


FORM OF ORDER SHEET

Court of _____

Appeal No. 2044/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	21/10/2024	<p data-bbox="544 665 1530 901">The appeal of Mr. Wisal Muhammad 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 data-bbox="986 988 1390 1029">By order of the Chairman</p> <p data-bbox="1098 1039 1321 1156"> REGISTRAR</p>

The appeal of Mr. Wisal Muhammad 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. 922 /Inst./2024/KPST,

Dt. 17/10 /2024.

Amatilloke
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 only seeks relief against the post of PSST. Hence the appeal in hand may kindly be put up before the bench.

us
21/10/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 7044 /2024

WISAL MUHAMMAD

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. 2044 /2024

Mr. Wisal Muhammad, PSHT(R) (BPS-15),
GPS No.2, Risalpur, 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 UNDER SECTION-4 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 as annexure.....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.

GROUND:

- 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

WISAL MUHAMMAD

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

WISAL MUHAMMAD

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

WISAL MUHAMMAD

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

1	2	3	4	5	6	7	
	Whether substantive or officiating and whether	If officiating, state (i) substantive appointment, or (ii) whether	Pay in substantive	Additional Pay for	Other emolument falling under two	Date of appointment	Signature of Government

'A' -5-

This card in this page should be renewed or re-attested at least every five years and the signature in boxes 2 and 7 should be dated.

1. Name Wisal Muhammad

2. Race Afghan

3. Residence Rashaki

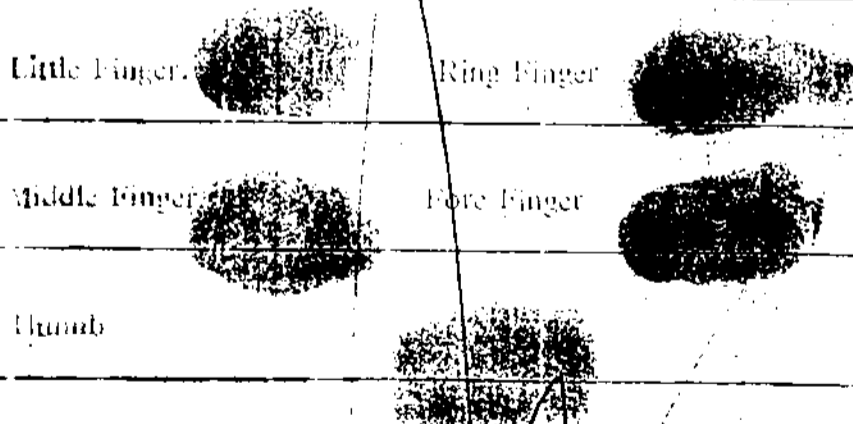
4. Father's name and residence Muhammad Yusuf

5. Date of birth by Christian era as neatly as can be ascertained (12-4-1968) Twelfth April N.H. Sixty eight.

6. Exact height by measurement 5-4

7. Personal marks for identification Scar mark on RH leg.

8. Left hand thumb and Finger impression of (non gazetted) officer



9. Signature of Government servant Wisal

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

S.B.P.O. (M) Nowshera.

SDSO(M) NAR

Handwritten notes and scribbles at the bottom left.

1	2	3	4	5	6	7	8
Number of post	Whether substantive and whether appointment or temporary	If holding, (i) substantive or (ii) whether appointment or service counts under Art. 371 of Constitution	Pay in post	Additional pay for officiating	Other emolument falling under the term 'Pay'	Part of regular appointment	Remarks
			Rs. 75/-	500/-			P.T.C
							P.S. Brodho Shi
							L.
							R.L.

1970/11/11
 1971/08/08
 1971/05/05

1971/03/03
 1971/02/02

1971/03/03
 1971/02/02
 1971/01/01

1971/01/01
 1971/01/01

1971/01/01

B.P. No 7: (1095-60-1783)

1971/01/01

1971/01/01

1971/01/01

B.P. No 7: (1095-60-1783)

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or Officiating and whether Permanent or temporary	If Officiating state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R	Pay in substantive Post	Additional Pay for Officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Serv
Revised Entries in the light of one premature in BPS-14 w.e.f 12-04-2013							
			Rs 18000/- Pm			01/12/12	
Pay fixed in BPS-14			Rs 18370/- Pm			12/04/13	✓
Premature in BPS-14			Rs 18980/- Pm			12/04/13	✓
Pay fixed in BPS-15			Rs 19000/-			12/04/13	✓
Premature in BPS-15			Rs 19700/- Pm			12/04/13	✓
A/R			Rs 20400/- Pm			01/12/13	✓
A/I			Rs 21100/- Pm			01/12/14	✓
S/R			Rs 27275/- Pm			01/07/15	✓
			Rs 28180/- Pm			07/12/15	✓
S/R			Rs 34790/- Pm			01/07/16	✓
			Rs 35910/- Pm			07/12/16	✓
S/R			Rs 42720/- Pm			01/07/17	✓
			Rs 44050/- Pm			07/12/17	✓
27275 ¹⁵							
34790 ¹⁶							
42720 ¹⁷							
			S.D.E.O (Sales) Muzaffargarh				



