


# FORM OF ORDER SHEET

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

**Appeal No.** \_\_\_\_\_

**2042/2024**

| 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. Akhtar Bilan 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><br/>REGISTRAR</p> |

The appeal of Mr. Akhtar Biland, 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. 923 /Inst./2024/KPST,

Dt. 17/10 /2024.

*Amirullah*  
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<sup>No. 2</sup> the appellant only seeks relief for the post of PSMT (BPs-15). Hence the appeal may be put up before the bench.*

*W. J. J.*  
21/10/2024

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

APPEAL NO. 2042/2024

AKHTAR BILAND

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. 2042/2024

Mr. Akhtar Biland, PSHT(R) (BPS-15),  
GPS Shawangi, 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  
  
AKHTAR BILAND

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

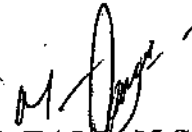
**AKHTAR BILAND**

**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**

4/A

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

SERVICE APPEAL NO. \_\_\_\_\_/2024

AKHTAR BILAND

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



|    |  |   |
|----|--|---|
| 10 | Signature and designation of the Head of the Office, or other Attending Officer. | <i>[Signature]</i><br>Sub-Divisional Engineer<br>District Engineer (Water) Mysore |
| 9  | Signature of Government servant.   | <i>[Signature]</i><br>Ab. ...   |
|    | Thumb.   |   |
|    | Middle Finger  | <i>[Fingerprint]</i>  |
|    | Ring Finger  | <i>[Fingerprint]</i>  |
| 8  | Left hand thumb and Finger Impression of (non-gazetted) officer                  | <i>[Fingerprint]</i>  |
| 7  | Personal marks for identification  | A scar on the right elbow.  |
| 6  | Exact height by measurement  | 5'-6"   |
| 5  | Date of birth by Christian era as nearly as can be ascertained                   | 4.4.1966<br>(Fourth April N. H. R. Sixty six)                                     |

|                             |  |                        |
|-----------------------------|--|------------------------|
| Father's name and residence |  | SAR BILAND             |
| Residence                   |  | KHESHI BALA            |
| Name                        |  | AKHTAR BILAND          |
| Residence                   |  | MANSAN                 |
| Residence                   |  | KHESHI BALA            |
| Tel. No.                    |  | Norwala Distt: Belkwar |

*Date of birth verified from original S.S.C. No. 983 Certificate of Birth*

*[Signature]*

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

3

*[Handwritten marks]*

Norwala Distt: Belkwar

*[Handwritten marks]*

Sub-Divisional Engineer  
District Engineer (Water) Mysore

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

Signature of Government servant.

Thumb.

Middle Finger

Ring Finger

Little Finger

Ring Finger

Left hand thumb and Finger Impression of (non-gazetted) officer

Personal marks for identification

Exact height by measurement

Date of birth by Christian era as nearly as can be ascertained

Father's name and residence

Residence

Name

Residence

Tel. No.

| 1                           | 2  | 3           | 4                              | 5               | 6                   | 7                               | 8 |
|-----------------------------|--|-------------|--------------------------------|-----------------|---------------------|---------------------------------|---|
| Name of post                | Whether substantive or officiating (i) substantive appointment, or (ii) whether for position under Art. 371 C. S. R. | Pay in post | Additional pay for officiating | Other emolument | Date of appointment | Signature of Government servant |   |
| G.P.S. Roman Moha Sub/Temp. |  | Rs 750/-    |                                |                 | 28/2/1987 (AMN)     | Ab and                          |   |
| G.P.S. (NSR) Roman Moha     |  | Rs 750/-    |                                |                 | 21/12/1987          | Ab and                          |   |
| G.P.S. (NSR) SSSSV Jagan    |  | Rs 750/-    |                                |                 | 23/12/1987          | Ab and                          |   |
| Go                          |  | Rs 250/- PM |                                |                 | 20/9/88             | Ab and                          |   |
| PS. K. S. Jagan             |  | Rs 250/- PM |                                |                 | 21/9/88             | Ab and                          |   |
| DM                          |  | Rs 281/- PM |                                |                 | 1/12/88             | Ab and                          |   |
| G.P.S. No 4                 |  | Rs 812/- PM |                                |                 | 1/12/89             | Ab and                          |   |
| MSR Kola                    |  | Rs 812/- PM |                                |                 | 2/5/89              | Ab and                          |   |
| G.P.S. Post Colony          |  | Rs 812/- PM |                                |                 | 30/9/89             | Ab and                          |   |
| Newly Kolan Colony          |  | Rs 874/- PM |                                |                 | 12/11/89            | Ab and                          |   |
|                             |  | Rs 905/- PM |                                |                 | 1/12/89             | Ab and                          |   |

