


FORM OF ORDER SHEET

Court of _____

Appeal No. 2039/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2024	<p>The appeal of Mr. Inam Ullah resubmitted today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 29.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Inamullah received today i.e on 17.10.2024 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. 3 and 4 are un-necessary/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 respondents.
- 2- A copy of promotion order of appellant from the post of PST to the post of SPST, as mentioned in para-2 of the memo of appeal, is not attached with the appeal be placed on it.
- 3- Wakalat nama attached with the appeal is blank.
- 4- D.A.O Nowshera is necessary party to be included in the panel of respondents.

No. 926 /Inst./2024/KPST,

Dt. 17/10 /2024.

Amal Talbot
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mir Zaman Safi Adv.
High Court at Peshawar.

Sir,

All objections have been removed, while as per objection No. 2 the appellant seeks relief only against the post of PSHT. Hence the same may be put up before the bench.

MS Lang
21/10/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 2039 /2024

INAM ULLAH KHAN

VS

EDUCATION DEPTT:

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APPELLANT

THROUGH:


MIR ZAMAN SAFI,
ADVOCATE

Room No. 6-E, 5th Floor,
Rahim Medical Centre,
Hashtnagri, Peshawar
0333-9991564

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

APPEAL NO: /2024

Appeal No 2039

Mr. Inam Ullah Khan, PSHT(R) (BPS-15), GPS Azeem Abad District Nowshera
..... APPELLANT

VERSUS

- 1- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (M), District Nowshera.
- 3- The District Account Officer, District Nowshera

.....RESPONDENTS

**APPEAL SECTION-4 UNDER OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR THE
GRANT PRE-MATURE INCREMENT ON PROMOTION FROM
BPS-14 TO BPS-15 SIMILARLY TO THE OTHER EMPLOYEES
AND AGAINST NO ACTION TAKEN ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE
STATUTORY PERIOD OF NINETY DAYS.**

PRAYER:

That on acceptance of this service appeal the respondents may please be directed to grant pre-mature increment to the appellant upon promotion from BPS-14 to BPS-15 with other back benefits. Any other relief which this august Tribunal deems appropriate may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

1. That the appellant was the employee of Elementary & Secondary Education Department and has served the department till his retirement on superannuation (60) years quite efficiently and upto the entire satisfaction of his superiors. Copy of the service book is attached as annexure.....A.
2. That during service the appellant was promoted from the post of PST (BPS- 12) to the post of SPST (BPS-14) and subsequently promoted from SPST (BPS-14) to the post of PSHT (BPS-15) vide Notification dated 12.04.2013. Copy of the Notification dated 12.04.2013 is attached annexure as B.

- 3- That it is pertinent to mention that the pay of the appellant had been fixed in BPS-14 and then BPS-15 and as such the appellant also granted pre-mature increment in BPS-14 while pre-mature increment on promotion to BPS-15 has not been granted till date despite of the repeated requests. Copy of the service book is already attached as annexure.....A.
- 4- That the appellant and his other colleagues are fully entitled for double benefits of pre-mature increments upon promotion to the BPS-14 and subsequently to BPS-15 in light of Finance Department letter 19.11.2013 and as such the appellant and his other colleagues time and again requested for the same but the respondents are not willing to grant the said pre-mature increment. Copy of the letter dated 19.11.2013 is attached as annexure.....C.
- 5- That the appellant feeling aggrieved from the inaction of the respondents by not granting/issuing pre-mature increment to the appellant upon promotion to (BPS-15) preferred departmental appeal to the respondent No.1 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the departmental appeal is attached as annexure.....D.

GROUNDS:

- A- That the inaction of the respondents by not allowing/granting pre-mature increment to the appellant upon promotion to the post of PSHT (BPS-15) is against the law, facts, norms of natural justice and materials on the record.
- B- That the appellant has not been treated by the respondents 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 respondent department acted in arbitrary and malafide manner by not allowing/granting pre-mature increment to the appellant upon promotion to the post of PSHT (BPS-15).
- D- That the appellant is fully entitle for the grant of pre-mature increment upon promotion to the post of PSHT (BPS-15) in light of the letter dated 19.11.2013 and such violation of the judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar in appeal No.770/2016 titled Muhammad Siddique Vs Accountant General, Khyber Pakhtunkhwa & others.
- E- That many colleagues of the appellant in service as well as retired employees have been granted the above mentioned benefits of pre-mature increments, therefore, in light of the judgment of the Apex Court reported in

1996 SCMR 1185 the appellant is fully entitled for the grant of pre-mature increment upon promotion to the post of PSHT (BPS-15) being similarly placed employee.

