


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 2043/2024

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. Khial Bahadar 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. Khaled Bahadar 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. 924 /Inst./2024/KPST,

Dt. 17/10 /2024.

*Amal Ullah*  
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 PSST. Hence the instant appeal may very kindly be put up before the bench.*

*M. J. J.*  
21/10/2024

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

APPEAL NO. 2043 /2024

**KHIAL BAHADAR**

**VS**

**EDUCATION DEPTT:**

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**APPELLANT**

**THROUGH:**

  
**MIR ZAMAN SAFI,**  
**ADVOCATE**

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

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

APPEAL NO. 2043/2024

Mr. Khial Bahadar, PSHT(R) (BPS-15),  
GPS Hakim 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 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

  
KHAL BAHADAR

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


**KHIAL BAHADAR**

**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

**KHIAL BAHADAR**

**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 far.
- 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



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Unit B. 19: 5922  
Unit B. 19: 5922

③ Period B. B. Examination 1985 (A)  
in Third Division of Learning 234  
Unit B. 19: 5922  
Unit B. 19: 5922

① from B. B. Examination  
in 1979/1980  
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*[Signature]*

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Basic pay scale No 7 = Rs. 560-23-1020

-Do- Term 560/Pm fixed 1  $\frac{7}{83}$

Pay Scale No 7

Pay Scale No 7

Rs. 560-23-1020

Pay 1-7-83 560/Pm fixed.

WILL

SD.B.O. (M)

20	A	560/- Pm	1 $\frac{12}{83}$	W/Bank
10	B	560/- Pm	1 $\frac{12}{84}$	W/Bank
10	C	560/- Pm	1 $\frac{12}{85}$	W/Bank
10	D	560/- Pm	1 $\frac{12}{80}$	W/Bank

1	2	3	4	5	6	7	8	9
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. 37(1) C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant	Signature and Designation of Head of the Department attesting columns 7 to 9
Reversed Entries in the light of one premature in BPS-14 w.e.f 12-04-2013 -								
			Rs 20000/- Pm			01-12-12		
			Pay fixed B-14 Rs 20200/- Pm			12-04-13		
			one premature in B-14 Rs 20810/- Pm			12-04-13		1314
			Pay fixed in B-15 Rs 21100/- Pm			12-04-13		21420/-
			one premature in B-15 Rs 21800/- Pm			12-04-13		
			Rs 22500/- Pm			01-12-13		
	SIR		Rs 23200/- Pm			01-12-14		
	SIR		Rs 29990/- Pm			01-07-15		
	SIR		Rs 20895/- Pm			01-12-15		
	SIR		Rs 38150/- Pm			01-07-16		
	SIR		Rs 39270/- Pm			01-12-16		
	SIR		Rs 46710/- Pm			01-07-17		
			Rs 48040/- Pm			01-12-17		
			Rs 49370/- Pm			01-12-18		
			Rs 50700/- Pm			01-12-19		
			Rs 52030/- Pm			01-12-20		
			Rs 53360/- Pm			01-12-21		
			SIR Rs 79260/- Pm			01-07-22		
			Rs 81340/- Pm			01-12-22		
			28990/15					
			38150/15					
			46710/15					

  
 Signature  
 Head of the Department

8	9	10	11	12	13		14	15
					Leave			
Signature of ent serv	Title and Designation Head of the office or attesting officer Attestation of 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	Nature and duration of leave	Allocation of period of leave on average pay upto four months for which leave salary is debatable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or cessure, or reward or praise of the Government Servant
					Period	Government to Which debatable		
				<i>[Signature]</i>			<i>[Signature]</i>	
			Promoted to PSHI BIS dt S.No. 112 No 5238-40 dt 13/5/2013 SD EOM			G. Mr. Khicq (Bhaister PSHI-15 is here given an undertaking to the effect that any overpay- ment is made to in the light of order will be recovered my Pay pension. Signature: <i>[Signature]</i>		
				<i>[Signature]</i>			<i>[Signature]</i>	
				30/2/14				
				10985-95-28135				
				46710				
				16120-1330-4710				
				46710				
				(AS) (C)				

OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA

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

"B"-10-

**NOTIFICATION**

Consequent to the  
2011 and in pursuance of the GO  
No. SO (B&F) Pt. 18/E/25E/2012  
22/07/2010 D. No. 116/07/2012 and  
to the post of HPST B-15 (RS: 85)  
under the existing policy of the  
with immediate effect and further  
posts