3/1/18
-9-

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone//0923-922022K, Fax//0923-922022K)

RETIREMENT ORDER

Under the provision of Government of Khyber Pakhtunkhwa Finance Department letter no. FD (SR-IV) Vol.II dated 24-08-1983, sanction is hereby accorded to the grant of Encashment of Leave / Retirement detail given below in respect of the following officials:

S#	Name of Official	Date of Retirement	Date of Birth	D.O of Appt.	Encashment of L.P.R	Total service Length Y-M-D	Remarks
01	Mr. Jamal Shah PST GPS Sikandar Abad P.No.00135323	01-09-2018 (A.N)	11-05-1964	26-01-1984	365 days on full pay	34Y-07M-05D	Retired from Govt: Service on premature.
02	Mr. Ijaz Ali SPST GRS Sikandar Abad P.No.00138950	01-09-2018 (A.N)	20-11-1969	01-03-1990	168 days on full pay	28Y-05M-30D	Retired from Govt: Service on premature.
03	Mr. Wazal Muhammad PSHT GPS No.2 Risalpur P.No.00134233	01-10-2018 (A.N)	12-01-1968	07-03-1990	343 days on full pay	28Y-06M-23	Retired from Govt: Service on premature.
04	Mr. Hiskeal SPST GPS PAF Academy Risalpur P.No.00138537	31-08-2018 (F.N)	18-07-1969	27-05-1990	339 days on full pay	28Y-03M-04D	Retired from Govt: Service on premature.
05	Mr. Akhliar Hussain PST GPS Toordher P.No.00135914	30-09-2018 (A.N)	28-12-1966	01-12-1986	365 days on full pay	31Y-09M-29D	Retired from Govt: Service on premature.
06	Mr. Afsar Khan PSHT GPS Kandur P.No.00138660	31-08-2018 (F.N)	12-04-1969	18-03-1992	317 days on full pay	26Y-05M-13D	Retired from Govt: Service on premature.

FAYAZ HUSSAIN
District Education Officer (Male)
Nowshera

Encls: No. 1185457 / DEO (M) NSR/EA-S/ F#60/Vol.II/Retirement of PST/ Dated Nowshera the 01/10/2018.

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

1. Senior District Account Officer, Nowshera.
2. Sub Divisional Education Officer (Male), Pabbi.
3. EMIS Local Office.
4. Officials concerned.
5. Master File.

1/10/18
Dy: District Education Officer (Male)
Nowshera

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

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

"B" -10-

NOTIFICATION

Consequent upon
2013 and in pursuance of the GO
No. SO (B&AM) 18/E&SE/2012
22 (B/20) D. Dated 16-07-2012
the post of HPST B-15 (RS-85)
under the existing policy of the
in immediate effect and further

recommendation of the Departmental Promotion Committee (DPC) held on 12-2-
of Khyber Pakhtunkhwa Elementary & Secondary Education Notification
No. SO (FR)/ED/10
following Male Senior Primary School Teachers (SPSTs B-14) are hereby promoted
0-700-29500) plus usual allowances as admissible under the rules on regular base
of the Provincial Government in Teaching Cadre on the terms and conditions given below
they will be posted in GPS of the District against the newly unutilized HPST BPS

