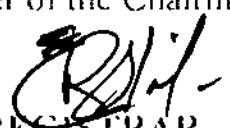


FORM OF ORDER SHEET

Court of _____

Appeal No. 2432/2024


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. Muhammad Arshad 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. Muhammad Arshad received today i.e on 25.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- 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 appellant should be highlighted.

No. 962 /Inst./2024/KPST,

Dt. 25/10 /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mir Zaman Safi Adv.
High Court Peshawar.

Sir,

Re-Submitted after compliance.
at Peshawar
07/11/2024.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 2432 /2024

MUHAMMAD ARSHAD

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Affidavit	4.
3.	Service book	A	5- 9.
5.	Promotion Notification	B	10- 12.
6.	Letter dated 19.11.2013	C	13- 15.
7.	Departmental appeal	E	16.
8.	Wakalat nama	17.

APPELLANT

THROUGH:


MIR ZAMAN SAFI,
ADVOCATE

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

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 2432 /2024

Mr. Muhammad Arshad, PSHT(R) (BPS-15),
GPS Mian Gul Killi, 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

- 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.

3

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

MUHAMMAD ARSHAD

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.

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE, PESHAWAR

APPEAL NO. _____/2024

MUHAMMAD ARSHAD

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

MUHAMMAD ARSHAD

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 for.
- 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>Sub Division Office</p>	<p>10/4/15 15/11/15 15/11/15</p>	<p>10/4/15 15/11/15 15/11/15</p>	
<p>Signature</p>	<p>DAO NSR</p>	<p>DAO NSR</p>	
<p>Signature</p>	<p>DAO NSR</p>	<p>DAO NSR</p>	
<p>Signature</p>	<p>DAO NSR</p>	<p>DAO NSR</p>	
<p>Signature</p>	<p>DAO NSR</p>	<p>DAO NSR</p>	
<p>Signature</p>	<p>DAO NSR</p>	<p>DAO NSR</p>	
<p>Signature</p>	<p>DAO NSR</p>	<p>DAO NSR</p>	
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<p>Signature</p>	<p>DAO NSR</p>	<p>DAO NSR</p>	

Sub Division
Office

Signature

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10/4/15
15/11/15
15/11/15

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DAO NSR

10/4/15
15/11/15
15/11/15

7



OFFICE OF THE DISTRICT EDUCATION OFFICER

(MALE) NOWSHERA

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

9

RETIREMENT ORDER.

Under the provision of Government of Khyber Pakhtunkhwa Finance Department letter No:FD (SR-VI) Vol.II dated: 24-08-1983, Sanction is hereby accorded to the grant of Premature retirement on 01-01-2019/Detail given below.

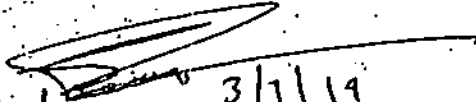
S.No.	Name of Officials & School	Date of Retirement	Date of Birth	Date of Ist Apptt:	Encasement of LPR	Total Service Y- M-D	Remarks
1	Mr. Muhammad Arshad CT GMS Sheikh Ahmad Baba(NSR) P.No: 00139013	01-01-2019	15-08-1973	16-03-1992	322 days on full pay	26-09-15	Premature retirement

(FAYAZ HUSSAIN)
DISTRICT EDUCATION OFFICER
(MALE) NOWSHERA

176-32
Endstt: No _____ /DEO (M) NSR/EA-S/File.No:2/Ret: of CT Dated (NSR) the 03/01/2018.

Copy forwarded for information to the:-

1. Senior District Accounts Officer Nowshera.
2. Principal /Head Master Concerned.
3. Deputy District Education Officer.
4. DMC Nowshera.
5. EMIS Local Office.
6. Accountant local Office.
7. Official concerned.
8. Office Copy.


