

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK
PESHAWAR
CAMP COURT ABBOTTABAD.

Execution Petition No. 03/2024

IN

Service Appeal No. 723/2018

Munir Hussain (APPELLANT)

VERSUS

District Accounts Officer Mansehra etc.....RESPONDENTS.

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Mushtaq Ahmed Khan
District Accounts Officer
Mansehra

(2)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK
PESHAWAR
CAMP COURT ABBOTTABAD.

Execution Petition No. 03/2024

IN

Service Appeal No. 723/2018

Khyber Pakhtukhwa
Service Tribunal

Diary No. 17864

Dated 12-11-24

Munir Hussain (APPELLANT)

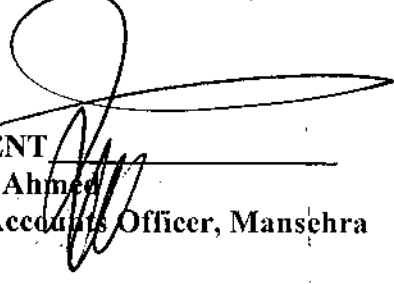
VERSUS

District Accounts Officer Mansehra etc....RESPONDENTS.

AFFIDAVIT

I, MUSHTAQ AHMED KHAN DISTRICT ACCOUNTS OFFICER MANSEHRA (REPRESENTATIVE) DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT THE CONTENTS OF FORE-GOING PARA-WISE COMMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

IT IS FURTHER STATED ON OATH THAT THE ANSWERING RESPONDENT, HAVE NEITHER BEEN PLACE EX-PARTE NOR THEIR DEFENSE STRUCK OFF/ LOST.


DEPONENT
Mushtaq Ahmed
District Accounts Officer, Mansehra

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK
PESHAWAR
CAMP COURT ABBOTTABAD.

Execution Petition No. 03/2024

IN

Service Appeal No. 723/2018

Munir Hussain (APPELLANT/PETITIONER)

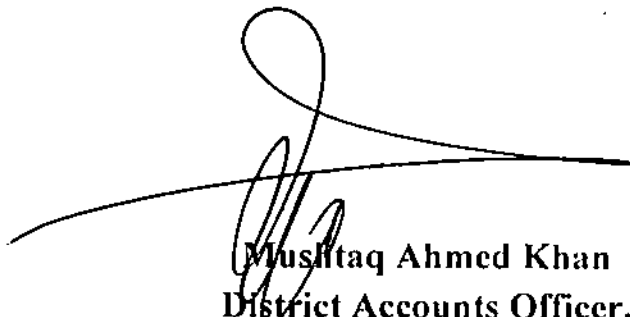
VERSUS

District Accounts Officer MansehraRESPONDENTS

Respected Shewith

In Compliance to the orders of the learned Khyber
Pakhtunkhwa Service Tribunal dated 29.10.2024, Comparative Statement
alongwith detailed explanation of difference is enclosed.

Dated: /11/2024



Mushtaq Ahmed Khan
District Accounts Officer,
Mansehra (Respondent)

Respondent No-3

COMPARATIVE STATEMENT

S. No.	Description of Payment items	Amounts Authorized/Paid by Respondent	Amount claimed by Petitioner	Difference
1	2	3	4	5
01	Basic Pay	Rs. 301,448	Rs. 1,050,019	Rs. 748,571
02	House Rent	Rs. 386,449	Rs. 454,100	Rs. 67,651
03	All other allowances	Rs. 330,922	Rs. 662,407	Rs. 331,485
	Total	Rs. 1,018,819	Rs. 2,166,526	Rs. 1,147,707

Explanation No. 1

The difference of Basic Pay at (S. No. 01) is due to adding of one Premature Increment by the Petitioner in his Basic Pay on 17.05.2010 which has not been allowed to him by Finance Department (Respondent No. 03 in Appeal No. 723/2018) which is the Financial Regulator of the Public Exchequer under Section-13 of Khyber Pakhtunkhwa Financial Management Act. 2022. The said benefit was not authorized by the Answering Respondent (Respondent No. 07) in the Revised Pay Slip issued to the Petitioner in compliance to order dated 27.11.2023.