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

Total Number	406
Share of H.S.S	406
Share of princ	406

S.L.No	S.L.No	Name of Teacher	Name	School	DOB	Remarks
1	5	Hamid Shah	S. J. J. Allah	GPS DAKISMAIL KHAIL	01/05/1955	Will be adjusted/posted according to the rationalization policy
2	6	Muhammad Nazam	Abdul	GPS Ghafar Khan Korona	12/03/1953	DO
3	7	Shahid Khan	Abdul	Bala GPS	15/07/1955	DO
4	8	Muhammad Akmal	Sher Afzal	Nahid Banda GPS	19/06/1954	DO
5	9	Muhammad Khalid	R. Zia	Korona GPS No. 2	12/03/1955	DO
6	10	Muhammad Khan	Abdul	Alli Bala GPS No. 3	12/04/1953	DO
7	11	Shahid Khan	Abdul	GPS mi way station	17/04/1955	DO
8	12	Muhammad Zia	Abdul	Babi Jaded GPS No. 1	12/04/1955	DO
9	13	Muhammad Khan	Muhammad Sarif	GPS Shagan	25/07/1956	DO
10	14	Muhammad Zaman	Abdul	Jain Korona GMPS	10/10/1954	DO
11	15	Muhammad Gul	Muhammad	Akbar GPS No. 1	22/04/1956	DO
12	16	Muhammad Khan	Abdul	Babi Jaded GPS No. 2	14/04/1957	DO
13	17	Muhammad Rizwan	Abdul	Tarab GPS No. 2	25/12/1955	DO
14	18	Muhammad Ali	S. J. J. Allah	GPS Khesha Bala	13/08/1954	DO
15	19	Muhammad Rahman	Abdul	GPS Khesha Bala	01/01/1957	DO
16	20	Muhammad Khan	Muhammad	Akbar GPS No. 2	15/02/1954	DO
17	21	Muhammad Khan	Abdul	GPS Khesha Bala	05/12/1953	DO
18	22	Muhammad Khan	Abdul	GPS Khesha Bala	01/05/1954	DO
19	23	Muhammad Khan	Abdul	Dns Jaded GPS No. 2	14/10/1955	DO
20	24	Muhammad Khan	Abdul	GPS Khesha Bala	15/01/1961	DO
21	25	Muhammad Khan	Abdul	GPS Khesha Bala	09/02/1961	DO
22	26	Muhammad Khan	Abdul	GPS Khesha Bala	21/03/1958	DO
23	27	Muhammad Khan	Abdul	GPS Ghulam Rasool Korona	07/07/1961	DO
24	28	Muhammad Khan	Abdul	GPS Ghulam Rasool Korona	01/04/1961	DO
25	29	Muhammad Khan	Abdul	Qnsur 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 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	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 Kheshgi 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 Kheshgi Payan No.1	15/01/1961	Do
21	51	M. Sadiq	Asadullah	GPS Kheshgi Bala	09/02/1961	Do
22	52	Ajmal Shah	Shamsul Wahid	GPS 2 Zkks	21/03/1958	Do

