


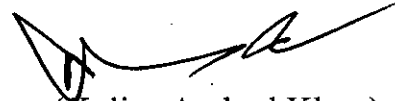
3. *Whether FATA Secretariat had adopted that scheme of allowing executive allowance to its officers?*

6. In case that had been done so, the appellant could be entitled from the date when condition No.2 was withdrawn on 25.07.2019 and not from the date when it was initially issued on 02.02.2018.

7. Neither the counsel for the appellant, nor the Assistant Advocate General could respond to the above points, the matter is, therefore, referred back to the respondent department to look into it and decide the case in the light of above mentioned observations. Costs shall follow the event. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 10th day of October, 2024.*


(Nareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah

arrears whereas the appellant is deprived of her legal rights. Her departmental appeal dated 18.05.2021 has not been responded within the stipulated statutory period, hence, instant service appeal.

3. Arguments heard. Record perused.

4. Record transpired that the appellant was transferred to the post of Section Officer in FATA Secretariat vide order dated 10.03.2014 from the post of Agency Finance Officer, Finance & Planning Cell, Khyber Agency. Learned counsel for the appellant referred to a Notification dated 02.02.2018 of the Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) vide which executive allowance was allowed to the officers of PAS, PCS and PMS. He further referred to Notification dated 25.07.2019 vide which condition No.2 of the earlier notification was withdrawn and therefore, in pursuance of that, officers of other cadres working against scheduled post were also held entitled to the executive allowance. Through this appeal the appellant has prayed for allowing/granting the arrears of executive allowance w.e.f 02.02.2018 to 25.07.2019.

5. After going through the details, following points were highlighted:

1. Whether the transfer order dated 10.03.2014 of the appellant was against a schedule post?

2. Whether notification of the Finance Department dated 02.02.2018, under reference was extended to FATA Secretariat also?

Service Appeal No.7405/2021 titled “Sadia Asghar versus the Government of Khyber
Pakhtunkhwa”

ORDER

10th Oct. 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

2. Appellant’s case as reflected from the record is that the appellant was initially appointed as Finance Officer (BS-17) on contract basis vide order dated 01.12.2004 whose services were later on regularized vide order dated 27.08.2011. She was transferred from the post of Agency Finance Officer, Finance 8 Planning Cell, Khyber Agency to Finance Department erstwhile FATA Secretariat vide notification dated 10.03.2014. The provincial government allowed 1.5 initial basic pay per month to the officers working against schedule post of Establishment and Administration Department, vide notification dated 02.02.2018. Under 2nd condition of the said notification, officers from other cadre working against scheduled post were declared not entitled to Executive allowance. However, this condition was withdrawn vide notification dated 25.07.2019 on the basis of which the appellant claims arrears of executive allowance w.e.f 02.02.2018 to 25.07.2019 as she had actually worked against a scheduled post in Finance Department of erstwhile FATA Secretariat and the earlier condition had been withdrawn subsequently. Contention of the appellant is that she has been treated discriminatory because other officers of the erstwhile FATA Secretariat had been granted executive allowance alongwith