(P.T.C. BPS No 7, Rs 750-31-1370)

| 9   | 10                                 | 11   | 12   | 13                                 | 14  | 15   |   |
|---|------------------------------------|--|--|------------------------------------|---|--|---|
| Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc). | Signature of the head of the office or other attesting officer | Leave                              |   | 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.   |
|   |                                    |  |  | Nature and duration of leave taken | Allocation of period of leave or average pay upto four months for which leave salary is debitable to another Government |  |   |
|   |                                    |  |  | Period                             | Government to which debitable   |  |   |
| <i>[Signature]</i><br>(M) Nowshera  | 26/08/87<br>(5/87)                 | Transfer   | <i>[Signature]</i><br>S.D.F.O. No. 10                          |                                    |   |  | Appointed as P.T.C in APS NO 7. D.R. 750-31-1370 vide DEOM/Beharwal Exdt. NO 6253-6318 dated 27-9-1987.   |
| <i>[Signature]</i><br>(M) Nowshera  | 22/08/87                           | Transfer   | <i>[Signature]</i><br>S.D.F.O. No. 10                          |                                    |   |  | <i>[Signature]</i><br>(M) Nowshera  |
| <i>[Signature]</i><br>(M) Nowshera  | 9/08/87                            | Transfer   | <i>[Signature]</i><br>S.D.F.O. No. 10                          |                                    |   |  | Services: 28-11-87<br>To 31/12/87<br>On 1/1/88  |
| <i>[Signature]</i><br>S.D.F.O. No. 10   | 30/08/87                           | Transfer   | <i>[Signature]</i><br>(M) Nowshera                             |                                    |   |  | <i>[Signature]</i>  |
| <i>[Signature]</i><br>(M) Nowshera  | 30/08/87                           | Transfer   | <i>[Signature]</i><br>S.D.F.O. No. 10                          |                                    |   |  | Services: 1-11-87<br>To 31/12/87<br>On 1/1/88   |
| <i>[Signature]</i><br>(M) Nowshera  | 30/08/87                           | Transfer   | <i>[Signature]</i><br>S.D.F.O. No. 10                          |                                    |   |  | <i>[Signature]</i>  |
| <i>[Signature]</i><br>S.D.F.O. No. 10   | 30/08/87                           | Transfer   | <i>[Signature]</i><br>S.D.F.O. No. 10                          |                                    |   |  | Passed Inter Exam 1990(A) under Roll No 134602 as Private candidate of S.E. Pasthand securing 458 Marks in Grades (A) and the Result was declared on 12.11.1990 |
| <i>[Signature]</i><br>S.D.F.O. No. 10   | 11/09/87                           | Transfer   | <i>[Signature]</i><br>S.D.F.O. No. 10                          |                                    |   |  | <i>[Signature]</i><br>(M) Nowshera  |
| <i>[Signature]</i><br>(M) Nowshera  | 30/08/87                           | Transfer   | <i>[Signature]</i><br>S.D.F.O. No. 10                          |                                    |   |  | <i>[Signature]</i><br>(M) Nowshera  |



