


FORM OF ORDER SHEET

Court of _____

Appeal No. 2431/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/11/2024	<p>The appeal of Mr. Sajid Ali Shah resubmitted today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 18/11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>


The appeal of Mr. Sajid Ali received today i.e on 25.10.2024 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures-B of the appeal is illegible and incomplete be completed and replaced by legible/better one.
- 2- In every document the name of the appellatant should be highlighted.

No. 951 /Inst./2024/KPST,

Dt. 25/10 /2024.

Mr. Mir Zaman Safi Adv.
High Court Peshawar.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Sir

Re-submitted after compliance.
07/10/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

: APPEAL NO. 2431 /2024

SAJID ALI SHAH

VS

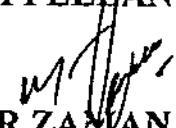
EDUCATION DEPTT:

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APPELLANT

THROUGH:


MIR ZAMAN SAFI,
ADVOCATE
Room No. 6-E, 5th Floor,
Rahim Medical Centre,
Hashtnagri, Peshawar
0333-9991564

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 2431 /2024

Mr. Sajid Ali Shah, PSHT(R) (BPS-15),
GPS No.3 Dak Ismail Khel, 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.

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- 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

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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.

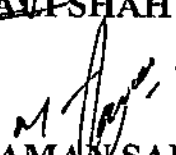
F- That the inaction of the respondents by not granting pre-mature increment to the appellant upon promotion to the post of PSHT (BPS-15) is based on discrimination.

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

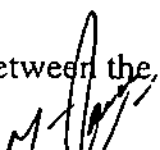
APPELLANT

SAJID ALISHAH

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.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE, PESHAWAR

APPEAL NO. _____/2024

SAJID ALI SHAH

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

SAJID ALI SHAH

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

<p>Appointed as R/C at G.P.S. Sahakar Chavakur in B.S.No.7 of P.A. 150/1911 fixed with Dist. Education Officer (D) Sahakar No. 7373-408/48-1/1911 Appointed on 10.4.90 8 - S.D.C. (M) Nowhere End of No. 9 851-54017492</p>	<p>S. D. K. M. W. J.</p>	<p>Finalized S.S.C. Examination from the BISE Sahakar under P.A. No. 12915 assuming 338 marks total 4500 on subject placed in grade 'E'</p>	<p>S. D. K. M. W. J.</p>	<p>Appointed as P.T. 1987 Exam under P.No. 370, bill declared Director S. D. K. M. W. J.</p>	<p>passed the examination in for college of Education in at Sahakar No. 2217 B. No. 56 under P.A. 1990 M. S. D. K. M. W. J.</p>	<p>TABLE 2 No. 12</p>
<p>Appointed as R/C at G.P.S. Sahakar Chavakur in B.S.No.7 of P.A. 150/1911 fixed with Dist. Education Officer (D) Sahakar No. 7373-408/48-1/1911 Appointed on 10.4.90 8 - S.D.C. (M) Nowhere End of No. 9 851-54017492</p>	<p>S. D. K. M. W. J.</p>	<p>Finalized S.S.C. Examination from the BISE Sahakar under P.A. No. 12915 assuming 338 marks total 4500 on subject placed in grade 'E'</p>	<p>S. D. K. M. W. J.</p>	<p>Appointed as P.T. 1987 Exam under P.No. 370, bill declared Director S. D. K. M. W. J.</p>	<p>passed the examination in for college of Education in at Sahakar No. 2217 B. No. 56 under P.A. 1990 M. S. D. K. M. W. J.</p>	<p>TABLE 2 No. 12</p>
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50705

50705

50705

(6)

Government to which referred to in the order shall be the Government of India

DDO (M)
EISE NSR
7/1

Promoted to SPST BPS-14
Order No. 1317-22 Dated 12/04/13
S.No. (244)

DDO (M)
EISE NSR
7/1

7/04
DDO (M)
EISE NSR
7/1

S.D.E.O. (M)
Newslera

3/1/13
DDO (M)
EISE NSR
7/1

Service transferred w.e.f.
1-12-2010 to 20-11-2012
from the acquired
Ruler's cut-off date
of their P.T.C.

(Male) P.T.C. NSR

Undertaking

Mr. ... is hereby undertaking to the effect that if any order is made to him in the name of this order will put ... and ... and ... wrongly pronounced ...