Explanation No.2

The Petitioner has claimed all allied financial benefits according to his assumption from the period from 01.02.2020 to 26.05.2021, whereas he did not held/officiated as Principal, GHSS Kawai during said period for the reason that regular Principal, one Mr. Asmatullah Khan, remained posted as Principal against the post. Payment of Pay & Allowances for the period in question (i.e. 01.02.2020 to 26.05.2021) has not been authorized by the Answering Respondent in Revised Pay Slip and same appear included in revised Bill in hand. (Annexure A & B)

Explanation No.3

The Petitioner claimed Housed Rent Allowance on the revised rate (i.e. @ Rs. 13284/- P.M) from 01.07.2020 whereas the House Rent Allowance changed w.e.f 01.06.2021 and not from 01.07.2020 as calculated by the Petitioner. Moreover, the benefit of revised rate of House Rent Allowance already availed/paid to the Petitioner as Principal (Annexure-C)

Explanation No.4

The difference of all "Other Allowances" as per Colum 3 of the Comparative Statement, is the product of wrong calculation by the Petitioner on the basis of exaggerated Basic Pay discussed in Explanation 1 & 2 above by adding extra Premature Increment, as well as, Annual Increment on 01.12.2020, which is incorrect.

Explanation No.5.

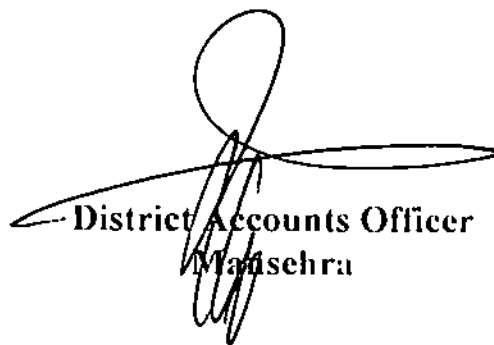
Under Rule 10 of Khyber Pakhtunkhwa Pay Revision Rules 978, Premature Increment is allowed to a Government Servant on his promotion (regular) from lower to high post. The petitioner was promoted from the post of Subject Specialist to Vice Principal B-18 on 02.12.2016 and from B-18 to B-19 on 26.08.2022 respectively on regular basis. The benefit of Premature Increment in his Basic Pay, on both occasions, has been allowed to him as a matter of course (**Annexure – D**)

Explanation No.6.

The appointment of an officer holding lower post, against higher post, other than his regular promotion is covered by the Policy of Provincial Government contained in Finance Department letter No. FD (PRC)1-1/2012 dated 17.08.2012 and Rule-10 of Pay Revision Rule 1978, is not attracted in this case..

Explanation No.7.

In compliance of the Execution Petition No. 3/2024, the Answering Respondent issued a "Revised Pay Slip" to the Petitioner in accordance with Sanction order issued by the Respondent No. 03 in Petition No. 723/2018 i.e Finance Department, Khyber Pakhtunkhwa bearing No. FD(SOSR-1)1-1/2022/Mr. Munir Hussain dated 04.04.2024, authorizing to the Petitioner a legitimate claim to offset his liability as per direction of Honourable Tribunal. The Petitioner acknowledged the said Revised Pay Slip and submitted a claim of Rs. 1,693,430/-. The claim, after applying pre-audit & scrutiny, reduced to the admissible amount of Rs. 1,018,819/- and paid to the Petitioner, accordingly. The Petitioner did not object or agitate the Revised Pay Slip issued by Answering Respondent before withdrawal of his claim of Rs. Rs. 1,018,819/- (**Annex-E & F**)


District Accounts Officer
Mansehra

(6)

S#:1
 Manshra
 P Sec:001 Month:May 2021
 MA6061 -Principal G H S S Kawai Ma
 Pers #: 00403847 Buckle: 1015
 PRINCIPAL G H S S KAWAI M
 Name: ASMAT ULLAH
 MTN: 8547151-4
 HEAD MASTER
 GPF #: EDU/SWA/001156
 CNIC No.2170466249801
 Old #:

19 Active Permanent MA6061 -
PAYS AND ALLOWANCES:
 0001-Basic Pay 108,010.00
 1000-House Rent Allowance 8,856.00
 1210-Convey Allowance 2005 5,000.00
 1505-Charge Allowance 100.00
 1518-Entertainment Allowance 500.00
 1947-Medical Allow 15% (16-22) 3,586.00
 2148-15% Adhoc Relief All-2013 2,275.00
 2199-Adhoc Relief Allow @10% 1,526.00
 2211-Adhoc Relief All 2016 10% 7,749.00
 Gross Pay and Allowances 164,604.00
DEDUCTIONS:
 IT Payable 10,090.22 Deducted 106198.00 TAX: (3609) 10,091.00
 GPF Balance 1837,887.00 Subrc: 7,180.00
 3501-Benevolent Fund 1,500.00
 3990-Emp. Edu. Fund KPK 250.00
 4004-R. Benefits & Death Comp: 1,600.00

Total Deductions 20,621.00
 143,983.00

D.O.B 15.02.1966 LFP Quota: 4
 31 Years 08 Months 023 Days HABIB BANK LIMITED AASHAIN SHOPPING CEN
 15407900012301

S#:2
 Manshra
 P Sec:001 Month:May 2021
 MA6061 -Principal G H S S Kawai Ma
 Pers #: 00403847 Buckle: 1015
 PRINCIPAL G H S S KAWAI M
 Name: ASMAT ULLAH
 MTN: 8547151-4
 HEAD MASTER
 GPF #: EDU/SWA/001156
 CNIC No.2170466249801
 Old #:

19 Active Permanent MA6061 -
PAYS AND ALLOWANCES:
 2224-Adhoc Relief All 2017 10% 10,801.00
 2247-Adhoc Relief All 2018 10% 10,801.00
 2265-Adhoc Relief All 2019 05% 5,400.00
 Gross Pay and Allowances 164,604.00
DEDUCTIONS:
 IT Payable 10,090.22 Deducted 106198.00
 GPF Balance 1837,887.00 Subrc:

Total Deductions 20,621.00
 143,983.00

D.O.B 15.02.1966 LFP Quota: 4
 31 Years 08 Months 023 Days HABIB BANK LIMITED AASHAIN SHOPPING CEN
 15407900012301

[Handwritten Signature]
 District Account Officer
 Manshra

Manshra
 SN:1 P Sec:001 Month:March 2020
 MA6061 -Principal G H S S Kawai Ma
 PRINCIPAL G H S S KAWAI M
 Pers #: 00403847 Buckle: 1015
 Name: ASMAT ULLAH
 HEAD MASTER
 CNIC No.2170466249801
 GPF Interest Applied
 NTN:
 GPF #: EDU/SWA/001156
 Old #:

19 Active Permanent MA6061 -
 PAYS AND ALLOWANCES:
 0001-Basic Pay 101,910.00
 1000-House Rent Allowance 8,856.00
 1210-Convey Allowance 2005 5,000.00
 1518-Entertainment Allowance 500.00
 1947-Medical Allow 15% (16-22) 3,586.00
 2148-15% Adhoc Relief All-2013 2,275.00
 2199-Adhoc Relief Allow @10% 1,526.00
 2211-Adhoc Relief All 2016 10% 7,749.00
 2224-Adhoc Relief All 2017 10% 10,191.00
 Gross Pay and Allowances 156,879.00
 DEDUCTIONS:
 IT Payable 20,087.49 Deducted 60,059.00 TAX:(3609) 6,696.00
 GPF Balance 1545,815.00 Subrc: 7,180.00
 3501-Benevolent Fund 800.00
 3990-Emp.Edu. Fund KPK 250.00
 4004-R. Benefits & Death Comp: 1,600.00

Total Deductions 16,526.00
 140,353.00

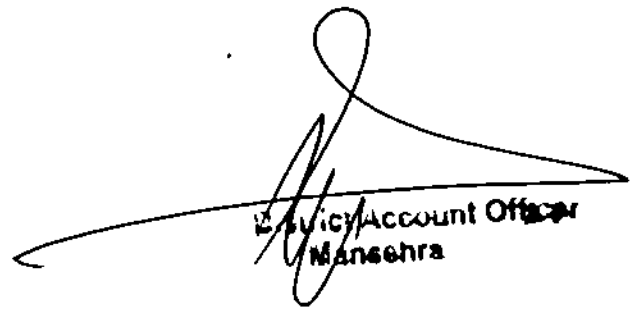
D.O.B 15.02.1966 LFP Quota: 4
 30 Years 06 Months 023 Days HABIB BANK LIMITED AASHAIN SHOPPING CEN
 15407900012301