No.	Name	Address	GPS Name	Date	DO
240	Abdul Kadir	Muhammad Amin	GPS Hamza Rashaka No.2	12/04/1967	DO
241	Afzal Khan	Sar Khan	GPS Rokhan Abad K. Bala	15/02/1967	DO
242	Anwar Khan	Nisar Khan	Gps Kubul river	02/01/1964	DO
243	Harakatullah	Mir Nawaz Khan	Gps Badrahi	08/03/1962	DO
244	Ansari	Salim	Gps S. N. Kaffin	08/05/1962	DO
245	Abdul	Muhammad	Akbarpura GPS No.3	15/10/1962	DO
246	Manzoor	Abdul Khaliq	Pathr GPS NO.1	06/11/1960	DO
247	Muhammad Gul	Bashir Gul	GPS Ashraf Khan Kurona	01/04/1966	DO
248	Khan	Mir Shabir	GPS Naseer Abad	12/05/1963	DO
249	Mansoor Khan	Mir Farukh	Gps Zaidi colony	14/03/1969	DO
250	Qamar Zaman	Muhammad Khan	GPS Durgah No.2	10/08/1955	DO
251	SUBIDA SHAH	Chinar Shah	GPS No.1 Miap Esa	12/11/1960	DO
252	Said Ali	Said Ali	Banda Nabi GPS No.1	01/04/1963	DO
253	Riaz Khan	Kamil Khan	Azakhil Bala GPS No.2	02/10/1964	DO
254	Khan	Sayyad-ul-Abrar	Khan Sher Garhi GPS	15/04/1967	DO
255	Shah	Mir	GPS Sheer bagh	05/01/1958	DO
256	Shah	Mir	GPS Sabikbel	15/02/1961	DO
257	Behar Khan	Mir	GPS Zafra Kili	02/02/1963	DO
258	Shah	Mir	Gps Jozsons	05/04/1963	DO
259	Zafar Khan	Mir	Gps ECIR Pirabad	08/08/1965	DO
260	Shah	Mir	GPS Dlozi 2	13/06/1962	DO
261	Muhammad	Mir	Tarkha Gps No.1	01/01/1970	DO
262	Muhammad	Mir	Kurvi GPS NO.1	01/05/1968	DO
263	Muhammad	Mir	GPS Zaidi Pagan 2	09/05/1969	DO
264	Muhammad	Mir	GPS Zaidi Pagan No.2	03/08/1969	DO
265	Muhammad	Mir	GPS Zaidi Pagan	15/10/1969	DO
266	Muhammad	Mir	GPS Zaidi Pagan	01/07/1970	DO
267	Muhammad	Mir	GPS Duran Abad	01/03/1965	DO
268	Muhammad	Mir	Akbarpura GPS No.1	22/03/1965	DO
269	Muhammad	Mir	Gps Znsrkalan	12/10/1966	DO
270	Muhammad	Mir	GPS No.2 Turlandi	10/01/1967	DO
271	Muhammad	Mir	Gps sec Colony	10/03/1969	DO
272	Muhammad	Mir	GPS Usmanabad	15/05/1969	DO
273	Muhammad	Mir	Gps Zaidi colony	11/04/1970	DO
274	Muhammad	Mir	GPS Zaidi Pagan	03/03/1970	DO
275	Muhammad	Mir	Khan Sher Garhi GPS	21/09/1967	DO
276	Muhammad	Mir	GPS Zaidi Pagan	29/09/1970	DO
277	Muhammad	Mir	Banda Mufshan GPS	21/10/1970	DO
278	Muhammad	Mir	Chokri Gul Bad Shah GPS	22/11/1966	DO
279	Muhammad	Mir	GPS SPIN KHAK 3	02/08/1966	DO
280	Muhammad	Mir	Gps Zaidi Pagan	14/04/1964	DO
281	Muhammad	Mir	Khan Sher Garhi GPS	12/04/1961	DO
282	Muhammad	Mir	Gps Zaidi Pagan	01/12/1964	DO
283	Muhammad	Mir	GPS Zaidi Pagan	01/05/1965	DO

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119	239	Akhtar Biland	Sar Biland	GPS Ksheshgi Bala	04/04/1966	Do
120	240	Noor Ul Amin	M. Amin	GPS Hamza Rashaka No.2	12.04.1967	Do
121	242	Afzal Khan	Afsar Khan	GPS Rokhan Abad K. Bala	15/02/1967	Do
122	245	M. Israr Khan	Nisar Khan	GPS Kabul River	02/01/1964	Do
123	247	Sharafat Ullah	Amir Nawaz Khan	GPS.1 Badrashi	08/03/1962	Do
124	248	M. Ahsan	M. Salih	GPS No. MsKalan	08/05/1962	Do
125	250	Abdul Munaf	Ghulam Muhammad	Akbar Pura GPS No.3	15/10/1962	Do
126	253	Manzoor Hussain	Abdul Khaliq	Pabbi GPS No.1	06/11/1960	Do
127	254	M. Gul	Baghi Gul	GPS Ashraf Khan Korona	01/04/1966	Do
128	255	Khaista Gul	Qadir Shah	GPS Naseer Abad	12/05/1963	Do
129	256	Amanat Khan	Umara Khan	GPS Zaidi Colony	14/03/1969	Do
130	257	Qamar Zaman	Nurshid Khan	GPS Dagbesud. 2	10/08/1955	Do
131	259	Subidar Shah	Gohar Shah	GPS No.1 Mian Esa	12/11/1960	Do
132	260	Safdar Ali	Sardar Ali	Banda Nabi GPS No.1	01/04/1963	Do
133	262	Riaz Ali	Kamil Khan	Azakhel Bala GPS No.2	02/10/1964	Do
134	264	Khair Ul Abrar	Sayyed Ul Abrar	Khan Sher Garhi GPS	15/04/1967	Do
135	266	Ihsan Ur Rehman	M. umar	GPS Sheen Bagh	05/01/1958	Do
136	268	Aman Ullah	Jaidad Khan	GPS Labi Khel	15/02/1961	Do
137	269	Jehangir Khan	Inam Ali	GPS Afrido Killi	02/02/1963	Do
138	274	Khair Bahadar	Nawab Gul	GPS Feroz sons	05/04/1963	Do
139	292	M/Suleman	Ilyas Khan	GPS Usman Abad	15/06/1969	Do
140	293	Abdul Ghani	Abdul Qadir	GPS Zaidi Colony	15/04/1970	Do
141	295	Amir Khan	Islahud Din	GPS Batakzai	03/03/1970	Do
142	297	Amir Nawaz Khan	Hayat Khan	Khan Sher Ghari GPS	21/09/1967	Do
143	298	Shah Nazar	Sarwar Khan	GPS Zando Banda	29/09/1970	Do
144	300	Muhammad Fayaz	Fazal-e-Razaq	Banda Mulahan GPS	21/10/1970	Do
145	302	Nazf Ur Rehman	Ahmad Quraish	Ghoki Gul Badshah GPS	22/11/1966	Do
146	304	Muhammad Irfan	Tameez Gul	GPS Spin Khak 3	02/08/1966	Do
147	305	Hukam Said	Tor Gul	GPS Manhi	14/04/1964	Do
148	306	Hussain Muhammad	Sher Zada	Khan Sher Garhi GPS	12/04/1963	Do
149	307	Wasim Gul	Mehrab Gul	GPS Shahab Khel	01/12/1964	Do
150	308	Haydar	Raheem Khan	GPS Abbas Abad	01/05/1965	Do