Signature

Promotion to SPST / BPST
BPS-15/BPS-14 Order Issued
w/e P.T.C. (M) Newslera.
No: 1317-22 Dated 12/04/13
S.No. 235

S.D.E.O. (M)
Newslera

S.D.E.O. (M)
Newslera

Promoted to the post of PSHT-1815
in regular pay & vice
S.No. 5236-140
dated 13-9-2013
S.D.E.O.

Shah	12/2000	Rs 2675/-	do	do
Shah	12/99	Rs 2614/-	do	do
Shah	12/12	Rs 2531/-	do	do
Shah	12/12	Rs 2151/-	do	do
Shah	12/12	Rs 2021/-	do	do
Shah	12/96	Rs 2000/-	do	do
Shah	12/75	Rs 1950/-	do	do
Shah	12/70	Rs 1900/-	do	do
Shah	12/60	Rs 1850/-	do	do
Shah	12/50	Rs 1800/-	do	do
Shah	12/40	Rs 1750/-	do	do
Shah	12/30	Rs 1700/-	do	do
Shah	12/20	Rs 1650/-	do	do
Shah	12/10	Rs 1600/-	do	do
Shah	12/00	Rs 1550/-	do	do

Office of the Dist. Accounts Officer
 No. 1966/5
 Dated 12-12-1966
 (1966) (1966)

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

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

"B" 10

Consequent upon the recommendation of the Departmental Promotion Committee (DPC) held on 12-07-2012 and the Departmental Endorsement No. SO(FR)/ED/10-11-07-2012, dated 12-07-2012, the following Male Senior Primary School Teachers (SPS 1-4) are hereby promoted to B-15 (BPS 29500) plus usual allowances as admissible under the rules on regular basis on the terms and conditions given below with immediate effect and further

recommendation of the Departmental Promotion Committee (DPC) held on 12-07-2012 and the Departmental Endorsement No. SO(FR)/ED/10-11-07-2012, dated 12-07-2012, the following Male Senior Primary School Teachers (SPS 1-4) are hereby promoted to B-15 (BPS 29500) plus usual allowances as admissible under the rules on regular basis on the terms and conditions given below with immediate effect and further

Total Number of Posts	305
Share of HPST	106
Share of promotion	106

Sr. No.	Name of Teacher	Name of School	DOB	Remarks
1	Hemal Shah	GPS DAKISMAIL KHAIL	01/05/1955	Will be adjusted/posted according to the rationalization policy
2	Mulhammad Nazir	GPS Ghafar Khan Korona	12/03/1953	DO
3	Qasim Khan	Bait GPS	15/07/1955	DO
4	Muhammad Ali	Molimb Bandin GPS	19/06/1954	DO
5	Muhammad Ali	Molimb Bandin GPS	12/03/1955	DO
6	Muhammad Ali	All Bang GPS No 3	12/04/1953	DO
7	Muhammad Ali	GPS in Nay station	12/04/1953	DO
8	Muhammad Ali	Bait Jaded GPS No 1	12/04/1955	DO
9	Muhammad Ali	GPS Shergali	25/07/1956	DO
10	Muhammad Ali	Jam Korona GMP	10/10/1954	DO
11	Muhammad Ali	Arbab GPS No 1	22/04/1956	DO
12	Muhammad Ali	Bait Jaded GPS No 2	12/04/1957	DO
13	Muhammad Ali	Tarababa GPS No 2	25/12/1955	DO
14	Muhammad Ali	GPS Keshan Bait	15/08/1954	DO
15	Muhammad Ali	GPS Keshan Bait	01/01/1957	DO
16	Muhammad Ali	Arbab GPS No 2	13/02/1954	DO
17	Muhammad Ali	GPS Shergali	05/12/1953	DO
18	Muhammad Ali	GPS Shergali	01/05/1954	DO
19	Muhammad Ali	GPS Shergali	11/10/1955	DO
20	Muhammad Ali	GPS Shergali	15/01/1956	DO
21	Muhammad Ali	GPS Keshan Bait	09/02/1961	DO
22	Muhammad Ali	GPS Keshan Bait	21/03/1958	DO
23	Muhammad Ali	GPS Chulim Jamool Korona	07/07/1961	DO
24	Muhammad Ali	GPS Shergali	01/04/1961	DO
25	Muhammad Ali	Qasim GPS No 1	15/09/1961	DO

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**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 15.07.2012 the following Male, Senior Primary School Teachers SPSTs B-14 are hereby promoted to the post of HPST B-15 (Rs-8500-700-29500) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with immediate effect and further they will be posted in GPS of the District against the newly upgraded HPST B-15 posts.