| 9  | 10   | 11   | 12  | 13   | 14  | 15  |
|--|--|--|---|--|---|---|
| LOGVO  |  |  |   |  |   |   |
| Nature and Designation of the head of the office or other attending officer in 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 attending officer                        | Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government<br>Period Government to which deductible | Signature of the head of the office or other attending officer. | Reference to any record of the punishment or award or prize of the Government servant |
| <p>From service 21-01-06</p> <p>Retired w.e.f. 21-1-2016</p> <p>on the - mature rule</p> <p>Dr (M). N. M. S. N. M.</p> <p>Office No. 9506 - 9</p> <p>Date 23/07/2016</p> | <p>1/12/13 " 30/11/14</p> <p>Service Verified with effect from</p> | <p>1/12/14 " 30/11/2016</p> <p>Service Verified with effect from</p> <p>From the recur of this office.</p> | <p>31/01/2016</p> <p>Consolidated Service verified with effect from 28.09/1987 to</p> | <p>Sub Divisional Education Officer (Male) Nowshera</p>  | <p>Sub Divisional Education Officer (Male) Nowshera</p>         | <p>Sub Divisional Education Officer (Male) Nowshera</p>                               |
| <p>Dr (M). N. M. S. N. M.</p> <p>Office No. 9506 - 9</p> <p>Date 23/07/2016</p>  | <p>1/12/14 " 30/11/14</p> <p>Service Verified with effect from</p> | <p>1/12/14 " 30/11/2016</p> <p>Service Verified with effect from</p> <p>From the recur of this office.</p> | <p>31/01/2016</p> <p>Consolidated Service verified with effect from 28.09/1987 to</p> | <p>Sub Divisional Education Officer (Male) Nowshera</p>  | <p>Sub Divisional Education Officer (Male) Nowshera</p>         | <p>Sub Divisional Education Officer (Male) Nowshera</p>                               |
| <p>Dr (M). N. M. S. N. M.</p> <p>Office No. 9506 - 9</p> <p>Date 23/07/2016</p>  | <p>1/12/14 " 30/11/14</p> <p>Service Verified with effect from</p> | <p>1/12/14 " 30/11/2016</p> <p>Service Verified with effect from</p> <p>From the recur of this office.</p> | <p>31/01/2016</p> <p>Consolidated Service verified with effect from 28.09/1987 to</p> | <p>Sub Divisional Education Officer (Male) Nowshera</p>  | <p>Sub Divisional Education Officer (Male) Nowshera</p>         | <p>Sub Divisional Education Officer (Male) Nowshera</p>                               |

9-

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Dr (M). N. M. S. N. M.

Office No. 9506 - 9

Date 23/07/2016

Sub Divisional Education Officer (Male) Nowshera

Sub Divisional Education Officer (Male) Nowshera

Sub Divisional Education Officer (Male) Nowshera

Sub Divisional Education Officer (Male) Nowshera

STEO (M)

**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 Khashgi 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 Khashgi Payan No.1 | 15/01/1961 | Do  |
| 21 | 51   | M. Sadiq             | Asadullah       | GPS Khashgi Bala       | 09/02/1961 | Do  |
| 22 | 52   | Ajmal Shah           | Shamsul Wahid   | GPS 2 Zkks             | 21/03/1958 | do  |