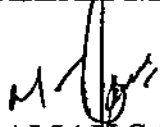
F- That the inaction of the respondents by not granting pre-mature increment to the appellant upon promotion to the post of PSHT (BPS-15) is based on discrimination.

G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

INAM ULLAH KHAN

THROUGH: 
MIR ZAMAN SAFI
ADVOCATE

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.


DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973.
- 2- SERVICES LAWS BOOKS.
- 3- ANY OTHER CASE LAW AS PER NEED.

-4-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE, PESHAWAR

APPEAL NO. _____/2024

INAM ULLAH KHAN

VS

EDUCATION DEPTT:

AFFIDAVIT

I, Mir Zaman Safi, Advocate, High Court on the instructions and on behalf of my client, do hereby solemnly affirm that the contents of this APPEAL are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


MIR ZAMAN SAFI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2024

INAM ULLAH KHAN

VS

EDUCATION DEPTT:

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL


R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That the appeal of the appellant is related to the financial matters, therefore, as per judgment of the Superiors Courts reported in 2021 SCMR 1230 and 2002 PLC (C.S) 1388 limitation in financial matters could not run.
- C- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore, prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT
THROUGH: 
MIR ZAMAN SAFI
ADVOCATE

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

1. Name	Imamullah Khan								
2. Race	Afghan								
3. Residence	Kheishgi Payan (Marshes)								
4. Father's name and residence	Aminullah Khan Kheishgi Payan								
5. Date of birth by Christian era as nearly as can be ascertained	(23-1-1962) Twenty Third January A.H. 1381 & Sixty Two								
6. Exact height by measurement	5' 5"								
7. Personal marks for identification	Three moles on Rt side of neck								
8. Left hand thumb and Finger impression of (non-gazetted) officer	<table border="1"> <tr> <td>Little Finger</td> <td>Ring Finger</td> </tr> <tr> <td>Middle Finger</td> <td>Fore Finger</td> </tr> <tr> <td>Thumb</td> <td></td> </tr> </table>			Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb	
Little Finger	Ring Finger								
Middle Finger	Fore Finger								
Thumb									
9. Signature of Government servant.	Imamullah Khan								
10. Signature and designation of the Head of the Office, or other Attesting Officer.	General Sarf 31/1/68								

SDEO (M)

NSA

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
APS Sadat Abad Mera (Kishki) Teh. A.S.R.	do		Rs 757/p.m.			24/2/88	Inamullah Khan
do	do		Rs 757/p.m.			1/12/88	Inamullah Khan
do	do	APS 7. (750-31 - 1370)	Rs 812/p.m.			30/11/90	Inamullah Khan
do	do		Rs 843/p.m.			7/12/90	Inamullah Khan
do	do		Rs 936/p.m.			16/11/91	Inamullah Khan
do	do	BDS 7/1295-50-1995	Rs 1455/p.m.			1/6/91	Inamullah Khan

9	10	11	12	13		14	15
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
Post and Designation of head of the office or attesting officer (columns 1 to 8)	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debit	Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
Undertaking I, Mr. <i>[Signature]</i> HPST/SPST is hereby undertaking to pay the salary of the Government servant on the basis of this order and if he is wrongly promoted, the same shall be reversed.						DST Promotion to HPST/ SPST No. 101-22 Dated 12/04/13 S. No. <i>261</i>	
<i>[Signature]</i> Signature						<i>[Signature]</i> Sub Divisional Education Officer (M)	
Promoted to <i>SST B-1</i>						<i>[Signature]</i>	
Order issued <i>DEO (M) NSR</i> No. 101-22 Dated 12/11/2013 S.T.G. 270						SERVICE VERIFIED on 31/12/22 by <i>[Signature]</i> The ACB and other Records of this office	
<i>[Stamp]</i> 10/12/2014						<i>[Signature]</i> Sub Divisional Education Officer (M)	
Allowed for promotion to <i>[Stamp]</i> KP F. No. 2-123/2014 Dt. <i>[Stamp]</i>						<i>[Signature]</i> Approved by <i>[Signature]</i> S. No. <i>15633</i> on 11/11/13 to 11/11/14	
<i>[Signature]</i> SDEO (M) NSR						<i>[Signature]</i> Approved	
TR No. <i>34</i> Arrear & one promotion in arrears w/a of upgradation w.e.f. <i>[Stamp]</i>						<i>[Signature]</i> DAC NSR	