3/1/19
DEPUTY DISTRICT EDUCATION OFFICER
(MALE) NOWSHERA

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE) "B" (10)
NOWSHERA

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

NOTIFICATION

Consequent upon the recommendation of the Departmental Promotion Committee (DPC) held on 12-2-2012 and in pursuance of the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Notification No. SO(FR)/ED/10-2012 dated 07-07-2012 and the following Male Senior Primary School Teachers SPS 1-14 are hereby promoted to the post of HPST, B-15 (QS-85) under the existing policy of the Government of Khyber Pakhtunkhwa and further

the recommendation of the Departmental Promotion Committee (DPC) held on 12-2-2012 and in pursuance of the Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Notification No. SO(FR)/ED/10-2012 dated 07-07-2012 and the following Male Senior Primary School Teachers SPS 1-14 are hereby promoted to the post of HPST, B-15 (QS-85) under the existing policy of the Government of Khyber Pakhtunkhwa and further they will be posted in GPS of the District against the newly applied HPST BPS:

Total Number of Posts	406
Share of HPST	406
Share of promotion	406

S. No.	S. L. No.	Name of Teacher	Present Post	Name of School	DOB	Remarks
1	5	Hamid Shah	Korona	GPS DAKISMAIL KHAIL	01/05/1955	Will be adjusted/posted according to the rationalization policy
2	6	Muhammad Nazir, HPS	Korona	GPS Ghafar Khan Korona	12/03/1953	DO
3	7	Shah Jehan	Korona	Balu GPS	15/07/1955	DO
4	8	Muhammad Ali	Korona	Molimbond GPS	19/06/1954	DO
5	9	Muhammad Ali	Korona	Arbabpara GPS No.1	12/03/1955	DO
6	10	Muhammad Ali	Korona	Arbabpara GPS No.2	12/03/1955	DO
7	11	Muhammad Ali	Korona	Arbabpara GPS No.3	12/03/1955	DO
8	12	Muhammad Ali	Korona	Arbabpara GPS No.4	12/03/1955	DO
9	13	Muhammad Ali	Korona	Arbabpara GPS No.5	12/03/1955	DO
10	14	Muhammad Ali	Korona	Arbabpara GPS No.6	12/03/1955	DO
11	15	Muhammad Ali	Korona	Arbabpara GPS No.7	12/03/1955	DO
12	16	Muhammad Ali	Korona	Arbabpara GPS No.8	12/03/1955	DO
13	17	Muhammad Ali	Korona	Arbabpara GPS No.9	12/03/1955	DO
14	18	Muhammad Ali	Korona	Arbabpara GPS No.10	12/03/1955	DO
15	19	Muhammad Ali	Korona	Arbabpara GPS No.11	12/03/1955	DO
16	20	Muhammad Ali	Korona	Arbabpara GPS No.12	12/03/1955	DO
17	21	Muhammad Ali	Korona	Arbabpara GPS No.13	12/03/1955	DO
18	22	Muhammad Ali	Korona	Arbabpara GPS No.14	12/03/1955	DO
19	23	Muhammad Ali	Korona	Arbabpara GPS No.15	12/03/1955	DO
20	24	Muhammad Ali	Korona	Arbabpara GPS No.16	12/03/1955	DO
21	25	Muhammad Ali	Korona	Arbabpara GPS No.17	12/03/1955	DO
