


FORM OF ORDER SHEET

Court of _____

Appeal No. 2404/2024

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. Jehangir Hussain 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. Jehangir Khan 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. 956 /Inst./2024/KPST,


Dt. 28/10 /2024.

Mr. Mir Zaman Safi Adv.
High Court Peshawar.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Sir
/

Re-Submitted after compliance.


07/11/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 2404 /2024

JEHANGIR HUSSAIN

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
MIR ZAMAN SAFI,
ADVOCATE

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 2404 /2024

Mr. Jehangir Hussain, PSHT(R) (BPS-15),
GPS Sara Toha, Nizampur, 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.

2

- 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

JEHANGIR HUSSAIN

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.

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE, PESHAWAR

APPEAL NO. _____/2024

JEHANGIR HUSSAIN

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**

(8) (4/A)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2024

JEHANGIR HUSSAIN

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

Name

[Signature] (32)

Race

Afghan

(S)

Residence

Village Ghavi Hameed Gul P.O. Charsadda
Tehsil Charsadda District Peshawar

Father's name and residence

Ghulam Hussain

Date of birth by Christian era as nearly as can be ascertained

28-11-1968 ✓

Exact height by measurement

Twenty eight Nov. 11. H. Sixty eight,
5-6

Personal marks for identification

Mole on left side face

Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb

Signature of Government servant

[Signature]

Signature and designation of the Head of the Office, or other Attesting Officer

[Signature]
S.D.O. (M)

[Signature]
Deputy Commissioner

[Signature]
S.D.O. (M)
NSR

6

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 37 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term 'pay'	Date of Appointment	Signature of Government servant
PSAT Post		Scale Revised	BRS	15000	1330	50000	01/07/2017
4 PS	Temp/Per	"	Rs. 45380/- P.M			01/07/2017	
Af rido jilla		"	Rs. 46710/- P.M			01/12/2017	
		"	Rs. 48040/- P.M			01/12/2017	
<p>S.D.E.O (M) Nowshera</p>							
<p>Office of the Accountant General Khyber Pakhtun Khwa Peshawar</p>							
<p>Pay Fixed in the Revised Basic Pay Scales</p>							
<p>Pay Fixed @ Rs. 28080/- 01-07-2015</p>							
<p>R.B.P.S 15510-11600-4710 15</p>							
<p>Pay Fixed @ Rs. 37000/- 01-12-2016</p>							
<p>Date of Next Increment is on 01-12-2016</p>							
<p>M. [Signature] Accounts Officer Pay Department Peshawar</p>							
- do -			Rs. 49370/- P.M			12/2019	

1	2	3	4	5	6	7	8
name of post PSHT	Whether appoint- line or officiating and whether of permanent or temporary	(1) substantive appointment, or officiating, state under Act 211 C.S.R.	Pay in subordinate post	Additional pay for officiating	Other appointment under the Act, if any	Date of Appointment	Signature of Government Servt
Grade APS	Scale Grade RPS-15 RPS-15 (10985-105-3873)	Use of 01-7-2015	Rs -	29087 PM		01/7/15	
Do			Rs -	2999 PM		01/15/15	
Scale RPS-15 (13370-1120-47110)	Use of 01-19-2016						
Do			Rs -	37034 PM		1/16/7	
Do			Rs -	38152 PM		1/16/15	
137 530	(3) Bram Bram Bram Bram Bram Bram Bram Bram						

7

8

Name of post	Whether substantive or officiating and whether permanent or temporary	Official status (A) substantive appointment or (B) whether service counts for pension and gratuity	Additional pay for officiating	Other emolument falling under the term "Pay"	Date of appointment
SPST			BPS-14		
GPS					
Bhis kaku					
Suff					
			BPS-14		01-12-14
			23770/- PM		
			Scale Revice BPS-14 (0310-790-31010)		
			w.e.f. 01-7-2015		
do			BPS-15		01-7-15
			23770/- PM		
			Re 4560/- PM		12-1-15
			BPS-15 (Rs 10785-905-38135)		
			Pay Fixed BPS-15		25460/-
					01-12-15
			BPS-15		27255
			BPS-15		
			Nonshel		
			BPS-15 (Rs 13510-1100-4710)		
			BPS-15		1076

147
5-15
BPS 15
Suff
Taha

SDF O/A
Nonshel



(9) (5) (7)

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA**

(Office Phonc//0923-9220228, Fax//0923-9220228)

RETIREMENT ORDER

Mr. Jehangir Hussain PSHT GPS Sara Toha Nowshera is hereby retired from Govt. Service w.e.f 31-10-2016 on Premature.

Under the provision of Government of Khyber Pakhtunkhwa Finance Department letter no. FD (SR-IV) Vol.II dated 24-08-1983, sanction is hereby accorded to the grant of Encashment of Leave / Retirement detail given below in respect of the following official.

