

Website: www.fpk.gov.pk

No. SO (SR-IV) FD/1-24/2021/AG KP

Dated Peshawar the 20-04-2022

To

The Accounts Officer-(HAD),
Office of the Accountant General Khyber Pakhtunkhwa,
Peshawar.

Subject: - GRANT OF SPECIAL ALLOWANCE 2021 @ 20% FOR PUBLIC PROSECUTERS.

I am directed to refer to your letter No- 11-24(80)Baznu/Prosecution All/2021-22/1343 dated 17-02-2022 the subject noted above and to state that Para-ii of this Department's Notification dated 11-08-2021 sanctioning Special allowance @ 20% on the Basic Pay Scales 2017 per month clearly provides that "it not will be admissible to those employees who are in receipt of allowances like Teaching allowance, IT Allowance, HPA, Risk allowance etc".

Since, Prosecution Officers are in receipt of Special Prosecution Allowance, therefore, the officers are not entitled for the subject allowance.

Yours faithfully,

(MAQSOOD KHAN)
SECTION OFFICER (SR. IV)

Endst: No & date even

Copy forwarded for information to:-

1. PA to the Additional Secretary (Regulation) Finance Department.
2. PA to Deputy Secretary (Regulation-I) Finance Department.
3. Master File.

SECTION OFFICER (SR. IV)

To

The Worthy Director General Prosecution,
Govt. of Khyber Pakhtunkhwa Peshawar.

(THROUGH PROPER CHANNEL)

Subject: DEPARTMENTAL REPRESENTATION/APEAL.

Respected Madam,

Respectfully Sheweth,

1. It is imperative to bring to your attention the dire financial, security, and social issues plaguing the KPK prosecutors at their stations. More critically, I am personally facing discriminatory behavior compounded by the misrepresentation of the Finance Department's notification dated 11.08.2021 (Annexure-A) & 20.04.2022 (Annexure-B), which demands immediate redress.
2. I am currently serving as a Senior Public Prosecutor for District South Waziristan at Tank in BS-19.
3. The Government of KP (Finance Department), through notification No. FD(SO SR-11)2-5-2021-22/special allowances dated 11.08.2021, explicitly granted a 20% special allowance of initial basic pay to officers of BPS-17 and above from 01.06.2021. However, this notification excluded only those officers who were receiving an allowance equal to or more than 100% of their basic pay and also excluded those employees who were granted an allowance equivalent to 20% of their basic pay in the year 2021, such as teachers and IT officials etc. It is pertinent to mention that neither prosecutors were receiving any allowance equal to or more than 100% of their basic pay nor any 20 % allowance, like IT officials, etc., were granted to them in the year 2021.
4. At that time, I was posted as District Public Prosecutor in South Waziristan and, like my colleagues, started receiving the Special allowance 2021.
5. Subsequently, I was transferred and posted as District Public Prosecutor in North Waziristan.
6. On 20.04.2022, the KP Finance Department issued impugned notification (No. SO(SR-IV)FD/1-24/2021/AG-KP), outrageously declaring that prosecutors are not entitled to the Special Allowance granted to them on 11.08.2021. This decision was based on a gross misinterpretation of the principal notification dated 11.08.2021, which mentions that officers receiving IT Allowance, Teaching Allowance, HPA, etc., in the year 2021 are ineligible for the Special Allowance 2021. This interpretation is fundamentally flawed and unjust as prosecutors do not fall in the excluded clause of notification 11.08.2021 as no allowance was granted to them in the year 2021 like IT officials etc.

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7. The account office in North Waziristan, acting on this erroneous notification dated 20.04.2022, unlawfully deprived me of the special allowance 2021.
 8. In the same context, on 25.07.2023, the Finance Department of KP issued another notification (No. SOS R-IV/FD/y-1/2033/DRA) (Annexure-C), stating: "The Government of Khyber Pakhtunkhwa has been pleased to sanction Disparity Reduction Allowance-2022 @ 15% of the Basic Pay Scales 2017 w.e.f. 1 March, 2022 to the Civil BPS-01 to 19 of the Provincial Government (including employees of the Provincial Civil Secretariat, Departments, and Sub-Ordinate Offices) who have never been allowed additional allowance/ or performance allowance equal to or more than 100% of the basic pay (whether frozen or not)."
 9. Given the immense workload and the challenges of working at an outstation, I was unable to immediately challenge illegal action by the account office in North Waziristan or the erroneous notification issued by the Finance Department on 20.04.2022.
 10. Upon my subsequent transfer back to District South Waziristan as Senior Public Prosecutor in BS-19, the Last Pay Certificate issued by the account office in North Waziristan led to the account office in South Waziristan also depriving me of the Special Allowance 2021.