22	26	Muhammad Ali	Korona	Arbabpara GPS No.18	12/03/1955	DO
23	27	Muhammad Ali	Korona	Arbabpara GPS No.19	12/03/1955	DO
24	28	Muhammad Ali	Korona	Arbabpara GPS No.20	12/03/1955	DO
25	29	Muhammad Ali	Korona	Arbabpara GPS No.21	12/03/1955	DO
26	30	Muhammad Ali	Korona	Arbabpara GPS No.22	12/03/1955	DO
27	31	Muhammad Ali	Korona	Arbabpara GPS No.23	12/03/1955	DO
28	32	Muhammad Ali	Korona	Arbabpara GPS No.24	12/03/1955	DO
29	33	Muhammad Ali	Korona	Arbabpara GPS No.25	12/03/1955	DO
30	34	Muhammad Ali	Korona	Arbabpara GPS No.26	12/03/1955	DO
31	35	Muhammad Ali	Korona	Arbabpara GPS No.27	12/03/1955	DO
32	36	Muhammad Ali	Korona	Arbabpara GPS No.28	12/03/1955	DO
33	37	Muhammad Ali	Korona	Arbabpara GPS No.29	12/03/1955	DO
34	38	Muhammad Ali	Korona	Arbabpara GPS No.30	12/03/1955	DO
35	39	Muhammad Ali	Korona	Arbabpara GPS No.31	12/03/1955	DO
36	40	Muhammad Ali	Korona	Arbabpara GPS No.32	12/03/1955	DO
37	41	Muhammad Ali	Korona	Arbabpara GPS No.33	12/03/1955	DO
38	42	Muhammad Ali	Korona	Arbabpara GPS No.34	12/03/1955	DO
39	43	Muhammad Ali	Korona	Arbabpara GPS No.35	12/03/1955	DO
40	44	Muhammad Ali	Korona	Arbabpara GPS No.36	12/03/1955	DO
41	45	Muhammad Ali	Korona	Arbabpara GPS No.37	12/03/1955	DO
42	46	Muhammad Ali	Korona	Arbabpara GPS No.38	12/03/1955	DO
43	47	Muhammad Ali	Korona	Arbabpara GPS No.39	12/03/1955	DO
44	48	Muhammad Ali	Korona	Arbabpara GPS No.40	12/03/1955	DO
45	49	Muhammad Ali	Korona	Arbabpara GPS No.41	12/03/1955	DO
46	50	Muhammad Ali	Korona	Arbabpara GPS No.42	12/03/1955	DO
47	51	Muhammad Ali	Korona	Arbabpara GPS No.43	12/03/1955	DO
48	52	Muhammad Ali	Korona	Arbabpara GPS No.44	12/03/1955	DO
49	53	Muhammad Ali	Korona	Arbabpara GPS No.45	12/03/1955	DO
50	54	Muhammad Ali	Korona	Arbabpara GPS No.46	12/03/1955	DO
51	55	Muhammad Ali	Korona	Arbabpara GPS No.47	12/03/1955	DO
52	56	Muhammad Ali	Korona	Arbabpara GPS No.48	12/03/1955	DO
53	57	Muhammad Ali	Korona	Arbabpara GPS No.49	12/03/1955	DO
54	58	Muhammad Ali	Korona	Arbabpara GPS No.50	12/03/1955	DO
55	59	Muhammad Ali	Korona	Arbabpara GPS No.51	12/03/1955	DO
56	60	Muhammad Ali	Korona	Arbabpara GPS No.52	12/03/1955	DO
57	61	Muhammad Ali	Korona	Arbabpara GPS No.53	12/03/1955	DO
58	62	Muhammad Ali	Korona	Arbabpara GPS No.54	12/03/1955	DO
59	63	Muhammad Ali	Korona	Arbabpara GPS No.55	12/03/1955	DO
60	64	Muhammad Ali	Korona	Arbabpara GPS No.56	12/03/1955	DO
61	65	Muhammad Ali	Korona	Arbabpara GPS No.57	12/03/1955	DO
62	66	Muhammad Ali	Korona	Arbabpara GPS No.58	12/03/1955	DO