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 5	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer.	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
<p><i>PK - 1098</i></p> <p><i>19/12</i></p> <p><i>Mr. H. G. Jee</i></p> <p><i>for the value of</i></p> <p><i>Rs 7000/-</i></p> <p><i>at 12/12</i></p>							
<p><i>21/11</i></p> <p><i>30/2014</i></p>						<p><i>JAD</i></p> <p><i>#10</i></p>	
<p>Office of the Accountant General Khyber Pakhtunkhwa Peshawar Pay Fixed in the R.B.P.S. 2017.</p>							
<p>10985-905-3813875</p>							
<p>Pay Fixed @ Rs 28180 w.e.f. 01-07-2015</p>							
<p>R.B.P.S. 13510-1120-47110815</p>							
<p>Pay Fixed @ Rs 35910 w.e.f. 01-07-2016</p>							
<p>R.B.P.S. 16120-1330-56020815</p>							
<p>At Rs. 44050/- P.M.W.E.F. 1.07.2017</p> <p>With Next Increment On 1.12.2017</p>							
<p><i>(AS) CC</i></p> <p><i>Account Officer</i></p> <p><i>Pay Fixation</i></p>							

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone: 0923-9220228, Fax: 0923-9220228)

"B" -10-

NOTIFICATION

Consequent upon the recommendation of the Departmental Promotion Committee (DPC) held on 12-2-2012 and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. SO (B&AM) /SE&SE/2012 dated 07-07-2012 and Finance Department Endorsement No. SO (FR)/ED/10-07-07-2012 dated 07-07-2012 the following Male Senior Primary School Teachers SPSTs B-14 are hereby promoted to B-15 (CS-85) under the existing policy of the Provincial Government in Teaching Cadre on the terms and conditions given below with immediate effect and further promotion to B-15 posts.

Consequent upon the recommendation of the Departmental Promotion Committee (DPC) held on 12-2-2012 and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. SO (B&AM) /SE&SE/2012 dated 07-07-2012 and Finance Department Endorsement No. SO (FR)/ED/10-07-07-2012 dated 07-07-2012 the following Male Senior Primary School Teachers SPSTs B-14 are hereby promoted to B-15 (CS-85) under the existing policy of the Provincial Government in Teaching Cadre on the terms and conditions given below with immediate effect and further promotion to B-15 posts.

