


FORM OF ORDER SHEET

Court of _____

Appeal No. 2412/2024

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. Niaz Muhammad 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. Niaz Muhammad 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. 957 /Inst./2024/KPST,

Dt. 28/10 /2024.

Mr. Mir Zaman Safi Adv.
High Court Peshawar.

Sir

Re-Submitted after compliance

[Signature]

27/11/2024

[Signature]
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 2412 /2024

NIAZ MUHAMMAD

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

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 2412 /2024

Mr. Niaz Muhammad, PSHT(R) (BPS-15),
GPS Speen Kani, 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

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
Niaz Muhammad
NIAZ MUHAMMAD

THROUGH: *M. Zaman Safi*
MIR ZAMAN SAFI
ADVOCATE

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.

M. Zaman Safi
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

NIAZ MUHAMMAD

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

NIAZ MUHAMMAD

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 Superior 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

"A" (5)

نیا محمد (44)

1. Name (نام) Niaz Muhammad
2. Nationality and Religion Pakistani, Islam
3. Residence (مستقر رہائش) Spin Tari Khesli Nowshera
4. Father's name and residence Abdul Jalil (as above)
(والد کا نام اور پتہ)
5. Date of birth by Christian era as nearly as can be ascertained 4-1969 (Sixth April N/K)
(تاریخ پیدائش عیسوی کے طور پر تقریباً جتنی معلوم ہو سکے) Sixty
6. Exact height by measurement 5'-7"
(اندازت)
7. Personal mark of identification Scar on left
(رنگین نشان)

8. Left hand/right hand thumb and finger-impressions of (Non-gazetted officer)

(مرد کی صورت میں بائیں اور دائیں ہاتھ کی انگلیوں کے نشانات)

Little Finger (چھٹکی) Ring Finger (چھٹھانگے کا انگلی) Middle Finger (انگشت یا بازو)

Fore Finger (انگشت شہادت) Thumb (بگوشا)

9. Signature of Govt. Servent

Niaz Muhammad

10. Signature and designation of the Head of the Office or other Attesting officer

[Signature]
SPT

Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحے کے اندراجات کم از کم ہر پانچ سال بعد تجدید یا دوبارہ تصدیق کیے جانے ضروری ہیں اور ہر سال میں دستخطوں کے نیچے تاریخ اپنی جانچنے انگلیوں کے نشانات کے دوبارہ لگانے کی ضرورت نہیں۔

[Signature]

C.S.

SDEO
NSP

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9	10	11	12		13		14	15
Signature and designation of the Head of the office or other attesting officer in attestation of column 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 Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government		Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, or reward or praised of the Government servants
دستخط افسر مجاز	30/11/88	بجواب تقاضا عازمت تیار دیہی	دستخط افسر مجاز	زمنہ کا وقت دسیار	چار ماہ کی رقمت کے لئے اوسط تنخواہ کا مہینہ		دستخط افسر مجاز	سزا جزا یا فخریہ سزا کارکردگی کا ریکارڈ
Sub Divisional Officer (Male) Nowshera	30/11/88	Not Applicable	Sub Divisional Officer (Male) Nowshera	Educational	Appointed as P.T.C Teacher in P.S. of Rs 750-DM vide DEO (M) Peshawar No 3937 dt 30-9-1989.			
Sub Divisional Officer (Male) Nowshera	30/11/88	Not Applicable	Sub Divisional Officer (Male) Nowshera	Educational				
							Sub Divisional Officer (Male) Nowshera	
		Service Verified			Passed SSC Examination under Roll No 4108 from BISE Peshawar in session 1985(A) obtained marks 413/450 R.D.M 8-8-1985.			
		MUL					Sub Divisional Officer (Male) Nowshera	
		NSR			Passed P.T.C Exam from MAO Islam abad session 1989 Under Roll No 607945 obtained marks 51% and Result Declared on 22/10/1989.			
Sub Divisional Officer (Male) Nowshera	30/11/88	Not Applicable	Sub Divisional Officer (Male) Nowshera	Educational				
Sub Divisional Officer (Male) Nowshera	30/11/88	Not Applicable	Sub Divisional Officer (Male) Nowshera	Educational				
							Sub Divisional Officer (Male) Nowshera	
		Service Verified						

Service Verified
 w.e.f. 30/11/88 to 30/11/88
 from the req. Roll and other record of this office