Total Number	406
Share of HPST	406
Share of promotion	406

S. No.	S. L. No.	Name of Teacher	Name	School	DOB	Remarks
1	1	Hemid Shah	K. Zhenillah	GPS DAKISMAIL KHAIL	01/05/1955	Will be adjusted/posted according to the rationalization policy
2	2	Muhammad Tazeer	K. Zhenillah	GPS Ghafar Khan Korona	12/03/1953	DO
3	3	Shah Jehan	K. Zhenillah	Bali GPS	15/07/1955	DO
4	4	Wahid Ahmad	K. Zhenillah	Mirza Banda GPS	19/06/1954	DO
5	5	Shahid	K. Zhenillah	Akbarpura GPS No. 2	12/03/1955	DO
6	6	Nasirullah	K. Zhenillah	Alli Bala GPS No. 3	26/04/1953	DO
7	7	Muhammad	K. Zhenillah	GPS main way station	17/04/1955	DO
8	8	Azmat Ullah	K. Zhenillah	Bali Jadedd GPS No. 1	12/04/1955	DO
9	9	Muhammad Sarif	K. Zhenillah	GPS Shagal	25/07/1956	DO
10	10	Zaman Shah	K. Zhenillah	Jain Korona GMP	10/10/1954	DO
11	11	Kheista Gul	K. Zhenillah	Akbarpura GPS No. 1	22/04/1956	DO
12	12	SPR Gosikhan	K. Zhenillah	Bali Jadedd GPS No. 2	14/04/1957	DO
13	13	Muhammad	K. Zhenillah	Tar Mahaba GPS No. 2	25/12/1955	DO
14	14	Goran Ali	K. Zhenillah	GPS Khesha Bala	15/08/1954	DO
15	15	Shahid	K. Zhenillah	GPS Gagehsud	01/01/1957	DO
16	16	Muhammad Khan	K. Zhenillah	Akbarpura GPS No. 2	15/02/1954	DO
17	17	Muhammad Khan	K. Zhenillah	GPS Gagehsud	05/12/1953	DO
18	18	Muhammad Khan	K. Zhenillah	GPS Gagehsud	01/05/1954	DO
19	19	Gulroz Khan	K. Zhenillah	Dar Jadedd GPS No. 2	11/10/1955	DO
20	20	Muhammad	K. Zhenillah	GPS Khesha Bala	15/01/1961	DO
21	21	Muhammad	K. Zhenillah	GPS Khesha Bala	09/02/1961	DO
22	22	Amal Shahida	K. Zhenillah	GPS Khesha Bala	21/03/1958	DO
23	23	Muhammad	K. Zhenillah	GPS Gagehsud	07/07/1961	DO
24	24	Muhammad Khan	K. Zhenillah	GPS Soba Korona	01/04/1961	DO
25	25	Muhammad	K. Zhenillah	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/10-226/2010 dated 16.07.2012 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

S#	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	1.M. Akbar	Sher Afzal	Mohib Banda GPS	19/06/1954	Do
5	10	1.Mehmood Khan	Fazle Raziq	Akbar Pora GPS No.2	12/03/1955	Do
6	13	1.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

DO	15/03/1968	GPS Sindh	15/03/1968
DO	25/03/1969	GPS Ad...	25/03/1969
DO	15/03/1971	GPS Sindh	15/03/1971
DO	04/03/1971	GPS Sindh	04/03/1971
DO	08/01/1971	GPS Sindh	08/01/1971
DO	01/03/1970	GPS Sindh	01/03/1970
DO	21/05/1972	GPS Sindh	21/05/1972
DO	10/12/1971	GPS Sindh	10/12/1971
DO	03/04/1971	GPS Sindh	03/04/1971
DO	02/07/1971	GPS Sindh	02/07/1971
DO	01/06/1970	GPS Sindh	01/06/1970
DO	15/03/1969	GPS Sindh	15/03/1969
DO	20/03/1968	GPS Sindh	20/03/1968
DO	11/02/1968	GPS Sindh	11/02/1968
DO	21/01/1964	GPS Sindh	21/01/1964
DO	03/10/1967	GPS Sindh	03/10/1967
DO	09/10/1968	GPS Sindh	09/10/1968
DO	20/12/1971	GPS Sindh	20/12/1971
DO	04/05/1971	GPS Sindh	04/05/1971
DO	16/12/1968	GPS Sindh	16/12/1968
DO	01/09/1969	GPS Sindh	01/09/1969
DO	20/01/1970	GPS Sindh	20/01/1970
DO	11/04/1968	GPS Sindh	11/04/1968
DO	20/01/1965	GPS Sindh	20/01/1965
DO	01/03/1964	GPS Sindh	01/03/1964
DO	06/06/1960	GPS Sindh	06/06/1960
DO	12/01/1966	GPS Sindh	12/01/1966
DO	10/02/1965	GPS Sindh	10/02/1965
DO	07/02/1965	GPS Sindh	07/02/1965
DO	15/05/1966	GPS Sindh	15/05/1966
DO	01/02/1967	GPS Sindh	01/02/1967
DO	03/02/1967	GPS Sindh	03/02/1967
DO	04/07/1962	GPS Sindh	04/07/1962
DO	15/10/1966	GPS Sindh	15/10/1966
DO	04/04/1966	GPS Sindh	04/04/1966
DO	01/11/1965	GPS Sindh	01/11/1965
DO	23/12/1963	GPS Sindh	23/12/1963
DO	01/09/1963	GPS Sindh	01/09/1963
DO	12/04/1968	GPS Sindh	12/04/1968
DO	26/12/1966	GPS Sindh	26/12/1966
DO	07/08/1966	GPS Sindh	07/08/1966
DO	14/03/1965	GPS Sindh	14/03/1965
DO	02/02/1971	GPS Sindh	02/02/1971
DO	15/03/1969	GPS Sindh	15/03/1969
DO	14/11/1968	GPS Sindh	14/11/1968