Total Number of PS Posts	31305
Share of HPST	406
Share of promotion	406

Sr. No.	S. L. No.	Name of Teacher	Present Station	School	DOB	Remarks
1	1	Hamid Shah	Govt. Primary School	GPS DAKISMAIL KHAIL	01/05/1955	Will be adjusted/posted according to the rationalization policy
2	2	Muhammad Nozeer	Govt. Primary School	GPS Ghafar Khan Korona	12/03/1953	DO
3	3	Shah Jehan	Govt. Primary School	Bala GPS	15/07/1955	DO
4	4	Muhammad Akbar	Govt. Primary School	Mohli Bandh GPS	19/06/1954	DO
5	5	Shehnoor Khan	Govt. Primary School	Akbarpura GPS No. 2	12/03/1955	DO
6	6	Muhammad Khalid	Govt. Primary School	Adli Bala GPS No. 3	12/04/1953	DO
7	7	Shamsul Haq	Govt. Primary School	Govt. way station	17/04/1958	DO
8	8	Hayat Amin	Govt. Primary School	Babi Jaded GPS No. 1	12/04/1955	DO
9	9	Fazal Khan	Govt. Primary School	GPS Shagan	25/07/1956	DO
10	10	Zulain Sabah	Govt. Primary School	Jain Korona GMPS	10/10/1954	DO
11	11	Khadis Gul	Govt. Primary School	Akbarpura GPS No. 1	22/04/1956	DO
12	12	Emrooz Khan	Govt. Primary School	Babi Jaded GPS No. 2	14/04/1957	DO
13	13	Sajid Hussain Shah	Govt. Primary School	Taka Jabba GPS No. 2	25/12/1955	DO
14	14	Ghous Ali	Govt. Primary School	GPS Kheshin Bala	15/08/1954	DO
15	15	Shams ul Rahman	Govt. Primary School	GPS Dabehsud 1	01/01/1957	DO
16	16	Mirza Khan	Govt. Primary School	Akbarpura GPS No. 2	15/02/1954	DO
17	17	Zaman Khan	Govt. Primary School	GPS Dabehsud 1	05/12/1953	DO
18	18	Usman Shah	Govt. Primary School	GPS Dabehsud 2	01/05/1954	DO
19	19	Gulroz Khan	Govt. Primary School	Dabehsud GPS No. 2	14/10/1955	DO
20	20	Imdad Khan	Govt. Primary School	GPS Kheshin Bala No. 1	15/01/1961	DO
21	21	Muhammad Shadiq	Govt. Primary School	GPS Kheshin Bala	09/02/1961	DO
22	22	Amir Khan	Govt. Primary School	GPS 2 Akbarpura	21/03/1958	DO
23	23	Syed Muhammad Sajid	Govt. Primary School	GPS Ghulam Rasool Korona	07/07/1961	DO
24	24	Muhammad Khan	Govt. Primary School	GPS Sambat Korona	01/04/1961	DO
25	25	Muhammad Sharif	Govt. Primary School	Qasim GPS No. 1	15/09/1961	DO

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA**

NOTIFICATION

Consequent upon the recommendations of the Departmental Promotion Committee (DPC) held on 12.2.2013 and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No.SO (B&A)/1-18/E&SE/2012, dated 11.07.2012 and Finance Department Endorsement No. SO9FR)/FD/10-22E/2010 dated 15.07.2012 the following Male Senior Primary School Teachers SPSTs B-14 are hereby promoted to the post of HPST B-15 (Rs-8500-700-29500) 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 they will be posted in GPS of the District against the newly upgraded HPST B-15 posts.

Total Numbers SPST Posts	1805
Share of HPST Post	406
Share of Promotion 100%	406

B#	S.L#	Name of Teacher	Father's Name	School	DOB	Remarks
1	5	Hamid Shah	Kaseer Ullah	GPS Dak Ismail Khail	01.05.1955	Will be adjusted/posted according to the rationalization policy
2	6	M. Nazeer	Toti Gul	GPS Ghafar Khan Korona	12/03/1953	Do
3	7	9. Shah Jehan	M. Ali	Balu GPS	15/07/1955	Do
4	9	I.M. Akbar	Sher Afzal	Mohib Banda GPS	19/06/1954	Do
5	10	I.Mehmood Khan	Fazle Raziq	Akbar Pora GPS No.2	12/03/1955	Do
6	13	I.Nasrullah Khan	M. Atta Ullah	Ali Baig GPS No.3	26/04/1953	Do
7	14	Shamsul Haq	Mir baz	GPS Railway Station	17/04/1955	Do
8	16	Hazrat Amin	Habib Ur Rehman	Babi Jadeed GPS No.1	12/04/1955	Do
9	18	Masam Khan	M. Sharif	GPS Shagai	25/07/1956	Do
10	19	Zaman Shah	Sikandar Shah	Jam Korona GPSM	10/10/1954	Do
11	20	Khaista Gul	Faqir Muhammad	Akbar Pura GPS No.1	22/04/1956	Do
12	24	Firdos Khan	Umar Gul	Babi Jadeed No.2	14/04/1957	Do
13	25	S. Riaz Hussain Shah	Syed Akbar Shah	Taru Jabba No.2	25/12/1955	Do
14	30	Gohar Ali	Salahuddin	GPS Khesghi Bala	15/08/1954	Do
15	36	Shams Ur Rehman	Daulat Khan	GPS Dagbesud 1	01/01/1957	Do
16	39	Misal Khan	Mukamel Shah	Akbarpura GPS No.2	15/02/1954	Do
17	40	Aman Khan	Hamid Khan	GPS Dagbesud 1	05/12/1953	Do
18	41	Usman Shah	Zahir Shah	GPS Dagbesud 2	01/05/1954	Do
19	42	Gulroz Khan	Nawroz Khan	Dagi jaded GPS No.2	14/10/1955	Do
20	50	Roohul Amin	M. Kalim	GPS Khesghi Payan No.1	15/01/1961	Do
21	51	M. Sadiq	Asadullah	GPS Khesghi Bala	09/02/1961	Do
22	52	Ajmal Shah	Shamsul Wahid	GPS 2 Zkks	21/03/1958	Do