Total Numbers SPST Posts	1805
Share of HPST Post	406
Share of Promotion 100%	406

S#	S.L#	Name of Teacher	Father's Name	School	DOB	Remarks
1	5	Hamid Shah	Kaseer Ullah	GPS Dak Ismail Khail	01.05.1955	Will be adjusted/posted according to the rationalization policy.
2	6	M. Nazeer	Toti Gul	GPS Ghafar Khan Korona	12/03/1953	Do
3	7	9. Shah Jehan	M. Ali	Balu GPS	15/07/1955	Do
4	9	1.M. Akbar	Sher Afzal	Mohib Banda GPS	19/06/1954	Do
5	10	1.Mehmood Khan	Fazle Raziq	Akbar Pora GPS No.2	12/03/1955	Do
6	13	1.Nasrullah Khan	M. Atta Ullah	Ali Baig GPS No.3	26/04/1953	Do
7	14	Shamsul Haq	Mir baz	GPS Railway Station	17/04/1955	Do
8	16	Hazrat Amin	Habib Ur Rehman	Babi Jadeed GPS No.1	12/04/1955	Do
9	18	Masam Khan	M. Sharif	GPS Shagai	25/07/1956	Do
10	19	Zaman Shah	Sikandar Shah	Jam Korona GPSM	10/10/1954	Do
11	20	Khaista Gul	Faqir Muhammad	Akbar Pura GPS No.1	22/04/1956	Do
12	24	Firdos Khan	Umar Gul	Babi Jadeed No.2	14/04/1957	Do
13	25	S. Riaz Hussain Shah	Syed Akbar Shah	Taru Jabba No.2	25/12/1955	Do
14	30	Gobar 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	Dagj 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
23	60	Shehr Yaz	Malook Shah	GMPS Mandori Bala	16/03/1963	Do
24	61	Ihsar Ullah	Wali Mohammad	Tarkha GPS No.2	15/10/1959	Do
25	239	Akhtar Biland	Sar Biland	GPS Kheshgi Bala	04/04/1966	Do

35	74	Rizwan Ullah		GPS Khesghi Payan No.1	09.04.1963	Do
95	202	Nasrullah Khan	Khanzad Gul	GPS Namdar Khel	01/01/1963	Do
119	239	Akhtar Biland	Sar Biland	GPS Khesghi 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	Khial 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	Ishahud Din	GPS Batakzai	03/03/1970	Do
155	297	Amir Nawaz Khan	Hayat Khan	Khan Sher Ghari GPS	21/09/1967	Do
156	298	Shah Nazar	Sarwar Khan	GPS Zando Banda	29/09/1970	Do
157	300	Muhammad Fayaz	Fazal-e-Razaq	Banda Mulahan GPS	21/10/1970	Do
158	302	Nazf Ur Rehman	Ahmad Quraish	Ghoki Gul Badshah GPS	22/11/1966	Do
159	304	Muhammad 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 Muhammad	Sher Zada	Khan Sher Garhi 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
167	312	Burhan Ud Din	Aman Ud Din	GPS Garu	10/11/1969	Do
175	329	Sardaraz Khan	Tawas Khan	GPS Serai Korona	10/02/1967	Do
176	330	Saida Gul	Sajeed Gul	GPS Ali Garh	04/09/1967	Do
187	347	Muhammad Zahir	Naseem Khan	GPS No.4 Pir Piai	01/10/1969	Do
188	348	Musa Khan	Raza Khan	Balu GPS	05/12/1964	Do
190	355	Niaz Muhammad	Abdul Jalil	GPS Spin Kani	05/04/1969	Do
217	387	Muhammad Jan	Abdul Akbar	GPS Sikandar Abad	04/04/1966	Do
218	390	Javed Khan	Mehrab Gul	GPS 2 Shaidu	15/10/1966	Do
219	391	Basal Bota	Boota	GPS Kabul River	04/07/1962	Do
217	388	Muhammad Abid	Lal Badshah	GPS No.1 Kahi	12.12.1970	Do
235	414	Sajid Ali Shah	Sikandar Shah	GPS Jalozai	09/01/1969	Do
252	438	Maqsood Ali Shah	Siraj Ul Haq	GPS Pitaw Bala	20/04/1968	Do

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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	Jeharizeb	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

"C4"

13

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
REGULATION WING

NO. FD (SSSR-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/2013-14/991 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 Afgar)
SECTION OFFICER (SR-1)



Accountant General Khyber Pakhtunkhwa Peshawar
Phone: 091 921 1250-5

No: H-24(13)Edu/Masur/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
12-148c

2067

28/11/13

(14)



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

No.H-24(414)/Edu;Corrp/2013-14/94

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)/1-18/E&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(FR)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 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:\My Documents\HAD\Servers\Guidance regarding Fix. etc.