[Signature]
 SP (M)
 NSR

1 NAME OF POST ملازمت کا نام	2 Whether substantive or officiating, and whether permanent or temporary ملازمت کی نوعیت کیا اس کا یہ یا نام تمام واحد مستقل ہے یا جاری	3 If officiating State— (i) substantive appointment or (ii) whether service counts for pension under rule 3 20 of C.S.R. (Pb.) volume II اگر نام تمام ہے تو اس کی طرف کا جو اور واجاتے بارے میں کسی قسم کی حالت میں اس کا نام تمام روزانہ ملازمت کے نام سے کے مطابق اس کا نام تمام	4 Pay in substantive post اساسی ملازمت کی تنخواہ Rs. Ps.	5 Additional Pay for officiating تعمیر مقامی کی صورت میں اضافی تنخواہ Rs. Ps.	6 Other emoluments falling under the term "Pay" تنخواہ کے علاوہ میں شامل ہونے والی دیگر یا منت	7 Date of appointment تعمیر تقریری
PSHT GP SSP in demand			Rs. 400/- Ps. 00/-		1/12/18	Niaz
<p><i>Handwritten notes and stamps:</i></p> <p>Pay Fixed in the ... RS. P. 10985-905-38130 RS. P. 23600-47110 RS. P. 13510-11200 RS. P. 30310-47110 RS. P. 16120-37400 Date of ...</p>						
<p>Leave encashment for 29 days vide d/o 19/2/16 US 17/1/19</p>	<p>Rs. 393,795/-</p>					<p>M/s, M/s Mhammal Bhatt Capt. S. Ram Kumar NDR has been detached from Capt. Service 03-04-2019. vide DEO (M) NDR Enrolment No. 283-85-12503/19</p>
<p>24/1/19</p>	<p>25/1/19</p>			<p>SDAO (M) NDR</p>		

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8	9	10	11	12	13 LEAVE <i>خصمت</i>		14	15
Signature of Government servant	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	Nature and duration of leave taken	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) for which leave salary is payable to an other Government.	Signature of the Head of the Office or the Attesting Officer	Reference to any recorded punishment or Censure, or reward or praise of the Government Servant
						Period	Government to which debitable	
SDEO (M) NSR	<i>Signature</i>	2/9/2019 Retired	Retired	SDEO (M) NSR			Service Verified with effect from 1-12-15 to 30-11-16 from roll & other records of this office.	
							Service Verified with effect from 1-12-16 to 30-11-17 from roll & other record of this office.	
							Service Verified with effect from 1-12-17 to 30-11-18 from roll & other record of this office.	
			Ex-Pakistan Leave w.e.f 27-07-2018 to 10-03-2019 (18 days on full pay) with DEO (M) NSR Banelok No 4389/91 Date 13/03/2018					
							Service verified with effect from 01/12/2018 to 31/09/2019 from the record of this office.	

Consolidated Service verified with effect from 01/10/1989 to 03/09/2019.

Ex-Pakistan Leave w.e.f 27-07-2018 to 10-03-2019 (18 days on full pay) with DEO (M) NSR Banelok No 4389/91 Date 13/03/2018

Service verified with effect from 01/12/2018 to 31/09/2019 from the record of this office.

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

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

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NOTIFICATION

Consequent upon
2013 and in pursuance of the
No. SO (B&AM)-13/E&SE/2012
dated 07/07/2012 and Finance Department's Endorsement No. SO(FR)/ED/10
dated 07/07/2012, the post of HPST (B-15) (Rs. 85
under the existing policy of the P
with immediate effect and further
posts

recommendation of the Departmental Promotion Committee (DPC) held on 12-2-
Department of Khyber Pakhtunkhwa Elementary & Secondary Education Notification
dated 07-2012 and Finance Department's Endorsement No. SO(FR)/ED/10
dated 07-2012, the post of HPST (B-15) (Rs. 85) plus usual allowances as admissible under the rules on regular base
of the Provincial Government in Teaching Cadre on the terms and conditions given below
will be posted in GPS of the District against the newly applied HPST BPS.