Therefore, I am compelled to demand the immediate approval and granting of the Special Allowance 2021 based on the following incontrovertible grounds:

GROUND:

1. The impugned notification of the finance department dated 20.04.2022 results from a blatant misreading and misinterpretation of the principal notification dated 11.08.2021, which unequivocally entitles prosecutors, including the petitioner, to the Special Allowance 2021
2. The Government of KP (Finance Department), through notification dated 11.08.2021, categorically granted a 20% special allowance of initial basic pay to officers of BPS-17 and above from 01.06.2021. The only exclusions were those officers receiving an allowance equal to or more than 100% of their basic pay and employees awarded an allowance equivalent to 20% of their basic pay in the year 2021, such as teachers and IT officials. Prosecutors have never received allowances equivalent to 100% of their basic pay or any other allowance equivalent to 20% of their basic pay in the year 2021, making their exclusion unjustifiable.
3. In the same context, on 25.07.2023, the Finance Department of KP issued another notification (No. SOS R-IV/FD/y-1/2033/DRA), entitling all employees of KPK of BPS-01 to 19 of the Provincial Government (including employees of the Provincial Civil Secretariat, Departments, and Sub-Ordinate Offices) who

have never been allowed additional allowance or performance allowance equal to or more than 100% of their basic pay. This clearly means that only those employees were again excluded who were receiving 100% of their basic pay.

This second notification again endorsed that prosecutors are eligible for allowance because prosecutors do not receive any allowance equivalent to 100% of their basic pay.

4. District Attorneys of the government of KP, performing the same nature of work as prosecutors, were also receiving an allowance prior to the Finance Department notification of 2021. Now they are receiving both the Special Allowances i.e. Disparity allowance 2022(No. 1150) and the Special Allowance 2021 (No. 2315) besides their previous allowance. But the Finance Department has failed to apply the same standard to prosecutors by issuing an illegal notification targeting prosecutors by mentioning that prosecutors are getting Prosecution Allowance prior to notification dated 11.08.2021.
5. Prosecutors receive an allowance notified on 02.02.2009 by the Finance Department of KP, which does not fall within the ambit of para No. II of the notification from the KP Finance Department dated 11.08.2021 and no allowance like IT officials etc were allowed to them in year 2021 at the rate of 20% of their basic pay.
6. Both the allowances of 2021 and 2022 have no nexus with receiving an allowance prior to the Finance Department notification dated 11.08.2021.
7. Employees working in the Civil Secretariat were already receiving a 50% allowance of their basic pay prior to the Finance Department notification dated 11.08.2021. But they were allowed and held entitled to receive the two allowances of 2021 and 2022. When their allowance was enhanced to 100% of their basic pay, the Finance Department clarified in their notification that they are also entitled to the special allowances 2021 and Disparity Reduction allowance 2022 irrespective of their 100% allowance equivalent to their basic pay. Similarly, attorneys were also receiving an allowance prior to the issuance of the Finance Department notifications of 2021 and 2022, but they were allowed to receive both allowances of 2021 and 2022. This act of the Finance Department is pure and simple discrimination against the undersigned and other prosecutors, as only prosecutors were barred from receiving the Special Allowance of 2021.
8. That para 2 of finance departments notification, which has been made base for excluding prosecutors from receiving 20% special allowance is quite clear. Because Government had already granted allowances at the rate of 20% to certain classes of employees like IT officials etc, in the year 2021. Therefore, only those employees were excluded by clause 2 of notification dated 11.08.2021. By no means other officers were excluded who were receiving any allowance prior to 2021. Example of employees of Provincial Civil Secretariat and attorneys is clear.

Therefore, it is humbly requested that sanction may be granted in favour of the undersigned to receive the 20% special allowance of initial basic pay like my other colleague prosecutors, employees of the Provincial Civil Secretariat, and attorneys, vide The Government of KP (Finance Department) notification No. FD(SO SR-11)2-5-2021-22/special allowances dated 11.08.2021, and to declare the Finance Department notification dated 20.04.2022 illegal, arbitrary, discriminatory, and a misrepresentation of the Finance Department notification dated 11.08.2021.