|     |              |               |                           |            |    |
|-----|--------------|---------------|---------------------------|------------|----|
| 240 | M. J. Khan   | Uhamrud Ahmad | GPS Hamza Rashak No. 2    | 12/04/1967 | DO |
| 241 | A. Z. Khan   | M. R. Khan    | GPS Roshanabad K. Bala    | 15/02/1967 | DO |
| 242 | M. J. Khan   | M. R. Khan    | Gps Nabet river           | 02/01/1964 | DO |
| 243 | Shaukatullah | F. Nawaz Khan | Gps J. Badashi            | 08/03/1962 | DO |
| 244 | M. J. Khan   | Jalil         | Gps S. Kaffir             | 08/05/1962 | DO |
| 245 | M. J. Khan   | Ism Muhammad  | Akbarpura GPS No. 3       | 15/10/1962 | DO |
| 246 | M. J. Khan   | M. R. Khan    | Pathi GPS No. 1           | 06/11/1960 | DO |
| 247 | M. J. Khan   | M. R. Khan    | GPS Ashraf Shah Korona    | 01/04/1966 | DO |
| 248 | M. J. Khan   | M. R. Khan    | GPS N. S. Abad            | 12/05/1963 | DO |
| 249 | M. J. Khan   | M. R. Khan    | Gps Zaidi colony          | 14/03/1969 | DO |
| 250 | M. J. Khan   | M. R. Khan    | GPS D. S. Abad 2          | 10/08/1955 | DO |
| 251 | M. J. Khan   | M. R. Khan    | GPS No. 1 Miag Esa        | 12/11/1960 | DO |
| 252 | M. J. Khan   | M. R. Khan    | Banda Nabi GPS No. 1      | 01/04/1963 | DO |
| 253 | M. J. Khan   | M. R. Khan    | Aziz Chit Bala GPS No. 2  | 02/10/1964 | DO |
| 254 | M. J. Khan   | M. R. Khan    | Khan Sher Garhi GPS       | 15/04/1967 | DO |
| 255 | M. J. Khan   | M. R. Khan    | GPS Sh. B. B. B. B. B.    | 05/01/1958 | DO |
| 256 | M. J. Khan   | M. R. Khan    | GPS Bahkbel               | 15/02/1961 | DO |
| 257 | M. J. Khan   | M. R. Khan    | GPS K. R. K. K. K.        | 02/02/1963 | DO |
| 258 | M. J. Khan   | M. R. Khan    | Gps. Razsons              | 05/04/1963 | DO |
| 259 | M. J. Khan   | M. R. Khan    | Gps. C. C. R. P. B. B. B. | 08/08/1965 | DO |
| 260 | M. J. Khan   | M. R. Khan    | GPS No. 2                 | 13/06/1962 | DO |
| 261 | M. J. Khan   | M. R. Khan    | Tarkha Gps No. 1          | 01/01/1970 | DO |
| 262 | M. J. Khan   | M. R. Khan    | Kurvi GPS No. 1           | 01/05/1968 | DO |
| 263 | M. J. Khan   | M. R. Khan    | GPS No. 1 Payan 2         | 09/05/1969 | DO |
| 264 | M. J. Khan   | M. R. Khan    | GPS No. 2 Payan 2         | 03/08/1969 | DO |
| 265 | M. J. Khan   | M. R. Khan    | GPS No. 1 Banda           | 15/10/1969 | DO |
| 266 | M. J. Khan   | M. R. Khan    | GPS No. 1 Abad            | 01/07/1970 | DO |
| 267 | M. J. Khan   | M. R. Khan    | GPS Duran Abad            | 01/03/1965 | DO |
| 268 | M. J. Khan   | M. R. Khan    | Akbarpura GPS No. 1       | 22/03/1965 | DO |
| 269 | M. J. Khan   | M. R. Khan    | Gps. S. S. S. S. S.       | 12/10/1966 | DO |
| 270 | M. J. Khan   | M. R. Khan    | GPS No. 2 Turlandi        | 10/01/1967 | DO |
| 271 | M. J. Khan   | M. R. Khan    | Gps. S. S. S. S. S.       | 10/03/1969 | DO |
| 272 | M. J. Khan   | M. R. Khan    | GPS S. S. S. S. S.        | 15/06/1969 | DO |
| 273 | M. J. Khan   | M. R. Khan    | GPS S. S. S. S. S.        | 15/04/1970 | DO |
| 274 | M. J. Khan   | M. R. Khan    | GPS S. S. S. S. S.        | 03/03/1970 | DO |
| 275 | M. J. Khan   | M. R. Khan    | Khan Sher Garhi GPS       | 21/09/1967 | DO |
| 276 | M. J. Khan   | M. R. Khan    | GPS S. S. S. S. S.        | 29/09/1970 | DO |
| 277 | M. J. Khan   | M. R. Khan    | Banda. M. J. Khan GPS     | 21/10/1970 | DO |
| 278 | M. J. Khan   | M. R. Khan    | Ch. S. G. B. S. S. S. S.  | 22/11/1966 | DO |
| 279 | M. J. Khan   | M. R. Khan    | GPS S. S. S. S. S.        | 02/08/1966 | DO |
| 280 | M. J. Khan   | M. R. Khan    | GPS S. S. S. S. S.        | 11/04/1964 | DO |
| 281 | M. J. Khan   | M. R. Khan    | Khan Sher Garhi GPS       | 12/01/1963 | DO |
| 282 | M. J. Khan   | M. R. Khan    | GPS S. S. S. S. S.        | 01/12/1964 | DO |
| 283 | M. J. Khan   | M. R. Khan    | GPS S. S. S. S. S.        | 01/05/1965 | DO |