S#	Name of Official	Date of Retirement	Date of Birth	D/O 1 st Appt:	Encashment of LPR	Total service Length Y-M-D	Remarks
01	Mr. Jehangir Hussain PSHT GPS Sara Toha NSR	31-10-2016	28-11-1968	17-01-1988	345 days on full pay	28-09-14	Retire from Govt. Service on Premature.

District Education Officer (Male)
Nowshera

1580-83
Endstt: No. /DEO (M),NSR/EA-S/ Retirement of PSHT Dated Nowshera the 22 / 11 / 2016.

Copy of the above is forwarded for information and necessary action to the: -

- 1: Senior District Account Officer, Nowshera.
- 2: Sub Divisional Education Officer (Male), Nowshera.
- 3: ADO Circle concerned
- 4: Official concerned.

District Education Officer (Male)
Nowshera

22/11/16

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

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

"B" (10)

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/10-22 (E)/2010 dated 25-07-2012, the following Male Senior Primary School Teachers (SPSTs, B-14) are hereby promoted to the post of HPST (B-15) Rs. 85,000/- 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 posts.

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/10-22 (E)/2010 dated 25-07-2012, the following Male Senior Primary School Teachers (SPSTs, B-14) are hereby promoted to the post of HPST (B-15) Rs. 85,000/- 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 posts.

Total Number of Posts	3805
Share of HPST	406
Share of promotion	406

S. No.	S. L. No.	Name of Teacher	Name of Teacher	School	DOB	Remarks
1		Hamid Shah	K. Amirullah	GPS-DAKISMAIL KHAIL	01/05/1955	Will be adjusted/posted according to the rationalization policy
2		Muhammad Nazir	Abdullah	GPS-Ghaffar Khan Korona	12/03/1953	DO
3		Shah Jehan	Muhammad Ali	Balu GPS	15/02/1955	DO
4		Muhammad Akbar	S. A. Khan	Mirhab Banda GPS	19/06/1954	DO
5		Muhammad Khan	R. Zia	Akbarpura GPS No. 2	12/03/1955	DO
6		Nasirullah Khan	Muhammad Ali	Ali Balu GPS No. 3	26/04/1953	DO
7		Suhail Haq	Muhammad Ali	GPS rail way station	17/04/1953	DO
8		Muhammad Amin	Muhammad Rehman	Babu Jaccod GPS No. 1	12/04/1955	DO
9		Muhammad Khan	Muhammad Sarif	GPS Shagan	25/07/1956	DO
10		Muhammad Shah	Muhammad Shah	Jam Korona GMP	10/10/1954	DO
11		Muhammad Gul	Muhammad	Akbarpura GPS No. 1	22/04/1956	DO
12		Muhammad Khan	Muhammad Gul	Babu Jaccod GPS No. 2	14/04/1957	DO
13		Muhammad Shah	Muhammad Shah	Taru Jabba GPS No. 2	25/12/1955	DO
14		Gohar Ali	Muhammad	GPS Khashan Bala	13/08/1954	DO
15		Shamir Rahman	Muhammad	GPS Dabehsud 1	01/01/1957	DO
16		Muhammad Khan	Muhammad Shah	Akbarpura GPS No. 2	15/02/1954	DO
17		Muhammad Khan	Muhammad Khan	GPS Dabehsud 1	05/12/1953	DO
18		Muhammad Shah	Muhammad Shah	GPS Dabehsud 2	01/05/1954	DO
19		Muhammad Gulrooz Khan	Muhammad Gulrooz Khan	Dang Jaccod GPS No. 2	14/10/1955	DO
20		Muhammad Khan	Muhammad Khan	GPS Khashan Bala	15/01/1961	DO
21		Muhammad Khan	Muhammad Khan	GPS Khashan Bala	09/02/1961	DO
22		Muhammad Khan	Muhammad Khan	GPS 2-KK	21/03/1958	DO
23		Muhammad Khan	Muhammad Khan	GPS Chitram Kasool Korona	07/07/1961	DO
24		Muhammad Khan	Muhammad Khan	GPS Sahar Korona	01/04/1961	DO
25		Muhammad Khan	Muhammad Khan	Quara GPS No. 1	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/10-22E/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	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 Khan	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
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	Akhter Biland	Sar Biland	GPS Khashgi Bala	04/04/1966	Do