Manshra
 SN:2 P Sec:001 Month:March 2020
 MA6061 -Principal G H S S Kawai Ma
 PRINCIPAL G H S S KAWAI M
 Pers #: 00403847 Buckle: 1015
 Name: ASMAT ULLAH
 HEAD MASTER
 CNIC No.2170466249801
 GPF Interest Applied
 NTN:
 GPF #: EDU/SWA/001156
 Old #:

19 Active Permanent MA6061 -
 PAYS AND ALLOWANCES:
 2247-Adhoc Relief All 2018 10% 10,191.00
 2265-Adhoc Relief All 2019 05% 5,095.00
 Gross Pay and Allowances 156,879.00
 DEDUCTIONS:
 IT Payable 20,087.49 Deducted 60,059.00
 GPF Balance 1545,815.00 Subrc:

Total Deductions 16,526.00
 140,353.00

D.O.B 15.02.1966 LFP Quota:
 30 Years 06 Months 023 Days HABIB BANK LIMITED AASHAIN SHOPPING CEN
 15407900012301


 Deputy Account Officer
 Manshra

A,T,M-9

(See Para,59, Audit Manual)

Provisional Pay Slip

OFFICE OF THE DISTRICT ACCOUNTS OFFICER MANSEHRA

No. GAD/DAO/MA/EDU/SS/547

Dated 03.05.2024

NAME: Munir Hussain

DESIGNATIO Principal Retired GHSS KAWAI (B-19)

P.NO 225445

PAGE NO 547 SS

Revision of Pay of Higher Post of BS-18 w.e.f 17.05.2010 to 30.06.2012 and BS-19 w.e.f 01.07.2012 till relinquishment/Promotion.

Ref: Concurrence of Finance Department vide FD(SOSR-1)1-1/2022/Mr. Munir Hussain Dated 04.04.2024

You are authorised to draw pay and allowance at the rates shown below from the dates specified less already drawn:-

Detail of calculatin

Date	B-17 (Reg)		BPS-18 H/P			B-19 (H/P)				B-18 (Prom)				
	01.12.2009	17.05.2010	01.12.2010	01.07.2011	01.12.2011	01.07.2012	01.12.2012	01.12.2013	01.12.2014	01.07.2015	01.12.2015	01.07.2016	01.12.2016	02.12.2016
B.PAY	20950	21280	22210	35000	36500	37400	39000	40600	42200	54680	56750	69850	72470	72,690
HR	2955	3873	3873	3873	3873	5904	5904	5904	5904	5904	5904	5904	5904	3873
SAA 20%	776	1017	1017	0			0		0					
SRA 03	1629	3192	3192	0			0		0					
SRA 04	1629	3192	3192	0			0		0					
Dearnes	2034	3192	3192	0			0		0					
AR2009	3143	3192	3332	0			0		0					
MA 15 %	0	0	0	3332	3332	3332	3332	3332	3332	4,164	4,164	4,164	4,164	4,164
AR 2010	0	0	11105	11105	11105	11105	11105	11105	11105	11105	11105	11105	11105	11105
CA	0	0	0	2480	2480	5000	5000	5000	5000	5000	5000	5000	5000	5000
AR 2011	0	0	0	3331	3331	3331	3331	3331	3331	0	0		0	0
AR 2012						7480	7800	8120	8440	0	0			0
AR2013								6090	6330	6330	6330	2110	2110	2110
AR 2014									4220	4220	4220	0		
AR 2015										5468	5675	1418.75	1419	1419
AR 2016												6985	7247	7269
AR 2017														
AR-2018														
AR-2019														
AR-2021														
SA 21														
DRA														
EA						500	500	500	500	500	500	500	500	500
Charge All						100	100	100	100	100	100	100	100	100
AR-22														
TOTAL	33116	38938	51113	59121	60621	74152	76072	84082	90462	97471	99748	107137	110019	107730