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11-

|     |     |                     |                    |                            |            |    |
|-----|-----|---------------------|--------------------|----------------------------|------------|----|
| 119 | 239 | Akhtar Biland       | Sar Biland         | GPS Ksheshgi Bala          | 04/04/1966 | Do |
| 120 | 240 | Noor Ul Amin        | M. Amin            | GPS Hamza<br>Rashaka No.2  | 12.04.1967 | Do |
| 121 | 242 | Afzal Khan          | Afsar Khan         | GPS Rokhan Abad<br>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<br>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<br>Muhammad | Akbar Pura GPS<br>No.3     | 15/10/1962 | Do |
| 126 | 253 | Manzoor<br>Hussain  | Abdul Khaliq       | Pabbi GPS No.1             | 06/11/1960 | Do |
| 127 | 254 | M. Gul              | Baghi Gul          | GPS Ashraf Khan<br>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 | Suvidar Shah        | Gohar Shah         | GPS No.1 Mian Esa          | 12/11/1960 | Do |
| 132 | 260 | Safdar Ali          | Sardar Ali         | Banda Nabi GPS<br>No.1     | 01/04/1963 | Do |
| 133 | 262 | Riaz Ali            | Kamil Khan         | Azakhel Bala GPS<br>No.2   | 02/10/1964 | Do |
| 134 | 264 | Khair Ul Abrar      | Sayyed Ul<br>Abrar | Khan Sher Garhi<br>GPS     | 15/04/1967 | Do |
| 135 | 266 | Ihsan Ur<br>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 | Khail Bahadar       | Nawab Gul          | GPS Feroz sons             | 05/04/1963 | Do |
| 152 | 292 | M/Suleman           | Ilyas Khan         | GPS Usman Abad             | 15/06/1969 | Do |
| 153 | 293 | Abdul Ghani         | Abdul Qadir        | GPS Zaidi Colony           | 15/04/1970 | Do |
| 154 | 295 | Amir Khan           | Islahud Din        | GPS Batakzai               | 03/03/1970 | Do |
| 155 | 297 | Amir Nawaz<br>Khan  | Hayat Khan         | Khan Sher Ghari<br>GPS     | 21/09/1967 | Do |
| 156 | 298 | Shah Nazar          | Sarwar Khan        | GPS Zando Banda            | 29/09/1970 | Do |
| 157 | 300 | Muhammad<br>Fayaz   | Fazal-e-Razaq      | Banda Mulahan<br>GPS       | 21/10/1970 | Do |
| 158 | 302 | Nazf Ur Rehman      | Ahmad<br>Quraish   | Ghoki Gul Badshah<br>GPS   | 22/11/1966 | Do |
| 159 | 304 | Muhammad<br>Irfan   | Tameez Gul         | GPS Spin Khak 3            | 02/08/1966 | Do |
| 160 | 305 | Hukam Said          | Tor Gul            | GPS Manhi                  | 14/04/1964 | Do |
| 161 | 306 | Hussain<br>Muhammad | Sher Zada          | Khan Sher Garhi<br>GPS     | 12/04/1963 | Do |
| 162 | 307 | Wasim Gul           | Mehrab Gul         | GPS Shahab Khel            | 01/12/1964 | Do |
| 163 | 308 | Haydar              | Raheem Khan        | GPS Abbas Abad             | 01/05/1965 | Do |