Total Number	PS (gross)	1305
Share of HPST	406	
Share of province	406	100%

S. No.	S. L. No.	Name of Teacher	Name	School	DOB	Remarks
1	5	Hamid Shah	Enrillah	GPS DAKISMAIL KHAIL	01/05/1955	Will be adjusted/posted according to the rationalization policy.
2	6	Muhammad Nazir	Muhammad Nazir	Korona	12/03/1953	DO
3	7	Qasim Ullah	Abdumadi Ali	Bair GPS	15/07/1955	DO
4	8	Muhammad Khan	Sher Ali	Moliba Banda GPS	19/06/1954	DO
5	9	Muhammad Khan	R. Zia	Akbarpara GPS No. 2	12/03/1955	DO
6	10	Nasir Khan	Akbarpara	GPS No. 3	26/04/1953	DO
7	11	Sham ul Khan	Sham ul Khan	GPS rail way station	17/04/1959	DO
8	12	Muzafar Amin	Bit-ul-Rehman	Babi Jeeceed GPS No. 1	12/04/1955	DO
9	13	Masoom Khan	Muhammad Sarif	GPS Shugana	25/07/1956	DO
10	14	Zaman Shah	Qasim Shah	Jinn Korona GMP	10/10/1954	DO
11	15	Muhammad Gul	Muhammad	Akbarpara GPS No. 1	22/04/1956	DO
12	16	Enayatullah	Enayatullah	Babi Jeeceed GPS No. 2	14/04/1957	DO
13	17	Hafiz Shah	S. J. Khan	Tara Doba GPS No. 2	25/12/1955	DO
14	18	Gulzar Khan	S. J. Khan	GPS Kheshti Bala	11/08/1957	DO
15	19	Sham ul Khan	Sham ul Khan	GPS Shugana	01/01/1957	DO
16	20	Muhammad Khan	Muhammad Khan	Akbarpara GPS No. 2	15/02/1954	DO
17	21	Muhammad Khan	Muhammad Khan	GPS Shugana	05/12/1953	DO
18	22	Gulzar Khan	Gulzar Khan	GPS Shugana	01/05/1954	DO
19	23	Gulzar Khan	Gulzar Khan	D. J. Jeeceed GPS No. 2	14/10/1955	DO
20	24	Muhammad Khan	Muhammad Khan	GPS Kheshti Bala	15/07/1961	DO
21	25	Muhammad Khan	Muhammad Khan	GPS Kheshti Bala	09/02/1961	DO
22	26	Muhammad Khan	Muhammad Khan	GPS Shugana	21/03/1958	DO
23	27	Muhammad Khan	Muhammad Khan	GPS Chahni Rasool Korona	07/07/1961	DO
24	28	Muhammad Khan	Muhammad Khan	GPS Shugana	01/04/1961	DO
25	29	Muhammad Khan	Muhammad Khan	GPS Shugana	15/09/1961	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/10-226/2010 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 Shaan	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 Khar	Dagi jaded GPS No.2	14/10/1955	Do
20	50	Roohi 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

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300	Muhammad Akbar	Shah Akbar	Darj Indos	01/08/1965	DO
301	AZIZ KHAN	Abul Khasan	GPS Mithu Banda	02/02/1966	DO
302	M. Anisul Khan	Abul Shah	Azadpur Bala GPS No.2	10/01/1964	DO
303	Jumard Gill	Amir ul Qay	GPS Garoob	10/11/1965	DO
304	Muhammad Hayat	Shah Akbar	GPS Bahadur Khan Korona	09/04/1963	DO
305	HAKIM Zaid	Abul Zaid	GPS Bahadur	06/04/1965	DO
306	S. Anisul Khan	Wahid Khan	AL Bahadur GPS No.2	18/10/1964	DO
307	Shah Gill	Abul Khasan	GPS Bahadur	05/03/1967	DO
308	AYUB Gill	Abul Khasan	GPS Bahadur	06/01/1966	DO
309	Muhammad Gill	Abul Khasan	GPS Bahadur Korona	09/12/1965	DO
310	MOHAMMAD Khan	Abul Khasan	GPS Bahadur	07/10/1959	DO
311	Sahib Khan	Abul Khasan	GPS Serai Korona	10/11/1967	DO
312	SABIR Gill	Abul Khasan	GPS Bahadur	04/09/1967	DO
313	RAZVI REHMAN	Amir ul Qay	GPS Bahadur	08/01/1965	DO
314	Muhammad Shah	Abul Khasan	GPS Bahadur	15/02/1961	DO
315	W. Anisul Khan	Abul Khasan	GPS Bahadur	13/02/1962	DO
316	K. Anisul Khan	Abul Khasan	GPS Bahadur	15/04/1969	DO
317	K. Anisul Khan	Abul Khasan	GPS Bahadur	14/12/1962	DO
318	K. Anisul Khan	Abul Khasan	GPS Bahadur	14/04/1961	DO
319	K. Anisul Khan	Abul Khasan	GPS Bahadur	13/04/1966	DO
320	Muhammad Gill	Abul Khasan	Kushnagar GPS	01/09/1967	DO
321	Muhammad Gill	Abul Khasan	GPS Bahadur	15/01/1968	DO
322	Muhammad Gill	Abul Khasan	Kary GPS No.1	12/01/1970	DO
323	M. Anisul Khan	Abul Khasan	Bah GPS	05/12/1964	DO
324	M. Anisul Khan	Abul Khasan	GPS Bahadur	14/04/1965	DO
325	M. Anisul Khan	Abul Khasan	GPS Bahadur	20/04/1969	DO
326	M. Anisul Khan	Abul Khasan	GPS Bahadur	05/04/1969	DO
327	M. Anisul Khan	Abul Khasan	Jain Korona GPS	02/04/1966	DO
328	M. Anisul Khan	Abul Khasan	Jain Korona GPS No.2	09/01/1968	DO
329	M. Anisul Khan	Abul Khasan	GPS Bahadur	10/02/1963	DO
330	M. Anisul Khan	Abul Khasan	GPS Bahadur	11/02/1959	DO
331	M. Anisul Khan	Abul Khasan	GPS Bahadur	18/04/1965	DO
332	M. Anisul Khan	Abul Khasan	GPS Bahadur	12/06/1957	DO
333	M. Anisul Khan	Abul Khasan	GPS Bahadur	10/02/1970	DO
334	M. Anisul Khan	Abul Khasan	Akbar GPS No.3	03/10/1962	DO
335	M. Anisul Khan	Abul Khasan	GPS Bahadur	13/04/1969	DO
336	M. Anisul Khan	Abul Khasan	GPS Bahadur	03/08/1971	DO
337	M. Anisul Khan	Abul Khasan	Akbar GPS No.3	07/06/1965	DO
338	M. Anisul Khan	Abul Khasan	GPS Bahadur	15/04/1966	DO
339	M. Anisul Khan	Abul Khasan	GPS Bahadur	10/06/1966	DO
340	M. Anisul Khan	Abul Khasan	GPS Bahadur	11/09/1966	DO
341	M. Anisul Khan	Abul Khasan	GPS Bahadur	11/03/1968	DO
342	M. Anisul Khan	Abul Khasan	GPS Bahadur	10/03/1968	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	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-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
252	438	Maqsood Ali Shah	Siraj Ul Haq	GPS Pitaw Bala	20/04/1968	Do