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207	376	Akhtar Ali	Gulab Khan	Choki Gul Badshah GPS	04/11/1968	Do
208	377	Fazal Dad	Niaz Muhammad	GPS Sultan Ghari	15/01/1969	Do
209	378	Ikram Gul	Inzar Gul	Dagi Jadeed 1	02/02/1971	Do
210	379	Samar Gul	Fazal Gul	Qasim GPS No.1	14/03/1965	Do
211	380	Muhammad Azim	H. Umar Bakhsh	Taru Jaba GPS No.2	07/08/1966	Do
212	381	Tariq Mustafa	Nawab Shah	GPS Jalozai 3	26/12/1966	Do
213	382	Wisal Muhammad	Muhammad Yousaf	GPS Risalpur No.2	12/04/1968	Do
214	384	Ihsan Ullah Khan	Hameed Ullah Khan	GPS Serai Korona	01/09/1963	Do
215	385	Syed Asif Ali Shah	Nawab Shah	GPS Shekhan 2	23/12/1963	Do
216	386	Abdul Azeem	Lal Shah	GPS Shabara 2	01/11/1965	Do
217	387	Muhammad Jan	Muhammad Akbar	GPS Sikandar Abad	04/04/1966	Do
218	390	Javed Khan	Mehrab Gul	GPS No.2 Shaidu	15/10/1966	Do
219	391	Basal Bota	Boota	GPS Kabul River	04/07/1962	Do
220	394	Said Nawaz	Umar gul	GPS Mandori 1	03/02/1967	Do
221	395	Wazir Zada	Chaman Gul	GPS Mali Khei Payan	01/02/1967	Do
222	396	Mir Haider	Mir Bashar	Akhood Panju Baba GMPS	15/05/1966	Do
223	397	Qazi Fazal Qayum	Qazi Fazal Qadeem	GPS Jaroba 1	02/02/1963	Do
224	398	Shah Zarin	Khitab Gul	GPS Nmal Bala	10/02/1965	Do
225	399	Sher Muhammad	Khan Bahadar	Camp Korona GPS	12/01/1966	Do
226	400	Mohib Ali Khan	Muhammad Zaman	GPS Dagbesud 2	06/06/1960	Do
227	401	Gulzar Ali Shah	Qailat Shah	GPS No.1 Pir Sabaq	01/03/1964	Do
228	406	Kifayat Khan	Roghan Shah	Kurvi GPS No.1	20/01/1965	Do
229	407	Muhammad Zahoor	Lal Badshah	GPS Afrido Killi	11/04/1968	Do
230	408	Zar Ali Khan	Ghazi Khan	Ali Baig GPS No.1	20/10/1970	Do
232	411	Saif ur Rehman	Sher Zada	Khushmaqam GPS	16/12/1968	Do
233	412	Waqar Ahmad	Noor Muhammad	Ali Baig GPS No.2	04/05/1971	Do
234	413	Shafiullah	Miskeen Khan	Kushmaqam GPS	20/12/1971	Do
235	414	Sajid Ali shah	Sikandar Shah	GPS Alizai	09/01/1969	Do
251	435	Haider Ali	Akbar Ali	GPS AC Centre	25/03/1969	Do
252	438	Maqsood Ali Shah	Siraj Ul Haq	GPS Pitow Bala	20/04/1968	Do
257	443	Mujahid Shah	Muhammad Afzal	GPS Kotarpan No.1	15/09/1967	Do
258	444	Muhammad Shafi	Kundan Khan	Pabbi GMPS	15/04/1964	Do
261	447	Inam Ullah	Amin Ullah Khan	GPS Azim Abad	23/01/1962	Do
262	448	M. Zahir	Nasim Khan	GPS Kalan	05/02/1960	Do
263	449	Sardar	Abdul Ghaffar	GPS Shekhan 1	16/04/1965	Do
264	450	Sibghat Ullah	Saif ur Rehman	GPS Shabara 2	27/05/1967	Do
265	452	Jamil Akhtar	Hamesh Naik	GPS 3 Cantt	16/04/1963	Do
266	454	Bilal Akbar	Noor Akbar	GPS Iraqabad	03/08/1964	Do
267	455	Abbas Khan	Tawas khan	GPS Khitab Killi	28/12/1968	Do
297	495	Muhammad	Muhammad Idrees	Pabbi GPS No.2	01/05/1962	Do