Note: i) This revised slip is subject to final outcome of CPLA filed in the Supreme Court of Pakistan and in case decision in CPLA comes against the appellant, the benefits received on account of higher Post will be recovered.

ii) D.D.O concerned will be responsible for Budget Provision, Surity Bond etc. for Payment of Arrear of Pay & Allowances

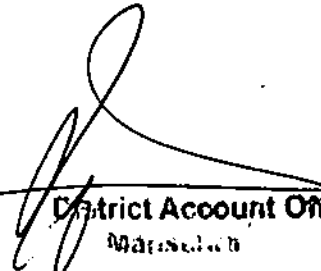
(8)

No vacant post. Regular Principal
Posted w.e.f. 01.02.2020 to
26.05.2021

Date	BPS	Amount
02.12.2016	18	72690
01.07.2017	18	87140
01.12.2017	18	90010
01.12.2018	18	92880
01.12.2019	18	95750
01.12.2020	18	95750 + 2870 (PP)=98620

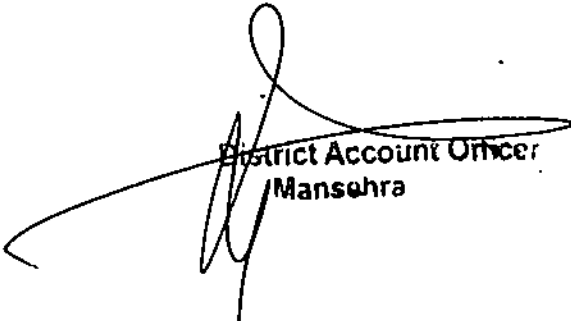
(9)

Date	B-19 H/P						B-19 (Prom)		
	02.12.2016	01.07.2017	01.12.2017	01.12.2018	01.12.2019	27.05.2021	01.12.2021	01.07.2022	26.08.2022
B.PAY	74,970	89,710	92,760	95,810	98,860	98,860	101,910	151,260	160,320
HR	5904	5904	5904	8856	8856	8856	13284	13284	13284
SAA 20%						0			
SRA 03						0			
SRA 04						0			
Dearnes						0			
AR2009						0			
MA 15 %	4,164	4,164	4,164	4,164	4,164	4,164	4164	4164	4164
AR 2010	11105	0	0			0			
CA	5000	5000	5000	5000	5000	5000	5000	5000	5000
AR 2011						0			
AR 2012						0			
AR2013	2110	2110	2110	2110	2110	2110	2110	2110	2110
AR 2014						0			
AR 2015	1419	1419	1419	1419	1419	1419	1419	1419	1419
AR 2016	7497	7497	7497	7497	7497	7497	7497	0	0
AR 2017		8,971	9,276	9,581	9,886	9886	10,191	0	0
AR-2018				9,581	9,886	9886	10,191	0	0
AR-2019					4,943	4943	5,096	0	0
AR-2021							10,191	0	0
SA 21							11842	11842	11842
DRA								15,287	15,287
SA	500	500	500	500	500		500	500	500
Charge All	100	100	100	100	100		100	100	100
AR-22								15,287	15,287
TOTAL	112769	125375	128730	144618	153221	152621	183495	220252	229313


District Account Officer
 Manshehra
 District Accounts Officer
 Manshehra

(10)

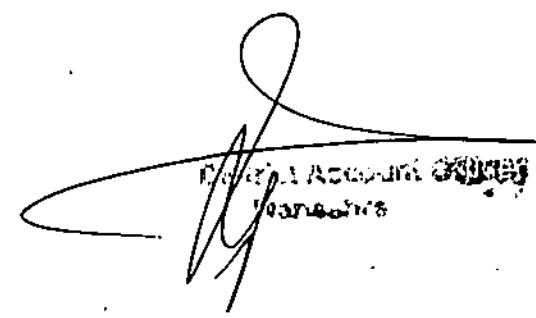
Wage Type	Long Text	Amount	Pmt date
1001	House Rent Allowance 45%	13,284.00	26.10.2022
1001	House Rent Allowance 45%	13,284.00	25.11.2022
1001	House Rent Allowance 45%	13,284.00	26.12.2022
1001	House Rent Allowance 45%	13,284.00	26.01.2023
1001	House Rent Allowance 45%	13,284.00	23.02.2023
1001	House Rent Allowance 45%	13,284.00	26.03.2023
1001	House Rent Allowance 45%	13,284.00	25.04.2023
1001	House Rent Allowance 45%	8,142.00	26.05.2023
	House Rent Allowance 45%	101,130.00	
		101,130.00	