16/10/13
0358/14
All
HR L
Pay Rv
CIA C
Account

20

(15)

17/11

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17/3/11

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.

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 (IAD)

Copy forwarded for information to:

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Deptt. Peshawar with the request also to examine the issue and directed all DEOs not to submit the cases to Audit Offices before confirmation of the view of this office is clarified by the Finance Deptt.
2. All DAOs/AOs in Khyber Pakhtunkhwa.
3. The Distt. Accounts Officer Swabi with reference to their letter dated 29.7.2013.

17/11

[Signature]
Dy: Accountant General (IAD)

To,

"D" (16)
The Director,
E&SE Department,
Khyber Pakhtunkhwa, Peshawar.

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

Respected Sir,

With due respect it is most humbly stated that the appellant was the employee of your good self department and has served the education department till his retirement on superannuation (60) years quite efficiently and upto the entire satisfaction of his superiors. That during service the appellant was promoted from the post of PST (BPS-12) to the post of SPST (BPS-14) and subsequently promoted from SPST (BPS-14) to the post of PSHT (BPS-15) vide Notification dated 12.04.2013. That it is pertinent to mention that the pay of the appellant had been fixed in BPS-14 and then BPS-15 and such the appellant also granted pre-mature increment in BPS-14 while pre-mature increment on promotion to BPS-15 has not been granted till date despite of the repeated requests. That the appellant and his other colleagues are fully entitled for double benefit upon promotion to the BPS-14 and subsequently to BPS-15 in light of Finance Department letter 19.11.2013 but the department is not willing to grant pre-mature increment to the appellant upon promotion to the post of PSHT (BPS-15) which is clear violation of the letter dated 19.11.2013 and such violation of the judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar in appeal No.770/2016 titled Muhammad Siddique Vs Accountant General, Khyber Pakhtunkhwa & others. That many colleagues of the appellant in service as well as retired employees have been granted the above mentioned benefits of pre-mature increments, therefore, in light of the judgment of the Apex Court reported in 1996 SCMR 1185 the appellant is fully entitled for the grant of pre-mature increment upon promotion to the post of PSHT (BPS-15) being similarly placed employee. That the denial for the grant of pre-mature increment upon promotion to BPS-15 is clear violation of Article-4, 25 and 38(e) of the Constitution of Islamic Republic of Pakistan, 1973.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal the appellant may very kindly be granted pre-mature increment upon promotion to BPS-15 in terms of his pension with all other financial benefits.

Dated: 19.06.2024.


APPELLANT

Sajid Ali Shah, PSHT(Rtd),
GPS No.3 Dak Ismail Khel, Nowshera

17

34

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

OF 2024

Sajid Ali Shah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.


(RESPONDENT)
(DEFENDANT)

I/We *Sajid Ali Shah*

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 / / 2024


CLIENT


ACCEPTED
MIR ZAMAN SAFI
ADVOCATE

OFFICE:

Room No. 6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No. 0333-9991564
0317-9743003

سید محمد رفیع
مدرسہ اسلامیہ
کراچی

پتہ: سید محمد رفیع
کراچی

34

قیمت
50 روپے

61560

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈوکیٹ: Sarah Aziz

PESHAWAR
BAR ASSOCIATION



بار کونسل ایسوسی ایشن نمبر: BC-19-1692

رابطہ نمبر: 0313-9080833

Source Tribunal Pet

بعدالت جناب:

مخانب: Appellant	دعویٰ:
Said Aisha	علت نمبر:
بنام	مورخہ:
Gani	جرم:
	تھانہ:

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام Peshawar کے SARAH AZIZ کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو

راضی نامہ کرنے و تقریر نمائندگی فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق

زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کٹرفہ یا اپیل کی برآمدگی اور منسوخی، نیز

دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی

کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب

مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا ساختہ پر داخلہ منظور و قبول ہوگا

دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے

باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم 24/10/2024

العبد العبد واہ شد العبد

مقام Pet کے لیے منظور ہے۔

Attested and
accepted