63	67	Muhammad Ali	Korona	Arbabpara GPS No.59	12/03/1955	DO
64	68	Muhammad Ali	Korona	Arbabpara GPS No.60	12/03/1955	DO
65	69	Muhammad Ali	Korona	Arbabpara GPS No.61	12/03/1955	DO
66	70	Muhammad Ali	Korona	Arbabpara GPS No.62	12/03/1955	DO
67	71	Muhammad Ali	Korona	Arbabpara GPS No.63	12/03/1955	DO
68	72	Muhammad Ali	Korona	Arbabpara GPS No.64	12/03/1955	DO
69	73	Muhammad Ali	Korona	Arbabpara GPS No.65	12/03/1955	DO
70	74	Muhammad Ali	Korona	Arbabpara GPS No.66	12/03/1955	DO
71	75	Muhammad Ali	Korona	Arbabpara GPS No.67	12/03/1955	DO
72	76	Muhammad Ali	Korona	Arbabpara GPS No.68	12/03/1955	DO
73	77	Muhammad Ali	Korona	Arbabpara GPS No.69	12/03/1955	DO
74	78	Muhammad Ali	Korona	Arbabpara GPS No.70	12/03/1955	DO
75	79	Muhammad Ali	Korona	Arbabpara GPS No.71	12/03/1955	DO
76	80	Muhammad Ali	Korona	Arbabpara GPS No.72	12/03/1955	DO
77	81	Muhammad Ali	Korona	Arbabpara GPS No.73	12/03/1955	DO
78	82	Muhammad Ali	Korona	Arbabpara GPS No.74	12/03/1955	DO
79	83	Muhammad Ali	Korona	Arbabpara GPS No.75	12/03/1955	DO
80	84	Muhammad Ali	Korona	Arbabpara GPS No.76	12/03/1955	DO
81	85	Muhammad Ali	Korona	Arbabpara GPS No.77	12/03/1955	DO
82	86	Muhammad Ali	Korona	Arbabpara GPS No.78	12/03/1955	DO
83	87	Muhammad Ali	Korona	Arbabpara GPS No.79	12/03/1955	DO
84	88	Muhammad Ali	Korona	Arbabpara GPS No.80	12/03/1955	DO
85	89	Muhammad Ali	Korona	Arbabpara GPS No.81	12/03/1955	DO
86	90	Muhammad Ali	Korona	Arbabpara GPS No.82	12/03/1955	DO
87	91	Muhammad Ali	Korona	Arbabpara GPS No.83	12/03/1955	DO
88	92	Muhammad Ali	Korona	Arbabpara GPS No.84	12/03/1955	DO
89	93	Muhammad Ali	Korona	Arbabpara GPS No.85	12/03/1955	DO
90	94	Muhammad Ali	Korona	Arbabpara GPS No.86	12/03/1955	DO
91	95	Muhammad Ali	Korona	Arbabpara GPS No.87	12/03/1955	DO
92	96	Muhammad Ali	Korona	Arbabpara GPS No.88	12/03/1955	DO
93	97	Muhammad Ali	Korona	Arbabpara GPS No.89	12/03/1955	DO
94	98	Muhammad Ali	Korona	Arbabpara GPS No.90	12/03/1955	DO
95	99	Muhammad Ali	Korona	Arbabpara GPS No.91	12/03/1955	DO
96	100	Muhammad Ali	Korona	Arbabpara GPS No.92	12/03/1955	DO
97	101	Muhammad Ali	Korona	Arbabpara GPS No.93	12/03/1955	DO
98	102	Muhammad Ali	Korona	Arbabpara GPS No.94	12/03/1955	DO
99	103	Muhammad Ali	Korona	Arbabpara GPS No.95	12/03/1955	DO
100	104	Muhammad Ali	Korona	Arbabpara GPS No.96	12/03/1955	DO
101	105	Muhammad Ali	Korona	Arbabpara GPS No.97	12/03/1955	DO
102	106	Muhammad Ali	Korona	Arbabpara GPS No.98	12/03/1955	DO
103	107	Muhammad Ali	Korona	Arbabpara GPS No.99	12/03/1955	DO
104	108	Muhammad Ali	Korona	Arbabpara GPS No.100	12/03/1955	DO