Dated, 11/06/2024

Sincerely,


Sher Baiter
Senior Public Prosecutor
South Waziristan at Tank

Government of Khyber Pakhtunkhwa
District Accounts Office D.I.Khan
Monthly Salary Statement (April-2024)



16

Personal Information of Mr Hidayat Ullah d/w/s of TAJ MALOOK

Personnel Number: 00562987 CNIC: 1220129968789 NTN:
Date of Birth: 03.05.1988 Entry into Govt. Service: 31.03.2022 Length of Service: 02 Years 01 Months 002 Days

Employment Category: Active Temporary

Designation: ASSISTANT DISTRICT ATTORN 80001573-GOVERNMENT OF KHYBER PAKH
DDO Code: DI4024-Mufassil Establishment D I Khan
Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: No GPF Balance: 131,710.00
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 17 Pay Stage: 2

Wage type		Amount	Wage type		Amount
0001	Basic Pay	51,910.00	1001	House Rent Allowance 45%	6,650.00
1210	Convey Allowance 2005	5,000.00	1550	Special Allowance	10,000.00
1947	Medical Allow 15% (16-22)	1,846.00	2315	Special Allowance 2021	6,074.00
2341	Dispr. Red All 15% 2022KP	4,555.00	2347	Adhoc Rel At 15% 22(PS17)	4,556.00
2379	Adhoc Relief All 2023 30%	14,547.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3017	GPF Subscription	-6,350.00	3501	Benevolent Fund	-1,500.00
3534	R. Ben & Death Comp Fresh	-900.00	3609	Income Tax	-1,892.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 20,569.50 Recovered till April-2024: 16,786.00 Exempted: 0.20 Recoverable: 3,783.70

Gross Pay (Rs.): 105,156.00 Deductions: (Rs.): -10,642.00 Net Pay: (Rs.): 94,514.00

Payee Name: HIDAYAT ULLAH
Account Number: 1433-004016320748
Bank Details: NATIONAL BANK OF PAKISTAN, 231433 N.B.P CIRCULAR ROAD BRANCH N.B.P CIRCULAR ROAD BRANCH, D.I.KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: D.I.KHAN Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address: City: Email:

SCHEDULE I
[See section 75(2)]

Decisions and Orders from which an appeal lies to ⁶⁷[Lahore High Court] under section 75 (2).

Section n	Nature of decision or orders
4	Decision of questions of title, priority, etc., arising in insolvency.
25	Order dismissing a petition.
26	Order awarding compensation.
27	Order of adjudication.
33	Orders regarding entries in the schedule.
35	Order annulling adjudication.
37	Order declaring the conditions on which the debtor's property shall revert to him on annulment of adjudication.
41	Order on application for discharge.
50	Order disallowing or reducing entries in the schedule.
53	Order annulling a voluntary transfer.
54	Decision that a transfer of property is a preference in favour of a creditor.
69	*****

⁶⁷ Substituted by the Provincial Insolvency (Amendment) Act 2012 (IX of 2012) for the words "the High Court".

⁶⁸ The entry relating to s. 69 was rep. by the Repealing Act, 1927 (12 of 1927), s. and Sch.

Government of Khyber Pakhtunkhwa
District Accounts Office Tank
Monthly Salary Statement (March-2024)



Personal Information of Mr BARKATULLAH KHAN d/w/s of HAMID ULLAH KHAN

Personnel Number: CNIC: 1210188833741 NTN: Entry into Govt. Service: 01.06.1994 Length of Service: 29 Years 10 Months 001 Days

Employment Category: Active Permanent

Designation: SUPERINTENDENT

80004:88-GOVERNMENT OF KHYBER PAKH

DDO Code: TK4006-DISTT AND SESSION JUDGE TANK

Payroll Section: 001

GPF Section: 007

Cash (enter:

GPF A/C No: AJ TK000012

GPF Interest applied

GPF Balance:

719,901.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 17

Pay Stage: 20

Wage type	Amount	Wage type	Amount
0001 Basic Pay	113,470.00	0046 Personal Pay(Maxim Grade)	13,680.00
1001 House Rent Allowance 45%	6,650.00	1210 Convey Allowance 2005	5,000.00
1584 Judicial Allowance	15,000.00	1874 Utility Allowance 2007	15,000.00
1947 Medical Allow 15% (16-22)	2,723.00	2148 15% Adhoc Relief All-2013	1,580.00
2199 Adhoc Relief Allow @10%	1,061.00	2315 Special Allowance 2021	6,074.00
2341 Dispr. Red All 15% 2022KP	12,146.00	2347 Adhoc Rel Al 15% 22(PS17)	12,146.00
2379 Adhoc Relief All 2023 30%	37,119.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3017 GPF Subscription	-6,350.00	3501 Benevolent Fund	-1,500.00
3609 Income Tax	-19,080.00	4004 R. Benefits & Death Comp:	-900.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 225,537.40 Recovered till MAR-2024: 168,300.00 Exempted: 0.62- Recoverable: 57,238.02

Gross Pay (Rs.): 241,649.00 Deductions: (Rs.): -27,830.00 Net Pay: (Rs.): 213,819.00

Payee Name: BARKATULLAH KHAN

Account Number: 103716896

Bank Details: MEEZAN BANK LIMITED, 422601 D.I. KHAN BRANCH, D.I. KHAN. D.I. KHAN BRANCH, D.I. KHAN., D.I. KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: TANK

City: D.I.KHAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: bkbarkatullah@gmail.com

System generated document in accordance with APPM 4.6.12.9(522208/26.03.2024/V3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/21.05.2024/20:38:20)

Government of Khyber Pakhtunkhwa
District Account: Office Miran Shah-N.W.
Monthly Salary Statement (July-2022)



Personal Information of Mr SHER BAHADAR d/w/s of

Personnel Number: 00194428 CNIC: 14994188722 NTN:
Date of Birth: 06.09.1973 Entry into Govt. Service: 01.01.1993 Length of Service: 29 Years 07 Months 001 Days

Employment Category: Active Temporary

Designation: DISTRICT PUBLIC PROSECUTO 81104255-GOVERNMENT OF KHYBER PAKH

DDO Code: MW4061-DISTRICT PUBLIC PROSECUTOR NORTH WAZIRISTAN

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: GPF Interest Free GPF Balance: 453,340.00 (provisional)

Vendor Number: 30363352 - SHER BAHADUR BPS17 DI4306

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 19 Pay Stage: 6

Wage type	Amount	Wage type	Amount
0001 Basic Pay	115,020.00	1001 House Rent Allowance 45%	13,284.00
1210 Convey Allowance 2005	5,000.00	1518 Entertainment Allowance	500.00
1528 Unattractive Area Allow	2,000.00	1550 Special Allowance	35,000.00
1947 Medical Allow 15% (16-22)	3,690.00	2148 15% Adhoc Relief All-2013	1,340.00
2199 Adhoc Relief Allow @10%	906.00	2315 Special Allowance 2021	11,842.00

Deductions - General

Wage type	Amount	Wage type	Amount
3019 GPF Subscription	-7,180.00	3501 Benevolent Fund	-1,500.00
3609 Income Tax	-17,793.00	4004 R. Benefits & Death Comp:	-1,600.00

Deductions - Loans and Advances

Loan	Description	Princ. pal amount	Deduction	Balance
6505	GPF Loan Principal Instal	340,000.00	-20,000.00	140,000.00

Deductions - Income Tax

Payable: 213,509.80 Recovered till JUL-2022: 17,793.00 Exempted: 0.48- Recoverable: 195,717.28

Gross Pay (Rs.): 188,582.00 Deductions: (Rs.): -48,075.00 Net Pay: (Rs.): 140,509.00

Payee Name: SHER BAHADAR

Account Number: 4151871719

Bank Details: NATIONAL BANK OF PAKISTAN, 231429 SHEIKH YOUSAF D.I.KHAN SHEIKH YOUSAF D.I.KHAN,

Leaves: Opening Balance: Aailed: Eamed: Balance:

Permanent Address: DIKHAN

City: D.I.KHAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: mrsherbahadar@gmail.com