		GPS	10/03/1965	DO
		GPS	02/05/1968	DO
		Gps	27/03/1969	DO
		Gps	16/03/1966	DO
		GPS	18/09/1966	DO
		Gps	03/03/1967	DO
		GPS	10/04/1965	DO
		GPS	10/05/1965	DO
		Uham	17/11/1967	DO
		Gps	30/04/1968	DO
		Fazan	12/04/1960	DO
		Gps	02/01/1965	DO
		Gps	10/13/1969	DO
		Gps	26/12/1968	DO
		GPS	12/03/1964	DO
		GPS	10/05/1961	DO
		AZK	06/03/1964	DO
		GPS	08/05/1968	DO
		AKUM	10/01/1969	DO
		GPS	07/06/1959	DO

...one year...
 ...issued from time to time by the Govt.
 ...performance was found...
 ...proceed under the rule framed from time to time.
 ...concerned...
 ...over payment is...
 ...be reversed...

(Signature)
 District Education Officer (M...)
 Nowshera

(Signature)
 District Education Officer (M...)
 Nowshera

49

BETTER COPY PAGE- 12

387	617	M. Ibrahim	Bakht Manan	GPS Rashakai	28/03/1965	Do
388	618	Shah Qasim	Umer Said	GPS Mughalki	02/05/1958	Do
389	619	Shoaib	Muhsin Ullah	GPS Baitul Gharib	12/03/1969	Do
390	620	Zaib M. Gul	Didar Gul	GPS Aba Khel Wali	16/05/1966	Do
391	621	Sajid Khan	Suhbat Khan	GPS.3 Cantt.	11/09/1966	Do
392	623	Fayaz Ahmad	Ghulam Mehboob	GPS No.4 Nsr Kalan	01/03/1967	Do
393	624	Gohar Ali	Duran Khan	GPS Saies Mandir	10/04/1965	Do
394	625	Rahamdil	Abdus Satar	GPS Rashakai	10/05/1965	Do
395	627	M. Hussain	Ghulam Muhammad	Ghari Momeen GPS	17/11/1967	Do
396	628	Ijaz Muhammad	Badshah Muhammad	GPS Kana Khel	30/04/1968	Do
397	629	Khizar Ali	Hazrat Ali	Fazal Koroona GPS	12/04/1960	Do
398	630	Zahir Gul	Dawood Gul	GPS 1 zkks	02/11/1965	Do
399	631	Ayaz Ali Shah	Hashim Ullah	GPS 2 Bahadar Khel	10/11/1969	Do
400	633	Rashid Ali	Mali Shah	GPS AC Centre	26/12/1968	Do
401	635	Jehanzeb	Zahid Din	GPS Abbasabad	12/03/1964	Do
402	636	Majar Shah	Saeed Shah	AZakhel Payan GPS No.1	10/05/1961	Do
403	638	Sadeem Khan	Sanubar Khan	GPS Speen Khak 1	06/03/1964	Do
404	640	Khan Mir	Shehzad Mir	GPS Dak Ismail Khel 1	08/05/1968	Do
405	641	Farhad Ullah	Aman Ullah	Akbar Pura GPS No.3	04/01/1969	Do
406	642	Khan Muhammad	Ghulam Haider	GPS Ahmad Gul Korona	07/06/1959	Do