|     |                     |                   |                         |            |    |
|-----|---------------------|-------------------|-------------------------|------------|----|
| 186 | Muhammad<br>Khalid  | Bakht<br>Khan     | GPS Rashakai            | 27/03/1965 | DO |
| 187 | Shahid<br>Khan      | Umer<br>Sardar    | GPS Mughalki            | 22/05/1968 | DO |
| 188 | Shahid<br>Khan      | Muhsin<br>Ullah   | Gps Bahadur             | 12/03/1969 | DO |
| 189 | Shahid<br>Khan      | Muhsin<br>Ullah   | Gps Bahadur             | 16/05/1966 | DO |
| 190 | Said<br>Khan        | Suhail<br>Khan    | GPS 3rd                 | 17/09/1966 | DO |
| 191 | Sayid<br>Amir       | Quasim<br>Mehboob | Gps 4th                 | 01/03/1967 | DO |
| 192 | Sohail<br>Khan      | Dara<br>Khan      | GPS Sates Mandir        | 10/04/1965 | DO |
| 193 | Rahim<br>Ullah      | Abdus<br>Shafiq   | GPS Rashakai            | 10/05/1965 | DO |
| 194 | Muhammad<br>Hussain | Qutub<br>Muhammad | Gham Momeen GPS         | 17/11/1967 | DO |
| 195 | Ijaz<br>Khan        | Baqir<br>Khan     | Gps Bahadur             | 30/04/1968 | DO |
| 196 | Khizr<br>Khan       | Muhammad<br>Khan  | Fazal Korona GPS        | 12/04/1960 | DO |
| 197 | Zahir<br>Khan       | Qasim<br>Khan     | Gps Bahadur             | 02/11/1965 | DO |
| 198 | Muhammad<br>Khan    | Muhammad<br>Khan  | Gps Bahadur             | 19/11/1969 | DO |
| 199 | Muhammad<br>Khan    | Muhammad<br>Khan  | Gps Bahadur             | 26/12/1968 | DO |
| 200 | Muhammad<br>Khan    | Muhammad<br>Khan  | GPS Bahadur             | 12/03/1964 | DO |
| 201 | Muhammad<br>Khan    | Muhammad<br>Khan  | Azakhir Payan GPS No. 1 | 10/05/1961 | DO |
| 202 | Sadeem<br>Khan      | Saukur<br>Khan    | GPS SPIN KHAK I         | 06/03/1964 | DO |
| 203 | Khan<br>Munir       | Shehzad<br>Munir  | GPS DAKISMAIL KHAIL     | 08/05/1968 | DO |
| 204 | Muhammad<br>Ullah   | Ahmad<br>Ullah    | Akbarpura GPS No. 3     | 04/01/1969 | DO |
| 205 | Muhammad<br>Ullah   | Ghulam<br>Haider  | GPS Ahmad Gul Korona    | 07/06/1959 | DO |

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**TERMS AND CONDITIONS**

This award is for a period of one year extendible for another one year. The award is subject to the rules and regulations as may be issued from time to time by the Govt. The award is subject to the condition that if the performance of the award holder is found unsatisfactory during the period of the award, the award will be terminated and the award holder will remain liable for the award. The award holder will be recorded in his Service Books to the effect that if any over payment is made to him in the future, the order will be recovered and if he is wrongly promoted, the order will be reversed.

(Haji Hussain Gul Khan)  
District Education Officer (Male)  
Nowshera

Nowshera, the 12/04/2017  
Director of Basic Education, Khyber Pakhtunkhwa  
Director of Basic Education, Khyber Pakhtunkhwa  
Senior District Education Officer, Nowshera  
Sub-Divisional Officer (Male), Nowshera

District Education Officer (Male)  
Nowshera

21/9/17

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

Endst. No. 1817-22 Dated Nowshera the 12/04/2013

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

13-

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(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 Afsar)  
SECTION OFFICER (SR-1)



Accountant General Khyber Pakhtunkhwa Peshawar  
Phone: 091 9211250-53

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 Roll 2, 8 & 3 Section (L)
4. CIA Cell
5. Accounts Officer (Pay Fixation Party)

ACCOUNTS OFFICER (HAD)

141/c  
to  
12-148/c

2067

23/11/13

-14-



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

No.H-24(414)/Edu/Comp/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)/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 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.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. Technical/HRD Section/Outside regarding Fix. etc.

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awarded  
All  
HR L  
Pay Ri  
CIA C  
Account

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-15-

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17/11/13

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-01-8/76-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.

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.

17/11/13

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

To,

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

"D"

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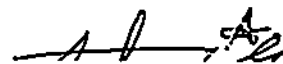
Subject: DEPARTMENTAL APPEAL FOR THE GRANT PRE-MATURE INCREMENT ON PROMOTION FROM BPS-14 TO BPS-15 SIMILARLY TO THE OTHER EMPLOYEES WHO HAVE ALREADY BEEN GRANTED THE SAME BENEFIT BY THE DEPARTMENT

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: 10.06.2024



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(2)

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

OF 2024

Akhtar Biland

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

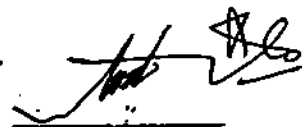
Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/we Akhtar Biland

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 1 / 1 / 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