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 26/01/2018

19

NOTIFICATION

No.FD/SOSR-III8-43/2017. In partial modification of this Department Notification of even No. dated 02/02/2009, the competent authority has been pleased to revise/extend Special Prosecution Allowance to the Prosecution Officers of Khyber Pakhtunkhwa with the following rates mentioned against each with immediate effect:-

S #	Designation	Existing Special Allowance Per Month	Revised Special Prosecution Allowance Per Month
01.	Director General Prosecution (BS-20)	--	Rs.60,000/-
02.	Regional Directors (BS-20)	--	Rs.50,000/-
03.	Senior Public Prosecutor (BPS-19)	Rs.10,000/-	Rs.35,000/-
04.	Deputy Public Prosecutor (BS-18)	Rs.7,500/-	Rs.25,000/-
05.	Assistant Public Prosecutor (BS-17)	Rs.5,000/-	Rs.20,000/-

The above allowance will be admissible subject to the following conditions:-

- 1). It will be admissible to the Prosecution Officers on their cadre posts only.
- 2). The allowance shall be admissible to officers of other cadres upon their posting against cadre posts of Prosecution Department.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy for information and necessary action is forwarded to the:-

- 1) Secretary to Government of Khyber Pakhtunkhwa, Home Department.
- 2) The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3) Director General Prosecution Khyber Pakhtunkhwa, Peshawar.
- 4) Director, FMIU Finance Department.
- 5) Budget Officer-III, Finance Department.

(HUMAIRA MEHMOOD)
SECTION OFFICER (SR.II)

20
11

GOVERNMENT OF NWFP
FINANCE DEPARTMENT
(REGULATION W/REG)
N.O.KC/FD(SOSR.II)8-13/2009
Dated Peshawar the 02/02/2009

Government of NWFP,
Finance Department

Subject: GRANT OF SPECIAL ALLOWANCE TO PROSECUTORS.

Reference

For information, please refer to your letter No.SOI(Pros.II)21114-2008 of IV dated 10/01/2008 on the subject noted above and to state that the Competent Authority has been pleased to approve Special Allowance to the Prosecutors at the following rate noted against each with effect from 01/01/2009.

Sr.	Designation	Special Allowance
1.	Public Prosecutor.	Rs. 10,000/-
2.	Deputy Public Prosecutor.	Rs. 7,500/-
3.	Assistant Prosecutor.	Rs. 5,000/-

Your faithfully,

(MUNAWAR KILAN)
SECTION OFFICER(SR.II)

Enclosed for your reference.

Copy is forwarded to the

1. Joint Secretary General, NWFP, Peshawar.
2. Joint Officer-III, Finance Department.

(MUNAWAR KILAN)
SECTION OFFICER(SR.II)

DEPARTMENT OF PROSECUTION

Government of North West Frontier Province, Peshawar

February 17, 2009

2009-02-17 10:21:51 AM

NO. 2009/17/AB/558-510

Assistant Director Administration

Endst. No. & Date Even:

CC2: forwarded for information

1. The Accountant General NWFP - Peshawar
2. All District Accounts Officers in NWFP
3. The Section Officer (Prosecution), Home & Tribal Affairs Department with reference to his No. (Prose)HD/1-1B/08/NO-VII dated 13/02/2009
4. Assistant Director of the Finance Department

Assistant Director Administration
Assistant Director Administration

JAFAR ABBAS MIRZA

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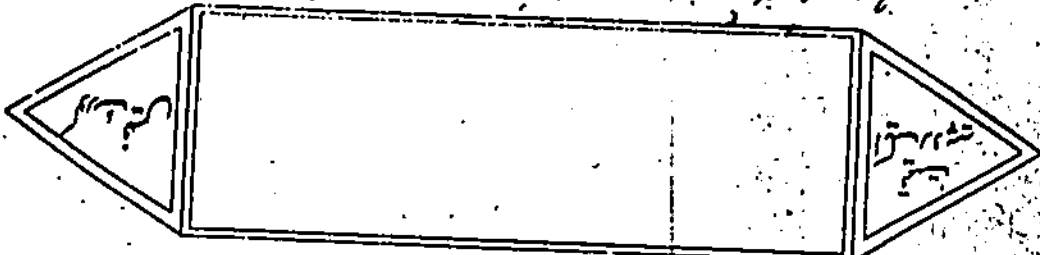
Section of text below the main body, possibly a summary or conclusion.

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Small handwritten mark or number at the bottom left corner.