Better Copy of Page-10

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. Nezeer	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 Baiq 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 Shaq	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 Khesghi Bala	15/08/1954	Do
15	36	Shams Rehman Ur	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 Khesghi Payan No.1	15/01/1961	Do
21	51	M. Sadiq	Asadullah	GPS Khesghi Bala	09/02/1961	Do
22	52	Ajmal Shah	Shamsul Wahid	GPS 2 Zkks	21/03/1958	Do
27	60	Shehr Yaz	Malook Shah	GMPS Mandori Bala	16/03/1963	Do
28	61	Ihsan Ullah	Wali Mohammad	Tarkha GPS No.2	15/10/1959	Do
119	239	Akhtar Biland	Sar Biland	GPS Khesghi Bala	04/04/1966	Do

No	Name	Address	GPS No	Date	Status
496	M. UAHUWA	Sana Muhammad	GPS Risaal Gath	02/01/1966	DO
497	Abdullah Chah	Abdullah Chah	Gps 2 badrasht	16/01/1968	DO
498	Ali Muhammad	Abul D...	GPS KHAWRA	01/02/1964	DO
499	Abdullah Chah	Abdullah Chah	GPS KHAWRA	01/02/1964	DO
500	Salif Zada	Ameer Zada	Khudrezal GPS No.1	04/01/1965	DO
501	MUHAMMAD IMRAN	Muhammad Imran	GPS No. Gul Killay	25/02/1965	DO
502	Muhammad Arif	M. Wali Singh	GPS Kafir	25/10/1967	DO
503	Saraj Khan	Gulshan Khan	Pabbi GPS No. 1	15/01/1970	DO
504	Fayaz Chah	Abdul Jabbar	GPS Nihal Pura	09/01/1965	DO
505	Sah Nazir Khan	Murtaza Khan	GPS darbehsud	12/04/1970	DO
506	Zar Wali Chah	Ameer Zada	gps wazir pari	30/12/1966	DO
507	Kram Khan	Abdul Husain	GPS Mula Killi No.2	4/08/1965	DO
508	Ghani Rehman	Ghani Rehman	GPS Spin Kan	14/05/1969	DO
509	MAMUN BAKSH	M. Wali Singh	GPS 2 Shid	20/09/1964	DO
510	Muhammad Arif	Sahib Khan	GPS Bahadur	05/01/1970	DO
511	Sehaj Chah	Shah Muhammad	GPS Mula Killi No.1	14/08/1965	DO
512	Noor Khan	Laloo Rehman	GPS Ashraf Khan Korona	25/12/1964	DO
513	Syed Bakhtiar	Syed Ahmad-U-din	Azakhel Payan GPS No.2	03/10/1956	DO
514	MUHAMMAD ARBEEB	Ahmad Khan	GPS Mera Kandi Pirsabag	02/01/1970	DO
515	Muhammad Durrani	Muhammad Nazir	GPS Jasrai Gari	12/01/1971	DO
516	Gohar Ali	Abdul Wahid	GPS CHERAT CANTT.	05/10/1972	DO
517	Abdul Wahid Khan	Zar Wali Khan	Mohib Bando GPS	01/04/1973	DO
518	Aliqur Rahman	Abdul Wahid Khan	GPS 3 Cund	01/12/1968	DO
519	Muhammad Akhal	Shah Zada	Natal GPS	06/12/1968	DO
520	KHAN WALI KHAN	D. Muhammad	GPS Usinabad	03/01/1969	DO
521	NOOR ALI SHAH	Hikmat Shah	GPS No.2 Jurlandi	15/03/1969	DO
522	SALIM JAVED	Abdul Wahid	GPS Mir Gari	13/04/1969	DO
523	M. Khan Durrani	Muhammad Khan	Kandi Kazi Den GPS	20/04/1969	DO
524	MUHAMMAD KHAN	Chah Chah	GPS Usinabad	01/09/1969	DO
525	Wahid Zada	Abdul Wahid	Pabbi GPS No.2	29/04/1970	DO
526	Abul Khan	Muhammad Imran	CHOKI Gul Bad Shah GPS	12/03/1973	DO
527	M. Zuber	Gul Khan	GPS Jehangir	03/09/1970	DO
528	Asmat Ullah	Rizvi	GPS Darwazai	27/09/1973	DO
529	STRAJAN	Muhammad Khan	GPS Azizabad	01/10/1966	DO
530	MUHAMMAD ANWAR	Zar Wali Khan	GPS Kafirabad	01/04/1967	DO
531	Muhammad Arif	Abdul Wahid Khan	GPS Sahi Korona	18/09/1967	DO
532	M. Khan	Muhammad Khan	GPS No.2 Pirsabag	15/02/1969	DO
533	M. Khan	Muhammad Khan	GPS Mera Kandi	06/01/1971	DO
534	M. Khan	Muhammad Khan	GPS Mera Kandi	02/01/1972	DO
535	M. Khan	Muhammad Khan	GPS Mera Kandi	19/05/1972	DO
536	M. Khan	Muhammad Khan	GPS Mera Kandi	12/04/1973	DO
537	M. Khan	Muhammad Khan	GPS Duran Bando	15/08/1973	DO
538	M. Khan	Muhammad Khan	GPS Duran Bando	15/08/1973	DO
539	M. Khan	Muhammad Khan	GPS Duran Bando	15/08/1973	DO
540	M. Khan	Muhammad Khan	Wakeel Aboon GPS	25/12/1973	DO

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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	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 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-Raza	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
187	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