DO	02/01/1966	GPS Rialt Com
DO	16/01/1968	GPS 7 bedrmt
DO	07/08/1964	GPS Kilmoy
DO	10/04/1966	GPS A/C 2nd
DO	25/02/1965	GPS No. 20/1965
DO	25/10/1967	GPS Kilmoy
DO	15/01/1970	Publi. GPS No. 1
DO	09/01/1965	GPS NIMR 1st
DO	12/04/1970	GPS 2nd/1970
DO	30/12/1966	GPS West 1st
DO	14/08/1965	GPS Muir 1st
DO	14/05/1969	GPS 5th/1969
DO	20/09/1964	GPS 2nd/1964
DO	05/03/1970	GPS 1st/1970
DO	17/06/1971	GPS 1st/1971
DO	03/10/1956	GPS 1st/1956
DO	08/03/1970	GPS 1st/1970
DO	12/04/1971	GPS 1st/1971
DO	05/10/1972	GPS 1st/1972
DO	08/04/1973	GPS 1st/1973
DO	01/11/1965	GPS 1st/1965
DO	06/12/1968	GPS 1st/1968
DO	03/07/1969	GPS 1st/1969
DO	15/03/1969	GPS 1st/1969
DO	13/04/1969	GPS 1st/1969
DO	20/04/1969	GPS 1st/1969
DO	08/09/1969	GPS 1st/1969
DO	29/04/1970	GPS 1st/1970
DO	12/03/1971	GPS 1st/1971
DO	03/09/1970	GPS 1st/1970
DO	27/09/1971	GPS 1st/1971
DO	01/10/1966	GPS 1st/1966
DO	01/04/1967	GPS 1st/1967
DO	15/04/1967	GPS 1st/1967
DO	19/05/1972	GPS 1st/1972
DO	13/04/1973	GPS 1st/1973
DO	15/08/1970	GPS 1st/1970
DO	02/02/1970	GPS 1st/1970

11

35	74	Rizwan Ullah		GPS Kheshgi 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 Kheshgi 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	06/11/1969	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
166	311	Amjid Ali	Qabil Shah	Azakhel bala No.2	10/01/1964	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 Jaloza	09/01/1969	Do
252	438	Maqsood Ali Shah	Siraj Ul Haq	GPS Pitaw Bala	20/04/1968	Do
336	547	Jehangir Hussain		GPS Kheshgi Payan No.2	02/01/1972	Do

12

		GPS Ashakar	27/03/1965	DO
		GPS Shalimar	12/05/1968	DO
		GPS Durrani	22/03/1969	DO
		GPS Durrani	16/05/1966	DO
		GPS Durrani	11/07/1965	DO
		GPS Durrani	04/03/1967	DO
		GPS Durrani	10/04/1965	DO
		GPS Durrani	10/05/1965	DO
		GPS Durrani	17/11/1967	DO
		GPS Durrani	30/04/1968	DO
		GPS Durrani	12/06/1969	DO
		GPS Durrani	02/02/1965	DO
		GPS Durrani	10/11/1969	DO
		GPS Durrani	26/12/1968	DO
		GPS Durrani	12/03/1964	DO
		GPS Durrani	10/05/1961	DO
		GPS Durrani	08/03/1964	DO
		GPS Durrani	08/05/1968	DO
		GPS Durrani	04/01/1969	DO
		GPS Durrani	07/06/1959	DO

...the Government of Punjab, Lahore, Punjab, Pakistan, has decided to issue a new rule for the recruitment of persons to the posts of ...
 ...the Government of Punjab, Lahore, Punjab, Pakistan, has decided to issue a new rule for the recruitment of persons to the posts of ...
 ...the Government of Punjab, Lahore, Punjab, Pakistan, has decided to issue a new rule for the recruitment of persons to the posts of ...
 ...the Government of Punjab, Lahore, Punjab, Pakistan, has decided to issue a new rule for the recruitment of persons to the posts of ...

(Signature)
 District Director (Punjab)
 Lahore

(Signature)
 District Director (Punjab)
 Lahore

BETTER COPY PAGE- 12

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	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

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

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

13

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-
Comp/2013-14/1091 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 Afsar)
SECTION OFFICER (SR-1)



Accountant General Khyber Pakhtunkhwa Peshawar
Phone: 091 921125054

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



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.

AJ

Subject: **GUIDANCE REGARDING FIXATION OF PAY IN REGARD
DIFFERENT CATEGORIES OF TEACHERS.**

Memo:
7
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 District 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.15320/- PM (Next stage + Premature).
Then from promoted as PSHT on 7.1.2013 to BPS-15 Rs.16200/- PM (Next stage + premature).

Copy to be sent to the Secretary, Government of Khyber Pakhtunkhwa

14/11/13
warded
All
HR L
Pay R
CIA C
Accout

2a

15

17/11/13

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-I/1-8/76-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 (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.

[Signature]
3/13

17/3/14

[Signature]
Dy: Accountant General (HAD)
[Signature]
3/13

To,

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

Jehangir Hussain, PSHT(Rtc),
GPS Sara Toha, Nizampur, Nowshera

VAKALATNAMA

17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2024

Jehangir Hussain

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/we Jehangir Hussain

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

0133956 ۹۵۸۱۰

۹۵۸۱۰ ۹۵۸۱۰

۹۵۸۱۰

۹۵۸۱۰

PSHT