District Account Officer
Mansehra

(11)

Revised Pay fixtaion on Regular Promotion.

Date		Pers.No.	E.Name	B.Pay	PP	Total	
01.12.2016		225445	MUNIR HUSSAIN	64,040.00	3,860.00	67,900.00	Pay in B-17
				69,920.00			Next Stage B-18
				2,870.00			PMI
02.12.2016				72,790.00			Py a fixed in B-18
01.07.2017		225445	MUNIR HUSSAIN	87,140.00			
01.12.2017		225445	MUNIR HUSSAIN	90,010.00			
01.12.2018		225445	MUNIR HUSSAIN	92,880.00			
01.12.2019		225445	MUNIR HUSSAIN	95,750.00			
01.12.2020		225445	MUNIR HUSSAIN	95,750.00			
01.12.2021		225445	MUNIR HUSSAIN	95,750.00			
01.07.2022		225445	MUNIR HUSSAIN	142,080.00	8,520.00	150,600.00	Pay in B-18
				151,260.00			Next Stage B-19
				4,530.00			PMI
26.08.2022		225445	MUNIR HUSSAIN	155,790.00		155,790.00	Py a fixed in B-19


Munir Hussain
Munir Hussain

Principal Govt: Higher Secondary School Kawai Manshehra

MONTH OF 05 2024

M A 6 0 6 1

Code Description: Principal GHSS Kawai

NEW 2 & 3

YCTS OFF-CYR

(12)

(Center)

Personal No.

0 0 2 2 5 4 4 5

Grade (Pay Scale Group)

1 9

Employee Name Munir Hussain Ex. Principal National Id Card 13501-1290389

No. Salary Status

Start Stop

33
17-05-2024
Received
again on
24/05/24

General Date Change

Change in Payments / deductions

Info Type	Field ID	New Contents	Wage Type	Amount			Effective Date	Remarks
				Rupees	Paisa	Adj		
		Adj: Basic Pay	5401	301	448			
		Adj: House Rent Allowance	5402					Allowed / Sanction Pay & Allowances for the Higher Post
		Adj: Special Additional Allowance 20%						BPS-18 & BPS-19 Vide Govt: of Khyberpaktun Khwa E&S&D
		Adj: Special Relief Allowance 2001						Notification No. SO(B&A)-16/ Pay & Allowances Dated Peshawar
		Adj: Special Relief Allowance 2004						the 08-12-2023. & Govt: of Khyberpaktun Khwa Finance Deptt:
		Adj: Dearness Allowance						Peshawar Notification No.FD(SOSR- 1)1-1/2022/Mr. Munir Hussain
		Adj: Adhoc Relief Allowance 2009						Dated Peshawar the 04-04-2024, as well as judgement of Honorable
		Adj: Medical Allowance 15%	5612					Service tribunal Khyberpaktun Khwa Dated 17-03-2021 & Execution
		Adj: Adhoc Relief Allowance 2010 50%						Petition Dated 27-10-2023.
		Adj: Conveyance Allowance	5411					
		Adj: Adhoc Relief Allowance 2011						
		Adj: Adhoc Relief Allowance 2012						
		Adj: Adhoc Relief Allowance 2013	530					
		Adj: Adhoc Relief Allowance 2014						
		Adj: Adhoc Relief Allowance 2015	596					
		Adj: Adhoc Relief Allowance 2016	5975					
		Adj: Adhoc Relief Allowance 2017	5990					
		Adj: Adhoc Relief Allowance 2018	5322					
		Adj: Adhoc Relief Allowance 2019	5336					
		Adj: Adhoc Relief Allowance 2021	5151					
		Adj: Special Allowance 2021	5149					
		Adj: DRA	5155					
		Adj: Entertainment Allowance	5028					
		Adj: Charge Allowance	5022					
		Adj: Adhoc Relief Allowance 2022	5350					
		Adj: Total	Total	301	448			