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339	550	Muhammad Arshad	Ghulam Habib	GPS Duran Abad	15/08/1973	Do
388	618	Shah Qasim	Umer Said	GPS Mughalki	02/05/1958	Do
389	619	Shoaib	Muhsin Ullah	GPS Baitul Gharib	12/03/1969	Do
390	620	Zaib M. Gul	Didar Gul	GPS Aba Khel Wali	16/05/1966	Do
391	621	Sajid Khan	Suhbat Khan	GPS.3 Cantt.	11/09/1966	Do
392	623	Fayaz Ahmad	Ghulam Mehboob	GPS No.4 Nsr Kalan	01/03/1967	Do
393	624	Gohar Ali	Duran Khan	GPS Saies Mandir	10/04/1965	Do
394	625	Rahamdil	Abdus Satar	GPS Rashakai	10/05/1965	Do
395	627	M. Hussain	Ghulam Muhammad	Ghari Momeen GPS	17/11/1967	Do
396	628	Ijaz Muhammad	Badshah Muhammad	GPS Kana Khel	30/04/1968	Do
397	629	Khizar Ali	Hazrat Ali	Fazal Koroona GPS	12/04/1960	Do
398	630	Zahir Gul	Dawood Gul	GPS 1 zkks	02/11/1965	Do
399	631	Ayaz Ali Shah	Hashim Ullah	GPS 2 Bahadar Khel	10/11/1969	Do
400	633	Rashid Ali	Mali Shah	GPS AC Centre	26/12/1968	Do
401	635	Jehanzeb	Zahid Din	GPS Abbasabad	12/03/1964	Do
402	636	Majar Shah	Saeed Shah	AZakhel Payan GPS No.1	10/05/1961	Do
403	638	Sadeem Khan	Sanubar Khan	GPS Speen Khak 1	06/03/1964	Do
404	640	Khan Mir	Shehzad Mir	GPS Dak Ismail Khel 1	08/05/1968	Do
405	641	Farhad Ullah	Aman Ullah	Akbar Pura GPS No.3	04/01/1969	Do
406	642	Khan Muhammad	Ghulam Haider	GPS Ahmad Gul Korona	07/06/1959	Do

TERMS AND CONDITIONS:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by same rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time in case of their performance was found unsatisfactory during probation period. In case of misconduct, they will be proceeded under the rule framed from time to time.
4. Charge should be submitted to all concerned.
5. Their inter-se-seniority on their post will remain intact.
6. No TA/DA is allowed for joining their duties.
7. They will give an under taking to be recorded in their service books to the effect that any over payment is made to them in the light of this order will be recovered and if he is wrongly promoted he will be reversed.

(HAJI HASANAT GUL KHATTAK)

District Education Officer (Male)

Nowshera

"C"

13

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SDSR-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,

(Signature)
(Wazir Muhammad Afgar)
SECTION OFFICER (SR-1)



Accountant General Khyber Pakhtunkhwa Peshawar
Phone: 091 921 25054

No. H-24(113)/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, 3 & 3 Section (L)
4. CIA Cell
5. Accounts Officer (Pay Fixation Party)

Sub. to
P-144

(Signature)
ACCOUNTS OFFICER (HAD) 29/11/13

14



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

No.H-24(414)/Edu.Corrp/2013-14/199

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:

1. Kindly refer to the Elementary & Secondary Education Deptt. Notification No. SO(B&A)/1-18/ESSE/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. 15920/- PM (Next stage + Premature).
- Then from promoted as PSHT on 7.1.2013 to BPS-15 Rs. 16200/- PM (Next stage + premature).

CC My Decree (LAD Secret/Guidance regarding Fix. etc.)

41139
Awarded

All
HR L
Pay Rg
CIA C
Accour.

20

15

17/11

17/3/11

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 these incumbents not rendered service in BPS-14 for 3 years and therefore their pay has to be fixed directly from BPS-12 to BPS-15 and granted them next stage premature in BPS-15 instead of BPS-12 to BPS-14 and then from BPS-14 to BPS-15.

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.

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.

17/3/11

Dy: Accountant General (HAD)

To,

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

"D"

16

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

Respected Sir,

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

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

Dated: 19.06.2024.



VAKALATNAMA

17

27

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

OF 2024

Muhammad Arshad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt:


(RESPONDENT)
(DEFENDANT)

I/we Muhammad Arshad

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2024


CLIENT


ACCEPTED
MIR ZAMAN SAFI
ADVOCATE

OFFICE:

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