10	...	GPS Kashani	2003/1965	DO
11	...	GPS Haidar	20705/1958	DO
12	...	Gps Haidar	12/03/1969	DO
13	...	Gps Haidar	1605/1966	DO
14	...	GPS Haidar	1409/1966	DO
15	...	Gps Haidar	01/03/1967	DO
16	...	GPS Haidar	10/04/1965	DO
17	...	GPS Haidar	10/03/1965	DO
18	...	Uham Haidar GPS	17/11/1967	DO
19	...	Gps Haidar	30/04/1968	DO
20	...	Fazal Haidar GPS	12/04/1960	DO
21	...	Gps Haidar	02/07/1965	DO
22	...	Gps Haidar	10/11/1969	DO
23	...	Gps Haidar	26/12/1968	DO
24	...	GPS Haidar	12/03/1964	DO
25	...	Aziz Haidar GPS No. 1	10/05/1961	DO
26	...	GPS Haidar	06/03/1964	DO
27	...	GPS Haidar	08/05/1968	DO
28	...	Arbain Haidar GPS No. 3	04/01/1969	DO
29	...	GPS Haidar	07/06/1959	DO

... one year ...  
... issued from time to time ...  
... satisfactory during ...  
... they will proceed under the rule framed from time to time.

(Signature)  
District Education Officer (Male)  
Nowshera

(Signature)  
District Education Officer (Male)  
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

"C"

-13-

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
REGULATION WING)

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 Aghar)  
SECTION OFFICER (SR-1)



Accountant General Khyber Pakhtunkhwa Peshawar  
Phone: 091 921 (250-5)

No: H-24(113)/Edu: Master-2012-13/ 2067  
Copy forwarded for information and compliance to:

DATED 21-11-2013

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

ACCOUNTS OFFICER (HAD)

14-



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

No.H-24(414)/Edu.Corrp/2013-14/ 99

Dated: 02.09.2013

Handwritten signature/initials

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)/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 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 Distt. 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 6.1.2013 as PST (BPS-12) Rs. 14500/- PM  
Promoted as Sr.PST on 7.1.2013 to BPS-14 RS.15320/-PM (Next stage +Premature).  
Then from promoted as PSHT on 7.1.2013 to BPS-15.Rs.16200/-PM (Next stage + premature).

D/Wy J. Ahmad (HAD Section) Outline regarding Fixation

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warded  
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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. F. SR-11-8/76-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 to 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.

*[Signature]*  
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/AAOs in Khyber Pakhtunkhwa.
3. The Distt. Accounts Officer Swabi with reference to their letter dated 29.7.2013.

*[Signature]*  
Dy. Accountant General (HAD)

To,

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

"D" -16-

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

KHIAL BAHADAR, PSHT(Rtd),  
GPS Hakim Abad, Nowshera

VAKALATNAMA

- 17 -

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

OF 2024

Khial Bahadar

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Deptt:

(RESPONDENT)  
(DEFENDANT)

I/We Khial Bahadar

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, 5<sup>th</sup> Floor,  
Rahim Medical Centre, G.T Road,  
Hashtnagri, Peshawar.

Mobile No.0333-9991564

0317-9743003



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