BP 301,448

Total Rs. 1018819/-
1. Tax (gross) 10470/-
2. S.T. (6% gross)
Net 1008349/-

Prepared by

District Account Officer Manshehra

Audited / Checked by

Entered / Verified by
Principal
Govt Higher Secondary
School Kawai (Manshehra)

District Account Officer



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

facebook.com/GoKFPD | twitter.com/GoKFPD

FD(SOSR-1)1-1/2022/ Mr. Munir Hussain
Dated Peshawar the: 04-04-2024

To

The Secretary to Govt of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department

Subject: APPLICATION FOR IMPLEMENTATION OF JUDGMENT DATED 17.03.2021 IN SERVICE APPEAL NO. 723/2018 IN EXECUTION PETITION NO. 271/2021.

Dear Sir,

I am directed to refer to your letter No. SO(SM)E&SE/Court Case/Munir Hussain dated 05.01.2024 on the subject noted above and to convey concurrence of Finance Department to the grant of pay of higher post to Mr. Munir Hussain. Subject Specialist (BS-17), for holding charge of the post of Vice Principal (BS-18) and Principal (BS-19), Elementary & Secondary Education Department Khyber Pakhtunkhwa w.e.f 17.05.2010 to 30.06.2012 and from 01.07.2012 till his promotion or relinquishment of higher post whichever is earlier subject to the following conditions:-

- i. The pay & allowances of the higher post will be fixed presumptively w.e.f 17.05.2010 to 30.06.2012 and from 01.07.2012 and it will include the increments of the pay scale of the higher post for the period of higher post appointment on that post. In such cases premature increment shall not be admissible.
- ii. On relinquishment of charge of the higher post or on transfer or on regular promotion to that higher post, the pay will be re-fixed with reference to original scale of pay of the post, held by the officer and increments carried (if any) on higher post will count for increments in his original scale as per provisions of FR-26.
- iii. The pay of the higher post shall not be accounted for the calculation of emoluments towards the pension.

2. The above concurrence is subject to final outcome of CPLA filed in the Supreme Court of Pakistan and in case decision in CPLA comes against the appellant then the benefits received on account of higher post will be recovered, please.

Your's faithfully

(MOMIN KHAN)
SECTION OFFICER (SR-1)

Endst. No & Date even

Copy of the above is forwarded to:-

1. District Accounts Officer, Mansehra for information & necessary action.
2. Section Officer (Lit-II), Finance Department, Peshawar.
3. Master file.

SECTION OFFICER (SR-1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK
PESHAWAR
CAMP COURT ABBOTTABAD.

Execution Petition No. 03/2024

IN

Service Appeal No. 723/2018

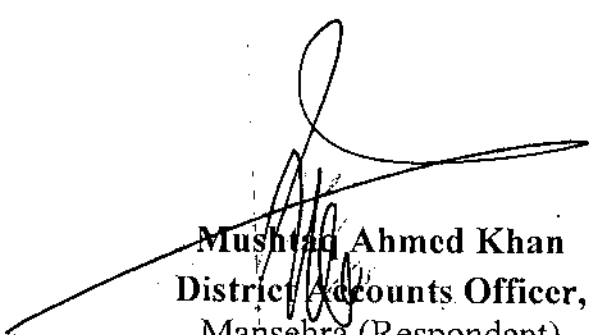
Munir Hussain (APPELLANT/PETITIONER)

VERSUS

District Accounts Officer MansehraRESPONDENTS

AUTHORITY LETTER

I Mushtaq Ahmed Khan, District Accounts Officer, do hereby authorize Mr. Riaz Muhammad, Senior Auditor (BPS-17) of this office to submit reply before Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar Bench in case Petition No. E.P. NO. 03/2024 titled Munir Hussain VS District Accounts Officer, Mansehra etc.


Mushtaq Ahmed Khan
District Accounts Officer,
Mansehra (Respondent)

Respondent No-3