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601	601	GPS Rashid	26/03/1965	DO
602	602	GPS Rashid	27/05/1958	DO
603	603	GPS Rashid	22/03/1969	DO
604	604	GPS Rashid	16/05/1966	DO
605	605	GPS Rashid	18/09/1968	DO
606	606	GPS Rashid	01/03/1967	DO
607	607	GPS Rashid	10/04/1965	DO
608	608	GPS Rashid	10/05/1965	DO
609	609	GPS Rashid		DO
610	610	GPS Rashid	17/11/1967	DO
611	611	GPS Rashid	10/04/1968	DO
612	612	GPS Rashid	12/04/1960	DO
613	613	GPS Rashid	02/11/1965	DO
614	614	GPS Rashid	10/11/1969	DO
615	615	GPS Rashid	26/12/1968	DO
616	616	GPS Rashid	12/03/1964	DO
617	617	GPS Rashid	18/05/1961	DO
618	618	GPS Rashid	06/03/1964	DO
619	619	GPS Rashid	08/05/1968	DO
620	620	GPS Rashid	04/01/1969	DO
621	621	GPS Rashid	17/06/1964	DO

CONDITIONS
 The Government of Punjab, in order to regulate the recruitment of persons to the service of the Government of Punjab, has issued the following rules from time to time. If the performance of any person is found to be unsatisfactory during the period of his service, he will be proceeded under the rule framed from time to time. The Government of Punjab will remain liable for the over payment of any person who is promoted in the service of the Government of Punjab and if he is promoted in the service of the Government of Punjab, the order will be reversed and if he is promoted in the service of the Government of Punjab, the order will be reversed.

(Haj) Mushtaq Gul Khan
 District Education Officer (Muz) Nowshera

District Education Officer (Muz) Nowshera

BETTER COPY PAGE- 12

387	617	M. Ibrahim	Bakht Manari	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 zicks	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 Khar	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

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

13

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

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.
Corp/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 Afaq)
SECTION OFFICER (SR-1)



Accountant General Khyber Pakhtunkhwa Peshawar
Phone: 091 921125034

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

ACCOUNTS OFFICER (HAD)

14/10
to 14/10

23/11/13
28/11

14



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

No.H-24(414)/Edu/Corrp/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/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(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 some 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 + Premium).
Then from promoted as PSHT on 7.1.2013 to BPS-15 Rs. 16200/- PM (Next stage + premium).

D. My Dearest HAD Section Officer regarding this file.

41137
Awarded
All
HR L
Pay R
CIA C
Account

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15

17/11

17/3/14

17/3/14

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-11-8/76-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.

17/11

Dy:Accountant General (HAD)

17/3/14

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

17/11

Dy:Accountant General (HAD)

17/3/14

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.


APPELLANT

Niaz Muhammad, PSHT(Rtd),
GPS Speed Kani, Nowshera

VAKALATNAMA

17

26

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

OF 2024

Niaz Muhammad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Niaz Muhammad

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

Niaz Muhammad

CLIENT

Mir Zaman Safi

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

U.S. 4PS

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