TERMS AND CONDITIONS:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by same rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time in case of their performance was found unsatisfactory during probation period. In case of misconduct, they will be proceeded under the rule framed from time to time.
4. Charge should be submitted to all concerned.
5. Their inter-se-seniority on their post will remain intact.
6. No TA/DA is allowed for joining their duties.
7. They will give an under taking to be recorded in their service books to the effect that any over payment is made to them in the light of this order will be recovered and if he is wrongly promoted he will be reversed.

(HAJI HASANAT GUL KHATTAK)

District Education Officer (Male)

Nowshera

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

-13-

NO. FD (SOSR-1) 12-21-2013
Dated Peshawar the: 19-11-2013

To: The Accountant General, Khyber Pakhtunkhwa
Peshawar.

Subject: GUIDANCE REGARDING FIXATION OF PAY IN REGARD DIFFERENCE
CATEGORIES OF TEACHERS.

Dear Sir,

I am directed to refer to your letter No. H-24(414)Edu-
Comp/2013-14/1991 dated 12-09-2013 on the subject noted above and to
state that the view point of AG Office is hereby confirmed, endorsed for
further necessary action as desired.

Yours Faithfully,

(Wazir Muhammad Afaq)
SECTION OFFICER (SR-1)



Accountant General Khyber Pakhtunkhwa Peshawar
Phone: 091 921125054

11: H-24(113)Edu: 12/21-13/ 2067
Copy forwarded for information and compliance to:

DATED 21-11-2013

1. All DAOs/AAOs in Khyber Pakhtunkhwa.
2. HR Lab.
3. Pay Roll 2, 3 & 3 Section (L)
4. CIA Cell
5. Accounts Officer (Pay Fixation Party)

14/11/13
to 14/11/13
p. 14/11/13

ACCOUNTS OFFICER (HAD)

-14-



Office of the
Accountant General
Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-53

No.H-24(414)/Edu/Corrp/2013-14/

Dated: 02.09.2013

To,

The Secretary,
To Govt. of Khyber Pakhtunkhwa,
Finance Deptt. Peshawar.

Subject: **GUIDANCE REGARDING FIXATION OF PAY IN REGARD
DIFFERENT CATEGORIES OF TEACHERS.**

Memo:

Kindly refer to the Elementary & Secondary Education Deptt. Notification No.SO(B&A)/1-18/E&SE/2012 dated 11.7.2012 duly endorsed by the Finance Deptt. vide NO/ISO(FR)/FD/10-22(E)/2010 dated 16.7.2012 regarding up-gradation/re-designation of posts of different categories of teachers.

2. It is added to the above cited notification that "the posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Deptt. by making necessary services rules or amending the existing service rules, if any, for the post". Later on the Elementary & Secondary Education Deptt. framed the rules and circulated amongst all concerned teacher cadre vide Notification No.SO(PF)4-5/SSR/Meeting/2012 dated 13.11.2012 for filling the post. (copy enclosed for ready reference).

3. According to the said rules the Distts. Education Officers granted BPS-12 to the existing PTC teachers & re-designated as PST teachers. Some of them promoted from BPS-12 to BPS-14 having 05 years service re-designated as Sr. PST. While certain of them promoted from BPS-14 to BPS-15 on same day and re-designated as Primary School Head teacher having 10 years service. An example of fixation made by the DEOs is given below:-

Mr. A — pay on 5.1.2013 as PST (BPS-12) Rs. 14500/- PM
Promoted as Sr. PST on 7.1.2013 to BPS-14 RS. 15920/- PM (Next stage + Premature).
Then from promoted as PSHT on 7.1.2013 to BPS-15 Rs. 16200/- PM
(Next stage + premature).