London SPS1 1-10-B-15-11PST

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BETTER COPY OF PAGE-11

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 Jaloza 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 Khel Payan	01/02/1967	Do
222	396	Mir Haider	Mir Bashar	Akhoon 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

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600	Abdullah Khan	GPS Rashaka	20/01/1965	DO
601	Abdullah Khan	GPS Rashaka	22/05/1958	DO
602	Abdullah Khan	GPS Rashaka	12/03/1969	DO
603	Abdullah Khan	GPS Rashaka	16/02/1966	DO
604	Abdullah Khan	GPS Rashaka	17/09/1965	DO
605	Abdullah Khan	GPS Rashaka	02/03/1967	DO
606	Abdullah Khan	GPS Rashaka	10/04/1965	DO
607	Abdullah Khan	GPS Rashaka	10/05/1965	DO
608	Abdullah Khan	GPS Rashaka	17/11/1967	DO
609	Abdullah Khan	GPS Rashaka	30/04/1968	DO
610	Abdullah Khan	GPS Rashaka	12/04/1960	DO
611	Abdullah Khan	GPS Rashaka	02/11/1965	DO
612	Abdullah Khan	GPS Rashaka	10/11/1969	DO
613	Abdullah Khan	GPS Rashaka	26/12/1968	DO
614	Abdullah Khan	GPS Rashaka	12/03/1964	DO
615	Abdullah Khan	GPS Rashaka	16/05/1961	DO
616	Abdullah Khan	GPS Rashaka	06/03/1964	DO
617	Abdullah Khan	GPS Rashaka	08/05/1968	DO
618	Abdullah Khan	GPS Rashaka	04/01/1969	DO
619	Abdullah Khan	GPS Rashaka	07/06/1959	DO

...one year...
 ...Govt...
 ...satisfactory during...
 ...time to time...

...over payment is...
 ...will be reversed...

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

District Education Officer (Jalef...)
 Nowshera

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

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SOSR-1) 12-2/2013
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(14)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 Afsar)
SECTION OFFICER (SR-1)



Accountant General Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-51

No: H-24(13)Edu Master/2012-13/ 2067
(copy forwarded for information and compliance to:

DATED 21-11-2013

1. All DAOs/AAOs in Khyber Pakhtunkhwa.
2. HR Lab.
3. Pay Ro J2, 8 & 3 Section (L)
4. CIA Cell
5. Accounts Officer (Pay Fixation Party)

ACCOUNTS OFFICER (HAD)

141/c
to 149/c

20

28/11



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

No.H-24/414/Edu.Corr/2013-14/144

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)/-18/EA&SE/2012 dated 11.7.2012 duly endorsed by the Finance Deptt. vide NO SO(FR)/PD/10-22(E)/2010 dated 16.7.2012 regarding up-gradation/re-designation of posts of different categories of teachers.

2. It is added in 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 some 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. 15320/- PM (Next stage + Premium).
- Then from promoted as PSHT on 7.1.2013 to BPS-15 Rs. 16200/- PM (Next stage + premium).

Only Documented Secretary/Officer regarding this file.

1137
Awarded
All
HR L
Pay R.
CIA C
Account

2a

17/11/81

17/11/81

17/11/81

This office is of the view that the pay on promotion from BPS-14 to BPS-15 is contrary to the instruction issued by the Finance Deptt. letter No. SR-11-8/76-II dated 15.12.1981 as their 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.

Dy: Accountant General (HAD)

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/AOs in Khyber Pakhtunkhwa.
3. The Distt. Accounts Officer Swabi with reference to their letter dated 29.7.2013.

Dy: Accountant General (HAD)

"D"

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To,

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 BPS-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:

Wisal Muhammad, PSHT(Rtd),
GPS No.2 Risalpur, Nowshera

VAKALATNAMA

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2024

Wisal Muhammad (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt. (RESPONDENT)
(DEFENDANT)

I/We Wisal Muhammad

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

Wisal Muhammad
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