Duty Director HAD Section, District Office, Peshawar

41137
Awarded
All
HR L
Pay R
CIA C
Accou

20

-15-

177/c

173/c

173/c

This office is of the view that the pay on promotion from BPS-14 to is contrary to the instruction issued by the Finance Deptt. letter No. F SR-II-8/76-II dated 15.12.1981 as there incumbents not rendered service in BPS-14 for 3 years and therefore, their pay has to be fixed directly from BPS-12 to BPS-15 and granted them next stage + premature in BPS-15 instead of BPS-12 to BPS-14 and then from BPS-14 & BPS-15.

5. In view of above if the mode of fixation stated in para 4 above is correct, may kindly be confirmed or advised for future processing of the subject issue as the fixation of these employees lying pending in the DAOs.

Encl: As above.

177/c

Dy. Accountant General (HAD)

173/c

Copy forwarded for information to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Deptt. Peshawar with the request also to examine the issue and directed all DEOs not to submit the cases to Audit Offices before confirmation of the view of this office is clarified by the Finance Deptt.
2. All DAOs/AAOs in Khyber Pakhtunkhwa.
3. The Distt. Accounts Officer Swabi with reference to their letter dated 29.7.2013.

172/c

177/c

Dy. Accountant General (HAD)

173/c

To,

"D" 16

The Director,
E&SE Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL FOR THE GRANT PRE-MATURE INCREMENT ON PROMOTION FROM BPS-14 TO BPS-15 SIMILARLY TO THE OTHER EMPLOYEES WHO HAVE ALREADY BEEN GRANTED THE SAME BENEFIT BY THE DEPARTMENT

Respected Sir,

With due respect it is most humbly stated that the appellant was the employee of your good self department and has served the education department till his retirement on superannuation (60) years quite efficiently and upto the entire satisfaction of his superiors. That during service the appellant was promoted from the post of PST (BPS-12) to the post of SPST (BPS-14) and subsequently promoted from SPST (BPS-14) to the post of PSHT (BPS-15) vide Notification dated 12.04.2013. That it is pertinent to mention that the pay of the appellant had been fixed in BPS-14 and then BPS-15 and such the appellant also granted pre-mature increment in BPS-14 while pre-mature increment on promotion to BPS-15 has not been granted till date despite of the repeated requests. That the appellant and his other colleagues are fully entitled for double benefit upon promotion to the BPS-14 and subsequently to EPS-15 in light of Finance Department letter 19.11.2013 but the department is not willing to grant pre-mature increment to the appellant upon promotion to the post of PSHT (BPS-15) which is clear violation of the letter dated 19.11.2013 and such violation of the judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar in appeal No.770/2016 titled Muhammad Siddique Vs Accountant General, Khyber Pakhtunkhwa & others. That many colleagues of the appellant in service as well as retired employees have been granted the above mentioned benefits of pre-mature increments, therefore, in light of the judgment of the Apex Court reported in 1996 SCMR 1185 the appellant is fully entitled for the grant of pre-mature increment upon promotion to the post of PSHT (BPS-15) being similarly placed employee. That the denial for the grant of pre-mature increment upon promotion to BPS-15 is clear violation of Article-4, 25 and 38(e) of the Constitution of Islamic Republic of Pakistan, 1973.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal the appellant may very kindly be granted pre-mature increment upon promotion to BPS-15 in terms of his pension with all other financial benefits.

Dated: 19.06.2024.


APPELLANT

Inam Ullah Khan, PSHT(Rtd),
GPS Azeem Abad, Nowshera

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

OF 2024

Imam Allah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

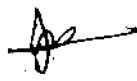
Education Deptt.

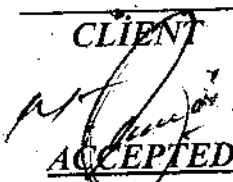
(RESPONDENT)
(DEFENDANT)

I/We *Imam Allah*

Do hereby appoint and constitute **MIR ZAMAN SAFI**, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____ / ____ / 2024



CLIENT

ACCEPTED
MIR ZAMAN SAFI
ADVOCATE

OFFICE:
Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0333-9991564
0317-9743003

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F.No: 00135972

فہمی ایسے سیکرٹری، حکومتی

وہاں: ایس ایس ڈی

P.S.H.T. کا ڈاک